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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Delman L. Coates from the Mount Ennon Baptist Church in Clinton, MD.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God our Holy Parent, You who are the Creator and the sustainer of life; we come to You today in humble adoration, thanking You for this day and for this occasion that brings us together. We ask that You would consecrate our hearts, anoint our minds, and commission our hands to serve the people of this great Nation.

We gather today in the midst of unique and unprecedented times, times of great challenge and times of tremendous difficulty. Help us to discern Your will and to seek Your direction as we endeavor to confront the fiscal and legislative challenges of our day.

Grant unto us clarity of thought and unity of purpose in our effort to make this Nation and this world a better place. Enable us to be a voice for the voiceless, hope to the hopeless, and help to the helpless. We pray for strength in both the public and the private affairs of our lives. We need You to be for us what we cannot be for ourselves. May we have the character and the fortitude to lead with integrity, to listen with clarity, and to serve with sincerity.

As we start this day, we ask that You would raise the crown of righteousness above our heads, and we pray that You would encourage us to grow tall enough to wear it. These and all blessings we ask in the name of Love, Hope, and Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

EXECUTIVE CALENDAR VITIATION

Mr. REID. Madam President, as if in executive session, I ask unanimous consent that the Senate action of May 6, 2009, with respect to Calendar No. 85 be vitiated.

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

SCHEDULE

Mr. REID. Following remarks of the leaders—I understand that the Republican leader will be a little bit late getting here; he had a meeting that is taking more time than he expected—there will be a period of morning business until 10:30, with the time equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of S. 454, the Weapon Systems Acquisition Reform Act.

Last night we were able to reach an agreement to limit the number of first-degree amendments to the bill. We hope to vote on the remaining amendments and on passage of the bill today. I am confident there will be votes throughout the day.

Last night cloture was filed on the motion to proceed to the credit card legislation. After having done that, I received a call from the chairman of the committee, Chairman DODD. He and Senator SHELBY have worked out language on the credit card legislation which would make it easier to proceed.

I am confident we will not have to have that vote tomorrow to invoke cloture on a motion to proceed, or at least I hope not.

The work done by Senators LEVIN and MCCAIN is exemplary. This is a complicated piece of legislation. They worked on it together. They worked with the White House, they worked with the minority staff, the majority staff, and they were able to get this agreement with exemplary work. I commend and applaud both of these fine Senators for allowing us to move to this extremely important legislation. As we heard from the opening statements of Senators LEVIN and MCCAIN, huge amounts of money have been wasted in years past. We all want to do the very best we can for the Pentagon and the U.S. military, but we

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

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have to be able to tell the American people that we are being as frugal as necessary. And this legislation will allow us to have the strongest military in the world, as has been the case in the past many years, but also to have one that is not wasting money.

So we, as I said, appreciate the work done by Senators LEVIN and MCCAIN.

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 Senate will proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

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

HEALTH CARE REFORM

Mr. NELSON of Nebraska. Madam President, 19 years ago, after narrowly winning my first statewide race for Governor in Nebraska, I was concerned about the significant budget challenges and economic downturn we faced. Today, the United States is confronted by financial troubles on a much larger scale.

Among them, we are suffering from the compounding economic impact of years of steadily rising health care costs and millions of uninsured Americans. This crisis is strangling businesses and throwing sand in the gears of our economic engine, but the most troubling impact is on families.

From 2001 to 2007, premiums for family insurance coverage surged 78 percent while income increased just 19 percent. Wages are lagging behind not only premiums but also out-of-pocket costs which families must pay for health care services.

In my view, meaningful health care reforms are within reach and should be achieved in a bipartisan fashion without stifling minority views or using reconciliation.

Although there are signs of progress in the reform debate, some seem ready to stir partisan tensions. We should play down the divisions which ideologies present and focus instead on areas of consensus.

What could this middle ground look like?

I believe that two of the highest priorities should be reducing the cost of health care and improving efficiency in our delivery system.

Despite state-of-the-art treatment, some studies still show that Americans receive appropriate care just 55 percent of the time.

The American Recovery and Reinvestment Act Congress approved this year made a downpayment addressing health information technology and comparative effectiveness research. As a result, doctors and patients will receive access to improved health records and better evidence about which medical treatments may best serve a patient's needs.

Senator BAUCUS and the Finance Committee have laid out a series of additional delivery system reforms which I applaud them for. These cost-containment measures are the first order of business and a mission-critical component of reform which will immediately pay dividends on affordability and access.

In an additional sign of progress in covering the uninsured, America's health insurers have agreed to guarantee health care coverage to all Americans and transition away from charging higher premiums to those who are most ill, if Congress agrees to support a requirement to obtain coverage.

While I have an aversion to mandates, I recognize that we all have a responsibility to obtain health care coverage because we all pay higher premiums when providers are forced to write off expensive, uncompensated care.

We often focus on the 45 million or more Americans who are uninsured, a crucial problem to be sure. However, we also must make sure we are not destabilizing care for the 200 million Americans who have private health insurance.

Some have called for establishing a public plan, but I think it would undermine health care services for millions of Americans and squander this unique opportunity for substantial reform.

Here are some of my concerns about a public plan run by the Government:

Washington runs our Medicare system which is already on its way to insolvency.

Our delivery system could collapse if it had to rely more heavily on Medicare-like reimbursement rates. Today, one-third of physicians limit the number of new Medicare patients they see.

A Government-run plan would further limit payments to doctors, nurses, health care workers and hospitals, and they would over time refuse patients covered by this system.

That would worsen the current cost shift to private payers, which can run in the neighborhood of 30 to 40 percent.

The result? Patients would lose access to health care, services would decline for millions and competition would disappear.

In my State of Nebraska, uncompensated care and the cost-shift from low Government reimbursements account for 15 percent of the average health insurance premium.

In sum, a one-size-fits-all Washington-run health care plan expands Government but will not fix the main problems people face every day: affordability, access and high quality care.

Several years ago, we debated whether private competition could deliver affordable choices to cover seniors' prescription drugs. I was not convinced there would be enough competition.

Well, the jury is in. The verdict? A recent independent poll showed that 87 percent of Medicare beneficiaries are satisfied with their prescription drug coverage. And, vigorous competition among drug plans will save taxpayers $243 billion over 10 years.

I believe private competition can work. I would suggest we empower consumers and demand that private insurers compete on service to restore a true marketplace for insurance. We need to make it easier for Americans to compare health plans and the co-pays, networks, provider quality measures and access to medical records the plans offer.

In fact, President Obama has said Americans deserve the same health insurance that their members of Congress receive. Well, Federal employees and Members of Congress choose between a wide array of coverage options offered by private health insurers, selecting the plan that best fits their needs.

Ultimately, I want consumers, not Washington, to be in charge of their health care and to give them the ability to demand more from insurers through the marketplace.

In the coming weeks, America will see a debate that tests our ability to confront this enormous challenge yet still preserve bipartisanship and reason. We can meet in the center on a reform plan making major improvements in our health care system that puts us firmly on the path toward cost containment, universal coverage and, ultimately, fairness for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand now is the time for the majority. If somebody appears, I will be happy to yield the floor. I ask unanimous consent to proceed in morning business.

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

Mr. GREGG. I congratulate Senator NELSON for his excellent statement. His statement was very appropriate and on point on the issue of health care and health reform and the need for a bipartisan effort in this Chamber. He is one of the leaders in the ability to bring people together, and I congratulate him for a strong and thoughtful statement.

THE BUDGET

Mr. GREGG. Madam President, I wish to talk a little bit about the budget and specifically about the proposal

sent by the President yesterday. Yesterday the President sent us his formal budget. We have already voted on a budget, of course. We passed a budget. The President doesn't have to sign the budget. That is one of the ironies of our system. But he does present us with an outline. Because this was a transition year, it is traditional that the President doesn't send us in-depth proposals. He sends sort of a topical approach in early February and then sends us in-depth proposals later in the year. In the last few days, he sent the in-depth proposals. Among the proposals, and what is being most obviously highlighted, is requested rescissions in about 120 programs representing approximately $17 billion. I congratulate him for that. That is an attempt to reduce spending in those accounts and recover those dollars back into the Federal Treasury.

But that has to be put in context, the initiative to save $17 billion. That is a lot of money. It could run the State of New Hampshire for at least 3 or 4 years. But in the context of the Federal budget, it is not a dramatic amount. In fact, it represents less than one-half of 1 percent of the Federal budget, which will be approximately $3.5 trillion this year. So taking $17 billion out of spending programs is not going to solve our overall problem, which involves the fact that we are headed into a nonsustainable government because of the size of spending we are doing and because of the size of the debt we are running up. I do congratulate him for putting forward this initiative. I hope it will pass. I hope the $17 billion will actually be passed by this Congress. But regrettably, most of the items he sent to be rescinded had already been sent by President Bush, not most but a significant amount. Forty percent had already been sent to us by President Bush and had been rejected by the Congress, which is too bad. It was unfortunate when they were rejected under President Bush. I hope the Congress will take a second look and accept them now that they have been given the imprimatur, the approval of President Obama, so we have a bipartisan effort to rescind at least 40 percent of the amount.

In the end, it doesn't change the outyear deficit figures at all. In fact, this amounts to less than an asterisk when it comes to the amount of debt and deficit which we will be running up as a government.

Even with this rescission of $17 billion, assuming it was passed by the Senate and the House and signed by the President and these various programs were reduced, we would still run a deficit of 4 to 5 percent of gross national product over the next 10 years under the President's proposals. We would still run a deficit that would average $1 trillion a year over the next 10 years. We would still run a deficit which would add to the debt at such a fast rate—in other words, deficits become debt—that we would end up with a Federal debt that would be approximately 80 percent of the gross national product or doubling of the Federal debt during the first 5 years of this Presidency. None of those numbers will be changed by these rescissions because they don't go to the core of the problem.

The core of the problem is, the Government is being expanded dramatically, even while these rescissions are occurring. The rate of growth of the Federal Government, as a result of expanded spending which has been initiated by this administration, in large part, will dwarf any savings that occur under this rescission proposal. It is as if we had a vast desert of sand. It is as if this was the Gobi Desert or the Sahara Desert and we came along and took a few pieces of sand off the desert. It will virtually have no impact on the deficit and the debt as we move forward into the outyears because of the fact that while we are taking these few dollars out, which I congratulate the President for trying to do, we are adding back massive amounts of spending: $1.4 trillion in new discretionary spending compared to the $17 billion rescission, $1.2 trillion in new entitlement spending compared to this $17 billion rescission. We are taking a little spoonful of water out of the ocean while we are dumping a whole river into the ocean. So the water levels go up. The debt levels go up and the burden on our children goes up. The cost of the Government and the debt of the Government is and remains an unsustainable event for the Nation and for future generations.

If the President wishes to be serious about spending restraint—and I hope he is, though it doesn't appear that way from his budget—he would address the underlying problem, which is that we don't expand the Government to take up 23, 24, 25 percent of gross national product when it historically has been about 20 percent, that we don't radically expand spending programs until we have an economy that is generating enough revenues so we can pay for them and that we basically try to contain in the outyears the cost of entitlement spending by putting in place proposals which will lead to limiting the costs in the outyears.

The Senator from Nebraska was recently talking about health care. Health care is obviously at the core of issues of how we control costs around here and how we control the outyear growth of the Federal Government. We today spend 17 percent of the gross national product on health care. That is approximately 5 to 6 percent more than the next closest industrialized nation. Yet the President's proposals are to add another $1.4 trillion on top of what we already spend in the area of health care. That makes no sense fiscally. It makes no sense from the standpoint of what the health care system needs. We already have enough funds in the health care system. We should agree that what we are going to try to do is stabilize the cost of health care as a percentage of our gross national product and use the dollars that are already in the system to reform it.

We know we have a huge amount of surplus money in the health care system compared to any other industrialized nation. Rather than throwing more money at the problem, adding to the debt and deficit, let's try to be responsible about a reform program, to live within our means—they are not even our means—to live within what we are already spending and spend those dollars more wisely. Those are the types of initiatives we need.

Obviously, it is helpful to reduce spending by $17 billion. I hope we accomplish it. Congress has rejected 40 percent of these proposals in the past, but I hope we change our minds. Just yesterday, for example, this Senate passed a housing bill which spent $11 billion outside and on top of the budget, new spending. So we have already spent almost all the money represented as being saved by the President's proposal. Fiscal discipline does not seem to be the order of the day around here. I appreciate at least the effort, but I think it does have to be put in the context of the overall problem.

It is akin to taking a teaspoon of water out of a bathtub while we keep the spigot on at full speed and the bathtub doesn't fill up. It is a spigot of spending, of Government growth. There is a belief, regrettably, in this Congress, because of the majority view and from the White House, that by grandly expanding the Federal Government, by moving it dramatically to the left in its size, by growing it significantly, we somehow create prosperity.

We can't do it that way. The only way we can create prosperity is if we have a government we can afford. If we are running up deficits at 4 to 5 percent of GDP, if we are taking the national debt up to 80 percent of the gross national product, we will not create prosperity. We will create significant hardship for the next generation which has to pay off all the debt.

I hope this proposal for rescission which has been sent up will be followed on with proposals that are serious in the area of controlling the spigot which is dumping all the spending into the Federal account. Turn that down. Let's put some controls on the spending side of the ledger that get to the broader problem of the size of the debt and the size of the deficit in real numbers, not just at the margins.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CREDIT CARD REFORM

Mr. TESTER. Madam President, I rise this morning to speak about an important plan to protect American consumers. Specifically, I call on the Senate to pass tough new reforms in the credit card industry. I have been working for months with my colleagues on the Senate Banking Committee to write this important new legislation. I am proud to have played a part in Chairman DODD's bill, the Credit CARD Act.

This bill includes legislation I introduced last year to outlaw what is called universal default. That is the term given when the credit card companies raise interest rates on customers if their credit scores fall for any reason—even if those customers pay their credit card bills on time. They may call that universal default, but where I come from in Montana, they call that a ripoff.

This reform legislation puts common sense and honesty back into the credit card industry. It will establish a new set of standards at a time when hard-working, honest folks are getting squeezed in this tough economy.

Simply put, Montanans are not happy with the credit card companies. All of us are getting fed up with hidden fees, high interest rates, and confusing small print. Every day, I get calls and letters and e-mails from folks back home who want the Senate to take action to rein in these predatory practices of the credit card industry. I have here in my hand a few of those examples.

The first one is from a man from Belgrade, MT, in Gallatin County. He writes this—and I will quote him at length:

> These institutions have bilked us. They took the bailout money and had no qualms about undertaking more irresponsible actions to loot the American taxpayers and consumers again. I will use myself—a small business owner so small you might call us a nano-business—as an example. Four or five months ago, we hit a bump in the road and got behind with [our credit card company]. Knowing that this was going to be a temporary situation pending the closing on the sale of some property we owned, I stayed in at least weekly contact with [our credit card company] to keep them informed and assured them that we had every intention of meeting our obligation, which we did. What happened then is almost unbelievable. My interest rate was increased to over 27%. I was charged various fees for being late that amounted to over $1100.00. . . .What really made me feel ripped off is that I had been a card holder [with that company] FOR TWENTY-SIX YEARS!!!

Madam President, I am all about personal responsibility. Folks need to make good decisions on their purchase obligations. But plastic personal debt can be very dangerous and addictive. Ordinary Americans can get in over their heads very quickly, and that is why the Senate needs to pass common-sense legislation to protect consumers from abuse.

A lady wrote me from Glacier County, MT, and said this:

> I hope you will be willing to stand up to the banks when it comes to credit card regulation and oversight. Consumers need protection. In our home, we just saw interest rates on many of our credit cards jump for no reason. . . .How are we supposed to be participating in an economic recovery when our cash is being siphoned off for these unfair charges? You have a chance to do something about that—

She went on to say—

> I hope that you will.

I, too, hope that we will. I hope the Senate will pass the Credit CARD Act. This bill will ban universal default, the jacking up of interest rates even when the account in question is in good standing. It will protect consumers who pay their bills on time by outlawing interest charges on debt paid on time. It gives consumers another week to pay their monthly bills. It limits fees and penalties. It ensures that cardholders will know the small print. And it protects young Americans, who are often most vulnerable, from predatory practices by the credit card companies.

I voted against the Wall Street bailout because handing bags of money to big Wall Street bankers and hoping the money would trickle down to Main Street small businesses and working families made no sense to me. Now we see some of the recipients of taxpayer bailouts jacking around the regular working folks who make this country run and who are having a hard time in this difficult economy, brought on by mismanagement here and by crooked deals on Wall Street.

It is important to note that not everyone in the banking industry is guilty of gross exploitation of the American consumer. But the bad actors on Wall Street and the credit card companies need to be reined in, and the rights of the regular public need to be protected.

I am pleased President Obama had the credit card executives down to the White House the other day to encourage them to treat consumers fairly. I call on the Senate to step to the plate and deliver meaningful legislation that will put in place commonsense consumer protections.

Thank you, Madam President. I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

GUANTANAMO: ANOTHER DAY OF UNANSWERED QUESTIONS

Mr. MCCONNELL. Madam President, for the past several weeks, Republicans in Congress have expressed serious concerns about the administration's insistence on closing Guantanamo before it has a safe alternative. These concerns are rooted, among other things, in the fact that roughly 10 percent of the detainees who have already been released from Guantanamo have returned to the field of battle. These concerns are rooted in the fact that the administration has talked about releasing some of these trained terrorists into the United States—not into detention facilities but directly into our communities. These concerns are rooted in the fact that Americans like the fact that we have not been attacked at home here since 9/11, and they do not want the terrorists at Guantanamo back on the battlefield and certainly not in their backyards.

These concerns are real. Yet all we have gotten from the administration on this issue is silence.

Five weeks ago, Senator SESSIONS sent the Attorney General a letter asking what legal authority the administration has to release trained terrorists into the United States. He sent another letter asking the same question earlier this week. In response, he has gotten silence. Senator MCCAIN and Senator GRAHAM wrote an op-ed yesterday asking serious questions about what the administration plans to do with the detainees it releases or transfers from Guantanamo. We have not heard anything in reply.

These are not academic questions we are asking. When Americans hear about a former detainee named Said Ali al-Shihri, who was last seen serving as one of al-Qaida's top deputies in Yemen, calling on his Somali comrades to increase attacks on Americans ships, they have reason to be concerned. When Americans hear about a former detainee who was last seen serving as the Taliban's operational commander in southern Afghanistan, they have reason to be concerned. These are just a couple of the men previously deemed safe for transfer. They are living proof that the dangers of closing Guantanamo without a safe alternative are absolutely real. Yet all we get from the administration is a request for funds to close Guantanamo. Does the administration really think Congress will appropriate these funds before it presents us with a plan that keeps the American people as safe as Guantanamo has? The administration needs to explain its actions to the American people and their representatives in Congress. And Republicans will continue to ask these questions until they do.

THE BUDGET

Mr. MCCONNELL. Madam President, it is clear the budget the Democrats

passed last week on a party-line vote spends too much, taxes too much, and borrows too much. As a result, the President has now proposed some modest spending reductions totaling a fraction—a fraction—of a percent of the trillions his budget would add to the debt.

Well, that is a start, but with Democrats in Congress adding to the national debt at a rate of more than $100 billion every month already this year, and with a budget that triples the already unsustainable public debt over the next decade, it is clear there is not much more we can do to protect our children and grandchildren from the unprecedented trillions in additional debt proposed by this administration.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak as in morning business—in fact, I think we are in morning business. I ask unanimous consent to be recognized for 20 minutes.

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

GUANTANAMO BAY

Mr. ROBERTS. Madam President, I wish to thank our Republican leader for so succinctly summing up the issue we face in regards to the terrorists—and, yes, they are terrorists—who are at Guantanamo Bay and for what I think is the almost unbelievable suggestion that we move these folks to a homeland, USA, and my remarks will continue in that regard. I thank the leader for raising the subject.

I rise today to speak about Guantanamo Bay, but I wish to point out that I am speaking about a Guantanamo Bay that some of my colleagues and some citizens of our great country might not recognize.

Obviously, the Guantanamo Bay I am speaking of houses ''terrorists.'' I have been there, and there are terrorists at Gitmo. I have seen them. As a matter of fact, I have seen interrogation procedures with the terrorists. They are not ''enemy combatants'' fighting an ''overseas contingency operation,'' but terrorists whom we must wage a war on terror against because they continually plan to launch attacks against us.

Senator MCCONNELL spoke of the 10 percent who have been released and who have shown back up on the battlefield. There is a wonderful picture—well, it isn't a wonderful picture; it is a very telling picture—of one of these terrorists who was incarcerated at Gitmo and whom we released. He was treated and fitted with a prosthesis—with health care better than many of my small communities get.

There is a picture of him back on the battlefield waving his prosthesis in one hand and with an AK–47 in the other. If that doesn't tell the story, I don't know what would.

The reason I explain this is because we have seen a change in how those who are incarcerated at Gitmo are now being defined and described both in the media and in the administration, and as a consequence, by some Americans. I understand there is a poor perception of Guantanamo Bay, but to say there are no terrorists there, to say that there are not even enemy combatants there is doing a disservice to us all by trivializing the crimes committed by those who are incarcerated there.

I ask my colleagues: When did we start making terror politically correct? And why?

I understand this administration has great feelings about these issues, and many Americans have great feelings about these issues. Many Americans disagree very strongly with the past administration. I know this administration wants to draw a line of demarcation and say: This is not our policy, whether it is the war in Iraq, whether it is our operations in Afghanistan, whether it is our foreign policy, our national security policy, or whether it is intelligence. These are all very legitimate topics for debate and discussion, but in the process of this debate and this discourse, we should not ignore reality.

This same question as to why we would do this was asked by Daniel Pearl's father, Judea Pearl, in an article that ran in the Wall Street Journal this past February. I have the article here. It is called ''Daniel Pearl and the Normalization of Evil.'' Every Senator and every American should read this article and should take it to heart.

As I think most people know—and we should all remember—Daniel Pearl was the American journalist captured and beheaded—beheaded on video—by the ''nonterrorist, nonenemy combatant'' Khalid Sheikh Mohammed in 2002. He was beheaded by Khalid Sheikh Mohammed, who is actually sitting at Guantanamo Bay right now.

Listen to what Professor Judea Pearl, who is a respected professor at UCLA, has to say about that act of terror when he and Danny's mother looked at a picture of their son, Daniel:

> Those around the world who mourned for Danny—

His son—

> in 2002 genuinely hoped that Danny's murder would be a turning point in the history of man's inhumanity to man, and that the targeting of innocents to transmit any political message would quickly become, like slavery and human sacrifice, an embarrassing relic of a bygone era.
>
> But somehow,—

And I continue to quote Professor Pearl—

> barbarism, often cloaked in the language of resistance, has gained acceptance in the most elite circles of our society. The words ''war on terror'' cannot be uttered today without fear of offense. Civilized society, so it seems, is so numbed by violence that it has lost its gift to be disgusted by evil.

Well, I remain disgusted by evil, and more than that, I am fatigued by those who seemingly ignore it. I am disgusted by those who target innocent civilians as they spew their hatred, and I refuse to adopt what Danny's father called ''the mentality of surrender.'' I think it is not too late. It is not too late for a wake-up call. We can all refuse to surrender to the idea that terrorism is somehow a tactic. To refuse to believe it is an acceptable tool of resistance.

There is still time for Americans to remember that there are men at Guantanamo Bay who cannot be released and most certainly should not be on American soil. In fact, Americans must remember there are men at Gitmo who planned the September 11 attacks, the USS Cole attack prior to that—this was before we even connected the dots—and the attacks on American Embassies in Africa, causing great loss of human life. There are men at Gitmo who have perpetuated horrible crimes against humanity and would like to do so again because they don't like who we are or the way we live.

Terrorist detainees should be held, as they are now, at Gitmo, in compliance with international law. That should be respected, of course.

Ask the Red Cross or our new Attorney General, Eric Holder. Guantanamo, despite what some might think, is a first-rate facility that safely keeps these men out of civilized societies, affords them human treatment, and gives them religious respect. Again, I know. I was there.

Certainly, Khalid Sheikh Mohammed did not afford Daniel Pearl those courtesies. No, Khalid Sheikh Mohammed and others like him were—and still are—on a jihad against every man, woman, and child in our country. Yet we should bring these terrorists to American soil? Not only is that just plain wrong, it is logistically a situation that will not work. We can't do it without a tremendous infusion of funds and a lot of other problems.

In Dodge City, KS, at the coffee clatch that I attend, they call that flatout dumb. In fact, for those who would like to bring these nonterrorists, nonenemy combatants to hometown, USA, let me paint a picture.

Fort Leavenworth, KS, has been mentioned many times as a possible location for the 100 or so terrorists whom Defense Secretary Gates says can't be released but can't be tried. Leavenworth: where we educate all future Army officers, where we host foreign military officers every year to build relationships and foster military cooperation. Leavenworth: the intellectual center of the Army.

Do my colleagues think Army officers want to study at Fort Leavenworth if terrorists are there? Do they think they want to send their kids to school on the base minutes away from the most dangerous men in the world? Do they think foreign countries, especially friendly Muslim nations, will want to send their best and brightest officers to a place that houses men who we all agree are not appropriate for a

civilized society? I don't think so. Not a chance.

Even worse, I can't believe we are asking the people of Leavenworth to hang out with the ''welcome terrorists'' banner or put out the welcome mat to terrorists or to share their community not only with terrorists but with every protestor who will inevitably show up or with every terrorist who will view a facility on the mainland as a target, as they do. And before someone says Fort Leavenworth is secure, let me tell you it is secure all right; but for military prisoners who are compliant and for civilian prisoners who are not on a jihad against America.

Guantanamo Bay is a fortress, a humane, Red Cross-approved fortress, but a fortress nonetheless. Moving such a facility to hometown, USA, will require security beyond reality. I can't even begin to imagine what it would look like at Leavenworth, but I do know it is unrealistic to think a place such as Leavenworth, which has a railroad running through it and a river running next to it and highways all around it, would not be secure. No, it is not secure enough. In fact, the only place that is would have to be a fortress in the middle of nowhere—or Guantanamo Bay.

Let's also not forget the cost to taxpayers if such a thing would actually happen. We would not be able to mix these prisoners with the general prison population there, let alone the public. We would have to build a hospital and medical facilities, exercise and eating facilities, places for religious worship, and the list goes on and on and on. We have that at Gitmo. If anyone thinks that is crazy, I recommend they travel to Gitmo and take a look. They already have all of those facilities there. In fact, the medical facilities I saw are better than most in most of our small rural communities in this country.

Why we keep coming back to this ridiculous argument, why we keep trivializing the crimes committed by those at Gitmo, and why we keep offering up our American communities as a reasonable alternative is beyond me.

But I will say this: not in our backyard, not in Kansas, not on this Senator's watch, not on my watch. I don't know how many times I have to say or shout this on the Senate floor before this misbegotten idea is put to rest. But trust me—trust me—I will continue to do it until we come to our senses or until one of my colleagues who wants to close Gitmo offers a site in their State as a reasonable alternative.

One Senator has a lot of tools in his toolbox for keeping the Senate tied up in knots. If someone gets the bright idea of moving these prisoners to Kansas, we can all cancel our summer travel plans because we are going to be spending a lot of time here doing nothing. Come to think of it, that might be a better alternative as to where we are headed.

Thank you, Madam President. I yield the floor.

Madam President, it has come to my attention that I don't think we have a quorum, so 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. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

WEAPON SYSTEMS ACQUISITION REFORM ACT

Mr. KAUFMAN. Madam President, I am pleased to cosponsor the Weapon Systems Acquisition Reform Act, which would overhaul our defense procurement system and improve mechanisms for identifying and eliminating waste. I thank Senators LEVIN and MCCAIN for introducing this critical piece of legislation and recognize them for their effort moving it through the Armed Services Committee.

This bill is an essential step toward eliminating wasteful inadequacies that have permeated the weapons procurement system. I am sure my colleagues share my deep concern about the Government Accountability Office's conclusion last year that ''. . . DOD [acquisition] programs continue to be suboptimal'' resulting in ''. . . lost buying power and [lost] opportunities to recapitalize the force.''

This is unconscionable and unacceptable for the world's strongest military power, especially as we continue to have troops in harm's way.

Today, Senators LEVIN and MCCAIN will discuss some of the most egregious examples of a lack of oversight in the acquisition process and cost discrepancies that surfaced over time. This is why this bill requires the Secretary of Defense to implement mechanisms that guarantee consideration of the tradeoffs between major weapon systems cost, schedule, and performance at each phase of the procurement process.

This bill would give the Department of Defense the tools it needs to improve the acquisition process to avoid ''suboptimal'' results, reduce waste, and ensure that the cost of developing specific weapon systems is commensurate with our defense needs.

According to Secretary Gates, this will require ''. . . a holistic assessment of capabilities, requirements, risks and needs'' which will entail, among other things, ''. . . a fundamental overhaul of our approach to procurement, acquisition and contracting.''

Both President Obama and Secretary Gates have indicated their strong support for this legislation because they want to do everything in their power to protect our troops, advance national security goals, and keep America safe.

Unfortunately, we will not get a refund from the mistakes of the past, but we can make better decisions today that will lay the foundation for more pragmatic decisionmaking in the future.

The military challenges we are facing today are unlike conventional wars of the past. Let me repeat. The military challenges we face today are unlike wars of the past and, therefore, require a reconfiguration of defense spending. I agree with the assessment of leading defense experts that we must better prepare to win the wars we are in, as opposed to those we may wish to be in.

Last month, I had the privilege of traveling with Senator JACK REED to Afghanistan, Pakistan, and Iraq, where it was abundantly clear that we must focus future spending on our growing counterinsurgency needs.

In Iraq and Afghanistan, we are engaged in a four-stage process of shaping the environment, clearing the insurgents with military power, holding the area with effective security forces and police, and building through a combination of governance and economic development.

The four stages, again, are shaping the environment, clearing the insurgents, holding the area, and building through a combination of governance and economic development.

In order to be successful in this complex process, we must ensure that our commanders have the necessary tools to effectively engage in counterinsurgency operations, and this requires a fundamental rebalancing of our defense priorities.

As we shift resources from Iraq to Afghanistan, we hear over and over, we are facing potential shortages of some of the high-demand equipment and ''critical enablers,'' such as UAV operators, engineers, air traffic controllers, and road-clearing units.

The allocation of these scarce resources forces our military leadership to make difficult decisions as it balances competing needs in Afghanistan and Iraq. These shortages underscore—underscore—why we must eliminate waste and reshape our defense priorities.

It is in this regard that I wish to highlight section 105 of this bill which directs the Joint Requirements Oversight Council to seek and consider input from combatant commanders prior to identifying joint military requirements.

This provision is essential because it incorporates the views of our commanders on the ground to ensure they have the tools they need to better protect our troops, defeat militants, and succeed in our missions overseas.

As Secretary Gates wrote in ''Foreign Affairs'' earlier this year, we must

build innovative thinking and flexibility into the procurement process, and ''the key is to make sure that the strategy and risk assessment drive the procurement, rather than the other way around.''

This is why we must institutionalize these changes into the procurement process which must be flexible enough to respond to developments on the ground and better equip our troops to engage in counterinsurgency.

I wish we had the procurement system set up under this bill years ago, but it is never too late to institute needed change. I thank the authors, Senator LEVIN and Senator MCCAIN, of this important initiative and encourage my colleagues to join me in supporting this bill.

I yield the floor and 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. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DOMESTIC AUTO INDUSTRY

Mr. FEINGOLD. Mr. President, it is critically important to the country and to my State of Wisconsin that we do everything we can to preserve an American auto manufacturing industry. The domestic auto industry has been vital to the economic development of Wisconsin for much of the last century, but that industry is undergoing a rapid restructuring right now, and I am very concerned about how this restructuring will affect communities in Wisconsin.

We need an American auto industry, but it can't be American in name only. American jobs must be protected. Unfortunately, the auto restructuring plans that have been put forward contain proposals that ship jobs overseas. That is not acceptable to me or to my constituents. The taxpayer dollars that are propping up the industry should be used to preserve family-supporting jobs in Wisconsin and around the country.

My State of Wisconsin has been hard hit by the troubles in the auto industry over the past year. There are two major auto plants located in my State—a General Motors plant in my hometown of Janesville, and a Chrysler engine plant in Kenosha. In addition, there are a dozen companies in Wisconsin that support these two plants, including supply companies and car dealers.

Both the Janesville and Kenosha plants have received grim news from GM and Chrysler over the past year, including last year's announcement that production would cease at the GM Janesville plant and this week's statement that the Kenosha engine plant would close at the end of 2010.

The Wisconsin community, including workers, economic development officials, technical colleges, workforce development groups, Governor Doyle, the Federal congressional delegation, and others have mobilized to assist these communities in the larger region in responding to this troubling news from both GM and Chrysler.

I supported carving out some of the Wall Street bailout funds to help U.S. automakers because unlike the money heading to Wall Street firms, the money provided to the automakers actually had a chance of preserving essential jobs in the United States. But that doesn't mean we should give auto companies a blank check, which is why I said that any Federal assistance provided to the automakers should come with requirements that the industry reform itself, including producing more fuel efficient cars that Americans are now demanding. When Congress failed to pass legislation to provide Federal loans to the auto industry, I applauded then-President Bush for stepping in and using some of the Wall Street bailout money to help the auto industry while also requiring that the companies submit restructuring plans.

Frankly, I am appalled that the automakers that received taxpayer assistance are not prioritizing the retention of American jobs, including jobs in Wisconsin. Over the past several months, I have heard concerns from the workers at the Chrysler Kenosha Engine Plant that work that Chrysler had promised to assign to the Kenosha plant might no longer actually be assigned to the Kenosha plant. At the same time, Kenosha's workforce told me that the same work would likely continue as scheduled at a plant in Mexico.

In response to these concerns, I led a letter in early April, cosigned by Senator KOHL, Representative RYAN, and Representative MOORE, to Secretary Geithner and National Economic Council Director Larry Summers. The letter urged the administration to consider including a priority for saving auto manufacturing jobs in the United States as the administration worked with the auto companies to craft restructuring plans. I received a response from Secretary Geithner that said it was the administration's hope that any Chrysler restructuring deal ''will help ensure that we retain as many Chrysler jobs as possible in Wisconsin . . . .''

Despite this assurance, the Kenosha community found out through media last week that in fact no Chrysler jobs would be retained at the Kenosha Engine Plant. Instead the Kenosha community was informed that the Kenosha plant would close by the end of 2010 while a Mexican plant slated to build the same product that has been promised to the Kenosha facility would remain open.

This news, which was not heard directly from the company itself, outraged the Kenosha community and other Wisconsinites who believe that their tax dollars should not be used to save jobs overseas, but should instead be used to save jobs in the United States and in Wisconsin—and rightly so. The Federal delegation, State and local officials, and the Kenosha workforce are united in working together to try to persuade the administration and Chrysler to reconsider this terrible decision.

I understand tough decisions need to be made as these companies restructure themselves. But both Chrysler and GM have received billions of American taxpayer dollars since December and the companies as well as the administration need to take steps to help ensure that those taxpayer dollars are being utilized for the purpose they were intended—to save American jobs. If Chrysler is going to close the Kenosha plant as well as other domestic plants while keeping its overseas facilities open, then we need to think seriously about whether it is in the interest of the American taxpayers to provide continued financial assistance to the company.

There may still be some hope for the Chrysler Engine Plant in Kenosha and the GM Assembly Plant in Janesville, and other American plants—if the administration steps up. The Janesville community is waiting to hear whether or not the incentive package it presented to GM will be accepted and the Kenosha community is waiting to hear whether Chrysler's decision to close the Kenosha plant will be reconsidered. Over the years, both the Kenosha and Janesville workers have been commended for their productivity, their creativity, and their willingness to negotiate fairly with the management at each plant and both communities are great locations for retooled auto companies to thrive in the future.

The first priority of any company receiving Federal taxpayer assistance should be to preserve jobs within the United States and I call upon the administration, Chrysler, and GM to reexamine their restructuring plans to make the preservation of U.S. jobs the top priority of these plans. I will continue to do all I can to support Wisconsin's workers and local communities in their efforts both to respond to these decisions and to ensure these auto companies prioritize saving auto manufacturing jobs in Wisconsin as the restructuring process moves forward in the coming days and weeks.

I yield the floor, and I 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

AMENDMENT NO. 1052, AS MODIFIED

Mr. LEVIN. Mr. President, I now send a modified Murray amendment to the desk and ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. MURRAY and Mr. CHAMBLISS, proposes an amendment numbered 1052, as modified.

Mr. LEVIN. Mr. 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, as modified, is as follows:

At the end of title II, add the following:

SEC. 207. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

''(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

''(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

Mr. LEVIN. Mr. President, Senator MURRAY introduced an important amendment yesterday and spoke about it last night. It is intended to make certain that when the Secretary of Defense looks at the question of cost and whether weapon systems should be continued, that at least the Secretary looks into the impact on the industrial base.

The amendment has been modified now in a way that makes this acceptable. The Senator from Washington has put her finger on a very significant issue, which is the industrial manufacturing base of the country. But it has been modified in a way that would not make it difficult or impossible for us to do what we need to do relative to ending the production of weapon systems which, for instance, are no longer useful or have so outlived or outdone the expectations for the system and exceeded the expected expense that they are no longer practical in terms of their continued production.

So she has raised an important issue. It will be considered by the Secretary of Defense when these decisions are made. But the thrust of our bill is to make it possible to end the production of weapon systems if they are so costly that they no longer make sense or if they are not working effectively. That is the thrust of this bill, the heart of the matter. Her contribution does not detract or diminish that important point of our bill.

So we support that modified amendment and ask that the Senate adopt it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1052), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1057

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 1057, offered by the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COBURN, proposes an amendment numbered 1057.

Mr. MCCAIN. Mr. 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 a plan for the elimination of weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on assets acquired under major defense acquisition programs)

At the end of title II, add the following:

SEC. 207. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

Mr. MCCAIN. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1057) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I believe there is a Senator coming over to speak, and I think that is the last speaker on this bill that I know of. So in the meantime, awaiting his arrival, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I agree with Senator MCCAIN that we know of no more amendments that are going to

be offered. But there are one or two Senators who may want to speak on either their amendments which have been adopted or on the bill itself, and we will know that within the next few minutes.

What we are exploring in both our cloakrooms is whether we could possibly have a vote on final passage in about 10 or 15 minutes. We do not know if that is a possibility yet. If not, we would vote on final passage sometime probably early this afternoon. But we are trying now to identify what the time would be for a vote on final passage, and, hopefully, we will have more to say on that in the next few moments.

I yield the floor, and I 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. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, first of all, let me relay my appreciation to both the chairman and the ranking member for this bill. It does a lot of things that needed to be done for a long time. I would also say it will not do anything unless the President puts in the right person who has the right character; that is, mean as all get out, thorough, and comprehensive in what they are going to do and plans on staying there for a long time.

The other points I wanted to make, and I will be brief—really there are two. I have listened to all of this debate, not necessarily here but from my office. There is one thing that is missing in the debate. We have had the problem with contractors, and there is a problem with the Pentagon. But not once did I hear there is a problem with us.

The real reason we have gotten into trouble to the degree we have is because we have not done the oversight. We have not done our job. So we are seeing a great response now by the leadership of the Armed Services Committee to do some of the right things. But had we been doing our job, much of what we see in terms of failed major procurement systems, lack of transparency, we could have had that transparency had we been doing the oversight.

I will give you an example. Senator CARPER and I did the transparency on the C–5 retrofit, and we had a supposed Nunn-McCurdy breach when, in fact, there was not a Nunn-McCurdy breach. The people wanted there to be a Nunn-McCurdy breach. The fact is, we could in fact cut down costs, create transparency, not just with the effects of what this bill is going to do, but if we are much more aggressive.

The last point I will make is that there is no question that the earmarking process hampers us far more than it helps us in the Pentagon. When we see the amount of time that is spent on most projects versus oversight, the American taxpayers are getting shortchanged. They are just getting shortchanged.

I hope people will recognize that although sometimes earmarks turn out to be fantastic, the vast majority of times they do not, and we spend staff time doing that rather than managing what is happening there today.

Our No. 1 charge under the Constitution is the defense of this country, and we do not just spend $500 billion on that or $600 billion. When we add up everything we spend, it comes—if we count nuclear weapons maintenance and we count the research for nuclear warheads, if we count everything that goes through, we are about at $1 trillion. When we add everything else, that comes to that. And we are highly inefficient.

I am very appreciative with what is happening within this bill. But I think the American public ought to recognize that the earmarking process in Congress has hurt the Defense Department because it has taken away from us doing our regular job.

No. 2, Congress has hurt our procurement and our ability to defend ourselves because we are not doing the work we need to be doing, the oversight on a monthly basis on major programs. We cannot depend on IGs and the GAO. We have to ask them: Are you on time? Are you meeting the schedule we need to do this because we are putting one-third of our assets that we expend every year into defense? It is rich. And when we pay out $7, $8 billion for performance contracts that the performance contractor did not make, did not meet the requirements, but we pay it anyhow, we are the ones who allow that to happen.

Finally, the last point I will make: Until we address the revolving door of working in the Pentagon and going to work for a contractor and how that impacts what people do in terms of procurement and major decisions, we are not going to solve this problem. Whether it is an ethical constraint or a positive statement of principles, somehow we have to address that issue because we cannot blame the people who are looking for their next job to be less than perfectly independent in this job if, in fact, it is going to affect their future.

So we have not addressed that in this bill, but that is still one of the things that has to be addressed because it is problematic not only in terms of how well we do but what we get for what we actually pay out.

Again, I thank the chairman and ranking member. I appreciate their work. I appreciate them taking our amendment. My hope is that when we combine what we have put forward with a—I cannot use the word I want to use on the Senate floor—but someone of significantly tough demeanor to ramrod this through there, that, in fact, we will see great savings, better performance, and better procurement for the American taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me thank the Senator from Oklahoma for his amendment. It was just adopted. It is a very significant amendment, and what it reflects is the determination of the Senator from Oklahoma to get the Defense Department to do something that in law they are required to do, which is to give us a financial statement which receives a clean audit opinion.

They haven't done that for decades. We have tried various ways to do it. The voice of the Senator from Oklahoma is a welcome addition to this effort, and we appreciate his amendment and his willingness to work with us on the exact language thereof.

NUNN-MCCURDY

Ms. COLLINS. Mr. President, would the Senator yield for a question?

Some have expressed concerns that changes proposed by this bill could cause Nunn-McCurdy breaches even when a program is performing well and when the Department has provided well-defined requirements. In particular these experts have pointed to the potential for unit cost breaches that could be caused by policy decisions to reduce the number of units that would be purchased by the program. These policy decisions could originate in the executive branch or Congress and could be made regardless of past program performance. Do you believe this legislation will have that effect, and, if so, was that your intention?

Mr. LEVIN. I thank the Senator for her inquiry. This legislation would not change the existing Nunn-McCurdy thresholds for unit cost breaches. I do not believe that programs that are performing well have breached Nunn-McCurdy thresholds in the past as a result of changes in the quantity of units procured under a program, and I do not consider it likely in the future. In the case of a program that is not performing well, a change in unit quantities may be sufficient to push a program over the thresholds. This is a factor that the Department may consider in deciding whether and how to continue with the program. For programs performing well, however, the likelihood of a breach is extremely small. Nonetheless, it is certainly not our intention to penalize programs performing well, and I look forward to continuing to work with the Senator as this bill proceeds through Congress to address these concerns.

NIP-FUNDED ACQUISITION PROGRAMS

Mrs. FEINSTEIN. Mr. President, S. 454, the Weapon Systems Acquisition Reform Act of 2009, is important legislation to improve the organization and procedures of the Department of Defense for the acquisition of major weapons systems and other major defense systems. Chairman LEVIN and

Ranking Member MCCAIN are to be congratulated for reporting this bill from their committee with strong bipartisan support.

As my colleagues know, many of our most important, and costly, national intelligence programs are acquired by intelligence community agencies that are found within the Department of Defense. Like the Senate Armed Services Committee, the Select Committee on Intelligence, where the chairman and ranking member of the Armed Services Committee sit as ex officio members, has been concerned for many years about the need to improve the intelligence acquisition process and its oversight in order to ensure we are making maximum best use of intelligence resources.

The Congress looks to the Director of National Intelligence to manage and be accountable for major systems acquisitions funded by the National Intelligence Program, NIP, even though these acquisitions are executed in other departments and agencies of the Federal Government. While many of us have had concerns about the implementation of the Intelligence Reform and Terrorism Prevention Act, IRPTA, of 2004, the creation of the Office of the Director of National Intelligence, DNI, and the establishment of the roles and responsibilities of that office were important accomplishments that we on the Intelligence Committee wish to see strengthened through robust implementation of the provisions of that act.

The Intelligence Reform and Terrorism Prevention Act gave the DNI broad acquisition authorities over the NIP, but for NIP programs conducted within the DOD, the act required that the DNI and the Secretary of Defense share these authorities. Specifically, the act required: ''For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall . . . serve as exclusive milestone decision authority, except that with respect to the Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary.''

Subsequently, Director of National Intelligence Michael McConnell and Secretary of Defense Robert Gates agreed in a memorandum of agreement, MOA, signed in March 2008 that this joint milestone decision authority would be extended to majority NIP-funded acquisition programs as well. They agreed that wholly and majority NIP-funded acquisition programs would be executed according to intelligence community acquisition policy. The MOA states that its purpose is to provide for ''a single acquisition process'' for programs covered by it. I am sure that we will all agree, as the DNI and the Secretary of Defense have done, that it is vitally important that these important intelligence acquisitions be governed by a clear process with clear lines of responsibility as provided for by the MOA.

The MOA of the DNI and Secretary of Defense was later implemented in DOD Instruction No. 5000.2 on December 8, 2008.

It should also be pointed out that in fact wholly and majority NIP-funded major system acquisitions executed in accordance with intelligence community acquisition policies are now usually deemed to be ''highly sensitive classified programs'' under title 10 U.S.C. 2430

Because S. 454 would cover all ''major defense acquisition programs'' within the meaning of title 10 U.S.C. 2430, not just major weapons systems, I appreciate Chairman LEVIN agreeing to this colloquy to clarify the impact of the legislation on NIP-funded acquisition programs executed within the Department of Defense.

Mr. Chairman, is it the case that S. 454 would not extend DOD's jurisdiction to any programs over which it does not already have authority and that to the extent that NIP programs are outside the DOD acquisition system today, they would not be brought into the DOD acquisition system by this bill?

Mr. LEVIN. That is the case. This bill would neither extend nor contract DOD's jurisdiction or authority over the acquisition programs of DOD components that are a part of the intelligence community.

Mrs. FEINSTEIN. Mr. Chairman, do you further agree that this bill is not intended to change the DNI's roles and responsibilities under the Intelligence Reform and Terrorism Protection Act of 2004 or to require revision of the March 2008 memorandum of agreement between the DNI and Secretary of Defense concerning NIP-funded acquisition programs?

Mr. LEVIN. I agree with the chairman of the Intelligence Committee. S. 454 is not intended to amend IRTPA or to modify the respective authorities of the DNI and the Secretary of Defense under that statute. S. 454 does not address the March 2008 memorandum of agreement between the DNI and the Secretary of Defense concerning NIP-funded acquisition programs. It neither ratifies that memorandum of agreement nor requires any modification to the memorandum of agreement.

Mrs. FEINSTEIN. I thank the distinguished chairman of the Armed Services Committee and manager of this bill.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise with my colleague Senator COLLINS, to file this vital amendment to correct disparities among the Small Business Administration's, SBA, small business contracting programs and thus create a more equitable method for Federal agencies to fairly allocate Federal procurement dollars to small business contractors across the nation.

This targeted amendment reflects a proposed rule promulgated last year, March 2008, by the Department of Defense, DOD, the Government Services Administration, GSA, and the National Aeronautics and Space Administration, NASA, which requires the Federal Acquisitions Regulations, FAR, clearly reflect the SBA's interpretation of the Small Business Act and the SBA's analysis of its own regulations and provide an equal playing field for small business firms who participate in the Federal contracting marketplace. The SBA's own counsel asserts that parity legislation must be adopted because Federal agencies '' must be afforded some discretion in determining which small business program to utilize.'' Parties agree that small business should be treated uniformly.

Our amendment would provide Federal agencies with the necessary flexibility to satisfy their Government-wide statutory small business contracting goals. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a small business, a historically underutilized business zone, HUBZone, small business concern, a service-disabled veteran-owned small business, SDVOSB, firm, or a small business participating in the 8(a) Business Development Program. Of course this list should also include the Women's Procurement Program once it finally becomes fully implemented by the SBA.

For years, it has been unclear to the acquisition community what, if any, is the true order of preference when determining which small business contracting program is at the top of the agency's priority list. This amendment will make clear to purchasing agencies that contracting officers may award contracts to HUBZone, SDVOSB, 8(a) firms with equal deference to each program.

This amendment represents the essence of true parity—where each program has an equal chance of being selected for an award. And during these difficult economic times, it is imperative that small business contractors possess an equal opportunity to compete for Federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this amendment.

Mr. CASEY. Mr. President, I rise to express my strong support for the Weapons System Acquisition Reform Act, introduced by the two leading military experts in the U.S. Senate today—Senators CARL LEVIN and JOHN MCCAIN. This rapid passage, after years of delay and inaction, has occurred in part because of the strong support demonstrated by President Obama. The President, in public remarks recently on this issue, reaffirmed his strong commitment to be a wise steward of the American taxpayer's dollars. That commitment to fiscal prudence and wise budgeting must apply equally to the Pentagon as it does any other Cabinet Department. Those who argue that it is acceptable to tolerate some waste

and inefficiency in our military budgets because we are talking about our national security have it wrong. It is precisely because our security is at stake that we must ensure, as Secretary Gates has said, every dollar wasted on cost overruns or inefficient contracting is a dollar that cannot be spent on our men and women in service and making sure they have the right tools to succeed.

Defense acquisition reform is one of those perennial Washington issues that everyone talks about, but nobody ever seems to get around to solving. Many of my colleagues, in the debate over the past 2 days, have cited the GAO report last year chronicling $296 billion in cumulative cost overruns in the 96 major acquisition programs currently maintained by the Pentagon. But I would like to quote from another report:

> public confidence in the effectiveness of the defense acquisition system has been shaken by a spate of ''horror stories''—overpriced spare parts, test deficiencies, and cost and schedule overruns. Unwelcome at any time, such stories are particularly unsettling when the Administration and Congress are seeking ways to deal with record budget deficits.

This other report was not published this year or last year. I am quoting from the legendary Packard Report, published in 1986, which offered a scathing indictment of the defense acquisition process. Unfortunately, little seems to have changed in the intervening 23 years, and in some respects, our procurement system has only deteriorated.

Year after year, we hear of cost overruns and schedule delays that cost the American taxpayer billions of dollars. Yet we never seem to muster the political will to tackle the problem and crack down on the systemic flaws that produce these chronic poor results. So I am very pleased that this legislation has moved from introduction to committee markup to final Senate passage in a matter of months—after years of reports and blue ribbon commission of studies emphasizing the need for fundamental reform of the process by which the Pentagon purchases the weapons systems used every day by our brave men and women.

The Levin-McCain bill on the floor today seeks to address key deficiencies in the early stages of the acquisition process for a weapons system, where many of the problems first materialize. The legislation would support the Pentagon's efforts to rebuild its procurement workforce, which has been dismantled over the past fifteen years and contracted out. It would establish an independent office in the Pentagon to assess initial cost estimates provided for weapons systems, to ensure that rose-colored cost predictions are no longer permitted to pass muster. Finally, the bill reinforces so-called Nunn-McCurdy provisions to ensure that programs that go seriously off track are terminated unless there is a compelling reason not to do so.

I was also proud to serve as a cosponsor on a series of important amendments offered by my colleague from Missouri, Senator MCCASKILL. I applaud the Senator's single-minded determination to root out waste, fraud and abuse in our procurement and contracting systems, and I am very pleased to collaborate with her on these important amendments, all of which have been accepted by voice vote. Briefly, the amendments ensure that our war fighters in the field, as represented by the Combatant Commanders, provide input to the weapons acquisition process; offer an opportunity for the key Pentagon civilian official in charge of acquisition to sign off on all acquisition program decisions made something that oddly does not yet occur on a regular basis; and strengthen safeguards to ensure competitive prototyping for all major weapons systems before final purchase decisions are made.

What matters, at the end of the day, is not just the dollars we save. All of us have a fiduciary responsibility to safeguard the interests of our young men and women who serve our nation. We cannot continue paying excess dollars on out of control weapons acquisition programs while we shortchange our troops on time at home from extended deployments and the full range of benefits they and their families deserve. That is at the heart of why the Levin-McCain acquisition reform legislation must be enacted into law by Memorial Day, as called for by the President.

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

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

Mr. LEVIN. Mr. President, we are approaching the end of our debate. I believe the Senator from Alabama wishes to speak for up to 5 minutes.

I ask unanimous consent that no further amendments be in order, that following the remarks of Senator SESSIONS, the Senate proceed as provided for under a previous order with respect to passage of S. 454.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object—and I will not object—I thank the chairman and all the staff for the hard work they have done on this legislation. Many hundreds of hours have been put in, as well as hours of hearings. I thank the chairman for his leadership and the kind of nonpartisanship these important issues require for the good of the country.

I do not object.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I join in thanking Senator MCCAIN and our staffs. The work that has gone into this bill has been extraordinary on the part of both staffs. I will get into that after passage of the bill and have perhaps further thoughts. The role of Senator MCCAIN has been absolutely invaluable and essential. We have worked together very closely; as he puts it, in a nonpartisan way. I thank him and his staff as well as my own.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senators LEVIN and MCCAIN for their work. We do need to address wasteful spending. Both of these Senators understand it. Senator MCCAIN has always been willing to challenge programs he thinks are not justified for the warfighter.

I wish to note a few things before we vote on passage as well as urge support for the legislation. First, the legitimate concerns voiced by the Department of Defense about the implications of this bill have been listened to and have been reasonably accommodated. I wish to highlight a few points identified by a report last month by the Government Accountability Office, the independent GAO, titled ''Defense Acquisitions, Assessments of Selected Weapon Programs.''

Since 2003, the number of major defense acquisitions programs has grown from 77 to 96. All 96 programs were assessed by GAO. They found investment in these programs had grown from $1.2 trillion to $1.6 trillion. Research and development costs are now 42 percent higher than originally expected. The cumulative cost growth was $296 billion. I find that to be a stunning number. I almost have to believe that somehow they calculated it in an excessive way. Sometimes numbers can look misleading. But if it is a third of that, we have a major problem. They concluded the cost growth on these programs was almost $300 billion. The average delay in delivering the initial capabilities has increased to 22 months. So we have an excessive delay in producing our capabilities. GAO found that only 28 percent of the programs were expected to be delivered on time or ahead of schedule.

To combat cost growth, they found that quantities; that is, the number of the weapon systems and vehicles and other things that were to be produced, had to be reduced by 25 percent or more for 15 of the programs in the 2008 portfolio, and 10 of the largest acquisition programs, which account for half the overall acquisition dollars in the portfolio, have seen quantities reduced by almost one-third.

When the price per item goes up significantly, often the compensating action is to reduce the numbers. But the net reality is, that the taxpayer hasn't received as much as they expected out of the program. So clearly these statistics are disturbing and underscore the need for this important legislation and reform.

In summary, our warfighters are receiving less capability at a higher cost

than was originally agreed upon. I believe this bill will improve the acquisition process by ensuring the Department and industry are more thoughtful when estimating the production cost at the beginning and the total life cycle cost of these programs. While I am mindful that acquisition reforms can continue to be improved, I encourage colleagues to vote in favor of this legislation. It is clearly a step in the right direction.

I salute our chairman and our ranking member, Senators LEVIN and MCCAIN, for this accomplishment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on the passage of the bill.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—93

Akaka	Dodd	Lugar
Alexander	Dorgan	Martinez
Barrasso	Durbin	McCain
Baucus	Ensign	McCaskill
Bayh	Enzi	McConnell
Begich	Feingold	Merkley
Bennet	Feinstein	Mikulski
Bennett	Gillibrand	Murkowski
Bingaman	Graham	Murray
Boxer	Grassley	Nelson (NE)
Brown	Gregg	Nelson (FL)
Brownback	Hagan	Pryor
Bunning	Harkin	Reed
Burr	Hatch	Reid
Burris	Hutchison	Risch
Byrd	Inhofe	Roberts
Cantwell	Inouye	Sanders
Cardin	Isakson	Schumer
Carper	Johanns	Sessions
Casey	Kaufman	Shaheen
Chambliss	Kerry	Shelby
Coburn	Klobuchar	Snowe
Cochran	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Tester
Corker	Leahy	Thune
Cornyn	Levin	Udall (CO)
Crapo	Lieberman	Udall (NM)
DeMint	Lincoln	Vitter
Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

NOT VOTING—6

Bond	Kennedy	Menendez
Johnson	Lautenberg	Rockefeller

The bill (S. 454), as amended, was passed, as follows:

S. 454

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 ''Weapon Systems Acquisition Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.
Sec. 102. Director of Developmental Test and Evaluation.
Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 104. Director of Independent Cost Assessment.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.
Sec. 106. Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.
Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.
Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.
Sec. 204. Critical cost growth in major defense acquisition programs.
Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.
Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 207. Earned Value Management.
Sec. 208. Expansion of national security objectives of the national technology and industrial base.
Sec. 209. Plan for elimination of weaknesses in operations that hinder capacity to assemble and assess reliable cost information on acquired assets under major defense acquisition programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) ESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

''§ 139c. Director of Developmental Test and Evaluation

''(a) There is a Director of Developmental Test and Evaluation, who shall be appointed

by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

''(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

''(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

''(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

''(B) The guidance under this paragraph shall ensure, at a minimum, that—

''(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

''(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

''(c) The Director of Developmental Test and Evaluation shall—

''(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

''(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

''(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(4) supervise the activities of the Director of the Department of Defense Test Resource Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

''(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

''(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director's duties under this section.

''(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the of the Department of Defense. Each report shall include, at a minimum, the following:

''(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

''(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

''(2) The Secretary of Defense may include in any report submitted to Congress under this subsection such comments on such report as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

''139c. Director of Developmental Test and Evaluation.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 196(f) of title 10, United States Code, is amended by striking ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and all that follows and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.''.

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

''(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;''.

(b) REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.—

(1) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

''§ 139d. Director of Independent Cost Assessment

''(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

''(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);

''(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

''(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of this title;

''(ii) any certification under section 2433(e)(2) of this title; and

''(iii) any report under section 2445c(f) of this title; and

''(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

''(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

''(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

''(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

''(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

''(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its costs estimates and analyses. The report shall include an assessment of—

''(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

''(B) the overall quality of cost estimates prepared by each of the military departments.

''(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process. Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

''(3) The Secretary may comment on any report of the Director to Congress under this subsection.

''(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

''(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

''139d. Director of Independent Cost Assessment.''.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

''Director of Independent Cost Assessment, Defense of Defense.''.

(b) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Independent Cost Assessment under section 139d of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting ''the Director of Independent Cost Assessment,'' before ''and the Director''.

(2) Section 2306b(i)(1)(B) of such title is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Independent Cost Assessment''.

(3) Section 2366a(a)(4) of such title is amended by striking ''has been submitted'' and inserting ''has been approved by the Director of Independent Cost Assessment''.

(4) Section 2366b(a)(1)(C) of such title is amended by striking ''have been developed to execute'' and inserting ''have been approved by the Director of Independent Cost Assessment to provide for the execution of''.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Independent Cost Assessment; and''.

(7) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in 2379(d) of title 10, United States Code.

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

''(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f). Such input may include, but is not limited to, an assessment of the following:

''(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

''(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

''(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

''(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.''.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.''.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and performance are considered as part of the process for developing requirements for major weapon systems.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) MAJOR WEAPONS SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);''.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

(d) ANALYSIS OF ALTERNATIVES.—

(1) REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) ELEMENTS.—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(e) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting ''appropriate trade-offs between cost, schedule, and performance have been made to ensure that'' before ''the program is affordable''.

SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) PRELIMINARY DESIGN REVIEW.—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and''; and

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E).

(b) CRITICAL DESIGN REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate

level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) COMPETITIVE PROTOTYPING.—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rational for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B), (C), and (D):

''(B) terminate such acquisition program and submit the report required by subparagraph (D), unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

''(C) if the program is not terminated—

''(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

''(I) such acquisition program is essential to national security;

''(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

''(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

''(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

''(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

''(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program;

''(D) if the program is terminated, submit to Congress a written report setting forth—

''(i) an explanation of the reasons for terminating the program;

''(ii) the alternatives considered to address any problems in the program; and

''(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and''.

(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDAP.—Section 2430(a)(2) of such title is amended by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''.

SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required for special security agreements under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—

(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective ''make-buy'' decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors ''make-buy'' decisions in past performance evaluations.

(c) ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.—

(1) ESTABLISHMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the ''Organizational Conflict of Interest Review Board''.

(2) DUTIES.—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 207. EARNED VALUE MANAGEMENT.

(a) ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) ENFORCEMENT MECHANISMS.—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors' EVM systems and the timeliness of the contractors' EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

SEC. 208. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

''(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

''(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

SEC. 209. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

Mr. LEVIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, very briefly, we have done extremely well with this overwhelming vote for the passage of S. 454, the Weapon Systems Acquisition Reform Act. We have done it on a bipartisan basis, which is the way it should be done when it comes to matters of national defense and a whole host of other issues. I am deeply grateful to my friend, our ranking member, Senator MCCAIN.

Of course, a large share of this moment belongs to our hard-working and very talented staff, led on our side by Rick DeBobes and on the Republican side by Joe Bowab. Our special collective thanks must also be given to Peter Levine and Creighton Green on the majority staff and to Richard Fontaine, Chris Paul, and Pablo Corrillo on the minority staff. We thank them all for their hard work. It will bear fruit, we hope within the next month, when we work something out with the House. Then, over the coming years, we will not only save taxpayers' dollars, but we will provide the right equipment to our troops who deserve the best we can get. We will make sure we don't waste these defense dollars, because when we do that, we not only are hurting the taxpayer but we are depriving our troops of funds they need for needed weapon systems.

Mr. KYL. Madam President, the bill we passed contains provisions that I support and others that I oppose. I want to indicate why I voted aye. In the end, I think it is critical for Congress to increase the FDIC's borrowing authority to reduce a costly special assessment that the FDIC intends to impose on distressed banks, and therefore I supported the bill.

Over the last 2 years the FDIC has had to take over 41 different failed depository institutions and in the process has depleted its insurance fund. At its current level, the FDIC is required by law to increase its insurance premiums on banks to recapitalize the fund. However, increasing banks' costs now would only worsen the current recession.

Congress can reduce the size of this assessment by 50 percent if it increases the FDIC's borrowing authority from $30 billion to $100 billion. Doing so will help banks hold onto capital that they can use to absorb future losses and make it through these difficult economic conditions.

Unfortunately, this bill would increase the FDIC's borrowing authority at the same time that it would expand the HOPE for Homeowners Program—a $300 billion program designed to allow up to 400,000 borrowers to refinance into an FHA-backed loan. The FHA mortgage program has exploded with the decline of the subprime industry as borrowers have flocked to the Government program. FHA loans are attractive due to the high loan limits—up to $729,250 in high cost areas—and only a 3.5-percent downpayment requirement. According to Inside Mortgage Finance, the FHA's market e jumped to nearly a third of all mortgages in the fourth quarter of 2008 from about 2 percent in early 2006.

At the same time, FHA mortgage defaults have increased sharply and are diminishing the FHA's reserve fund. Roughly 7.5 percent of FHA loans were seriously delinquent at the end of February, up from 6.2 percent a year earlier. The FHA's reserve fund fell to about 3 percent of its mortgage portfolio in fiscal year 2008, down from 6.4 percent in the previous year. By law, the reserve fund must remain above 2 percent. Recently, HUD Secretary Shaun Donovan told a Senate Appropriations subcommittee that he did not know whether the FHA would be able to continue to pay its obligations. Many believe that Congress will have to inject additional funding into the FHA.

The HOPE for Homeowners Program will sunset in 2011. I expect the Obama administration to do everything in its power to guarantee the solvency of the FHA mortgage program and will be watching how the Secretary of HUD implements HOPE the for Homeowners Program.

In the end, I believe the broader economy would benefit from an increase in the FDIC's borrowing authority. We cannot recover from this economic downturn until banks have the capital to lend freely to all borrowers. Therefore, I voted for S. 896 despite some reservations that I have with other provisions in the bill.

Mr. FEINGOLD. Madam President, I voted in favor of the Weapon Systems Acquisition Reform Act of 2009 but I am disappointed that it does not include key reforms of our defense procurement system. While President Obama and leaders in Congress deserve credit for beginning to address the longstanding problem of wasteful and abusive defense contracting, we need to go further.

Secretary Gates has stated that we ''must consistently demonstrate the commitment and leadership to stop programs that significantly exceed their budget or which spend limited tax dollars to buy more capability than the nation needs.'' Unfortunately, this bill falls short in this regard. It permits programs to continue even if they have experienced cost growth of over 25 percent. GAO has found that 42 percent of our programs have experienced cost growth and that, due in part to such cost overruns, we have scaled back the number of weapons we are buying in 10 major programs by 30 percent. Congress's failure to make tough choices and restructure troubled programs is therefore having a direct impact on our ability to deliver sufficient quantities to our fighting forces.

Secretary Gates has also stated that ''we must ensure that requirements are reasonable and technology is adequately mature to allow the department to successfully execute the programs.'' This bill encourages such reforms, but unfortunately does not require them. For example, it requires additional reporting on the Department's reliance on immature, risky technologies but does not prohibit the Department from purchasing such equipment. GAO reported this year that of 40 programs that it has reviewed, the Department will decide to move to the production of nearly a fourth of them without requiring realistic testing of their critical technologies.

No company would buy a plane before they have flown it. I don't know why it should be any different for the U.S. Armed Forces. Indeed, given that our brave men and women in uniform are relying on these weapons systems, stricter standards should be enforced.

Unfortunately, these are not new issues. I first objected to inadequate testing of weapons systems in 1998 when the Navy sought to rush the F–18 through its tests, notwithstanding the fact that preliminary tests had discovered serious problems in the aircraft. I am disappointed that a decade has passed and we are still seeing the same problems over and over again.

I suggested that we should require higher level review of alternative acquisition strategies before purchasing systems that have not been tested in a realistic environment but was informed that this would be too strict of a requirement. While I am pleased that the committee at least accepted an amendment I cosponsored that will ensure that annual reports to the Congress identify programs moving into production without undergoing adequate testing, this is just a start.

Secretary Gates demonstrated his commitment to fixing these problems when he recommended the cancellation of several programs that were over budget, were behind schedule, relied on immature technologies and were designed to combat a military-peer that does not exist. GAO had been reporting that these systems were in trouble for several years. If these systems had been restructured when it first became obvious that they were unnecessary and unrealistic, it would have saved the government tens of billions of dollars and sped up our efforts to replace our aging weapons systems.

It is my hope that Congress will eventually forgo the parochial interests that have prevented it from making the tough choices that need to be made and stop repeating the same mistakes of the past. I will continue to work with my colleagues until we have achieved this goal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Senator LINCOLN pertaining to the introduction of S. 997 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, as in executive session, I ask unanimous consent that at 1:45 p.m. today, the Senate proceed to executive session to consider Calendar No. 64, the nomination of R. Gil Kerlikowske to be Director of National Drug Control Policy, with the time until 2 p.m. equally divided and controlled between the leaders or their designees; that at 2 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; that no further motions be in order; 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.

RECESS

Mr. REID. Madam President, I now ask unanimous consent that the Senate stand in recess until 1:45 p.m. today. We have the leaders of Afghanistan and Pakistan here today. They are important meetings. We have a number of things, and it would be better if we are not in session. I appreciate everyone allowing this consent to go forward.

There being no objection, the Senate, at 12:46 p.m., recessed until 1:45 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of New Mexico).

EXECUTIVE SESSION

NOMINATION OF R. GIL KERLIKOWSKE TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of R. Gil Kerlikowske of Washington to be Director of National Drug Control Policy.

The PRESIDING OFFICER. The time until 2 p.m. is equally divided.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, our Nation's next drug czar is going to face a number of key challenges. The Office of Drug Control Policy is going to play a leading role in addressing the drug-related violence in Mexico and along the southwest border—an area where, if we don't take the right steps to tackle problems today, we will most certainly see the spread of violence and drugs into towns and residences thousands of miles from the Mexican border.

We also know from history that as the economy falls, crime rises, and that crime is growing at the same time law enforcement agencies across the country face painful cutbacks and greater strains on their personnel and resources. It is, therefore, incumbent upon the next drug czar to ensure that law enforcement at all levels is working smarter, forging new relationships, and leveraging the resources they have. We will also have to address the rise in prescription drug abuse, the continued scourge of methamphetamine use, and the violence that affects so many of our communities due to drug trafficking.

Seattle Police Chief Gil Kerlikowske is the right man to address these big challenges. Chief Kerlikowske brings a fresh new perspective to the job as the Nation's drug czar. He is a cop's cop, and his perspective was shaped patrolling the streets in Florida, New York, and Washington State. Along the way, he has helped thousands of people touched by violence and drugs. He and the law enforcement officials that he has led have been on the front lines of our Nation's war against illicit narcotics and in keeping our communities safe. And I know that he will bring this hands-on perspective to his job as our Nation's drug czar.

Chief Kerlikowske also understands the importance of partnerships between ONDCP and our State and local law enforcement communities, because he has been on the local level. As the head of the Major Cities Chiefs Organization, which represents the 63 largest police departments in the United States, he sees the common problems facing cities across the country. I have seen this firsthand in his work as Seattle police chief.

This past December, under Chief Kerlikowske's leadership, the Seattle Police Department, in cooperation with county, State, and Federal law enforcement agencies, he was able to bust a drug ring that stretched from Mexico to Idaho to Seattle.

Chief Kerlikowske worked cooperatively to create a regional response to gang violence in Seattle and in King County. He built a coalition with the King County Sheriff's Office and other King County police chiefs, with the Washington Department of Corrections, the ATF, and other community leaders to tackle persistent gang violence in our neighborhoods. These multiagency, Federal-local partnerships require cooperation and compromise, and they require a leader with Chief Kerlikowske's experience to bring them all together. Local police chiefs and sheriffs have told me they are sorry to see him go, but the Nation is gaining a true innovator in Gil Kerlikowske. I know he is going to continue to work on these relationships with State and local law enforcement across the country, and this approach will make all of our communities safer.

Chief Kerlikowske also understands that the drug war will not only be won on the streets but in our classrooms and in our homes. For the past 9 years, he has been the national board chairman for the group Fight Crime: Invest in Kids. Under the guidance of Chief Kerlikowske, this group has focused their efforts on the importance of prevention by fighting for early childhood intervention funding, afterschool programs, and efforts to prevent child abuse. Chief Kerlikowske knows the best way to end the use of drugs and spread of crime is to prevent it, and he will bring that commonsense approach to ONDCP.

Chief Kerlikowske has served the people of our State well, and he will serve the people of the Nation well also. I am so proud to support his confirmation. In a few short minutes, the Senate will be voting on this confirmation, and I am very proud to stand here today to tell my colleagues they will be glad they voted with us to confirm this nomination.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I would like to take a minute to briefly discuss my opposition to the nomination of Gil Kerlikowske to be Director of National Drug Control Policy. Chief Kerlikowske has had a long career in law enforcement, and he enjoys the support of many of his colleagues. However, the concerns I have about certain aspects of his record prevent me from being able to support his nomination to be Director of ONDCP.

The principal purpose of ONDCP is to establish policies, priorities, and objectives for the nation's drug control program. The office has arguably never been more important, as the United States seeks to deal with the violent drug cartels whose influence has begun to cross into our borders. Yet Chief

Kerlikowske has no experience with international drug interdiction, which is among my chief concerns with this nomination.

Although I suppose my concerns about Chief Kerlikowske's lack of experience with international drug enforcement could be overcome by a strong record of domestic enforcement, I am afraid that Chief Kerlikowske lacks such a record. Instead, he has gained a reputation for being soft on marijuana enforcement, once stating that pursuing possession offenses was ''not a priority.'' Despite local attitudes on this issue, as the top law enforcement officer in Seattle, Chief Kerlikowske has an obligation to make all crime a priority.

Chief Kerlikowske's lax record on marijuana enforcement has even led many pro-marijuana groups to endorse his nomination. In this country, marijuana remains a Schedule I drug and is known as the ''gateway drug,'' because it can lead to the abuse of more dangerous substances. For this reason, the next ONDCP Director must be a strong opponent of marijuana and all illegal drugs, as well as act as an aggressive enforcer of the laws regulating these harmful narcotics. I am concerned that Mr. Kerlikowske does not have such a record or reputation.

I have other concerns about Chief Kerlikowske's record that I will not detail here. Those concerns include: his decision to withhold police from a riot that broke out in 2001, in which a 20-year-old college student was murdered; his direction for police not to check immigration status or take action on any such violations; and his record on gun control. With respect to the Second Amendment, at a time when facts about the influence of American guns in Mexican drug cartel violence are being distorted—often with the intent to restrict the constitutional rights of American citizens—it is crucial that we have leaders who are ready to defend those rights. I am concerned that Chief Kerlikowske will not be such a defender.

In short, Chief Kerlikowske's lack of experience with international interdiction and his record of lax enforcement of domestic laws respecting drugs—particularly marijuana—and other crimes leaves me concerned that he is the wrong person to lead ONDCP at this crucial time. Therefore, I will oppose his nomination.

Mr. HATCH. Mr. President, in March, Gil Kerlikowske was tapped by the President to be the Director of the Office of National Drug Control Policy. Chief Kerlikowske is certainly qualified for this position. He is a 36-year veteran of law enforcement. He has been the chief of police of four police departments, and most recently chief of the Seattle Police Department. If confirmed, Chief Kerlikowske would be charged with the mission to develop and implement the Nation's drug control strategy. My hope is that he would be confirmed today.

The formal announcement of Seattle Chief Gil Kerlikowske as the new Director of the Office of National Drug Control Policy was heralded by none other than Vice President BIDEN. In 1982, Vice President BIDEN saw the need for a Cabinet-level position to coordinate the efforts of various agencies. He is credited with coining the term ''Drug Czar.'' Then Senator BIDEN was always a champion for elevating this position to Cabinet-level status. During our time on the Senate Judiciary Committee we often collaborated on keeping the Office of National Drug Control Policy relevant in the country's efforts to curb illicit drug use and increase education. Unfortunately, Chief Kerlikowske will be assuming a position that was downgraded by the administration. The Obama administration has elected to downgrade the Director of the Office of National Drug Control Policy from a Cabinet-level position to a presidential appointment in the Executive Office. This is a major departure from the precedent which was set in 1993 under President Clinton.

As the Mexican drug cartel violence has been placed front and center by the media and this body, Cabinet-level executives deploy their personnel and weigh in on the illicit drug trade and violence that has consumed the southwest border. Mexico is the leading supplier of methamphetamine. Recent analysis suggests that meth manufacturers are adding chocolate flavoring so that their product will be more appealing to a younger customer base. The Office of National Drug Control Policy has an annual operating budget of over $14 billion. Current estimates indicate that the cartel's profits exceed what we spend on deterrence by more than a 2 to 1 ratio.

By downgrading this position, President Obama is not sending a vociferous message about the future of the national drug control strategy. A key element of the Office of National Drug Control Policy is its control over the High Intensity Drug Trafficking Area designation. Stabilization of the southwest border with Mexico needs all the resources of the U.S. Government to include the Federal and local task forces operated and funded by the HIDTA initiatives. The principal purpose of the Office of National Drug Control Policy, ONDCP, is to establish policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing, trafficking, and drug-related crimes of violence. The ONDCP also develops initiatives and campaigns that educate youths on the ill effects of drug abuse and drug-related health consequences. To achieve these goals, the Drug Czar is charged with producing the National Drug Control Strategy. This delegation of authority was established through previous Executive orders and legislative authority as crafted by Congress.

In some respects, I believe the President and I are on the same page when it comes to addressing our Nation's illicit drug problem. You cannot solely arrest your way out of this issue. I have always believed that everybody makes mistakes and is entitled to forgiveness. I believe in putting some emphasis on rehabilitation in conjunction with appropriate punishment. The Director of the National Office of Drug Control Policy is supposed to have the ear of the President on how the approaches of rehabilitation and the criminal justice system will meet to curtail this crime. I commend his choice of Gil Kerlikowske to head the ONDCP. However, I question the President's decision to downgrade this important position at a time when our Nation needs key leadership to form our strategy to combat our Nation's addiction to illicit drugs.

It is my sincere hope that this ill-advised decision by President Obama to downgrade the position of the Director of the National Office of Drug Control Policy, which Mr. Kerlikowske will hold, will not come back to haunt Americans for years to come with increased illicit drug use by our children, increased illicit drug manufacturing, increased trafficking, and increased drug-related crimes of violence. That would be a truly tragic mistake for all Americans. The ramifications of a vibrant illicit drug market in the U.S. will take lives, ruin families, destroy potential and leave us a much weaker nation.

I support Mr. Kerlikowske in his new post and I wish him the best. I offer him my support as he undertakes this large assignment. Also, I encourage our President to return the Director's office back to a Cabinet level position where it belongs.

Mr. GRASSLEY. Mr. President, the next Director of the Office of National Drug Control Policy, ONDCP, has a tough job ahead of him.

The new drug czar will have to work hard to stem the rise in prescription and over-the-counter medicine abuse and the drug cartel violence crossing our southern borders, as well as the issues we have been combating for many years: traditional drug abuse.

The U.S. has a major drug problem. While we are leveraging law enforcement resources for interdiction and drug crime reduction, we also face an active movement to legalize dangerous drugs. I have long been an opponent of the legalizing cause, as I hear all the time how dangerous drugs are to our youth and families.

The new ONDCP Director must emphasize and invigorate the law enforcement community's efforts to stop illegal drug use. He must be a strong leader for all agencies and organizations that are stakeholders in the fight against illegal drugs. He must bring a respect to the office of ONDCP that has been lacking for some time. It is vital that the new Director is able to coordinate domestic and international drug strategy, including ensuring that the Merida Initiative is a success. The next

Director must also be able to bring together and work with coalitions at the local level to combat meth, coordinate policy on the laws directed to eradicate meth and marijuana production, and be engaged in efforts to stop opium production in Afghanistan and Colombia. His drug strategy must produce results at the national and international level to address drug manufacturing, interdiction, prevention, and abuse.

I have some concerns about Chief Kerlikowske's nomination, given his record.

For instance, in 2003, Seattle voters passed Initiative 75, which made marijuana possession the lowest priority for the Seattle Police Department. During the debate, Chief Kerlikowske opposed the measure only because he disagreed with voters determining what laws a police force should enforce. In answers to my written questions, he merely noted marijuana was already low on the force's list. Chief Kerlikowske's lax record on marijuana enforcement concerns me because marijuana is still often the precursor to more dangerous drugs, and it only endangers those who use it. The next ONDCP Director must be a strong opponent of marijuana and all illegal drugs, as well as act as an aggressive enforcer of the laws regulating these harmful narcotics.

Additionally, Chief Kerlikowske apparently has no experience on international supply interdiction. We need someone who understands international drug problems and can help formulate a successful long-term strategy to address them. Chief Kerlikowske's lack of this experience, along with his lax record on marijuana crimes, raise questions for me on his ability to act as an effective Director of ONDCP. However, several organizations, such as the Major Cities Chief Association, the National Association of State Alcohol and Drug Abuse Directors, and the Community Anti-Drug Coalitions of America, have expressed support for this nominee. While I will not hold up his nomination, I put Chief Kerlikowske on notice that I expect him to provide strong leadership in producing and coordinating drug control strategy and to aggressively work to enforce our drug laws.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time during the quorum be charged equally to both sides.

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

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

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

Mr. LEAHY. Mr. President, today, at last, the Senate considers President Obama's nomination of Chief R. Gil Kerlikowske to be Director of National Drug Control Policy. This highly qualified nominee has drawn widespread support, and I had hoped the Senate would confirm him before our last recess. I look forward to his being confirmed today with strong bipartisan support.

Chief Kerlikowske has almost 40 years of experience in law enforcement, including in his current role as chief of police for the Seattle Police Department. In his long career in public service, Chief Kerlikowske has demonstrated a comprehensive understanding of narcotics issues. He currently serves as the elected president of the Major Cities Chiefs Association, and he began his career as an Outstanding Military Police Officer Honor Graduate in the U.S. Military Police in 1970. He served as the police commissioner of Buffalo, NY, and as the police chief in two Florida cities, Fort Pierce and Port St. Lucie. He worked in the Justice Department during the Clinton administration, where he served as the Deputy Director of the Office of Community Oriented Police Services.

I thank the Senators from Washington State, Senator MURRAY and Senator CANTWELL, for their strong endorsement of this outstanding nominee at our April 1 hearing and for their continued efforts in support of his confirmation.

Chief Kerlikowske's nomination has received numerous letters of support, including strong endorsements from Republican and Democratic public officials, State and local law enforcement officials, the National Center for Victims of Crime, the United States Conference of Mayors, the Community Anti-Drug Coalition of America, the Washington Association of Sheriffs and Police, and the National Council on Crime and Delinquency. General Barry R. McCaffrey, who led the Office of National Drug Control Policy during the Clinton administration, writes that Chief Kerlikowske ''is known and highly respected internationally for his knowledge of crime and drugs.''

Mary Lou Leary, the executive director of the National Center for Victims of Crime, describes Chief Kerlikowske as a ''strong manager,'' who is ''committed to crime prevention'' and who ''understands the connection between illegal drugs and crime.'' Arthur T. Dean, the chairman and CEO of the Community Anti-Drug Coalition of America, wrote that Chief Kerlikowske understands that drug policy ''must be comprehensive and coordinated'' and ''recognizes that the perspectives of those closest to the ground—state and local enforcement, prevention, treatment, and recovery professionals—play a critical role in this strategy.''

As a former prosecutor, I have always advocated vigorous enforcement and punishment of those who commit serious crimes. Along with others who serve in law enforcement, I also know that punishment alone will not solve the problems of drugs and violence in our rural communities. I am pleased that Mr. Kerlikowske supports combating drug use and crime with all the tools at our disposal, including enforcement, prevention, and treatment.

I congratulate Chief Kerlikowske and his family on his confirmation today, and I look forward to working with him in the years ahead.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is scheduled to vote at 2 p.m. on the nomination of Mr. Kerlikowske.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of R. Gil Kerlikowske to be Director of National Drug Control Policy? The yeas and nay have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 187 Ex.]

YEAS—91

Akaka	Brownback	Collins
Alexander	Bunning	Conrad
Barrasso	Burr	Corker
Baucus	Burris	Cornyn
Bayh	Byrd	Crapo
Begich	Cantwell	DeMint
Bennet	Cardin	Dodd
Bennett	Carper	Dorgan
Bingaman	Casey	Durbin
Boxer	Chambliss	Ensign
Brown	Cochran	Enzi

Feingold
Feinstein
Gillibrand
Graham
Grassley
Gregg
Hagan
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johanns
Kaufman
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Merkley
Mikulski
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Risch
Roberts
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Coburn

NOT VOTING—7

Bond
Johnson
Kennedy
Lautenberg
Menendez
Rockefeller
Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and tabled. The President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—H.R. 627

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m. Monday, May 11, the Senate proceed to Calendar No. 55, H.R. 627; and that once the bill is reported, Senator DODD or his designee be recognized to offer the Dodd-Shelby substitute; further that the cloture motion on the motion to proceed be withdrawn.

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

Mr. REID. Mr. President, Senators Dodd and Shelby have done very good work on this bill. This is a bill that passed the House with some 377 votes. It is a very important piece of legislation. It is bipartisan in nature. I had a press event this morning—actually it was 12:30—with Senator DURBIN, Senator SCHUMER, and Senator MURRAY.

There I made the best case I could to talk about how much we have been able to get done with the help of the Republicans. We have done some good work, and more indication of that is what we have been able to do with this piece of legislation. It is important that we get this done, that we finish it.

We are not going to go to tobacco until we come back. We are going to finish the work we have to do on the supplemental appropriations bill. We hope to get some nominations done. But we have had some real good work. I am very happy with the way we have worked together. We have a lot more work together we need to do, but this is certainly a step in the right direction.

MORNING BUSINESS

Mr. REID. I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

This will be the last vote of the week. We will not have another vote until Tuesday.

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

The Senator from Illinois is recognized.

NATIONAL TRAIN DAY

Mr. BURRIS. Mr. President, many of my colleagues and citizens across the country recognize this Saturday as National Train Day, a celebration of 140 years of coast-to-coast rail travel in the Unite States.

I rise to commemorate the proud history of America's railways, but also to mark this as a time for more than celebration.

We must see this occasion as an opportunity to look ahead, to reinvest in our nation's infrastructure and begin a fresh chapter of high-speed rail service.

In May of 1869, the Central Pacific and Union Pacific Railroads were joined in the remote Utah desert, connecting the east and west coasts of the United States and completing the very first transcontinental railroad in our Nation's history.

For almost a century and a half since, trains have transformed the way goods are transported and intercity passengers reach their destinations.

From the moment of their birth, America's railroads have represented our efforts to meet the challenges and opportunities of living in a Nation that spans a continent.

The rails that connected Atlantic to Pacific became the backbone upon which we built American commerce and ingenuity. In many ways they defined the fabric of our culture, laying the foundation that allowed our civilization to push the American frontier ever westward.

Every year, Amtrak transports 28 million Americans between 500 communities in 46 States.

Intercity passenger rail is 18 percent more energy efficient than air travel and 25 percent more efficient than automobiles, making the modern locomotive one of the most refined and environmentally friendly technologies in American history.

I have seen this firsthand. My early life was shaped in part by the great American railway. I was raised in Centralia, IL, a small town that was very much centered around the railroad.

We lived along a major line originating in Chicago, a national transportation hub that ships goods, passengers and economic opportunity to every community it touches as the trains set out across the American heartland.

Like many in our town, my father, grandfather and four great uncles worked many years for the Illinois Central Railroad.

I am proud to be a part of the legacy that he and many others helped to create in Illinois and across the country, a legacy that continues to shape us even today.

But now the aging infrastructure that gave definition to this country is badly in need of repair. The time has come once again to invest in rail travel.

Throughout my career, I have supported high-speed rail technology, which will curb pollution and ease crowding on our roads and in the skies.

Now, under President Obama's leadership, we have the chance to make this dream a reality.

By making a substantial investment in clean, safe high-speed rail, we can renew the deep connections that bind our cities and states to one another and to our shared national identity.

We can create jobs, revitalize our economy, protect our environment, and continue the proud tradition of our national railways.

I ask my colleagues to join with me in reaffirming this commitment to modern rail service. I am glad that so many recognize the importance of railroads in shaping the past we share. But this year, on National Train Day, we should celebrate our past by looking to the future.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

HEALTH CARE

Mr. WYDEN. Mr. President, the Senate Finance Committee, on which I serve, is about to take up the toughest issue in the debate about health care reform; that is, the question of how to pay for it.

To be credible, that means showing that you are not going to sit around and wait for years and years to start cutting costs but, in fact, you are going to start generating savings, in the $2.5 trillion our country spends on health care, quickly. And you must do it in a bipartisan fashion that is acceptable to our people.

So, today, I offer the four pillars of immediate health care cost containment. Each one of these pillars is an idea that is supported by influential Democratic Senators and influential Republican Senators in the Senate.

The first pillar of immediate health care cost containment requires that

there be tax relief for the middle class but no more tax subsidies for designer smiles. It sounds incredible, but today hard-working middle-class folks who are uninsured or underinsured—every day—watch their taxes go to subsidize designer smiles for the most affluent that would be worthy of Hollywood.

The first pillar of health care cost containment starts saving billions of dollars immediately by taking away unneeded tax breaks and beefing up health care tax relief for middle-class workers and their families.

The second pillar of immediate health care cost containment means taking an axe to health care administrative costs. Americans are drowning in health care rules and administrative hassles. Now you can junk the health care bureaucracy by doing everything just once: signing up for the health care you want; paying for it through the withholding system you use with every paycheck; keeping what you have, if you leave your job, or your job leaves you; and easily finding out about the costs and quality of health care services that are near you, and doing it on line.

The third principle of immediate health care cost containment is everybody is in, and everyone has to be personally responsible. You cannot lower health care costs in this country without good, quality, affordable coverage for all. If you do not cover everyone, there is too much cost shifting and not enough prevention.

Personal responsibility is just as important. Americans cannot fix health care unless everyone secures basic coverage, with extra help for folks who would have difficulty affording that. More than 11 million people with incomes of well over $60,000 do not buy basic health insurance, and that is part of the reason hospital emergency rooms are so busy in America. Cutting health care costs means getting everybody in the system, and it means everyone would be personally responsible.

Finally, the fourth principle of immediate health care cost containment is a revolution in health insurance. Today, health insurance is about cherrypicking. The private insurance companies scour your health history, and they want you if you are healthy and wealthy. Sick people, on the other hand, are sent to Government programs more fragile than they are.

Holding down costs soon means changing this, prohibiting the insurance companies from discriminating against those with illnesses and requiring a system that features real competition—real competition where the insurance industry does not compete to see who is the best at leaving out those who have health problems but competition that is based on benefit and quality and price. That is not Government-run health care. That is old-fashioned competition—the kind of bedrock principles of competition our country understands.

When insurance companies compete on the basis of price, benefit, and quality, that is about as pure a kind of competition as you could have in our country, and it would revolutionize the health insurance business in our country.

Each one of these four pillars of immediate health care cost containment is supported by influential Democrats and Republicans in the Senate. If these four principles were adopted, the Senate could go to the country and show our people that on the health issue they care about the most—which is containing costs—the Senate has a plan for cost containment that will kick in quickly, in the next few years—not something for which you have to wait 10, 15, 20 years from now. And certainly there are a lot of changes in the health care system that ought to be made now because they will save money in 10 or 15 years.

But the four pillars of immediate health care cost containment I outlined this afternoon—tax relief for the middle class and no more tax breaks for designer smiles; taking an axe to health care administrative costs; everybody in the system, and everyone personally responsible; and a revolution in the health insurance business—those are ideas that are now sponsored by Democrats and Republicans in the Senate and will soon save health care costs. They will reduce health care costs, and do it quickly, so that the Senate can be credible with the country on this issue of health care reform.

There are other important principles to this question of getting health care on track. Chairman BAUCUS, in my view, has done yeoman work in terms of his sessions to look at the various issues—delivery and coverage.

I have made the case, with considerable passion, on the coverage question that I think Americans want on the coverage issue—coverage that is at least as good as Members of Congress have—and the Congressional Budget Office has said it is possible to pay for that, again, with the kinds of principles of cost containment I have outlined. Other colleagues, I am sure, will have other views with respect to what the basic benefit package ought to be about.

I also think it is going to be very important to send a straightforward message to those who have coverage that there are considerable benefits for them in reform as well. We have talked on this floor before—Democrats and Republicans—about making sure everybody can keep the coverage they have. That is something Senators hear about at every meeting they have when they discuss health care, and I think there are going to be 100 Senators voting in favor of the principle that all our people ought to be able to keep the coverage they have.

But there are two other words I think those people with coverage are looking for. I say to the Presiding Officer, you and I have had some discussion on this issue before. Those folks with coverage want to hear about how they are going to be wealthier and healthier with the health care reform legislation that would be passed in the Congress. On this issue, the fundamental question is going to be about increasing the choices that individuals have for their coverage.

I have not spoken about this on the floor of the Senate in the past, but I was flabbergasted to learn that those who are lucky enough to have employer-based coverage in this country—of that group, 85 percent of them get no choice at all. They get one package, and that is it. So you have 85 percent of the people in this country who are lucky enough to have health care coverage who do not get what their elected officials from Colorado and Oregon and everywhere get.

We get a full menu of health care choices. Of course, that is a big factor in holding down health care costs for all because then you have some competition. And if one company does not do well in 2009, everybody is off in 2010 and choosing somebody else.

So it is going to be very important to show those with coverage—people who want to be healthier and wealthier after health care reform is passed—that one of the ways to get some additional money in your pocket is to have more choices. Because when you have only one choice, of course, there are not the kind of competitive juices at work in your health care system that even Members of Congress have.

So what I have been interested in is saying that if you want to stay with your employer's package—absolutely—Democrats and Republicans in the Senate are committed to doing that. But if you, for example, want to choose one of the private alternatives that would be established in health reform legislation, and would be certified by your State as protecting consumers, you ought to be able to make that choice. And if in making that choice you save money relative to what it might cost for your employer's package, you get to get those savings and—without offense to Colorado—you can use the money to go fishing in Oregon because we have created a marketplace.

So I wanted to come today and lay out the four immediate principles of health care cost containment. I think there will be other central questions, such as the issue of coverage and the question of how to make sure the Senate keeps faith with the 160 million people—it is about 160 million people, on any given day, who have employer-based coverage and wish to keep what they have—who would like to be healthier and wealthier, and, finally, if they want to leave their job or their job leaves them, their coverage ought to be portable and they can take it with them.

Finally, let me note that I think Chairman BAUCUS and Senator GRASSLEY, the leaders on the Finance Committee, are doing an exceptionally good and an exceptionally fair job in terms of tackling this issue. The fact

is, health care reform, particularly financing it, is not a subject for the fainthearted. There is a reason this issue has been tough to tackle since the days of Harry Truman of 60 years ago. But under the leadership of Chairman BAUCUS and Senator GRASSLEY and the Finance Committee—and I think I can speak for Senators on both sides of the aisle that we are very appreciative of what Chairman KENNEDY and Senator ENZI are doing in the HELP Committee. The four of them are our committee leaders, our chairs and our ranking minority members. I believe that this time, after 60 years of working on this issue, it can get done.

The fact is, for health reformers, the history of trying to fix health care is almost the story of unrequited love. If you look back on this issue, almost every 15 years reformers say: This is the time. I finally found the one. I am going to be able to have my dreams realized.

Of course, it has been exactly 15 years since the last effort in 1994, during the Clinton years. Harry and Louise pretty much soured that romance in 1993 and 1994. But I do think, largely because of the good work being done by Chairman BAUCUS and Senator GRASSLEY and Chairman KENNEDY and Senator ENZI, this year is different. A lot of colleagues on both sides of the aisle have moved toward an approach that I believe will allow us to come together.

There is a recognition that Democrats have been right on the proposition that if you fix this, you have to cover everybody. If you don't get all Americans high-quality, affordable coverage, you have that cost-shifting I spoke about and inadequate attention to prevention. I think there is a recognition that colleagues on the other side of the aisle in the Republican Party are making valid points as well. There ought to be private choices. It is important not to freeze innovation. We ought to stay clear of price controls. So there is an opportunity now, with the Senate being led by two very fine chairs and ranking minority members, to get this done.

I will close with an observation from a number of economists. Our country clearly is concerned about the cost of these bailouts and financial obligations in the banking and housing sector. Most of those folks believe that the astounding sums being spent on financial bailouts—they are going to look like a rounding error if health care is not fixed. So the stakes are very high. Fixing the economy means fixing health care.

With the principles I have outlined here today, the four immediate principles of health care and cost containment, I think the Senate can get off on the most important and most difficult issue of health care—containing costs—and do it in a bipartisan way.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CRAIG FUGATE NOMINATION

Mr. NELSON of Florida. Mr. President, a couple of weeks ago, Senator MARTINEZ and I had the privilege of introducing Craig Fugate, President Obama's nominee for the head of FEMA, before the Senate Homeland Security and Governmental Affairs Committee. The committee promptly reported him right out. It is because he is so uniquely qualified.

Craig has served as the director of emergency management in our State since 2001, and he has overseen the response to 11 Presidentially declared disasters in our State. He is one of the most respected leaders in emergency management in the country, and he is the one—if you want a pro's pro—with the experience and the expertise FEMA needs at this time. Why? Look at how he came up: a former firefighter, a paramedic, a fire rescue lieutenant, an emergency manager. All of that was at the local government level, Alachua County, which is Gainesville, FL.

He spent 15 years working in local emergency management before he went up to the Emergency Operations Center at the State level. Since he has become the director of emergency management, he has handled the responses to the landfall of five major hurricanes in Florida, and that was within a 2-year time period.

I will never forget when Hurricane Charley came barreling up the southwest Florida coast headed straight for Tampa Bay. Suddenly, at the last minute, it took a right-hand turn and it went right up Charlotte Bay. Ground zero was Punta Gorda, FL.

By the way, people had evacuated Tampa and then come down to the hotels, especially the Holiday Inn Punta Gorda, and here they are right in the middle of the storm.

That storm was so intense that it blew the roof off of the Charlotte County Emergency Operation Center. They had to evacuate the CCEOC in the middle of the storm. I got there later that day, after the storm hit that morning, and I will never forget seeing Craig in the mobile emergency operation center that the State of Florida brought in as he was taking over and directing operations in the midst of that chaos. Our Florida emergency management response to disasters—with a sense of urgency and efficiency—has emerged as a role model for disaster preparation and disaster response. That, in large part, has been as a result of the leadership of Craig Fugate.

It is also very interesting, when you respond to these kinds of national disasters, that you have cooperation between the civilian emergency response and the National Guard. Of course, the Florida National Guard is the best in the business because they know how to take care of business when it comes to emergency response to hurricanes.

Under Craig's leadership, Florida has become the first State to receive full accreditation for its emergency management program. Craig not only has creativity but a sense of humor. He judges things after a hurricane by the ''Waffle House'' test. He says if the Waffle House is open after the hurricane, that means there is power and water in there. If the Waffle House is closed, things are pretty bad, and a lot of things have been shut down. If the Waffle House is open and they have a limited menu, then it generally means the power has been out for quite a while because everything in their freezer has melted and has spoiled.

I think Craig's exemplary service speaks for itself.

Mr. President, I ask unanimous consent that a number of documents be printed in the RECORD, including a letter from Governor Crist, and a letter from a host of organizations, all the way from the Public Works Association, the American Red Cross—I will not list them all, but it goes through the National Wildlife Federation and the Reinsurance Association of America. Another one is by the Council of State Governments. Everybody is singing Craig Fugate's praises.

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

APRIL 17, 2009.

Hon. BILL NELSON,
U.S. Senate, Washington, DC.
Hon. MEL MARTINEZ,
U.S. Senate, Washington, DC.

DEAR SENATORS NELSON AND MARTINEZ: I would like to extend my most sincere appreciation to you for introducing Florida Division of Emergency Management Director Craig Fugate at his United States Senate confirmation hearing on Wednesday, April 22. Craig's nomination to be the Director of the Federal Emergency Management Agency instills a great sense of pride in all Floridians. Although his confirmation would mean that we are losing a great asset to our state, Craig's renowned expertise in disaster preparedness, response, recovery, and mitigation activities will, without a doubt, benefit our entire nation.

As you well know, Craig has consistently proven to be among the most respected leaders in emergency management through his outstanding work and vast experience. As the Director of the Florida Division of Emergency Management, Craig has dealt with every type of natural disaster ranging from wildfires to hurricanes, and he has managed them all effectively through his total commitment to ensuring the safety of Florida's citizens.

For Craig, success is not about personal glory. Instead, it is about building a great team that takes action to prepare for, and respond to, disasters and their impacts. I know we share the belief that Craig would utilize this same leadership philosophy as FEMA director.

In advance, thank you for helping to shepherd the nomination of Craig Fugate through the United States Senate. It is exciting to see the hard work and expertise of

a great Floridian like Craig recognized at the national level. I am confident he will continue to make all of Florida proud of his leadership.

Please do not hesitate to contact me if there is anything else I can do to help expedite the process of confirming Florida's Craig Fugate to this important post. He is the right person at the right time.

Sincerely,

CHARLIE CRIST,
Florida Governor.

MAY 5, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL:

The undersigned organizations are members of the Stafford Act Coalition and are writing to ask for swift confirmation of William Craig Fugate as the Administrator of the Federal Emergency Management Agency (FEMA). The undersigned organizations and associations represent state and local officials, the nation's realtors, surveyors, conservation interests, and others with a stake in flood management and response, disaster mitigation and emergency response and recovery. The Stafford Act Coalition supports hazard mitigation programs and maintaining the intent of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

It is critical that FEMA leadership be put in place swiftly and not delayed. Currently, our nation is addressing the H1N1 flu and the response and recovery for multiple other disasters involving flooding, severe storms, tornadoes and wildfires. We encourage the Senate to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Thank you for your support of emergency management issues. If you or your staff has any questions, please contact Kristin Robinson in NEMA's Washington, D.C. Office at (202) 624–5459 or *krobinson@csg.org.*

Sincerely,

Peter King, American Public Works Association; Larry Decker, American Red Cross; Larry Larson, Association of State Flood Plain Managers; Chris Whatley, Council of State Governments; Martha Braddock, International Association of Emergency Managers; Dalen Harris, National Association of Counties; Amy Linehan, National Association of Development Agencies; Susan Gilson, National Association of Flood and Stormwater Management Agencies; Kristin Robinson, National Emergency Management Association; Laura Schepis, National Rural Electric Cooperative Association; David Conrad, National Wildlife Federation; Franklin Nutter, Reinsurance Association of America.

NATIONAL EMERGENCY MANAGEMENT ASSOCIATION,
Washington, DC, April 29, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As the President of the National Emergency Management Association (NEMA), I am writing on behalf of the emergency management directors from the states, the U.S. territories, and the District of Columbia. We ask for the Senate's immediate action to confirm William Craig Fugate of Florida as the Administrator of the Federal Emergency Management Agency (FEMA). It is critical that FEMA leadership be put in place swiftly and not delayed.

Currently, our nation is addressing the H1 N1 flu, preparing for the upcoming hurricane season, and continuing the response and recovery for multiple other disasters involving flooding, severe storms, tornadoes and wildfires. Mr. Fugate has been a leader in the emergency management community and in NEMA for years and he is widely respected by his peers across the nation. NEMA respectfully encourages the Committee to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Thank you for your support of emergency management. If you or your staff has any questions, please contact Kristin Robinson in NEMA's Washington, D.C. Office at (202) 624–5459 or *krobinson@csg.org.*

Sincerely,

NANCY DRAGANI,
NEMA President and Director of the Ohio Emergency Management Agency.

Mr. NELSON of Florida. Mr. President, it is my hope the hold that is on Craig for an issue unrelated to Craig—related to the question of FEMA putting a flood zone declaration on some areas of New Orleans—it is my hope that we can resolve that and get on. After all, this is now 1 week into the month of May. Remember, hurricane season officially starts June 1.

We need to have Craig Fugate in place so that FEMA is ready to go at this particular time, when there is another challenge facing the gulf coast and the Atlantic coast, and potentially the Pacific coast. I hope the Senate is going to act quickly on his confirmation.

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

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

Mr. DURBIN. I ask consent to speak as in morning business.

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

NOMINATION OF INEZ TENENBAUM AND ROBERT ADLER

Mr. DURBIN. Madam President, yesterday President Obama announced he would nominate Inez Tenenbaum as the new Chair of the Consumer Product Safety Commission, and Robert Adler as the new CPSC Commissioner. The President also announced he would restore this Commission from a three- to a five-commissioner body and provide $107 million for the agency in its fiscal year 2010 budget, a 71-percent increase in that budget over President Bush's request for fiscal year 2007.

I share President Obama's commitment to consumer safety and his goal of restoring the CPSC to prominence as our Nation's premier consumer watchdog agency. CPSC oversees the safety of over 15,000 consumer products, but for far too long it was hindered by a lack of funding, a lack of staff, outdated authorities and failed leadership. We all remember what happened after that. Faulty cribs that trapped and killed infants; toys coated in lead paint that endangered toddlers and children; magnetic toys that, when swallowed, caused serious injuries and even a child's death.

Most Americans were shocked when they read the stories. They assumed that if they put it on a shelf in a store in America, somebody took a look at it. That is not always the case. Sadly, this agency, which had a special responsibility for dangerous products, had fallen into a state of disrepair, not just in terms of adequate staffing and resources but, unfortunately, in the previous administration, not adequate commitment. There was a belief this had to continue to be a small and virtually unheard of agency at a time when exports into the United States were flooding the market. If there were ever a time when we needed a consumer watchdog, it was over the last 10 years, as more and more of these imports from foreign countries came onto our shores.

We learned the hard way. We learned with pet food from China that had been spiked with melamine for economic reasons and ended up killing a lot of dogs and cats that people dearly loved. We learned it with the toys with lead paint and the toys that were dangerous. We learned this agency was not up to the task.

I can remember meeting with some of the people who worked there. Some of them were good, hard-working people. But when I met with the man whose name was Bob, who was the toy tester, I found that his laboratory for testing toys exported to the United States looked about as bad as my workbench in my basement at home. Unfortunately, he didn't have any kind of technical equipment. What Bob had done was draw a couple marks on the wall, one was at about 4 feet, another at 6 feet, and Bob would take the toy and drop it from 4 feet to see if it fell apart into little pieces that the kids might swallow. If it made that test, Bob took it up to 6 feet and dropped it again. That was the Federal toy testing program for the United States of America.

We learned the hard way, when a lot of dangerous toys were sold and a lot of them went untested. That had to change. With the leadership of one of my colleagues from Arkansas, Senator MARK PRYOR, we embarked on a reauthorization of this agency and gave it new authorities and new powers. Sadly, some of the holdovers—one Commissioner from a previous administration—complained, said she didn't understand why we needed to do this, that we were going too far in giving more power to this agency. It tells you a lot about the mindset of the agency in the old days.

Then we matched that with appropriations funds from an appropriations subcommittee that I chair to make sure they had enough money to hire testers and buy equipment and to make certain they could take a look at products before they arrived in the warehouses of America and on the store shelves to make certain they were safe before they came in.

It went along very slowly, when it should have gone quickly because the right leadership was not at the agency. When President Obama was sworn in, one of my first calls was to urge him to fill the slots at the Consumer Product Safety Commission with true consumer advocates. Our passage of the Consumer Product Safety Improvement Act—which President Bush had signed into law—by an overwhelming vote of 89 to 3 in the Senate was an indication this was a bipartisan issue, as it should have been. That law virtually eliminated lead from toys and children's products, made sure the products met national standards, authorized a doubling of the Consumer Product Safety Commission budget, and strengthened the Commission's ability to protect Americans.

Yesterday, President Obama's announcement of these two vacancies being filled builds on that effort to make sure the Commission has the right leadership in place to implement a law in a comprehensive, yet commonsense, manner.

Inez Tenenbaum is someone I know. She is a long-time advocate for children and families. She was the former superintendent of education in South Carolina. She oversaw an agency larger than the Consumer Product Safety Commission in both budget and staff, and under her tenure student achievement in that State improved the fastest in the Nation.

Robert Adler, consumer advocate and expert on the Consumer Product Safety Commission, was a professor at the University of North Carolina, where he worked extensively on consumer protection and product liability. He has also served as an attorney and advisor to previous CPSC Commissioners. I strongly support President Obama's nominees. I am glad he is going to bring about a new day at this agency. It is long overdue. Millions of Americans, millions of families and kids are counting on this agency to make sure that when products make the shelves in America, they are safe for American consumers.

AMERICA'S GLOBAL DEVELOPMENT CAPACITY ACT

Mr. DURBIN. Earlier this year, President Obama announced a new policy for Afghanistan and Pakistan beginning to really focus important resources and attention on those countries—resources that were, tragically, diverted during the war in Iraq.

I was honored today to be invited for a lunch with President Zardari of Pakistan and President Karzai of Afghanistan. They are now working together—and that was not always the case—to stop the spread of the Taliban and al-Qaida. They are starting to do things which I think should have been done a long time ago. For example, I was surprised to learn when I visited Afghanistan a little over a year ago that we had fewer than 10 agricultural experts in that country. We know that country, which was once a prolific exporter of agricultural products, has now descended to a point where the major export is poppy and heroin, which, of course, fuels the underground economy and fuels the Taliban in their efforts to bring terrorism to Afghanistan and Pakistan. Well, to learn that we have fewer than 10 agricultural experts working on the ground in Afghanistan to try to change this was disappointing. This administration, the new Obama administration, has made a commitment to raise that number to over 50 in a hurry, as they should, so that we will be able to counsel those in agriculture in Afghanistan about lucrative, profitable crops that will not be feeding terrorism. That is one of the things that needs to be done, not just the military side but the economic side as well.

We understand—and Secretary Clinton has said such—that if we are going to be successful in Afghanistan and Pakistan, we have to bring this effort down to ground level, not just to suppress the violence but to make certain we build a civil economy and a civil government that can sustain democratic and free growth in those two countries. I was glad to be part of that effort today. I believe there is a lot more to do. I join with Senators KIT BOND of Missouri, PATTY MURRAY of Washington, and CHRIS DODD of Connecticut, as well as SHELDON WHITEHOUSE of Rhode Island, in introducing a bill that is called the Increasing America's Global Development Capacity Act, to improve our Nation's capacity to undertake global development activities.

The bill would triple the number of USAID Foreign Service officers by 2012. If we implement this legislation, in 3 years USAID will have 3,000 talented, committed Americans serving in the world's most difficult locations, helping to improve the lives of others, and showing the world what America is all about. I would much rather beef up the USAID than run the risk of sending more American soldiers to face the dangers of war in those foreign countries. I think we can help win over the hearts and minds of people around the world if we have the right American ambassador in a civilian capacity using diplomacy and development as major tools.

The President's strategy wisely emphasizes training the Afghan army and building up the police; a renewed effort to deal with the Taliban's safe havens in Pakistan; and a long overdue civilian surge in State Department and U.S. Agency for International Development personnel, with particular emphases on diplomacy, agriculture, good governance, and job creation.

It is unfortunate that more than 7 years after the war in Afghanistan began we are only now providing sufficient civilian resources and experts to help win the peace in Afghanistan.

The Bush administration neglected to focus on post-war needs in both Iraq and Afghanistan. Once our brave military men and women accomplished their early military goals, few if any plans existed for significant investments in strengthening critical economic, governance, and rule of law institutions.

The results have been sadly obvious. Our military has had to stay longer than anticipated while we play catch up on these basic building blocks that are needed for any true long-term stability.

This failure to invest in and deploy our civilian experts has placed an unfair burden on our military and their families.

Our military leaders have recognized the critical nature of the civilian development and diplomatic component of American engagement abroad.

Secretary of Defense Gates has said it clearly:

> What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security—diplomacy, strategic communications, foreign assistance, civic action, and economic reconstruction and development.

He continued;

> One of the most important lessons of the wars in Iraq and Afghanistan is that military success is not sufficient to win: economic development, institution-building and the rule of law, promoting internal reconciliation, good governance, providing basic services to the people, training and equipping indigenous military and police forces, strategic communications, and more—these, along with security, are essential ingredients for long-term success.

Secretary Clinton has similarly said:

> In order for us to pursue an ambitious foreign policy to both solve and manage problems, to address our interests and advance our values, we have to reform both State and USAID. And to do so, we have to create a Department and an agency that are funded the right way, where the people doing this work have the tools and authorities that they need. This is particularly important in dangerous regions like Iraq and Afghanistan.

Our Nation's ability to help others improve their lives is a critical component of American foreign policy. Development initiatives help stem HIV/AIDS and other global pandemics; provide food, clean water, and sanitation to the world's poor; strengthen democratic processes and institutions; and foster economic growth.

These efforts demonstrate our leadership and concern, foster goodwill and an appreciation of American values, and provide alternatives to the despair that can lead others to turn against us.

That is why a recent story in the New York Times about Afghanistan is so tragic. The article's title ''G.I.'s

Filling Civilian Gap to Rebuild Afghanistan'' says it all.

We now have a President who has formed a sound policy for Afghanistan, but we simply do not have the civilian international development experts necessary to fill the civilian needs in Afghanistan.

This is tragic.

Think about after the attacks of September 11 how many Americans wanted to serve their country, whether in the military, in Americorps programs, or in the Foreign Service.

We should have taken advantage of that groundswell of American idealism and determination to bring some of our brightest minds into the State Department and U.S. Agency for International Development where they could use their talents and desire for public service to make a difference in the lives of others around the world and to help bring stability to faraway places.

The need is stark. Take USAID alone. In the 1960s when President Kennedy launched the agency, it had more than 5,000 Foreign Service officers. Today, with obvious needs around the world from Afghanistan to Iraq to Congo, it has just over 1,000.

Its budget in real dollars has shrunk by almost one quarter.

That is right. At a time when people on both sides of the aisle, as well as in the military and civilian leadership of our government, agree on the great need for such civilian engagement, our lead international development agency has seen its key staff cut by 80 percent and its funding by more than 25 percent.

We have this all backwards.

This increase in development professionals would be a first step towards rebalancing the three pillars of our foreign policy and national security—development, defense, and diplomacy, and would go a long way in helping face some of our country's biggest global challenges.

I urge support for this bill.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

NUCLEAR ENERGY

Mr. CHAMBLISS. Madam President, I rise this afternoon to discuss the benefits of nuclear power to our Nation.

Last week, I was fortunate enough to visit the Savannah River Site, along with three of our colleagues, Senator ISAKSON and our two South Carolina colleagues, Senator GRAHAM and Senator DEMINT, to watch the Department of Energy employees at the Savannah River Site carry out their mission.

This site has been safely operating since the 1950s refining materials for nuclear weapons. In more than fifty years, there has not been a single nuclear incident at the Savannah River Site, proving that it is possible to safely operate and maintain our nuclear facilities. But in the past decade, the place that has helped bolster America's standing in the atomic age and has been a watchword for America's nuclear might has also begun to harness spent forces for peaceful purposes—to bring light and heat into American homes.

The Savannah River Site has helped lead the way in disposing of nuclear material. For more than 6 years, the facility has blended weapons-grade, highly enriched uranium to make low-enriched uranium that is being converted into commercial reactor fuel. It recently expanded its mission to include converting excess weapons-grade plutonium from decommissioned nuclear weapons and will become a consolidation point for all weapons-grade plutonium in the United States. This will result in more fuel for commercial power reactors.

Materials that once tipped our arsenal of nuclear warheads are now being used to provide the light by which Georgians eat dinner, do their homework, and the power with which they heat their homes in winter and cool them in our hot summers. In fact, one-fifth of Georgia's total generating capacity comes from nuclear power—second only to coal.

The two nuclear plants in Georgia provide some of the lowest cost electricity in our State. The power they generate is safe, reliable, and, most significant in the midst of this national debate on climate change—emissions free and environmentally responsible.

Despite those clear advantages, in America at large, nuclear power produces some 20 percent of the Nation's energy. Compare that to France, where nuclear power sources provide nearly 80 percent of that country's power.

Intriguingly, in terms of national security, the Savannah River Site is playing a key role in America's nuclear nonproliferation efforts. The nuclear power generated from reducing our nuclear weapons stockpile at the Savannah River Site is coming full circle: In its conversion from weapons to commercial nuclear fuel, it is helping reduce America's dependance on foreign energy sources, often from countries that do not like us and do not have our best interests at heart.

Additionally, the work conducted at the Savannah River Site helps maintain America's technical and scientific nuclear base, preserving the expertise to expand commercial nuclear energy as well as the expertise to modernize our existing nuclear weapons arsenal.

I was impressed by the talent and expertise of Savannah River Site employees I met who are some of the leading nuclear experts in the world. However, they are an endangered breed and will continue to be unless America commits to expanded nuclear energy and research and development.

We know America's energy consumption will increase. We know the increased demand will drive the need for more base-load capacity. Demographers predict that 40 percent of the total U.S. population will live in the Southeast by 2030. Georgia alone is slated to add 4 million new residents during that time frame. If we are to meet the growing energy needs of Georgia and of our Nation in keeping with America's national security interests, the ingenuity of employees at the Savannah River Site and other such facilities is key to such efforts. I applaud their great work. I look forward to many more years of expansion of the technology that is being developed to dispose of our nuclear waste as well as recycle our nuclear waste and to reuse that waste.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. MENENDEZ. Madam President, due to an official event in New Jersey, I was necessarily absent for rollcall votes 186 and 187. Had I been present, on rollcall No. 186, passage of S. 454, the Weapon Systems Acquisition Reform Act of 2009, I would have voted yea; rollcall No. 187, the confirmation of R. Gil Kerlikowske to be Director of National Drug Control Policy, I would have voted yea.•

RETIREMENT OF LIEUTENANT GENERAL CLYDE A. VAUGHN

Mr. LEAHY. Madam President, this week, LTG Clyde Vaughn, Director of the Army National Guard, retires after almost 35 years of excellent service to the Army National Guard and the U.S. Army. He has been an absolutely superb Army Guard Director.

Under General Vaughn's watch, the Guard has undertaken one of the most successful recruiting programs in history. The Army Guard has become more capable, ready, and better equipped than at any point over the past several decades. Under his watch, the Army Guard has helped make the country stronger. General Vaughn leaves big shoes to fill.

The Army National Guard is a critically important part of the Army and the entire Armed Forces. Citizen-soldiers from the Army National Guard have comprised a high percentage of the forces on the ground in Iraq and Afghanistan. The members of the Army Guard also are our military first responders for emergencies at home, ready to quickly support our elected leaders and other civilian authorities in such emergencies as flooding and hurricanes. General Vaughn has brought an acute understanding of the Army National Guard, built from his experiences in the Missouri National Guard and from successful joint assignments in Washington and further afield.

During his time as Army Guard Director, the National Guard has racked up some extraordinary accomplishments. Soldiers—the proud citizen-soldiers from all the States and Territories—and families have remained

foremost in General Vaughn's mind. In recent years, the Army Guard has reversed a downward trend in filling its ranks and boosted enlistments tremendously. We have a more educated and a healthier force with more full-time personnel. In his last months on the job, General Vaughn has laid out a sensible plan to build readiness within the Army Guard, ending the harmful practice of counting untrained and transient soldiers against the end-strength of various units.

Working closely with Congress, General Vaughn has also ensured that the Guard has more modern equipment. The Army Guard has much better gear today than it did 4 years ago.

Lieutenant General Vaughn is a leader who forthrightly lays out his views, whether to Congress or his counterparts in the active Army. It is this deep honesty and intelligence that has made him an inspiration to his subordinates and a close adviser to his superiors. Lieutenant General Clyde Vaughn knows and loves the Army National Guard, having lived and breathed with this force of citizen-soldiers for more than three decades. The country owes General Vaughn, as well as his wife Carol and kids Chad and Kristi, our thanks and hearty congratulations on a job, very well done.

NOMINATION OF DEMETRIOS JAMES MARANTIS

Mr. BAUCUS. Madam President, today I would like to recognize one of the finest members of my staff to ever work for me, the State of Montana, and the U.S. Senate. Demetrios James Marantis has served in the Senate since 2005, and on Wednesday, the Senate approved his nomination to be Deputy U.S. Trade Representative.

When Demetrios first joined my staff more than 4 years ago, he came with a chorus of support and an impressive set of skills and experience. This week, he leaves the Senate for his next challenge with an even larger group of supporters and another impressive list of accomplishments.

Demetrios was at the center of the largest expansion and reform of trade adjustment assistance since its creation four decades ago. He was critical to our granting permanent normal trade relations to Vietnam, and instrumental in keeping U.S.-China economic ties on track in challenging times. Demetrios helped me and the Senate extend trade preference programs to the world's poorest nations, and worked to lay the groundwork for the important pending trade agreements that I hope that the Senate will consider in the coming months.

He did all of this with an unwavering commitment to this country, and an unassailable reputation for fairness and openness to supporters and opponents alike. And as many of my colleagues and their staff will always remember, Demetrios never failed to bring a little bit of fun and a good sense of humor to even the hardest job.

But what I will remember most about Demetrios is his commitment to the people that our economic policies affect. In Montana, Demetrios made a point to know the ranchers in Molt, the seed potato farmers in Manhattan, and the wheat farmers in Three Forks. Demetrios's intelligence and experience helped guide me and the Senate through the letter of our trade laws. But his good character and heart reminded us what those trade laws are really about America's workers, farmers, ranchers, and families.

I congratulate Demetrios on his nomination, thank him for his good work, and wish him the best of luck as Deputy U.S. Trade Representative.

Mr. GRASSLEY. Madam President, I wish to speak a few words about Demetrios Marantis, who was confirmed last night by the Senate to be a Deputy U.S. Trade Representative.

Demetrios is well known to all of us on the Finance Committee. For 4 years, he has very ably served Chairman BAUCUS—most recently as the Democratic chief international trade counsel. So he has played a central role in all of the committee's efforts on trade policy during this time.

Not only is Demetrios a very sharp trade lawyer and policy adviser, he is also a skilled negotiator. That will serve him well in his new position. I am grateful for the genuine spirit of bipartisanship that Demetrios brought to the Finance Committee, and I am sorry to see him depart. His energy and good nature will certainly be missed.

At the same time, I am comforted by the fact that our Nation will continue to benefit from Demetrios' commitment to public service. He assumes a very important portfolio at the Office of the United States Trade Representative, as a trade Ambassador to Asia and Africa, and also with responsibility for the trade and development portfolio, as well as for labor and the environment.

I therefore look forward to engaging Demetrios in efforts to open up new market opportunities for U.S. exporters in the Asian region. I also look forward to working with him on a reform of our unilateral trade preference programs. We must address these key trade priorities in the 111th Congress, so I expect that we'll continue to see Demetrios on a regular basis for some time to come.

In closing, I commend Demetrios for his outstanding service to the Finance Committee, and I wish Ambassador Marantis every success in his new position.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

I am sending you this email in regards to our gas prices. I feel that the taxes that Idaho has on the gas should be dropped in our state.

So many people are already unemployed. People are suffering enough trying to keep the jobs that they have. Many people travel from Caldwell and Nampa to jobs in Boise. They are only making $9, maybe $10, an hour. That is just two gallons of gas. Because of this, we will only be adding to our unemployment line. This only takes away the money coming into our state from the taxes from their paychecks.

My daughter is trying to find work herself. Do you have any idea the hardship of this? She cannot find a job because she cannot put the $8 for two gallons of gas into her car to find a job. If you removed the gas tax, she would have at least a fighting chance!

My son lives in Boise and works in Nampa. He had to leave his car on the freeway because he ran out of gas and had just put in the last of his money he had in his pocket.

What about our elderly and all the others on fixed income? We have to get a hold of this situation now. Thank you for your time and consideration in this important matter.

GERALD and TONIE, *Nampa*.

Thank you, Senator, for asking for input. Yes, we need to protect our planet from excess wrongful pollution; yes we need to have alternatives to the current fossil fuel dilemma. Yes, drilling here and drilling now needs to happen, although it will not give relief for many years to come and at what loss to business and individual Americans, prior to our becoming more energy independent?

It is time to steal a page from the Democrats play book of 2000 and dump oil from our strategic reserves, referenced http://schumer.senate.gov/SchumerWebsite/pressroom/press_releases/2004/PR02640.Gas051904.html, in the market place to lower prices at the pump.

This will have many-fold positive effect. It can boost the economy by helping business to maintain pricing at lower levels. It will cause a price lowering on the world market needed by many other nations, i.e., French truckers causing gridlock by blocking roadways. We replenish our reserves at a lower cost oil than today, and it ought have an adverse effect on those speculators that are driving the price of oil through the ceiling. How many of the speculators buying futures contracts for oil are foreign investors wanting to drive up the price of their oil? These positive reactions can only have positive impact.

For the future, alternative fuel sources other than our food, wheat, rice, corn ought

to be developed, i.e., hydrogen which is in use presently in the East under controlled situations, work towards federal funding for a research facility to developed an economical solution/use for the shale that surrounds Idaho in Wyoming, Utah and Colorado. Partner with them. Build the research facility in Idaho.

JAMES, *Nampa*.

Your video interview on KTVB [seemed to be lacking in understanding. Why would you want to give sob stories to Congress?] The problem is the way you are approaching the matter. [The current] approach is to focus on an issue that has been allowed to spiral out of control, so it is now labeled as a significant emotional event that affects a large contingency of or state. You want input from constituents on a possible solution to this crisis.

You are way too late, Mr. Crapo. You should have approached this problem at the root cause, when it first started years ago. Nothing was ever done to formulate a plan.

Just what are your thoughts? Is this a lame issue strategically planned based on the emotions of the people, centered on a principal of difusionary tactics to point the crisis issue from your office to the bleeding heart consumers? Just what are we going to do?

In order to solve a problem, you need to lose the ''ostrich mentality''; that is, bury your head in the sand until the danger passes by. As long as you do not see anything going on around you, then you assume all will be well once it passes; however, while your head is in the sand, your [backend] is hanging out in the air [in danger.]

This problem should have been breached months ago when gasoline prices were at $2.50 a gallon, and needed to focus on how to hold them at this price.

What you have condoned is the allowance of gasoline to skyrocket out of control, and somehow scheme a plan that involves Idahoans to offer a solution.

React when the crisis surfaces because that it the way everyone does it. Any official, manager, analyst, physics engineer knows that you start by dissecting and analyzing the root problem that drove the event. Two great books to read on this management technique are Crucial Conversations and Crucial Conversation. Try them; they are great.

As for the bleeding heart letters, I do not buy them one bit. After all, what do we have at our disposal to influence members of Congress?

Much could have been done by the American people if we, the consumers, could be in on the ground floor of these fire-side chats and actively work on the problem.

We need to be a preventative society, not a panic-reactive, flavor of the month club.

GEORGE, *Boise*.

I saw in the news this morning that you are asking for comments about the current gas prices. I believe, like many others, that we need to end our dependency on foreign oil. If the government would end the moratoriums against off shore drilling, allow the states who are begging to drill to do so. Allow new refineries be built, I know the prices would begin to go down, just from the threat of competition alone. If our government would get out of the way, let the good old American ingenuity and capitalism take control, things would turn around in no time at all.

Thank you for the opportunity to voice my opinion.

KIM, *Moose*.

I am very concern that my country's Congress has paralyzed our ability to become energy-independent. To get to the point, I want to be free of terrorist oil. I want our own country to provide for our energy needs. Open up the coastlines to drilling; allow drilling in Alaska, Montana and other states. Allow the mining and processing of oil shale. Develop a national energy strategy with all parties involved. This does not take ten years. Remember World War II; the homefront converted to the war effort—one example, victory ships, I want that attitude in my Congress, my nation. Please express my concerns. (I retire in two days) Get 'er done! Thank you, sir.

ALAN, *Emmett*.

Very simple, Mike—we want alternative energy choices—sun, nuclear, wind, hydro, that do not further rape the earth. Can you lead the way on this issue? If not, get out of the way and we will elect someone who will!

RON, *Wilder*.

A short while ago I responded to your inquiry regarding the impact that the energy crisis has had on me and my family. After sending the message, it occurred to me that I had omitted what may be the largest financial and psychological impact of all. Forty years ago, my wife and I bought a small cabin near a lake in the mountains just south of Salmon. My family and I have enjoyed many pleasant hours every summer up there. At the time we bought it, our big concern was how much time will it take to travel up there from Malad. Now the time element is the least of our concerns. Now the question is how much is it going to cost us to make the trip. So far, this year, the answer has been: Too much! We have not been able to work out a way to get there to even open it up for the season. We are seriously considering the possibility of selling it because transportation costs make it prohibitive to make the trip often enough to make it worthwhile keeping it! Having to sell it would be a blow to our entire family—as well as what would be an economic loss!

I really do not think Americans should be treated this way just because some political activists want to punish this country for being too successful. Please do not let them do it. The remedy is so obvious and attainable! Truly this is an economic crisis, not only for this nation, but for the world!

WESLEY, *Malad City*.

Being a resident of Idaho, I feel compelled to write to you regarding my perspective on energy cost and its effect on the economy. It may be felt, being single and a nurse in the State of Idaho, by many that my situation is secure and comfortable. I must stress, it is not. Gas/fuel prices (including electricity) is a huge concern to me and affects me in ways most may not recognize. I find, as others, filling at the tank is overwhelming at times, but what I find interesting is how it has affected so much more than just getting gas for a vehicle. It does make it more difficult to obtain the fuel for the vehicle that brings one to work, but the effect goes so much beyond that.

I find my grocery bill has increased from 10–30% on items I used to feel comfortable in purchasing previously. I find I am no longer looking at brands like I have before, and I find I am going without some items I would have thought to be necessary before.

We are a spoiled nation, there is no doubt; however, whenever I stop buying things and chipping away from those items I have enjoyed I think of those individuals who work for those companies that my meager dollar use to support no longer can, and in turn, causes an effect on their ability to continue their lifestyle endeavors.

I find an unusual event here in Idaho with regard to my career. I am an RN. I am told there is a huge shortage of nurses, but I am forced off from being able to work because, ''census is down'' at the major hospital I work at in Boise. My thinking on this, though there is no study I am aware of to support it, is that people have become very afraid of the economic situation. ''Elective surgery'' (even though necessary) is being held off, even declined. Why? People have a hard time with insurance coverage now even as before the crunch. I believe they would rather chance their well being over an additional concern of a medical bill, because they cannot afford to go to work that may possibly have coverage for them, or more than likely, probably do not. So, health becomes a secondary choice to them. This, in turn, affects me. I get laid off and I cannot pay the bills . . .

I am more fortunate, in that I do have options. Not necessarily pleasant ones, i.e., leave Idaho, but options all the same. Right now I am looking at supplemental work.

Basically what I am saying, the ''gas issue'' is obviously more than just filling the tank. It is food, it is housing, it is employment availability, it is health, and it is choices or lack of. Please, I plead that you approach those who can make a difference. Recognize, America should always be first, in their decision, not outside interests.

I am born and bred American. I am proud of what we are and what we can be, but I can see greed has taken over common sense. Please do what you can do to stop the undermining of our strength. Let us be self-sufficient first and with good conscience let us use our ability to drill, invent, and create a new direction that will allow new jobs and strength.

Advice I give patients: You cannot help those you care for unless you have taken care of yourself and maintain your own strength. Be conscious to care for yourself so you can help those you love. I say the same to my country: Care for yourself.

BONNIEDEE, *Boise*.

Living in a rural area of southeastern Idaho we have been hit particularly hard. Gas in our community is always higher than surrounding areas. I drive 120 miles roundtrip to work and 30 miles roundtrip to the grocery store. Many of my neighbors are trying to farm but the cost of putting fuel in the tractor is so high that to plow and plant a field it almost is not worth the effort anymore. We realize that, as a nation, we need to be prudent in oil drilling practices but to ignore the Alaskan oil fields and the offshore potential of our coastal regions is sheer folly. If we fail to claim and drill what is rightfully ours, the Chinese and the Cubans will find a way to do it right under our very noses. I ask you, what other country in the world is crazy enough to sit on such a resource and just let it go to waste? Regardless of whom drills for the oil we will still have the same potential environmental issues but we could easily not be the ones in control. I would like to see what would happen to the price of gas if congress woke up to the situation and opened our significant undeveloped oil fields to responsible drilling. Congress cannot continue to make the oil companies the ''scapegoat'' in this situation. Congress and the President, past and current, need to accept responsibility for their major part in the entire mess.

CLARE, *Preston*.

A couple of week ago you were a guest speaker on our local radio program and asked us voters to write you about what trouble and hard times have fallen upon us regular working stiffs. Well, I started this letter five times, but did not finish because of the way I was brought up, i.e., ''Do not be

a whiner, be a winner and a doer! Well, you asked, so here is my story.

I am a certificated flight instructor and had a very promising flight school in the Magic Valley (the only flight school in the valley) at the Jerome County Airport. Then 9/11. I learned two very good lessons after that: [there is little understanding of the real world among the bureaucrats who operate many agencies, and that too often the price for problems is paid by those who had nothing to do with the problem.]

While billions [were dumped] into the airline industry, [my business] went under. Just because I was grounded and held accountable for the actions of 9/11, my bills were not ''grounded'' and I ended up losing my airplanes, my business and every cent I had! Oh, well, no complaints, I was not in a rubble pile in D.C., or New York, New York, or dead at a crash site in Pennsylvania. My heart still hurts for those who lost their lives that day. Like I said, no complaints. I am a proud American that is used to pulling me up by the boot straps and, by the way, I was offered a low interest $5,000 loan by the government; that would not have even covered my fuel bill! It has taken me years to pay off the losses, but I have. And I have been teaching flying lessons in student-owned planes. If they come to me without an airplane I have to turn them away. That means out of the Magic Valley because there had been no other flight schools open. Flying is not a privilege like driving, it is a right put down on paper by the Congress and the Senate!

Now to end this story—you ask for $5.50 a gallon aviation fuel! It has put me completely out of the teaching game! Thanks a lot! (Not you.) I have been doing this teaching thing for the last 18 years. I do not know anything else! I am 52 years old, too old to start over and become an expert at anything else, I will not be on this planet long enough! Sure, I could go to Dubai, India, China or some other enemy country and teach their students how to fly and probably make a a lot of money, but that is not what it is about. It is about molding good, safe and better American pilots! Not going to the Middle East and teaching the bucks. No, I will never do that! Never! I live in Idaho and that is where I will be put into the good potato-growing earth of Idaho!

I feel [let down by my elected officials.] Please keep up your effort to help us no-counts here in Idaho! I do know that you are trying.

JIM, *Jerome.*

My husband is on permanent Social Security Disability. The high gas prices make it impossible for us to leave our area, and it is more expensive for me to drive to work. We just try to buy less groceries; no extras. I am really worried about purchasing propane next winter. The minimum you can now have delivered is $300, and that does not even last a month. I hate to see what it will cost next winter. If gas prices do not go down, many living in Idaho will eat less and heat less!

BARBARA, *Idaho Falls.*

First I want to thank you for all the good work you are doing to represent your Idaho constituents. It is so refreshing to have an honest, wise thinking, conservative congressman. We have lived in liberal states in the past and it can be very discouraging.

About the fuel prices, I just want to share that I am a hospice nurse which requires that I drive all over Canyon and some of Ada counties. We do get paid mileage for our trips to and from our patients, but the $.43 a mile is quickly being eaten up by the rising fuel prices. Also my husband and I are private pilots and love to fly over our beautiful state, but again the cost of fuel is making it necessary to but back on those trips. What is so frustrating to us is knowing that we have plenty of oil in our own country, if our government would just allow production to increase. I also favor developing alternate energy. I especially think that nuclear energy can be developed safely and should be looked at very seriously.

LINDA and ALAN, *Nampa.*

It is very obvious that Russia is on an aggressive quest to control the global oil. The U.S. should have already been on top of this, but where are the leaders of the two Houses? They're on vacation (except for a few fighters) instead of attending to very important and critical issues. It is extremely important to deal with the energy issues as soon as possible. We have oil available in the Bakken Formation, Alaska and other areas, which contain the following estimates: 8 times as much oil as Saudi Arabia, 18 times as much oil as Iraq, 21 times as much oil as Kuwait, 22 times as much oil as Iran, 500 times as much oil as Yemen—all right here in the U.S.

The issues at hand are affecting the rapidly increasing day-to-day costs. Inflation is rising, not at .05%, rather more like 30%. For example, groceries are costing almost 50% more than in January. That is if one can afford the gasoline.

The COLA increase in the next budget for Social Security and the Military should be a minimum of 15%—just to stay even with rising costs.

This is not a time for partisan bickering. This is time for a conscience effort toward the business of American citizens.

GEORGE. *Craigmont.*

ADDITIONAL STATEMENTS

TRIBUTE TO HEATHER FONG

• Mrs. BOXER. Madam President, I am pleased to pay tribute to San Francisco Police Chief Heather Fong as she retires from the city and county of San Francisco's Police Department after 32 years of dedicated service.

A lifelong Californian, Chief Fong was born and raised in the city of San Francisco. She grew up in a small flat on Bannam Place, a tiny alley in North Beach just outside Chinatown, and attended St. Rose Academy in the western addition. It was there that Fong was first exposed to the idea that she could pursue a career in law enforcement, when a visiting officer was brought into the academy to speak with the students. Fong quickly joined the San Francisco Police Athletic League's cadet academy, where she served for 2 years, and attended classes one night a week at the Hall of Justice. Following her graduation from St. Rose Academy, Fong pursued her undergraduate education at the University of San Francisco, and later received a master's degree in social work from San Francisco State University.

Chief Fong formally entered the police service when she was sworn in as a San Francisco police officer in 1977. Just one month into the job, she played a crucial role in the investigation of the massacre in Chinatown's Golden Dragon restaurant; her work resulted in four convictions. Because of her dedication and strong work ethic, Fong was given a beat along Clement Street with a veteran police officer, where she quickly learned the ropes. Two years later, in 1979, Fong transferred to the Police Academy, where she became the first female instructor, an honor not usually given to young officers.

Fong has served the San Francisco Police Department in various capacities over her 32 years of service, working her way through the ranks of inspector, sergeant, lieutenant, captain, commander, deputy chief, assistant chief, acting chief, and finally, chief.

San Francisco Mayor Gavin Newsom appointed Fong acting chief of Police on January 22, 2004 and chief of police on April 14, 2004. Fong was the first woman to become chief of police for San Francisco and the Nation's first Asian American woman to lead a major city's police department. Chief Fong is deserving of a very relaxing retirement—in her 5 years as police chief, she never took one vacation.

I admire Chief Fong's 32 years of dedicated service to the people of San Francisco. Along with her friends and admirers throughout the San Francisco Bay area, I thank her for her tireless efforts and wish her the best as she embarks on the next phase of her life.•

TRIBUTE TO DR. ANDREW MOORE

• Mr. BUNNING. Madam President, today I recognize Dr. Andrew Moore of Lexington, KY, for being the recipient of the Fayette County Hero of the Year presented by the Bluegrass Area Chapter of the American Red Cross.

The Hero of the Year award was presented to Dr. Moore on April 23, 2009. The Heroes campaign fosters community awareness and generates funds to support the mission and services of the American Red Cross.

Dr. Moore is the founder and president of the nonprofit organization Surgery on Sunday, which provides outpatient surgical services to income-eligible individuals and families who are without health insurance and are not eligible for Federal or State assistance. Patients are referred to the program by community organizations and receive medical procedures that range from general operations to dental work and reconstructive surgeries.

In its first year of operation, Surgery on Sunday provided services to more than 150 individuals without health insurance or the means to pay. By the end of its second year, the organization had performed more than 2,000 procedures. It is estimated that $1.5 million worth of medical services has been donated by more than 600 volunteer surgeons, physicians, nurses, and other health professionals.

I would like to thank Dr. Moore and all of the volunteers for Surgery on Sunday for their contributions to the Commonwealth of Kentucky. Dr. Moore is truly an inspiration to all Kentuckians and I wish him the best of luck in his future endeavors.•

TRIBUTE TO OKLAHOMA NURSES

• Mr. INHOFE. Madam President, I wish to honor the men and women who have dedicated their lives to caring for others through the nursing profession. As you may know, National Nurses' Week is celebrated from May 6 through 12. Nurses play a crucial role in our health care system. The need for attention to detail, medical expertise, time management, critical thinking, and compassion shape a vocation that is more than a career. Professional nurses make enduring investments in their patients' lives.

Nursing is the largest health care occupation, with over 2.5 million nurses nationwide. In my State of Oklahoma, there are over 25,000 registered nurses alone. Nurses are found in a wide variety of settings, including hospitals, doctors' offices, schools, nursing homes, community clinics, and even the battlefield. Nurses do more than treat wounds and assist doctors. They help us all, regardless of age or standing, from the tiniest premature baby to the senior who has a life full of memories. They comfort those in pain, ease children's fears, educate students, attend deliveries, and offer assurance to worried parents. Nurses are trained to take care of the whole patient, sick or healthy.

It is no coincidence that the last day of National Nurses' Week, May 12, is also the birthday of Florence Nightingale, the founder of the modern nursing profession. Her work set an example of commitment to patients that can be seen and felt even today. The skill, dedication, and strength of our nurses are too often overlooked. Quality of life has increased for many Oklahomans, myself included, as a result of a nurse's actions and care. Nursing is among the noblest professions.

Madam President, I ask that you join me today in honoring nurses both in Oklahoma and all across the Nation.•

NEBRASKA ARMY CORPS OF ENGINEERS

• Mr. JOHANNS. Madam President, today I wish to commemorate the 75th anniversary of the founding of the Omaha District of the Army Corps of Engineers in Omaha, NE.

From its original mission in the 1930s working on flood control projects on the Missouri River, including the building of the Fort Peck Dam, to its contemporary work in support of our Nation's military mission in Iraq and Afghanistan, the Omaha District has served the citizens of the State of Nebraska and the United States of America with pride and distinction.

I especially note the contribution that the Corps has made every day since its inception managing and protecting Nebraska's precious water resources. Without the dedicated efforts of all of the men and women of the U.S. Army Corps of Engineers Omaha District, citizens in the State of Nebraska would: (1) be vulnerable to extensive flooding, (2) lack abundant recreational opportunities and preservation of critical wildlife habitat, and (3) face much higher electric energy bills. It is estimated that as a result of the work of the Omaha District of the U.S. Army Corps of Engineers, more than $25 billion of property damage due to flooding has been averted during its distinguished history.

I also note with extreme pride the important contribution that the Omaha District has made over the years to the success of our Armed Forces. The Omaha District was responsible for the construction of what later became known as Offutt Air Force Base. Offutt Air Force Base was the home of the Glenn L. Martin Co. Bomber Plant, which manufactured the B–29 ''Superfortress'' and the B–26 ''Marauder'' airplanes. Other more recent noteworthy projects have included work on the North American Air Defense Command headquarters at Cheyenne Mountain, construction of various missile controls and launch facilities throughout the Midwest, building of hangar facilities for B–2 ''Stealth'' bombers, and other important projects for military purposes in Nebraska and for foreign deployments.

Again, I thank the thousands of Omaha District employees who have dedicated their careers to serving the military and civilian needs of the State of Nebraska and the United States of America.•

MILITARY FAMILIES APPRECIATION DAY

• Mr. WYDEN. Madam President, tomorrow, Oregon will be celebrating its first Military Families Appreciation Day.

All over my State, people will gather to recognize the sacrifice and service of military families and veterans throughout history.

It is a day set aside to bring people together, to learn from and support each other and to celebrate the families who serve on the home front while their wives, husbands, sons, daughters, and parents serve on the front lines.

America's military is the strongest in the world, and they draw their strength from families back home. Yet far too frequently, the sacrifices and dedication of military families have gone unacknowledged and unappreciated.

That is why Oregon will be proudly recognizing military families on this inaugural Military Families Appreciation Day.

In our Nation's recent history, millions of servicemembers have been placed in harm's way for our country, standing watch as freedom's guardian. But families, too, have stood watch at home, facing their own challenges, all too often alone.

Military families sacrifice so much—they are patriots cloaked in a quiet strength and they make all the difference to the success of each mission. They have faced the special challenges of long and repeated deployments, separations from loved ones, and frequent relocations with great courage and resolve. In doing so, their selfless dedication has directly contributed to the mission readiness of our soldiers, sailors, airmen, marines, Coast Guardsmen, and Merchant Marines.

So to every military family, I want to offer a nation's thanks.

For the times you have stood and watched a ship sail from the harbor, an aircraft disappear into the clouds, or a bus convoy pull out of sight, not sure when your loved one would return, we thank you.

For the anniversaries, birthdays, and holidays you have celebrated alone, we thank you.

For the helping hand you have extended to other military families when there was need—truly creating a military family—we thank you.

A country is not strong because of its armed services alone, rather the armed services draw strength from the civilians who support them. With military families setting a superior example of devotion, courage, and commitment, America will always be a nation of strength.•

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

To the Congress of the United States:

I have the honor to transmit to you the *Budget of the United States Government for Fiscal Year 2010*

In my February 26th budget overview, *A New Era of Responsibility: Renewing America's Promise*, I provided a broad outline of how our Nation came to this moment of economic, financial, and fiscal crisis; and how my Administration plans to move this economy from recession to recovery and lay a new foundation for long-term economic growth and prosperity. This Budget fills out this picture by providing full programmatic details and proposing appropriations language and other required information for the Congress to put these plans fully into effect.

Specifically, this Budget details the pillars of the stable and broad economic growth we seek: making long overdue investments and reforms in education so that every child can compete in the global economy, undertaking health care reform so that we can control costs while boosting coverage and quality, and investing in renewable sources of energy so that we can reduce our dependence on foreign

oil and become the world leader in the new clean energy economy.

Fiscal discipline is another critical pillar in this economic foundation. My Administration came into office facing a budget deficit of $1.3 trillion for this year alone, and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, it is impossible to put our Nation on a course for long-term growth without beginning to rein in unsustainable deficits and debt. We no longer can afford to tolerate investments in programs that are outdated, duplicative, ineffective, or wasteful.

That is why the Budget I am sending to you includes a separate volume of terminations, reductions, and savings that my Administration has identified since we sent the budget overview to you 10 weeks ago. In it, we identify programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative. Overall, we have targeted more than 100 programs that should be ended or substantially changed, moves that will save nearly $17 billion next year alone.

These efforts are just the next phase of a larger and longer effort needed to change how Washington does business and put our fiscal house in order. To that end, the Budget includes billions of dollars in savings from steps ranging from ending subsidies for big oil and gas companies, to eliminating entitlements to banks and lenders making student loans. It provides an historic down payment on health care reform, the key to our long-term fiscal future, and was constructed without commonly used budget gimmicks that, for instance, hide the true costs of war and natural disasters. Even with these costs on the books, the Budget will cut the deficit in half by the end of my first term, and we will bring non-defense discretionary spending to its lowest level as a share of GDP since 1962.

Finally, in order to keep America strong and secure, the Budget includes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because we need to use all elements of our power to provide for our national security. We are not only proposing significant funding for our national security, but also being careful with those investments by, for instance, reforming defense contracting so that we are using our defense dollars to their maximum effect.

I have little doubt that there will be various interests—vocal and powerful—who will oppose different aspects of this Budget. Change is never easy. However, I believe that after an era of profound irresponsibility, Americans are ready to embrace the shared responsibilities we have to each other and to generations to come. They want to put old arguments and the divisions of the past behind us, put problem-solving ahead of point-scoring, and reconstruct an economy that is built on a solid new foundation. If we do that, America once again will teem with new industry and commerce, hum with the energy of new discoveries and inventions, and be a place where anyone with a good idea and the will to work can live their dreams.

I am gratified and encouraged by the support I have received from the Congress thus far, and I look forward to working with you in the weeks ahead as we put these plans into practice and make this vision of America a reality.

BARACK OBAMA.

THE WHITE HOUSE, *May 7, 2009*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2009.

The actions of the Government of Syria in supporting terrorism, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *May 7, 2009*.

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 80. A resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''; to the Committee on the Judiciary.

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–1536. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Premarket Approval of Pediatric Uses of Devices—FY 2008''; to the Committee on Health, Education, Labor, and Pensions.

EC–1537. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–1538. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Freight Intermodal Distribution Pilot Grant Program; to the Committee on Health, Education, Labor, and Pensions.

EC–1539. A communication from the Secretary of Education, transmitting the report of proposed legislation relative to limiting the application of the requirement to delay the effective date of certain student aid regulations; to the Committee on Health, Education, Labor, and Pensions.

EC–1540. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1541. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office Second Quarter Fiscal Year 2009 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1542. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting,

pursuant to law, the report of a nomination for the position of General Counsel, received in the Office of the President of the Senate on May 1, 2009; to the Select Committee on Intelligence.

EC–1543. A communication from the Acting Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Annual Analysis of the Effectiveness of the National Youth Anti-Drug Media Campaign''; to the Committee on the Judiciary.

EC–1544. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Georgia Advisory Committee; to the Committee on the Judiciary.

EC–1545. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

EC–1546. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2008 - 2009 amendment cycle; to the Committee on the Judiciary.

EC–1547. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled ''Multidistrict Litigation Restoration Act of 2009''; to the Committee on the Judiciary.

EC–1548. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled ''Federal Judgeship Act of 2009''; to the Committee on the Judiciary.

EC–1549. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, the 2008 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC–1550. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Lake Chelan Viticultural Area (2007R-103P)'' (RIN1513-AB42) received in the Office of the President of the Senate on May 5, 2009; to the Committee on the Judiciary.

EC–1551. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Per Diem for Veterans in State Nursing Homes'' (RIN2900-AM97) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 49. A resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. Res. 84. A resolution urging the Government of Canada to end the commercial seal hunt.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 327. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 838. A bill to provide for the appointment of United States Science Envoys.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Cynthia J. Giles, of Rhode Island, to be an Assistant Administrator of the Environmental Protection Agency.

*Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

*Michelle DePass, of New York, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. LEAHY for the Committee on the Judiciary.

*John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 993. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the installation of residential micro-combined heat and power property; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SANDERS, Mr. BAYH, Mr. NELSON of Florida, Mr. MARTINEZ, Mrs. HAGAN, Mrs. FEINSTEIN, Ms. STABENOW, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, and Mr. VITTER):

S. 994. A bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 995. A bill to amend the Energy and Policy Act of 2005 to reauthorize a provision relating to geothermal lease revenue, to direct the Secretary of the Interior to establish a pilot project to streamline certain Federal renewable energy permitting processes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. HATCH):

S. 996. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 997. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. LEAHY, and Mr. REED):

S. 998. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. COLLINS, and Ms. STABENOW):

S. 999. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. LINCOLN):

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low-income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 1001. A bill to provide for increased research, coordination and expansion of health promotion programs through the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. LINCOLN):

S. 1002. A bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 1003. A bill to increase immunization rates; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1004. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management and coordination services, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. INHOFE, and Mr. CRAPO):

S. 1005. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 1006. A bill to require a supermajority shareholder vote to approve excessive compensation of any employee of a publicly-traded company; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself, Mr. GREGG, and Mr. KOHL):

S. 1008. A bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay; to the Committee on Armed Services.

By Mr. BENNET:

S. 1009. A bill to amend title XVIII of the Social Security Act to establish a Care Transitions Program in order to improve quality and cost-effectiveness of care for Medicare beneficiaries; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, and Mr. DURBIN):

S. 1010. A bill to establish a National Foreign Language Coordinator Council; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1011. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. BAYH, Mr. BEGICH, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, and Mr. LEVIN)):

S. 1012. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. DORGAN, Mr. TESTER, Mr. BAYH, Ms. LANDRIEU, and Mr. CASEY):

S. 1013. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 136. A bill expressing the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with the country of Georgia; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. BURR, Mr. CORKER, and Mrs. HAGAN):

S. Res. 137. A resolution recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. DURBIN, Mrs. MURRAY, Mr. BEGICH, Ms. MIKULSKI, Mr. TESTER, Mr. RISCH, Mrs. FEINSTEIN, Mr. DODD, and Mrs. BOXER):

S. Res. 138. A resolution honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 245

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 327

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. HATCH), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 440

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 440, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 525

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 611

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. WICKER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 683

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 749

At the request of Mr. COCHRAN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Vermont (Mr. LEAHY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in

recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 967

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 967, a bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes.

S. 969

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market.

S. 981

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 982

At the request of Mr. TESTER, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 982, supra.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 122

At the request of Mr. UDALL of New Mexico, his name was withdrawn as a cosponsor of S. Res. 122, a resolution designating April 30, 2009, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 122, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 997. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise to highlight the greatest resource of Arkansas. It is our people. It is the working families and the small businesses in their valiant fight against the current economic crisis.

It is more important than ever before to give working families and businesses the tools they need to succeed in this world, to be competitive in the global marketplace and, more importantly, to be able to be successful on their own land. Hard work and entrepreneurship have fueled the Arkansas small business economy for decades, and we must ensure it remains that way in the future.

That is why I have designed a package of tax cuts and Tax Code simplification measures that I call the Arkansas Plan, to help move our State and hard-working families forward. Together, these tax measures will allow working families and small businesses to get ahead and emerge from this economic crisis stronger and more competitive than ever before. These measures will encourage innovation and entrepreneurship, create new jobs, and lessen our dependence on foreign oil; as well as reduce the burden on working families and small businesses by simplifying our ever-complicated Tax Code.

This week, I am focused on measures that will allow working families and small businesses to emerge from the economic crisis stronger and more competitive. I have reintroduced the Small Business Health Options Program, which would make health insurance more affordable, predictable, and accessible for small businesses and self-employed individuals. Our SHOP bill offers tax incentives to encourage States to reform the poorly functioning small group insurance market and encourages the development of State purchasing pools backstopped by a voluntary nationwide pool.

The majority of uninsured Americans are self-employed individuals and employees of small businesses. Small businesses are the No. 1 source for jobs in our great State of Arkansas. Yet only 29 percent of businesses with fewer than 50 employees offer health insurance coverage because it is simply too expensive. Of the total uninsured population of Arkansas—more than 56 percent—approximately 295,000 Arkansans are employed by a firm with 100 or fewer employees.

Our SHOP bill is a pragmatic model for larger health reform legislation that allows us to begin to address the needs of the millions of working uninsured Americans whose top priority is access to quality and affordable health care for their families. What we are looking for is to be able to give small businesses, their employees, and self-employed individuals the access to the same kind of quality and affordable health insurance we enjoy as Members of Congress.

I think it is very doable. I am looking forward to continuing my work with Senator SNOWE and others on a plan we have worked on for years now. Whether it is done independently or in the context of a larger health care reform package, it is time to do something for small businesses, their employees, and the self employed because they are the largest component of the uninsured that we could really do something substantively for.

Another piece of my Arkansas plan is legislation to help Arkansas taxpayers who have seen their investments disappear as a result of the deteriorating economic conditions. My proposal would allow taxpayers to deduct up to $10,000—up from the $3,000 cap they have now—as the amount an individual can deduct annually for capital losses suffered.

More than 100,000 Arkansans count on such investments. Arkansas families have seen the value of investments plummet during the current economic crisis. The resulting losses from the dramatic downturn in the market have been felt by all investors, but probably the hardest hit are those taxpayers who are at or near retirement age, who are counting on such funds for their retirement security. This gives them a little bit of ease.

I have also introduced the Savings for Working Families Act, which would encourage low- and middle-income families to establish savings accounts for the purchase of a first home, a college education, or to start a business. These individual development accounts have a proven track record of success in Arkansas.

In addition, today I introduce the Family Tax Relief Act to help the families of more than 140,000 Arkansas children afford the cost of childcare. If you look around this Nation at the hard-working Americans—particularly in Arkansas—who are in need of childcare, good-quality childcare, to be able to pay for it, this is a substantial difference in these economic times that helps them achieve that goal.

Also, today I introduce a bill to update rules for S corporations so that businesses can access capital and have the opportunity to expand and create the much needed jobs Arkansans need.

Together, I believe these bills will equip the working families and small businesses in our great State of Arkansas with the resources needed to navigate the current crisis.

Next week, my Arkansas Plan will focus on encouraging American innovation and entrepreneurship to create new jobs here at home and lessen our dependence on foreign oil. I will introduce a series of energy, research and development, and workforce training

tax initiatives to accomplish this objective.

The following week, I will look forward to introducing reform measures to simplify the Tax Code and reduce the burden of Arkansas' working families and businesses by working to build a tax structure that is fair and equitable for all Americans.

I encourage my colleagues to look at these commonsense measures to see how they will benefit their own constituents in States across this great land.

Throughout my career in the Senate, I have made Arkansas' working families and small businesses my top priorities. From my seat on the Senate Finance Committee, I will continue to work to bring our families the relief they need and business owners the tools they require to invest and grow and become successful and continue to be competitive.

We have a great country, and each of us feels very particular about our State. I come from a seventh-generation Arkansas farm family. My home is precious to me. I reiterate what I started with, and that is that our greatest assets and resources in Arkansas are our people. They are hard working, innovative, and stalwart in coming together to help one another and help this country. Whether they are small business individuals or whether they serve in the armed services or whether they are teachers or whether they care for parents and the elderly, they are wonderful people, and they deserve our utmost attention, as do those in other States.

I am willing to bet my colleagues that the Arkansas Plan, which I put together to benefit Arkansas small businesses and working families, will also benefit the working families in each of their States. I challenge you all to take a look at this and help me to move these initiatives forward on behalf of our working families and small businesses across this country.

By Mr. BINGAMAN (for himself, Ms. COLLINS, and Ms. STABENOW):

S. 999. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I am introducing legislation today with Ms. COLLINS and Ms. STABENOW entitled Child Health Care Crisis Relief Act of 2009.

This important legislation will address the national shortage of children's mental health professionals, including school-based professionals, by encouraging more individuals to enter these critical fields. The landmark 1999 Surgeon General's report on mental health brought a hidden mental health crisis to the attention of the U.S. public. According to that report, 13.7 million children in our country—about one in five—suffer from a diagnosable emotional or behavioral disorder. Such disorders as Anxiety Disorders, Attention-Deficit/Hyperactivity Disorder, and Depression are among the most common in this age group. Yet more than ⅔ of these children do not receive any treatment. Long waiting lists for children seeking services, including those in crisis, are not uncommon. The primary reason is that severe shortages exist in qualified mental health professionals, including child and adolescent psychiatrists, psychologists, social workers, and counselors. The President's New Freedom Commission on Mental Health also found that ''the supply of well-trained mental health professionals is inadequate in most areas of the country . . . particular shortages exist for mental health providers who serve children, adolescents, and older Americans.'' The situation is no better in our public schools, where children's mental health needs are often first identified. According to the National Center for Education Statistics within the Department of Education, there are approximately 479 students for each school counselor in U.S. schools, nearly twice the recommended ratio of 250 students for each counselor.

The situation in my home State of New Mexico is a case in point. Estimates suggest that 56,000 children and adolescents in New Mexico have an emotional or behavioral disorder. Of these, roughly 20,000 have serious disturbances that impair their ability to fulfill the demands of everyday life. In 2009, there were a total of 55 child and adolescent psychiatrists in the entire State of New Mexico. The impact of this shortage on the affected children and their communities is disconcerting. Research shows that children with untreated emotional and behavioral disorders are at higher risk for school failure and dropping out of school, violence, drug abuse, suicide, and criminal activity. For New Mexico youth, the suicide rate is twice the national average, the fourth highest in the nation, and the third leading cause of death. By one estimate, roughly 1 in 7 youth in New Mexico detention centers are in need of mental health treatment that is just not available.

New Mexico is not alone in its struggle to address the needs of these children. Nationwide, over 1,600 urban, suburban, and rural communities have been designated Mental Health Professional Shortage Areas by the Federal Government due to their severe lack of psychiatrists, psychologists, social workers, and other professionals to serve children and adults. Rural areas are especially hard hit. For example, in New Mexico there is one psychiatrist per 20,000 residents in rural areas, whereas in urban areas there is one per 3,000 residents. In rural and frontier counties, it is not unusual for the parents of a child in need of services to travel 60 to 90 miles to reach the nearest psychiatrist, psychologist, or other mental health provider.

Finally, graduate programs providing the vital pipeline for the child mental health workforce have not sufficiently increased their funding, class sizes, and training programs to meet the ever growing need for these specialists. In the U.S., only 300 new child and adolescent psychiatrists are trained each year, despite projections by the Bureau of Health Professions that the shortage of child and adolescent psychiatrist will grow to 4,000 by the year 2020. Federal grant funding for graduate psychology education has also been significantly reduced in the past 2 years, which could reduce the numbers of child and adolescent psychologists entering the profession.

Clearly something needs to be done to address this serious shortage in mental health professionals to meet the growing needs of our Nation's youth. It is for this reason that I rise today to offer the Child Health Care Crisis Relief Act of 2009. This bill creates incentives to help recruit and retain mental health professionals providing direct clinical care, and to help create, expand, and improve programs to train child mental health professionals. It provides loan repayments and scholarships for child mental health and school-based service professionals as well as internships and field placements in child mental health services and training for paraprofessionals who work in children's mental health clinical settings. The bill also provides grants to graduate schools to help develop and expand child and adolescent mental health programs. It restores the Medicare Graduate Medical Education Program funding for child and adolescent psychiatrists and extends the board eligibility period for residents and fellows from 4 years to 6 years. Across all mental health professions, priority for loan repayments, scholarships, and grants is given to individuals and programs serving children and adolescents in high-need areas.

Finally, the Child Health Care Crisis Relief Act of 2009 requires the Secretary to prepare a report on the distribution and need for child mental health and school-based professionals, including disparities in the availability of services, on a State-by-State basis. This report will help Congress more clearly ascertain the mental health workforce needs that are facing our Nation.

This important legislation has been endorsed by the following organizations: Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Counseling Association, American Group Psychotherapy Association, American Mental Health Counselors Association, American Orthopsychiatric Association,

American Psychiatric Association, American Psychiatric Nurses Association, American Psychological Association, Anxiety Disorders Association of America, Association for the Advancement of Psychology, Association for Ambulatory Behavioral Healthcare, Association for Behavioral Health and Wellness, Bazelon Center for Mental Health Law, Children and Adults with Attention-Deficit/Attention Disorder, Child & Adolescent Bipolar Foundation, Child Welfare League of America, Children and Adults with Attention-Deficit/Hyperactivity Disorder, Children's Healthcare Is a Legal Duty, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research Policy & Action, Mental Health America, National Alliance to Advance Adolescent Health, National Alliance on Mental Illness, National Association for Children's Behavioral Health, National Association of Pediatric Nurse Practitioners, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Council for Community Behavioral Healthcare, National Federation of Families for Children's Mental Health, National Mental Health Awareness Campaign, Suicide Prevention Action Network USA, Therapeutic Communities of America, U.S. Psychiatric Rehabilitation Association, Witness Justice.

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. 999

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 ''Child Health Care Crisis Relief Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Center for Mental Health Services estimates that 20 percent or 13,700,000 of the Nation's children and adolescents have a diagnosable mental disorder, and about ⅔ of these children and adolescents do not receive mental health care.

(2) According to ''Mental Health: A Report of the Surgeon General'' in 1999, there are approximately 6,000,000 to 9,000,000 children and adolescents in the United States (accounting for 9 to 13 percent of all children and adolescents in the United States) who meet the definition for having a serious emotional disturbance.

(3) According to the Center for Mental Health Services, approximately 5 to 9 percent of United States children and adolescents meet the definition for extreme functional impairment.

(4) According to the Surgeon General's Report, there are particularly acute shortages in the numbers of mental health service professionals serving children and adolescents with serious emotional disorders.

(5) According to the National Center for Education Statistics in the Department of Education, there are approximately 479 students for each school counselor in United States schools, which ratio is almost double the recommended ratio of 250 students for each school counselor.

(6) According to the Bureau of Health Professions in 2000, the demand for the services of child and adolescent psychiatry is projected to increase by 100 percent by 2020.

(7) The development and application of knowledge about the impact of disasters on children, adolescents, and their families has been impeded by critical shortages of qualified researchers and practitioners specializing in this work.

(8) According to the Bureau of the Census, the population of children and adolescents in the United States under the age of 18 is projected to grow by more than 40 percent in the next 50 years from 70,000,000 to more than 100,000,000 by 2050.

(9) There are approximately 7,000 child and adolescent psychiatrists in the United States. Only 300 child and adolescent psychiatrists complete training each year.

(10) According to the Department of Health and Human Services, racial and ethnic minority representation is lacking in the mental health workforce. Although 12 percent of the United States population is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American providers. Moreover, there are only 29 Hispanic mental health professionals for every 100,000 Hispanics in the United States, compared with 173 non-Hispanic white providers per 100,000.

(11) According to a 2006 study in the Journal of the American Academy of Child and Adolescent Psychiatry, the national shortage of child and adolescent psychiatrists affects poor children and adolescents living in rural areas the hardest.

(12) According to the Department of Health and Human Services, the ''U.S. mental health system is not well equipped to meet the needs of racial and ethnic minority populations.''. This is quite evident in access to care issues involving racial and ethnic minority children. Studies have shown that there are striking racial and ethnic differences in the utilization of mental health services among children and youth. Overall, mental health services meet the needs of 31 percent of non-minority children, but only 13 percent of minority children.

(13) According to the National Center for Mental Health and Juvenile Justice, 70 percent of youth involved in State and local juvenile justice systems throughout the country suffer from mental disorders, with at least 20 percent experiencing symptoms so severe that their ability to function is significantly impaired.

(14) The Institute of Medicine, in Improving the Quality of Health Care for Mental and Substance-Use Disorders, Quality Chasm Series (2006) recommended that clinicians and patients communicate effectively and share information to ensure quality care, which is enhanced with education programs that allow families and consumers to share information with mental health providers about the lived experience of mental illness.

SEC. 3. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Child and Adolescent Mental Health Care

"SEC. 775. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

''(a) LOAN REPAYMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program of entering into contracts on a competitive basis with eligible individuals under which—

''(A) the eligible individual agrees to be employed full-time for a specified period (which shall be not less than 2 years) in providing mental health services to children and adolescents; and

''(B) the Secretary agrees to make, during not more than 3 years of the period of employment described in subparagraph (A), partial or total payments on behalf of the individual on the principal and interest due on the undergraduate and graduate educational loans of the eligible individual.

''(2) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

''(A) is receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling and has less than 1 year remaining before completion of such training or clinical experience; or

''(B)(i) has a license or certification in a State to practice allopathic medicine, osteopathic medicine, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; and

''(ii)(I) is a mental health service professional who completed (but not before the end of the calendar year in which this section is enacted) specialized training or clinical experience in child and adolescent mental health described in subparagraph (A); or

''(II) is a physician who graduated from (but not before the end of the calendar year in which this section is enacted) an accredited child and adolescent psychiatry residency or fellowship program in the United States.

''(3) ADDITIONAL ELIGIBILITY REQUIREMENTS.—The Secretary may not enter into a contract under this subsection with an eligible individual unless—

''(A) the individual is a United States citizen or a permanent legal United States resident; and

''(B) if the individual is enrolled in a graduate program (including a medical residency or fellowship), the program is accredited, and the individual has an acceptable level of academic standing (as determined by the Secretary).

''(4) PRIORITY.—In entering into contracts under this subsection, the Secretary shall give priority to applicants who—

''(A) are or will be working with high-priority populations for mental health in a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP);

''(B) have familiarity with evidence-based methods and cultural and linguistic competence in child and adolescent mental health services;

''(C) demonstrate financial need; and

''(D) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

''(5) MEANINGFUL LOAN REPAYMENT.—If the Secretary determines that funds appropriated for a fiscal year to carry out this subsection are not sufficient to allow a meaningful loan repayment to all expected applicants, the Secretary shall limit the

number of contracts entered into under paragraph (1) to ensure that each such contract provides for a meaningful loan repayment.

''(6) AMOUNT.—

''(A) MAXIMUM.—For each year that the Secretary agrees to make payments on behalf of an individual under a contract entered into under paragraph (1), the Secretary may agree to pay not more than $35,000 on behalf of the individual.

''(B) CONSIDERATION.—In determining the amount of payments to be made on behalf of an eligible individual under a contract to be entered into under paragraph (1), the Secretary shall consider the eligible individual's income and debt load.

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2010 through 2014.

''(b) SCHOLARSHIPS FOR STUDENTS STUDYING TO BECOME CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to award scholarships on a competitive basis to eligible students who agree to enter into full-time employment (as described in paragraph (4)(C)) as a child and adolescent mental health service professional after graduation or completion of a residency or fellowship.

''(2) ELIGIBLE STUDENT.—For purposes of this subsection, the term 'eligible student' means a United States citizen or a permanent legal United States resident who—

''(A) is enrolled or accepted to be enrolled in an accredited graduate program that includes specialized training or clinical experience in child and adolescent mental health in psychology, school psychology, psychiatric nursing, behavioral pediatrics, social work, school social work, marriage and family therapy, school counseling, or professional counseling and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); or

''(B)(i) is enrolled or accepted to be enrolled in an accredited graduate training program of allopathic or osteopathic medicine in the United States and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); and

''(ii) intends to complete an accredited residency or fellowship in child and adolescent psychiatry or behavioral pediatrics.

''(3) PRIORITY.—In awarding scholarships under this subsection, the Secretary shall give—

''(A) highest priority to applicants who previously received a scholarship under this subsection and satisfy the criteria described in subparagraph (B); and

''(B) second highest priority to applicants who—

''(i) demonstrate a commitment to working with high-priority populations for mental health in a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP) and to students from high-priority populations;

''(ii) have familiarity with evidence-based methods in child and adolescent mental health services;

''(iii) demonstrate financial need; and

''(iv) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

''(4) REQUIREMENTS.—The Secretary may award a scholarship to an eligible student under this subsection only if the eligible student agrees—

''(A) to complete any graduate training program, internship, residency, or fellowship applicable to that eligible student under paragraph (2);

''(B) to maintain an acceptable level of academic standing (as determined by the Secretary) during the completion of such graduate training program, internship, residency, or fellowship; and

''(C) to be employed full-time after graduation or completion of a residency or fellowship, for not less than the number of years for which a scholarship is received by the eligible student under this subsection, in providing mental health services to children and adolescents.

''(5) USE OF SCHOLARSHIP FUNDS.—A scholarship awarded to an eligible student for a school year under this subsection may be used only to pay for tuition expenses of the school year, other reasonable educational expenses (including fees, books, and laboratory expenses incurred by the eligible student in the school year), and reasonable living expenses, as such tuition expenses, reasonable educational expenses, and reasonable living expenses are determined by the Secretary.

''(6) AMOUNT.—The amount of a scholarship under this subsection shall not exceed the total amount of the tuition expenses, reasonable educational expenses, and reasonable living expenses described in paragraph (5).

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Scholarship Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2014.

''(c) CLINICAL TRAINING GRANTS FOR PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to accredited institutions of higher education or accredited professional training programs to establish or expand internships or other field placement programs for students receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of students trained in child and adolescent mental health and the populations served by such students after graduation;

''(B) have demonstrated familiarity with evidence-based methods in child and adolescent mental health services;

''(C) have programs designed to increase the number of professionals serving high-priority populations and to applicants who come from high-priority communities and plan to serve in Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP); and

''(D) offer curriculum taught collaboratively with a family on the consumer and family lived experience or the importance of family-professional partnership.

''(3) REQUIREMENTS.—The Secretary may award a grant to an applicant under this subsection only if the applicant agrees that—

''(A) any internship or other field placement program assisted under the grant will prioritize cultural and linguistic competency;

''(B) students benefitting from any assistance under this subsection will be United States citizens or permanent legal United States residents;

''(C) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(D) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(4) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with child and adolescent mental health issues.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2010 through 2014.

''(d) PROGRESSIVE EDUCATION GRANTS FOR PARAPROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to State-licensed mental health nonprofit and for-profit organizations (including accredited institutions of higher education) to enable such organizations to pay for programs for preservice or in-service training of paraprofessional child and adolescent mental health workers.

''(2) DEFINITION.—For purposes of this subsection, the term 'paraprofessional child and adolescent mental health worker' means an individual who is not a mental health service professional, but who works at the first stage of contact with children and families who are seeking mental health services.

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of paraprofessional child and adolescent mental health workers trained by the applicant and the populations served by these workers after the completion of the training;

''(B) have familiarity with evidence-based methods in child and adolescent mental health services;

''(C) have programs designed to increase the number of paraprofessional child and adolescent mental health workers serving high-priority populations; and

''(D) provide services through a community mental health program described in section 1913(b)(1).

''(4) REQUIREMENTS.—The Secretary may award a grant to an organization under this subsection only if the organization agrees that—

''(A) any training program assisted under the grant will prioritize cultural and linguistic competency;

''(B) the organization will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the organization, the organization will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with paraprofessional child and adolescent mental health workers.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2014.

''(e) CHILD AND ADOLESCENT MENTAL HEALTH PROGRAM DEVELOPMENT GRANTS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to increase the number of well-trained child and adolescent mental health service professionals in the United States by awarding grants on a competitive basis to accredited institutions of higher education to enable the institutions to establish or expand accredited graduate child and adolescent mental health programs.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) demonstrate familiarity with the use of evidence-based methods in child and adolescent mental health services;

''(B) provide experience in and collaboration with community-based child and adolescent mental health services;

''(C) have included normal child development curricula; and

''(D) demonstrate commitment to working with high-priority populations.

''(3) USE OF FUNDS.—Funds received as a grant under this subsection may be used to establish or expand any accredited graduate child and adolescent mental health program in any manner deemed appropriate by the Secretary, including by improving the course work, related field placements, or faculty of such program.

''(4) REQUIREMENTS.—The Secretary may award a grant to an accredited institution of higher education under this subsection only if the institution agrees that—

''(A) any child and adolescent mental health program assisted under the grant will prioritize cultural and linguistic competency;

''(B) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2010 through 2014.

''(f) DEFINITIONS.—In this section:

''(1) SPECIALIZED TRAINING OR CLINICAL EXPERIENCE IN CHILD AND ADOLESCENT MENTAL HEALTH.—The term 'specialized training or clinical experience in child and adolescent mental health' means training and clinical experience that—

''(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

''(B) consists of not less than 500 hours of training or clinical experience in treating children and adolescents; and

''(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.

''(2) HIGH-PRIORITY POPULATION.—The term 'high-priority population' means—

''(A) a population in which there is a significantly greater incidence than the national average of—

''(i) children who have serious emotional disturbances; or

''(ii) children who are racial, ethnic, or linguistic minorities; or

''(B) a population consisting of individuals living in a high-poverty urban or rural area.

''(3) MENTAL HEALTH SERVICE PROFESSIONAL.—The term 'mental health service professional' means an individual with a graduate or postgraduate degree from an accredited institution of higher education in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family counseling, school counseling, or professional counseling.''.

SEC. 4. AMENDMENTS TO SOCIAL SECURITY ACT TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

(a) INCREASING NUMBER OF CHILD AND ADOLESCENT PSYCHIATRY RESIDENTS PERMITTED TO BE PAID UNDER THE MEDICARE GRADUATE MEDICAL EDUCATION PROGRAM.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following new clause:

''(iii) INCREASE ALLOWED FOR TRAINING IN CHILD AND ADOLESCENT PSYCHIATRY.—In applying clause (i), there shall not be taken into account such additional number of full-time equivalent residents in the field of allopathic or osteopathic medicine who are residents or fellows in child and adolescent psychiatry as the Secretary determines reasonable to meet the need for such physicians as demonstrated by the 1999 report of the Department of Health and Human Services entitled 'Mental Health: A Report of the Surgeon General'.''.

(b) EXTENSION OF MEDICARE BOARD ELIGIBILITY PERIOD FOR RESIDENTS AND FELLOWS IN CHILD AND ADOLESCENT PSYCHIATRY.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended—

(1) in clause (i), by striking ''and (v)'' and inserting ''(v), and (vi)''; and

(2) by adding at the end the following new clause:

''(vi) CHILD AND ADOLESCENT PSYCHIATRY TRAINING PROGRAMS.—In the case of an individual enrolled in a child and adolescent psychiatry residency or fellowship program approved by the Secretary, the period of board eligibility and the initial residency period shall be the period of board eligibility for the specialty of general psychiatry, plus 2 years for the subspecialty of child and adolescent psychiatry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residency training years beginning on or after July 1, 2010.

SEC. 5. CHILD MENTAL HEALTH PROFESSIONAL REPORT.

(a) STUDY.—The Administrator of the Health Resources and Services Administration (in this section referred to as the ''Administrator'') shall study and make findings and recommendations on—

(1) the distribution and need for child mental health service professionals, including with respect to specialty certifications, practice characteristics, professional licensure, racial and ethnic background, practice types, locations, education, and training; and

(2) a comparison of such distribution and need, including identification of disparities, on a State-by-State basis.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Congress and make publicly available a report on the results of the study required by subsection (a), including with respect to findings and recommendations on disparities among the States.

SEC. 6. REPORTS.

(a) TRANSMISSION.—The Secretary of Health and Human Services shall transmit a report described in subsection (b) to Congress—

(1) not later than 3 years after the date of enactment of this Act; and

(2) not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The reports transmitted to Congress under subsection (a) shall address each of the following:

(1) The effectiveness of the amendments made by, and the programs carried out under, this Act in increasing the number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

(2) The demographics of the individuals served by such increased number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

By Mr. REED:

S. 1003. A bill to increase immunization rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Immunization Improvement Act of 2009. The recent outbreak of H1N1 influenza makes this legislation timelier than ever before. While a vaccine has not yet been developed to protect us against this flu strain, one is currently in the works. This outbreak is a reminder of the important role that immunizations provide in protecting us against harmful or even deadly viruses, like the measles, polio, and seasonal human influenza.

Vaccinations have been proven to be clinically effective in improving health, and providing population-based immunity. Routine childhood immunizations, for example, prevent over 14 million individual cases of disease and over 33,500 deaths over the lifetime of children born in any given year.

However, significant and persistent gaps in public and private health insurance coverage of immunizations remain. Approximately 11 percent of young children and 21 percent of adolescents are underinsured for immunizations. Nearly 2/3 of adults are underinsured for immunizations—17 percent are uninsured. Each year, vaccine-preventable diseases cause the deaths of more than 42,000 people and hundreds of thousands of cases of illness.

Congress will soon embark upon meaningful health care reform. This debate will provide the opportunity for us to eliminate the obstacles—lack of insurance and high cost-sharing—to accessing routine immunizations. We must shift to a system that will make routine preventive care, like immunizations, affordable.

In fact, it is in the best interest of Government and society to ensure coverage of routine vaccinations, as these preventive vaccinations currently result in an annual cost savings of $10 billion in direct medical costs and over $40 billion in indirect societal costs.

Expanding immunization coverage will enhance these savings over the long term.

The Immunization Improvement Act would remove barriers to immunization. First, it would enable states to access routine vaccinations for adults at a discount negotiated by the Federal Government. Currently, 36 States and New York City are able to buy vaccines using the Federal discount, but these contracts are about to expire. The Immunization Improvement Act would ensure that states can continue to purchase adult vaccines under CDC contracts. It would also provide for Medicaid coverage of adult immunizations that are recommended for routine use and prohibit any cost-sharing for them.

There are a host of routinely recommended vaccinations for the Medicare population, as well. Unfortunately, Medicare Part B only covers influenza, pneumonia, and hepatitis B vaccines. Medicare beneficiaries are eligible for additional vaccines that are covered by Part D, but few of these vaccines are covered by prescription drug plans. Moreover, physicians have difficulties billing plans for the incurred costs. As such, the Medicare Payment Advisory Commission, MedPAC, has recommended that all immunizations recommended for routine use among the Medicare population be covered under Part B. The Immunization Improvement Act would codify that recommendation.

Inadequate reimbursement for administering immunizations also prevents children, adolescents, and adults from receiving necessary vaccinations. According to the National Vaccine Advisory Committee, the Centers for Medicare and Medicaid Services, CMS, and CDC should review and update the maximum allowable fees for administering routine vaccinations, and publish and update the actual fees for vaccination administration paid by each State—in an effort to encourage consistency across state lines. This legislation would also reimburse providers for administering vaccines to children who are eligible for vaccination through the Vaccines for Children program, but not Medicaid. This would enable both uninsured and underinsured children to become vaccinated in an effort to get all children vaccinated.

Finally, as we look to reform our health care system, we must also hold private health insurers accountable for covering vaccinations recommended for routine use—without any cost-sharing. The Immunization Improvement Act would require this coverage upon the enactment of health reform.

Given the current circumstances, it is evident that vaccinations can and truly do eradicate the spread of preventable diseases. However, we must do more to ensure comprehensive coverage of immunizations. It is my hope that my colleagues will join me in supporting this legislation.

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. 1003

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 ''Immunization Improvement Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. State authority to purchase recommended vaccines for adults.
Sec. 4. Demonstration program to improve immunization coverage.
Sec. 5. Reauthorization of immunization program.
Sec. 6. Inclusion of recommended immunizations under part B of the Medicare program with no beneficiary cost-sharing.
Sec. 7. Medicaid coverage of recommended adult immunizations.
Sec. 8. Vaccine administration fees.
Sec. 9. Health insurance coverage for recommended immunizations.
Sec. 10. Immunization information systems.
Sec. 11. Reports.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Immunizations recommended for routine use have been proven to be clinically effective in improving health and preventing the spread of disease. Routine childhood immunizations prevent over 14,000,000 cases of disease and over 33,500 deaths over the lifetime of children born in any given year. In addition to protecting individuals from disease, immunization provides population-based (herd) immunity.

(2) An economic evaluation of the impact of seven vaccines routinely given as part of the childhood immunization schedule found that the vaccines are cost-effective. Over the lifetime of children born in any given year, these immunizations result in an annual cost savings of $10,000,000,000 in direct medical costs and over $40,000,000,000 in indirect societal costs.

(3) There are significant and persistent gaps in public and private health insurance coverage of immunizations. About 11 percent of young children and 21 percent of adolescents are underinsured for immunizations. Among adults, 59 percent are underinsured and 17 percent are completely uninsured for immunizations. According to the Institute of Medicine, even those with insurance increasingly have to pay higher deductibles and copayments for immunizations.

(4) Each year, vaccine-preventable diseases cause the deaths of more than 42,000 people and hundreds of thousands cases of illness.

(5) In 2003, the Institute of Medicine's Committee on the Evaluation of Vaccine Purchase Financing made the following conclusions:

(A) Current public and private financing strategies for immunization have had substantial success, especially in improving immunization rates for young children. However, significant disparities remain in assuring access to recommended vaccines across geographic and demographic populations.

(B) Many young children, adolescents, and high-risk adults have no or limited insurance for recommended vaccines. Gaps and fragmentation in insurance benefits create barriers for both vulnerable populations and clinicians that can contribute to lower immunization rates.

SEC. 3. STATE AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end the following:

''(1) AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.—

''(1) IN GENERAL.—The Secretary may negotiate and enter into contracts with manufacturers of vaccines for the purchase and delivery of vaccines for adults otherwise provided vaccines under grants under this section.

''(2) STATE PURCHASE.—A State may obtain adult vaccines (subject to amounts specified to the Secretary by the State in advance of negotiations) through the purchase of vaccines from manufacturers at the applicable price negotiated by the Secretary under this subsection.''.

SEC. 4. DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.

Section 317 of the Public Health Service Act (42 U.S.C. 247b), as amended by section 3, is further amended by adding at the end the following:

''(m) DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a demonstration program to award grants to States to improve the provision of recommended immunizations for children, adolescents, and adults through the use of evidence-based, population-based interventions for high-risk populations.

''(2) STATE PLAN.—To be eligible for a grant under paragraph (1), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes the interventions to be implemented under the grant and how such interventions match with local needs and capabilities, as determined through consultation with local authorities.

''(3) USE OF FUNDS.—Funds received under a grant under this subsection shall be used to implement interventions that are recommended by the Task Force on Community Preventive Services (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) or other evidence-based interventions, including—

''(A) providing immunization reminders or recalls for target populations of clients, patients, and consumers;

''(B) educating targeted populations and health care providers concerning immunizations in combination with one or more other interventions;

''(C) reducing out-of-pocket costs for families for vaccines and their administration;

''(D) carrying out immunization-promoting strategies for participants or clients of public programs, including assessments of immunization status, referrals to health care providers, education, provision of on-site immunizations, or incentives for immunization;

''(E) providing for home visits that promote immunization through education, assessments of need, referrals, provision of immunizations, or other services;

''(F) providing reminders or recalls for immunization providers;

''(G) conducting assessments of, and providing feedback to, immunization providers; or

''(H) any combination of one or more interventions described in this paragraph.

''(4) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall consider any reviews or recommendations of the Task Force on Community Preventive Services.

''(5) EVALUATION.—Not later than 3 years after the date on which a State receives a grant under this subsection, the State shall submit to the Secretary an evaluation of progress made toward improving immunization coverage rates among high-risk populations within the State.

''(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Immunization Improvement Act of 2009, the Secretary shall submit to Congress a report concerning the effectiveness of the demonstration program established under this subsection together with recommendations on whether to continue and expand such program.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2014.''.

SEC. 5. REAUTHORIZATION OF IMMUNIZATION PROGRAM.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking ''for each of the fiscal years 1998 through 2005''; and

(2) in paragraph (2), by striking ''after October 1, 1997,''.

SEC. 6. INCLUSION OF RECOMMENDED IMMUNIZATIONS UNDER PART B OF THE MEDICARE PROGRAM WITH NO BENEFICIARY COST-SHARING.

(a) IN GENERAL.—Paragraph (10) of section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended to read as follows:

''(10) vaccines recommended for routine use by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration;''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended, in each of subsections (a)(1)(B), (a)(2)(G), (a)(3)(A), (b)(1), by striking ''1861(s)(10)(A)'' or ''1861(s)(10)(B)'' and inserting ''1861(s)(10)'' each place it appears.

(2) Section 1842(o)(1)(A)(iv) of the Social Security Act (42 U.S.C. 1395u(o)(1)(A)(iv)) is amended by striking ''subparagraph (A) or (B) of''.

(3) Section 1847A(c)(6) of the Social Security Act (42 U.S.C. 1395w–3a(c)(6)) is amended by striking subparagraph (G).

(4) Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended by striking ''a vaccine'' and all that follows through ''its administration) and''.

(5) Section 1861(ww)(2)(A) of the Social Security Act (42 U.S.C. 1395x(ww)(2)(A))) is amended by striking ''Pneumococcal, influenza, and hepatitis B'' and inserting ''Any''.

(6) Section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by striking ''1861(s)(10)(A)'' and inserting ''1861(s)(10)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vaccines administered on or after January 1, 2010.

SEC. 7. MEDICAID COVERAGE OF RECOMMENDED ADULT IMMUNIZATIONS.

(a) MANDATORY COVERAGE OF RECOMMENDED IMMUNIZATIONS FOR ADULTS.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) by striking ''and'' before ''(C)''; and

(2) by inserting after the semicolon the following: ''and (D) with respect to an adult individual, vaccines recommended for routine use by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration;''.

(b) PROHIBITION ON COST-SHARING.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o), as amended by section 5006(a)(1)(A) of division B of Public Law 111–5, is amended—

(A) in subsection (a), by striking ''and (j)'' and inserting '', (j), and (k)''; and

(B) by adding at the end the following:

''(k) The State plan shall require that no provider participating under the State plan may impose a copayment, cost sharing charge, or similar charge for vaccines or their administration that the State is required to provide under sections 1902(a)(10)(A) and 1905(a)(4)(D).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The second sentence of section 1916A(a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking ''or (i)'' and inserting ''(i), (j), or (k)''.

(c) ALLOWING FOR MEDICAID REBATES.—Section 1927(k)(2)(B) of such Act (42 U.S.C. 1396r–8(k)(2)(B)) is amended by striking '', other than a vaccine'' and inserting ''(including vaccines described in section 1905(a)(4)(D) but excluding qualified pediatric vaccines under section 1928)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section take effect on October 1, 2010.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(3) MEDICAID REBATES.—The amendment made by subsection (c) takes effect on October 1, 2010, and applies to rebate agreements entered into under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after that date.

SEC. 8. VACCINE ADMINISTRATION FEES.

(a) REVIEW OF FEDERALLY ESTABLISHED MAXIMUM ALLOWABLE ADMINISTRATIVE FEES.—Not later than October 1, 2010, the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, jointly shall—

(1) review the regional maximum charge for vaccine administration for each State established under the Vaccines for Children program under section 1928 of the Social Security Act (42 U.S.C. 1396s) to determine the appropriateness and adequacy of such rates; and

(2) update such rates, as appropriate, based on the results of such review and taking into account all appropriate costs related to the administration of vaccines under that program.

(b) FEDERAL REIMBURSEMENT FOR VACCINE ADMINISTRATION FOR NON-MEDICAID VACCINE-ELIGIBLE CHILDREN.—

(1) IN GENERAL.—Section 1928 of the Social Security Act (42 U.S.C. 1396s) is amended—

(A) in subsection (a)(1)(B), by inserting ''and is entitled to receive reimbursement for any fee imposed by the provider for the administration of such vaccine consistent with subsection (c)(2)(C) (not to exceed the amount applicable under clause (iv) of such subsection) to a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2),'' after ''delivery to the provider,'';

(B) in subsection (a)(2), by adding at the end the following new subparagraph:

''(d) REIMBURSEMENT FOR VACCINE ADMINISTRATION FOR NON-MEDICAID ELIGIBLE CHILDREN.—The Secretary shall pay each State such amounts as are necessary for the State to reimburse each program-registered provider in the State for an administration fee imposed consistent with subsection (c)(2)(C) (not to exceed the amount applicable under clause (iv) of such subsection) for the administration of a qualified pediatric vaccine to a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2).'';

(C) in subsection (c)(2)(C), by adding at the end the following new clause:

''(IV) In the case of a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2), the State shall pay the provider an amount equal to the administration fee established under the State plan approved under this title for the administration of a qualified pediatric vaccine to a medicaid-eligible child.''; and

(D) by striking subsection (g).

(2) CONFORMING AMENDMENTS.—Section 1928 of such Act (42 U.S.C. 1396s), as amended by paragraph (1), is amended—

(A) by redesignating subsection (h) as subsection (g);

(B) in subsection (a)(1)(A), by striking ''(h)(8)'' and inserting ''(g)(8)''; and

(C) in subsection (b)(2)(A)(iv), by striking ''(h)(3)'' and inserting ''(g)(3)''.

SEC. 9. HEALTH INSURANCE COVERAGE FOR RECOMMENDED IMMUNIZATIONS.

(a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) GROUP HEALTH COVERAGE.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

''SEC. 2708. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

''A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.''.

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

''SEC. 2754. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

''The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as such provisions apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''SEC. 715. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

''A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance,

or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.''.

(2) TECHNICAL AMENDMENTS.—

(A) Section 732(a) of such Act (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 715''.

(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 713 the following new item:

''Sec. 715. Coverage of recommended immunizations.''.

(c) INTERNAL REVENUE CODE AMENDMENTS.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9813 the following new item:

''Sec. 9814. Coverage of recommended immunizations.'';

and

(B) by inserting after section 9813 the following:

''SEC. 9814. COVERAGE OF RECOMMENDED IMMUNIZATIONS.

''A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.''.

(d) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section shall be construed to preempt any provision of a collective bargaining agreement that is in effect on the date of enactment of this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning with the first plan year during which the Congressional Budget Office determines that any health reform legislation enacted by Congress will provide health insurance coverage to 95 percent or more of the population of the United States.

SEC. 10. IMMUNIZATION INFORMATION SYSTEMS.

(a) HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—Section 3011(a) of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended by adding at the end the following:

''(8) Improvement and expansion of immunization information systems (as defined in section 3000), including activities to—

''(A) support the integration and linkage of such systems with electronic birth records, health care providers, other preventive health services information systems, and health information exchanges;

''(B) support interstate data exchange;

''(C) ensure that such systems are interoperable with electronic health record systems;

''(D) provide technical support, such as training, data reporting, data quality and completeness review, and decision support, to immunization providers to integrate the use of such systems;

''(E) develop, in consultation with manufacturers, vendors, and specialty professional organizations, continuing education materials relating to the use of such systems;

''(F) ensure that such systems can provide complete and accurate data to monitor immunization coverage, uptake, and the impact of shortages in the population served within their jurisdiction; and

''(G) ensure the privacy, confidentiality, and security of all data and data exchanges with such systems.''.

(b) STATE GRANTS.—Section 3013(d) of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9), the following:

''(10) improving and expanding immunization information systems (as defined in section 3000); and''.

(c) DEFINITION.—Section 3000 of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended—

(1) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(2) by inserting after paragraph (8), the following:

''(9) IMMUNIZATION INFORMATION SYSTEM.—The term 'immunization information system' means an immunization registry or a confidential, population-based, computerized information system that collects vaccination data within a geographic area, consolidates vaccination records from multiple health care providers, generates reminder and recall notifications, and is capable of exchanging immunization information with health care providers.''.

SEC. 11. REPORTS.

(a) COSTS OF PUBLIC AND PRIVATE VACCINE ADMINISTRATION.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Director of the Centers for Disease Control and Prevention jointly with the Administrator of the Centers for Medicare & Medicaid Services shall collect and publish data relating to the costs associated with public and private vaccine administration, including the costs associated with the delivery of vaccines, activities such as reporting data to immunization registries, and maintenance of appropriate storage requirements for vaccines.

(b) SECTION 317 IMMUNIZATION PROGRAM.—Not later than February 1, 2010, and each February 1 thereafter, the Director of the Centers for Disease Control and Prevention shall submit to Congress a report concerning the size and scope of the appropriations needed for each fiscal year for vaccine purchases, vaccination infrastructure, vaccine administration, and vaccine safety under section 317 of the Public Health Service Act (42 U.S.C. 247b).

(c) ANNUAL PUBLICATION OF STATE-ESTABLISHED ADMINISTRATIVE FEES UNDER MEDICAID.—Beginning October 1, 2009, and annually thereafter, the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, jointly shall make publicly available the administrative fee established under each State Medicaid program for administering a qualified pediatric vaccine to a vaccine-eligible child under the Vaccines for Children program under section 1928 of the Social Security Act (42 U.S.C. 1396s) with the State and Federal contribution for such fee separately identified.

By Mr. DURBIN:

S. 1006. A bill to require a supermajority shareholder vote to approve excessive compensation of any employee of a publicly-traded company; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, Americans have every right to be outraged over the recent bonuses given to employees of the group within AIG that led to that company's collapse. American taxpayers have provided $185 billion—and counting—to save a firm that has been deemed ''too interconnected to fail.''

It is unacceptable that millions of those taxpayer dollars have been handed over to some of the executives who caused this disaster in the first place. If there is a constitutional way to reclaim those bonuses, I support it.

But it is important to remember that executive compensation practices have been out of control for many years. While the wages and benefits of middle class workers have stagnated, CEO compensation has exploded.

According to the Economic Policy Institute's ''State of Working America,'' in 1965 U.S. CEOs at major companies made 24 times the pay of an average worker. By 2005, CEOs earned 262 times the pay of an average worker.

The comparison between CEOs and minimum wage workers is even starker. In 1965 U.S. CEOs at major companies made 51 times the pay of workers earning the minimum wage. By 2005, CEOs earned 821 times the pay of workers earning the minimum wage.

These comparisons are important not because they could be used to incite calls for class warfare, but because the American people deserve an honest accounting of the activities of the corporations that touch their lives in so many ways. Every American deserves an honest wage for honest work. And every American, from the top of the corporate ladder to the bottom, deserves to know whether they are being compensated fairly—whether they are sharing in the rewards of the company's work or whether their labors are mainly fueling ever more extravagant pay for the top executives.

We have lost the balance we once had in America. Executive pay has soared, while pay for many s has not even kept pace with their productivity increases. It's not surprising that there is widespread fury when CEOs get it wrong. After all, they have a hand in setting their own salaries. But recently, the anger of the average American worker has boiled over because so many CEOs have gotten it so wrong. That outcome is not healthy for our economy, and it's not healthy for our society.

If companies want to pay their executives handsomely for excellent performance, they should be able to do that. They should be able to compete for top talent. But the shareholders should be looking over their shoulders as they adopt excessive pay structures, and the taxpayers shouldn't be subsidizing the resulting income disparities.

To restore some balance, the shareholders of a corporation should have to approve lucrative compensation packages. And, the companies shouldn't receive a tax deduction for handing out excessive pay.

That is why today I am introducing two bills—the Excessive Pay Shareholder Approval Act S. 1006, and the Excessive Pay Capped Deduction Act, S. 1007.

The Excessive Pay Shareholder Approval Act would require a supermajority—60 percent—vote of the shareholders to approve a compensation structure in which any employee receives more than 100 times more than the average employee of that company. Corporations could pay executives whatever they think is appropriate, but shareholders would have to OK packages that are 100 times as large as the average worker earns. This bill would require greater transparency in compensation and would encourage companies to think about how they pay their lower-paid workers, not just how they reward the people at the top.

Similarly, the Excessive Pay Capped Deduction Act would limit the normal tax deduction for compensation for executives to 100 times the compensation of the average worker at that company. Again, corporations could pay executives whatever they decide is appropriate, but they could not claim limitless tax benefits for doing so. This bill also would encourage companies to look at their entire compensation structure, and it would protect taxpayers.

Here is an example. If the average worker at a company earned, including wages, paid leave, supplemental pay, and retirement, the same amount as the average worker nationwide in December of 2008, that worker would have earned around $50,000. At that company, a supermajority of shareholders would be required to approve pay packages larger than $5 million and that company could not deduct compensation in excess of $5 million.

How many companies would this affect? According to the research firm The Corporate Library, in 2007 the median compensation for CEOs of S&P 500 companies was $8.8 million. Therefore, if these companies are only paying average wages across the rest of the company, many of them would be affected by this legislation. Many would not.

From our founding, this country has benefitted from a sense of unity and balance that has brought Americans together in good times and in bad. If the rewards handed out by our leading corporations flow excessively to the very wealthy while leaving middle-class families behind, we risk losing that sense of common purpose. The uproar over AIG bonuses showed very clearly the corrosive effects of compensation packages that appear to be disconnected from the reality that the average family faces day in and day out.

The two bills I am introducing today would help to restore some of the balance we have lost, by ensuring greater accountability for the disparities in compensation for corporate leaders and the average workers they employ, and by protecting taxpayers when a company's compensation packages reach extreme levels.

I urge my colleagues to support both bills.

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. 1006

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 ''Excessive Pay Shareholder Approval Act''.

SEC. 2. AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) IN GENERAL.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

''(h) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—The compensation for an employee of an issuer in any single taxable year may not exceed an amount equal to 100 times the average compensation for services performed by all employees of that issuer during such taxable year, unless not fewer than 60 percent of the shareholders have voted to approve such compensation (through a proxy or consent or authorization for an annual or other meeting of the shareholders, occurring within the preceding 18 months).

''(2) PROXY CONTENTS.—Proxy materials for a shareholder vote required by paragraph (1) shall include—

''(A) the amount of compensation paid to the lowest paid employee of the issuer;

''(B) the amount of compensation paid to the highest paid employee of the issuer;

''(C) the average amount of compensation paid to all employees of the issuer;

''(D) the number of employees of the issuer who are paid more than 100 times the average amount of compensation for all employees of the issuer; and

''(E) the total amount of compensation paid to employees who are paid more than 100 times the average amount of compensation for all employees of the issuer.

''(3) DEFINITION OF COMPENSATION.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'compensation' includes wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration that the Commission determines is appropriate, in consultation with the Secretary of the Treasury.

''(B) PART-TIME AND PART-YEAR EMPLOYEES.—In the case of any employee which is a part-time employee of the issuer, or which is not employed by the issuer for a full taxable year, the compensation of such employee shall be calculated for purposes of this subsection on an annualized basis.''.

(b) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall issue any final rules and regulations required to carry out section 16(h) of the Securities Exchange Act of 1934, as added by this section.

By Mr. DURBIN:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. 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. 1007

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 ''Excessive Pay Capped Deduction Act of 2009''.

SEC. 2. DENIAL OF DEDUCTION FOR PAYMENTS OF EXCESSIVE COMPENSATION.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 is amended by inserting after subsection (h) the following new subsection:

''(i) EXCESSIVE COMPENSATION.—

''(1) IN GENERAL.—No deduction shall be allowed under this chapter for any excessive compensation for any employee of the taxpayer.

''(2) EXCESSIVE COMPENSATION.—For purposes of this subsection, the term 'excessive compensation' means, with respect to any employee, the amount by which the compensation for services performed by such employee during the taxable year exceeds the amount which is equal to 100 times the amount of the average compensation for services performed by all employees of the taxpayer during the taxable year.

''(3) OTHER DEFINITIONS AND SPECIAL RULES.—

''(A) COMPENSATION.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'compensation' includes wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration that the Secretary determines is appropriate.

''(ii) PART-TIME AND PART-YEAR EMPLOYEES.—In the case of any employee which is a part-time employee of the taxpayer or which is not employed by the taxpayer for a full taxable year, the compensation of such employee shall be calculated for purposes of this subparagraph on an annualized basis.

''(B) EMPLOYER.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single taxpayer for purposes of this subsection.

''(4) REPORTING.—Each employer that provides any excessive compensation to any employee during a taxable year shall file a report with the Secretary with respect to such taxable year including—

''(A) the amount of compensation of the employee of the taxpayer receiving the lowest amount of compensation during such taxable year,

''(B) the amount of compensation of the employee of the taxpayer receiving the highest amount of compensation during such taxable year,

''(C) the average compensation of all employees of the taxpayer during such taxable year,

''(D) the number of employees of the taxpayer who are receiving compensation that is more than 100 times the average compensation of all employees of the taxpayer during such taxable year, and

''(E) the amounts of compensation of the employees described in subparagraph (D) during such taxable year.

Such report shall be filed at such time and in such manner as the Secretary may require.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. SHAHEEN (for herself, Mr. GREGG, and Mr. KOHL):

S. 1008. A bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay; to the Committee on Armed Services.

Mrs. SHAHEEN. Mr. President, I rise today to introduce the Military Retirement Pay Fairness Act of 2009. I want to thank my colleague, Senator GREGG, for cosponsoring this important legislation.

The Military Retirement Pay Fairness Act addresses a critical issue that impacts our nation's veterans. Certain service members who receive special separation pay must have that benefit recouped if they later re-enlist and become eligible for a pension. Under current law, the Department of Defense, DOD, is bound by a statutory formula for recouping that benefit and cannot change the amount it recoups each month, even if it results in severe financial hardship for our nation's veterans. In fact, many veterans are currently in dire financial straits because of this unnecessarily harsh formula. This legislation will fix the formula and provide these veterans with much needed financial relief.

I would like to talk about one particular veteran who brought this issue to my attention. Sgt. Wayne Merritt of Dover, New Hampshire served in the Air Force for nearly 14 years until the end of the Cold War, when the Defense Department began to draw down its forces. At DOD's encouragement, Mr. Merritt took a one-time Special Separation Benefit, and then started working in the private sector.

But in 1996, Sgt. Merritt decided to serve his country once again, joining the New Hampshire Air National Guard. When Sgt. Merritt retired in 2006, he became eligible for a pension that provided him and his family with enough to help pay the bills, especially his monthly mortgage payments.

However, just a couple of months ago, Sgt. Merritt had his life turned upside down when he got a letter in the mail from the Defense Department. The letter said that, within a few weeks, DOD would begin recouping his separation benefit by withholding more than half of his pension each month until the full amount is paid back.

Sgt. Merritt was shocked. He planned his family budget around a pension payment he had been receiving each month for nearly 2 years, only to get a letter saying that, in a few weeks, it would be reduced by more than half. Sgt. Merritt suddenly found himself in a position where he couldn't make ends meet and make his mortgage payments. In fact, he was so concerned that he contacted a real estate agent to talk about selling his home.

Sgt. Merritt contacted DOD, asking if there was anything that could be done to work out a manageable monthly payment plan. Sgt. Merritt did not ask for the amount to be forgiven, but simply asked DOD to be flexible and work out a payment plan that he could afford. DOD told him that there was nothing it could do to help, citing a statute that tied its hands.

On behalf of Sgt. Merritt, I contacted DOD and spoke to Undersecretary Robert Hale. He told me that DOD doesn't have a choice—it must recoup over half of his income because the formula in the statute dictates the rate. The result is that Sgt. Merritt, and over 1,000 veterans in similar situations across the country, face financial hardship as a result of an unfair rule. As each month goes by, DOD has to garnish over half of Sgt. Merritt's pension payments.

I do not believe that Congress intends to treat our Nation's veterans this way. That is why I am introducing legislation today that would provide a simple and straightforward solution. Instead of an unnecessarily harsh formula, our bill will provide DOD with the flexibility it needs to develop manageable monthly payment plans that do not impose undue financial hardship on service members. In addition, DOD would be required to consult with the service member to create a monthly payment plan, taking into account a veteran's financial situation when determining how much should be recouped each month. To make sure these payment plans are manageable, DOD would only be able to recoup, at the most, 25 percent of the veteran's monthly pension check until the benefit is repaid.

This legislation would also address other problems with pension recoupment.

It would provide service members with adequate notice of the recoupment so that they have time to prepare for the loss of income. Sgt. Merritt received his letter just weeks before DOD garnished over half of his pension pay. This legislation ensures that service members have at least 90 days notice before recoupment begins.

Finally, the legislation would also give the Secretary of Defense the flexibility to ensure that no veteran will be left destitute from this recoupment. We need to recognize that financial circumstances change over time. If recouping the benefit would cause a severe financial hardship, the Secretary of Defense should be able to waive that amount.

This legislation is critical. Each month, over 1,000 veterans face circumstances similar to Sgt. Merritt's. Undersecretary Robert Hale told me that while he sympathizes with these veterans, he has no legal recourse to change the amount it recoups every month. This legislation provides DOD with the flexibility it needs to ensure that we do not punish veterans who have made the courageous decision to serve their country again.

I'm glad that this effort has the support of DOD, as well as veterans organizations like the Veterans of Foreign Wars, VFW, and the Military Officers Association of America, MOAA.

I want to thank Senator GREGG for his support of this important, common sense legislation. I also want to thank my fellow New Hampshire delegation member, CAROL SHEA-PORTER, for introducing companion legislation in the House. I urge my colleagues to join me in addressing these important issues.

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. 1008

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 ''Military Retired Pay Fairness Act of 2009''.

SEC. 2. LIMITATIONS ON RECOUPMENT OF SEPARATION PAY, SPECIAL SEPARATION BENEFITS, AND VOLUNTARY SEPARATION INCENTIVE FROM MEMBERS SUBSEQUENTLY RECEIVING RETIRED OR RETAINER PAY.

(a) SEPARATION PAY AND SPECIAL SEPARATION BENEFITS.—Section 1174(h)(1) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) in subparagraph (A), as so designated, by striking ''so much of such pay as is based on the service for which he received separation pay under this section or separation pay, severance pay, or readjustment pay under any other provision of law'' and inserting ''an amount, in such schedule of monthly installments as the Secretary of Defense shall specify taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents,''; and

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

''(B) The amount deducted under subparagraph (A) from a payment of retired or retainer pay may not exceed 25 percent of the amount of the member's retired or retainer pay for that month unless the member requests or consents to deductions at an accelerated rate. The Secretary concerned shall consult with the member regarding the repayment rate to be imposed, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.

''(C) The deduction of amounts from the retired or retainer pay of a member under this paragraph may not commence until the date that is 90 days after the date on which the Secretary concerned notifies the member of the deduction of such amounts under this paragraph. Any notice under this subparagraph shall be designed to provide clear and comprehensive information on the deduction of amounts under this paragraph, including information on the determination of the amount and period of installments under this paragraph.

''(D) The Secretary concerned may waive the deduction of amounts from the retired or retainer pay of a member under this paragraph if the Secretary determines that deduction of such amounts would result in a financial hardship for the member.''.

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(e)(3) of such title is amended—

(1) in subparagraph (A), by striking ''so much of such pay as is based on the service

for which he received the voluntary separation incentive'' and inserting ''an amount, in such schedule of monthly installments as the Secretary of Defense shall specify taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents,'';

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) The amount deducted under subparagraph (A) from a payment of retired or retainer pay may not exceed 25 percent of the amount of the member's retired or retainer pay for that month unless the member requests or consents to deductions at an accelerated rate. The Secretary concerned shall consult with the member regarding the repayment rate to be imposed, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.''; and

(4) by adding at the end the following new subparagraphs:

''(D) The deduction of amounts from the retired or retainer pay of a member under this paragraph may not commence until the date that is 90 days after the date on which the Secretary concerned notifies the member of the deduction of such amounts under this paragraph. Any notice under this subparagraph shall be designed to provide clear and comprehensive information on the deduction of amounts under this paragraph, including information on the determination of the amount and period of installments under this paragraph.

''(E) The Secretary concerned may waive the deduction of amounts from the retired or retainer pay of a member under this paragraph if the Secretary determines that deduction of such amounts would result in a financial hardship for the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and apply to deductions made from the retired or retainer pay of members of the uniformed services for that month and subsequent months.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, and Mr. DURBIN):

S. 1010. A bill to establish a National Foreign Language Coordinator Council; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am pleased to reintroduce the National Foreign Language Coordination Act with my colleagues Senators COCHRAN, DODD, and DURBIN. Through sustained leadership and a coordinated plan of action, our bill aims to increase the number of individuals with foreign language skills and cultural understanding.

Globalization has made the world smaller and Americans must be better equipped, with language skills and cultural knowledge, not only to survive in it, but to prosper. Whether it is: competing on the world market to provide goods and services, cross cultural exchanges between educators and business people of different countries, or allied military or diplomatic operations to make the world more secure and peaceful, all of these efforts require communication to succeed.

It took the tragic events of 9–11 to bring attention to our shortage of foreign language speakers. Many of you know about the emergency call for linguists following the attacks. Unfortunately, this was not surprising. The fact that only 9.3 percent of all Americans speak both their native languages and another language fluently, compared with 56 percent of people in the European Union, is cause for alarm.

Our national security continues to be at risk without enough foreign language proficient individuals. Counterterrorism intelligence will go untranslated, or be so late as to lose its usefulness, if we do not have more foreign language experts. Foreign language skills are also vitally important to preserve the economic competitiveness of the U.S. Globalization forces some Americans to compete for jobs in a marketplace no longer limited by borders. According to the Committee for Economic Development, the lack of foreign language skills and international knowledge results in embarrassing and costly cultural blunders for companies. In fact, the Committee reports that American companies lose an estimated $2 billion a year due to inadequate cultural understanding.

Many of the Federal Government's efforts to address language needs in the U.S. over the past 40 years have come in reaction to international events. We do not have a proactive policy.

In 1958, the National Defense Education Act was passed in response to the Soviet Union's first space launch. We were determined to win the space race and make certain that the U.S. never came up short again in math, science, technology, or foreign languages. That act was a great success, but in the late 70s its foreign language programs merged into larger education reform measures and lost their prominence. The results are clear. In 1979, the President's Commission on Foreign Language and International Studies said that ''Americans' incompetence in foreign languages is nothing short of scandalous, and it is becoming worse.''

After 9–11, Congress and the administration once again took action to address language shortfalls, but I fear that these efforts will prove to be only a band-aid and not a complete cure to the Nation's recurring foreign language needs. Despite the administration's efforts to implement new programs and policies to address our language shortfalls, I fear that without sustained leadership and a coordinated effort among all Federal agencies, state and local governments, the private sector, and academia, we will remain where we are today: scrambling to find linguists after another major international event. We must be prepared to avoid another 9–11 type shortage.

Together we must commit to build and maintain language expertise and relationships with people from all across the world—whether or not the languages they speak are considered critical at the time—and to ensure that we have the infrastructure in place to prevent catastrophic events—or at least be prepared to respond to them. To this end, there needs to be one person in the Executive Branch who will lead the cross-agency efforts to better understand America's language needs for the next 5, 15, or 20 years, and to figure out how to address those needs. This leadership must be comprehensive, as no one sector—Government, industry, or academia—has all of the needs for language and cultural competency, or all of the solutions.

The Bush administration's National Security Language Initiative was a good first step at coordinating efforts among the Intelligence Directorate and the Departments of Defense, Education, and State to address our national security language needs. However, we must ensure that this effort will continue, bring in the advice of all Federal agencies and stakeholders, and address our economic security needs.

The legislation we introduce today would set us on the right course by implementing a key recommendation of the 2004 Department of Defense, DOD, National Language Conference and echoed by Department of Defense sponsored State language roadmap summits which is to establish a National Foreign Language Coordination Council, chaired by a National Language Advisor. An integrated foreign language strategy and sustained leadership within the Federal Government is needed to address the lack of foreign language proficient speakers in government, academia and the private sector. Just as I have advocated the need for deputy secretaries for management at the Departments of Defense and Homeland Security to direct and sustain management leadership, I envision a National Language Advisor to be responsible for maintaining and leading a cooperative effort to strengthen our foreign language capabilities. Without such a coordinated strategy in the world in which we live, I fear that the country's national and economic security will be at greater risk.

Specifically, our bill ensures that the key recommendations of the DOD National Language Conference be implemented by having strong leadership that will develop policies and programs that build the Nation's language and cultural understanding capability; engage Federal, State, and local agencies and the private sector in solutions; develop language skills in a wide range of critical languages; strengthen our education system, programs, and tools in foreign languages and cultures; and, integrate language training into career fields and increasing the number of language professionals.

To strengthen the role of the U.S. in the world, our country must ensure that there are sufficient numbers of individuals who are proficient in languages other than English. Increasing foreign language skills enhances national security and economic prosperity.

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. 1010

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 Foreign Language Coordination Act of 2009''.

SEC. 2. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this Act referred to as the ''Council''), directed by a National Language Advisor (in this Act referred to as the ''Advisor'') appointed by the President.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The Advisor, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Secretary of Commerce.

(10) The Secretary of Health and Human Services.

(11) The Director of the Office of Personnel Management.

(12) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing continuing national security and education language initiatives;

(B) not later than 18 months after the date of enactment of this Act, developing a national foreign language strategy, building upon efforts such as the National Security Language Initiative, the National Language Conference, the National Defense Language Roadmap, the Language Continuum of the Department of State, and others, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations, including industry;

(v) heritage associations; and

(vi) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of national security language initiatives;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Council shall prepare and submit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session not less than 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Advisor may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Advisor considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Advisor may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Advisor) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this Act.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Advisor, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this Act, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(1) the activities of the Council;

(2) the efforts of the Council to improve foreign language education and training; and

(3) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE ADVISOR.—

(1) IN GENERAL.—The National Language Advisor appointed by the President shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The Advisor shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this Act.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. BAYH, Mr. BEGICH, Mr. NELSON, of Nebraska, Mr. WHITEHOUSE, and Mr. LEVIN)):

S. 1012. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Centennial Coin Commemorative Coin Act. I am proud to have the senior Senator from West Virginia, Senator BYRD, as an original cosponsor given that this is a special event for our state. We are joined by Senators BAYH, BEGICH, BEN NELSON, WHITEHOUSE and LEVIN.

In 1908, a West Virginian woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. Within 6 years, the holiday became nationally recognized. Now, more than 100 years after that first Mother's Day, we have the opportunity to commemorate the centennial of this great holiday and further recognize the millions of American mothers whose essential role in life cannot be overstated.

The legislation I am introducing today would recognize the centennial of Mother's Day by authorizing the Treasury to mint commemorative Mother's Day coins. Profits generated from the sale of the coins would be donated to Susan G. Komen for the Cure and The National Osteoporosis Foundation. Susan G. Komen for the Cure has raised more than $1 billion for breast cancer research since 1982, and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization. Thousands of women have benefited from the efforts of these organizations and they are well deserving of our support.

These coins will not only raise awareness of the proud history of Mother's Day, but will help improve the health of thousands of our Nation's mothers. Therefore, I encourage my colleagues to reflect upon their relationships with the mothers in their lives, and join me in supporting this legislation to recognize the past century's worth of noble women and help ensure the health of those to come in the next century.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 136—A BILL EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH THE COUNTRY OF GEORGIA

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 136

Whereas Georgia has been developing its democratic and market-economy institutions for over a decade;

Whereas the pace of democratic and economic reforms has accelerated dramatically since the Rose Revolution of 2003;

Whereas the democratically-elected government of Georgia has worked aggressively to combat corruption and increase transparency and accountability in government institutions, and should continue to do so;

Whereas Georgia has implemented a number of economic reforms, particularly in its tax and regulatory regimes;

Whereas such reforms were designed to encourage entrepreneurship and small business development;

Whereas Georgia's economic reforms have spurred strong economic growth and foreign direct investment;

Whereas the August conflict with Russia nearly halted Georgia's economic growth, depleted public resources, drove up unemployment, and left a severe humanitarian crisis in its wake;

Whereas the global financial crisis has further hindered growth and investment in Georgia;

Whereas strong economic growth and investment would provide the necessary resources for Georgia to recover quickly from the devastation of the August conflict, as well as to further strengthen democratic institutions and solidify public support for democratic governance;

Whereas a vibrant, stable democracy in the Caucasus region is in the interest of the United States;

Whereas Georgia's position along energy transit routes is of strategic importance to the United States;

Whereas Georgia has aggressively sought integration into Euro-Atlantic institutions;

Whereas closer engagement with Georgia through trade negotiations would encourage even greater reform in Georgia and build its capacity to further modernize and liberalize its economy;

Whereas Georgia is a member of the World Trade Organization; and

Whereas pursuant to an agreement between Congress and the Bush Administration reached on May 10, 2007, the United States is committed to assisting its trading partners in efforts to improve standards of environmental and labor protections: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with Georgia.

SENATE RESOLUTION 137—RECOGNIZING AND COMMENDING THE PEOPLE OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK ON THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE PARK

Mr. ALEXANDER (for himself, Mr. BURR, Mr. CORKER, and Mrs. HAGAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 137

Whereas, in the 1920s, groups of citizens and officials in Western North Carolina and Eastern Tennessee displayed enormous foresight in recognizing the potential benefits of a national park in the Southern Appalachian Mountains;

Whereas the location of the park that became the Great Smoky Mountains National Park was selected from among the finest examples of the most scenic and intact mountain forests in the Southeastern United States;

Whereas the creation of the Great Smoky Mountains National Park was the product of more than 2 decades of determined effort by leaders of communities across Western North Carolina and Eastern Tennessee;

Whereas the State legislatures and Governors of North Carolina and Tennessee exercised great vision in appropriating the funding that was used, along with funding from the Laura Spelman Rockefeller Memorial Fund, to purchase more than 400,000 acres of private land that became part of the Great Smoky Mountains National Park;

Whereas the citizens of communities surrounding the Great Smoky Mountains National Park generously contributed funding for land acquisition to bring the Great Smoky Mountains National Park into being;

Whereas more than 1,100 families and other property owners were called upon to sacrifice their farms and homes for the benefit and enjoyment of future generations that would visit the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park was established as a completed park by the Act entitled ''An Act to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes'', approved June 15, 1934 (16 U.S.C. 403g);

Whereas the Great Smoky Mountains National Park covers approximately 521,621 acres of land in the States of Tennessee and North Carolina, making it the largest protected area in the Eastern United States;

Whereas the Great Smoky Mountains National Park provides sanctuary for the most diverse flora and fauna of any national park in the temperate United States, and preserves an unparalleled collection of historic structures as a ''time capsule'' of Appalachian culture during the 19th and early 20th centuries;

Whereas, on September 2, 1940, President Franklin D. Roosevelt dedicated the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park has been the most popular national park in the United States since it opened, and attracts between 9,000,000 and 10,000,000 visitors each year, making it the most visited of the 58 national parks in the United States; and

Whereas visitors to the Great Smoky Mountains National Park contribute more than $700,000,000 to the local economy each year, resulting in more than 14,000 jobs in North Carolina and Tennessee: Now, therefore, be it

Resolved, That the Senate—

(1) commends the citizens of Western North Carolina and Eastern Tennessee for their vision and sacrifice;

(2) commends the people of the Great Smoky Mountains National Park and the National Park Service for 75 years of successful management and preservation of the park land;

(3) congratulates the people of the Great Smoky Mountains National Park on the 75th anniversary of the park; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the headquarters of the Great Smoky Mountains National Park.

SENATE RESOLUTION 138—HONORING CONCERNS OF POLICE SURVIVORS FOR 25 YEARS OF SERVICE TO FAMILY MEMBERS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY

Ms. MURKOWSKI (for herself, Mr. DURBIN, Mrs. MURRAY, Mr. BEGICH, Ms. MIKULSKI, Mr. TESTER, Mr. RISCH, Mrs. FEINSTEIN, Mr. DODD, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 138

Whereas May 14, 2009, marks the 25th anniversary of the founding of Concerns of Police Survivors;

Whereas, for 25 years, Concerns of Police Survivors has answered one of the highest and most noble calls to service by providing compassionate care and support to family members of law enforcement officers killed in the line of duty;

Whereas, for 25 years, Concerns of Police Survivors has been a bedrock of strength for those family members in helping them rebuild their shattered lives;

Whereas, for 25 years, Concerns of Police Survivors has showed the highest amount of concern and respect for the tens of thousands of family members of law enforcement officers killed in the line of duty;

Whereas those family members bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors facilitates healing and provides love and renewed life to those family members far from the eye of the media and the general public;

Whereas it is essential that the people of the Unites States are made aware of the good works of Concerns of Police Survivors and recognize the contributions of Concerns of Police Survivors to so many families; and

Whereas National Police Week, observed in 2009 from May 10 to May 16, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) honors Concerns of Police Survivors for 25 years of service to the family members of law enforcement officers killed in the line of duty across the United States;

(2) recognizes and thanks Concerns of Police Survivors for assisting in rebuilding the shattered lives of those family members through the organization's invaluable programs;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors on behalf of the Nation; and

(4) recognizes with great appreciation the sacrifices made by the families of law enforcement officers killed in the line of duty in providing essential support to one another.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1057. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

TEXT OF AMENDMENTS

SA 1057. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 207. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, May 7, 2009 at 10:30 a.m. in room 106 of the Dirksen Senate office building.

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

COMMITTEE ON ARMED SERVICES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 9:30 a.m.

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

COMMITTEE ON BANKING HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2009 at 2:30 p.m., to conduct a hearing entitled ''Strengthening the S.E.C.'s Vital Enforcement Responsibilities.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, May 7, 2009, to conduct a business meeting.

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

COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Auctioning under Cap and Trade: Design, Participation and Distribution of Revenues''.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on May 7, 2009, to conduct a hearing. The hearing will commence at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on May 7, 2009. The hearing will commence at 2 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 7, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON ENERGY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Thursday, May 7, 2009, at 2:30 p.m., in room 366 of the Dirksen 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.

Mr. FEINGOLD. 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 Thursday, May 7, 2009, at 2:30 p.m. to conduct a hearing entitled, ''Uncle Sam Wants You!: Recruitment in the Federal Government.''

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

URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 57, S. Res. 84.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 84) urging the Government of Canada to end the commercial seal hunt.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, 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. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas the Government of Canada permits an annual commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas, in recent years, the Minister of Fisheries and Oceans of Canada has authorized historically high quotas for harp seals;

Whereas more than 1,000,000 seals have been killed during the past 4 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats, at approximately 12 days of age;

Whereas 97 percent of the seals killed are pups between just 12 days and 12 weeks of age;

Whereas, in 2007, an international panel of experts in veterinary medicine and zoology was invited by the Humane Society of the United States to observe the commercial seal slaughter in Canada;

Whereas the report by the panel noted that sealers failed to comply with sealing regulations in Canada and that officials of the Government of Canada failed to enforce such regulations;

Whereas the report also concluded that the killing methods permitted during the commercial seal hunt in Canada are inherently inhumane and should be prohibited;

Whereas many seals are shot in the course of the hunt and escape beneath the ice where they die slowly and are never recovered;

Whereas such seals are not properly counted in official kill statistics, increasing the likelihood that the actual kill level is far higher than the level that is reported;

Whereas the few thousand fishermen who participate in the commercial seal hunt in Canada earn, on average, only a tiny fraction of their annual income from killing seals;

Whereas members of the fishing and sealing industries in Canada continue to justify the seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas the consensus in the international scientific community is that culling seals will not assist in the recovery of fish stocks and that seals are a vital part of the fragile marine ecosystem of the Northwest Atlantic;

Whereas polling consistently shows that the overwhelming majority of people in Canada oppose the commercial seal hunt;

Whereas the vast majority of seal products are exported from Canada, and the sealing industry relies on international markets for its products;

Whereas 10 countries have prohibited trade in seal products in recent years, and the European Union is now considering a prohibition on trade in seal products; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of Canada to prohibit the commercial hunting of seals; and

(2) strongly supports an unconditional prohibition by the European Union on trade in seal products.

NATIONAL TRAIN DAY

Mr. REID. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 125.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 125) in support and recognition of National Train Day, May 9, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements be printed in the RECORD.

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

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas, in May 1869, the ''golden spike'' was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option and reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas, passenger trains provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas, intercity passenger rail was 18 percent more energy efficient than airplanes and 25 percent more energy efficient than automobiles on a per-passenger-mile basis in 2006;

Whereas, Amtrak annually provides intercity passenger rail travel to over 28 million Americans residing in 46 states;

Whereas, an increasing number of people are using trains for travel purposes beyond commuting to and from work; and

Whereas, community railroad stations are a source of civic pride, a gateway to over 500 of our Nation's communities, and a tool for economic growth: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

HONORING CONCERNS OF POLICE SURVIVORS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 138 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 138) honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, I am honored once again to submit this resolution to the Senate commemorating our Nation's law enforcement officers and National Peace Officers Memorial Day. The Senate's official recognition of National Peace Officers Memorial Day and Police Week is a tradition I am proud to carry out each year, and I look forward to the Senate taking up and passing this resolution.

In 2008, 133 law enforcement officers died while serving in the line of duty. We honor their memory. Though this is a decrease from 2007, it is no less tragic a loss to our Federal and state law enforcement community and to their families and friends. The fact that we commemorate the loss and bravery of so many in law enforcement each year should remove any doubts in Congress that it is necessary to give our peace officers everything they need to stay safe and to do their jobs as effectively as they can.

Currently, more than 900,000 men and women work tirelessly to protect our communities, our schools, and our children. They investigate and apprehend the most violent criminals and do more than we know in keeping our communities safe and secure. Since the first recorded police death in 1792, the names of 18,274 law enforcement officers who have made the ultimate sacrifice have been added to the National Law Enforcement Officers Memorial.

I also take this opportunity to recognize that the names of 387 fallen officers will be added to the National Law Enforcement Officers Memorial on May 13 during a candlelight vigil that will be held in their honor. These are officers from the past and present whose memory will be preserved for all time at the memorial, ensuring that their bravery and sacrifice will not be forgotten.

National Peace Officers Memorial Day provides the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by those members of our police forces. More than 20,000 peace officers are expected to gather in Washington in the days leading up to May 15, to join with the families of their fallen comrades. It is right that the Senate show its respect on this occasion, and I am proud to honor their service and their memory. I urge all Senators to join me in approving this resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The resolution (S. Res. 138) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 138

Whereas May 14, 2009, marks the 25th anniversary of the founding of Concerns of Police Survivors;

Whereas, for 25 years, Concerns of Police Survivors has answered one of the highest and most noble calls to service by providing compassionate care and support to family members of law enforcement officers killed in the line of duty;

Whereas, for 25 years, Concerns of Police Survivors has been a bedrock of strength for those family members in helping them rebuild their shattered lives;

Whereas, for 25 years, Concerns of Police Survivors has showed the highest amount of concern and respect for the tens of thousands of family members of law enforcement officers killed in the line of duty;

Whereas those family members bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors facilitates healing and provides love and renewed life to those family members far from the eye of the media and the general public;

Whereas it is essential that the people of the Unites States are made aware of the good works of Concerns of Police Survivors and recognize the contributions of Concerns of Police Survivors to so many families; and

Whereas National Police Week, observed in 2009 from May 10 to May 16, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) honors Concerns of Police Survivors for 25 years of service to the family members of law enforcement officers killed in the line of duty across the United States;

(2) recognizes and thanks Concerns of Police Survivors for assisting in rebuilding the shattered lives of those family members through the organization's invaluable programs;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors on behalf of the Nation; and

(4) recognizes with great appreciation the sacrifices made by the families of law enforcement officers killed in the line of duty in providing essential support to one another.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the appointment of Steve Zink, of Nevada, to the Advisory Committee on the Records of Congress.

ORDERS FOR MONDAY, MAY 11, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2 p.m., Monday, May 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 627, as previously ordered.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 1010 to and including 128, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that all 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 appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Michael Nacht, of California, to be an Assistant Secretary of Defense.

Elizabeth Lee King, of the District of Columbia, to be an Assistant Secretary of Defense.

Wallace C. Gregson, of Colorado, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael W. Miller

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Marc E. Rogers

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas J. Owen

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert R. Allardice

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank G. Klotz

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Thomas K. Andersen
Brigadier General Salvatore A. Angelella
Brigadier General Gregory A. Biscone
Brigadier General Andrew E. Busch
Brigadier General Timothy A. Byers
Brigadier General Susan Y. Desjardins
Brigadier General Judith A. Fedder
Brigadier General Eric E. Fiel
Brigadier General Craig A. Franklin
Brigadier General David L. Goldfein
Brigadier General Blair E. Hansen
Brigadier General Susan J. Helms
Brigadier General Mary K. Hertog
Brigadier General John W. Hesterman, III
Brigadier General Darrell D. Jones
Brigadier General Jan Marc Jouas
Brigadier General Robert C. Kane
Brigadier General James M. Kowalski
Brigadier General Stanley T. Kresge
Brigadier General Susan K. Mashiko
Brigadier General Michael R. Moeller
Brigadier General Clyde D. Moore, II
Brigadier General Douglas H. Owens
Brigadier General James O. Poss
Brigadier General Mark F. Ramsay
Brigadier General Robin Rand
Brigadier General Joseph Reynes, Jr.
Brigadier General Suzanne M. Vautrinot
Brigadier General Lawrence L. Wells
Brigadier General Janet C. Wolfenbarger

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Larry O. Spencer

IN THE NAVY

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Adm. Jonathan W. Greenert

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Patrick M. Walsh

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. John C. Harvey, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Samuel J. Locklear, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Hunt

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Mark D. Harnitchek

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Mark L. Tidd

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General George J. Allen
Brigadier General Raymond C. Fox
Brigadier General Charles M. Gurganus
Brigadier General David R. Heinz
Brigadier General Steven A. Hummer
Brigadier General David G. Reist
Brigadier General John A. Toolan, Jr.
Brigadier General John E. Wissler

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel John J. Broadmeadow
Colonel John W. Bullard, Jr.
Colonel Steven W. Busby
Colonel Herman S. Clardy, III
Colonel Lewis A. Craparotta
Colonel Robert F. Hedelund
Colonel Frederick M. Padilla
Colonel Michael A. Rocco
Colonel Richard L. Simcock, II
Colonel Vincent R. Stewart

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN157 AIR FORCE nominations (18) beginning MICHAEL F. ADAMES, and ending KATHRYN D. VANDERLINDEN, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN236 AIR FORCE nominations (4) beginning PAUL L. CANNON, and ending CHERRI S. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN237 AIR FORCE nominations (64) beginning RICHARD EDWARD ALFORD, and ending RICHARD D. YOUNTS, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN335 AIR FORCE nomination of George E. Loughran, was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN336 AIR FORCE nomination of Raymond B. Abarca, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN337 AIR FORCE nomination of Ian C. B. Diaz, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN338 AIR FORCE nominations (3) beginning WILLIAM T. HOUSTON, and ending DAVID L. WELLS II, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE ARMY

PN339 ARMY nomination of Elizabeth M. Sherr, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN340 ARMY nomination of Erin T. Doyle, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN341 ARMY nomination of Scott A. Bier, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN342 ARMY nomination of Robert G. Young, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN343 ARMY nominations (3) beginning GEORGE R. BERRY, and ending PERRY W. SARVER JR., which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN344 ARMY nominations (9) beginning MICHAEL G. AMUNDSON, and ending PAUL THORN, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN345 ARMY nominations (79) beginning BUSTER D. AKERS JR., and ending MICHAEL T. ZELL, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE MARINE CORPS

PN346 MARINE CORPS nominations (2) beginning JOHN W. HAHN IV, and ending STEPHANIE L. MALMANGER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE NAVY

PN347 NAVY nomination of Michael T. Echols, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN348 NAVY nomination of Gregory J. Hazlett, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN349 NAVY nomination of Brian J. Ellis Jr., which was received by the Senate and

appeared in the Congressional Record of April 21, 2009.

PN350 NAVY nomination of Jesus S. Moreno, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN351 NAVY nomination of Colleen L. Jackson, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN352 NAVY nomination of Gregory P. Mitchell, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN353 NAVY nominations (40) beginning JONATHAN V. AHLSTROM, and ending JOEL E. YODER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PROGRAM

Mr. REID. Madam President, there will be no rollcall votes on Monday. The next vote is expected to occur on Tuesday, May 12. The managers of the bill on credit cards will be here Monday afternoon to start the opening statements on this matter. Anybody who wishes to speak on the credit card legislation would be advised to come and do that sometime Monday night.

As we get into the legislation itself, the time for opening statements may not be appropriate or timely. So I hope some will consider doing that on Monday to get it out of the way.

ORDER TO ADJOURN

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order following the remarks of the distinguished Republican leader.

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

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

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

TRIBUTE TO JACK KEMP

Mr. McCONNELL. Madam President, the Nation says its last farewell to Jack Kemp tomorrow afternoon. But Americans will long remember the tremendous impact he has had on our lives and on our politics. So today I would like to add my voice to the many others who have spoken well of this good man.

The arc of Jack's life is well known: middle-class son of a small businessman and his social worker wife. Jack never wanted to be anything but a professional football player, and he worked very hard at it. Good enough to get drafted by the Lions but not quite good enough to make the team, Jack dug in, passing briefly through a few football teams before being sidelined by an injury and ending up with the Buffalo Bills, where he became one of the great quarterbacks of all time. Jack showed his skills early on with the Bills. In his very first game, he completed 21 of 35 passes, including 2 touchdowns for 230 yards. By the time he retired in 1969, he would rank first in passes, completions, and passing yardage among all American Football League quarterbacks.

But Jack's restless mind was stirring even before he left the field. Teammates would later recall that on long plane rides, while they would be reading playbooks, Jack would be reading economic theory or the latest ''National Review.'' During the off season, Jack volunteered on political campaigns, including the gubernatorial campaign of Ronald Reagan. It was all the training he would need.

After retiring from pro football, his path to politics was as sure as his 10-yard pass. And so was his path to success. Armed with a kinetic personality, a sharp mind, and a passion for ideas and for people, Jack set about with the zeal of a preacher to spread his convictions about the economic benefits of sharp tax cuts. He was so convincing that tax cuts became the centerpiece of his party's platform in 1980, the basis of its revival and, most importantly, the cause of the unprecedented prosperity of the next two decades.

Growing up, Jack was the captain of every team for which he ever played. That didn't change when he came to Washington. He was calling the plays here now, and people were eager to follow. He was as likable as he was persuasive, all the more so because he didn't seek out popularity.

He was always driven by something else. At his core, Jack was motivated by nothing more than a deep desire to see America live up to its founding promise of equality for everyone, regardless of color, religion, or background. The fight for equality was Jack's consuming passion.

Like everyone who grew up playing sports, he knew firsthand that winning ball games had nothing to do with color. But as a quarterback, he appreciated this more than most. The crowds may have cheered for Jack, but he knew that every time he threw a pass or ran for a touchdown, an offensive line stood guard, many of them African American. These were his teammates, his friends, and he witnessed the discrimination they encountered many times. But there was one moment from those days that always lived in Jack's memory. It was in 1960. Jack was playing for the Chargers at the time. They were in Houston for the AFL Championship, and during the playing of the ''National Anthem,'' Jack looked over toward his father at the 50-yard line. The father of his co-captain, Charlie McNeil, was not there. He later found out that Mr. McNeil had been forced to sit in a section of the end zone that was roped off for Blacks. It was one of many terrible indignities that would make Jack a restless promoter of equality throughout his life.

A self-described bleeding heart conservative, Jack's childlike love for America and all it promised was evident until the end. In a letter to his grandchildren just this past November, Jack said his first thought upon learning that an African American had won the Presidency was: ''Is this a great country or not?'' ''Just think,'' he wrote, ''a little over 40 years ago, Blacks in America had trouble even voting in our country, much less thinking about running for the highest office in the land.''

Jack was not your average politician, but he was a necessary one, constantly challenging the establishment. He was a political entrepreneur, restless to get things done. Colleagues remember how Cabinet meetings were always livelier with Jack there—whether he was rolling his eyes in disagreement or squirming in his chair. No room ever seemed big enough to contain him. Sometimes when congressional leadership would meet over in the White House, Jack's former colleague and ours, Trent Lott, would have to kick him under the table to keep him from saying something he might regret later on. Convention just never suited him, and the Nation and our party was always a lot better because of it.

We will miss Jack's insistence, his passion, his energy, and we will miss seeing him, the broad smile, the snow-white hair, plowing into a crowd, bounding up on a stage, and hurling an imaginary football off into the distance.

Jack was a happy, raspy-voiced evangelist for the ideas that shaped a generation and revived a political party. He believed, rightly, that conservative ideas were universal—that if they applied to one group, they applied to all groups. And he rolled up his sleeves to prove it, whether as a candidate for Vice President, a Cabinet Secretary spending a night in a Philadelphia housing project, or in these last years as an advocate for many of the causes he believed in, a speaker, a wise party elder and, above all, a devoted husband to his beloved Joanne, father, and grandfather.

It is hard to imagine someone of Jack's energy and enthusiasm succumbing to anything; he was always so full of life, the vital center of every room he entered and every debate. We will miss his passion. We are all grateful for his goodness. And as we say our final goodbye to Jack French Kemp, we are consoled by the thought that after a painful illness, he has broken away now like a wide receiver from the pack, into the welcoming embrace of a loving God.

ADJOURNMENT UNTIL MONDAY, MAY 11, 2009, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., Monday, May 11.

Thereupon, the Senate, at 5:24 p.m., adjourned until Monday, May 11, 2009, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, May 7, 2009:

DEPARTMENT OF DEFENSE

MICHAEL NACHT, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ELIZABETH LEE KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

WALLACE C. GREGSON, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL W. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARC E. ROGERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS J. OWEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT R. ALLARDICE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK G. KLOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL THOMAS K. ANDERSEN
BRIGADIER GENERAL SALVATORE A. ANGELELLA
BRIGADIER GENERAL GREGORY A. BISCONE
BRIGADIER GENERAL ANDREW E. BUSCH
BRIGADIER GENERAL TIMOTHY A. BYERS
BRIGADIER GENERAL SUSAN Y. DESJARDINS
BRIGADIER GENERAL JUDITH A. FEDDER
BRIGADIER GENERAL ERIC E. FIEL
BRIGADIER GENERAL CRAIG A. FRANKLIN
BRIGADIER GENERAL DAVID L. GOLDFEIN
BRIGADIER GENERAL BLAIR E. HANSEN
BRIGADIER GENERAL SUSAN J. HELMS
BRIGADIER GENERAL MARY K. HERTOG
BRIGADIER GENERAL JOHN W. HESTERMAN III
BRIGADIER GENERAL DARRELL D. JONES
BRIGADIER GENERAL JAN MARC JOUAS
BRIGADIER GENERAL ROBERT C. KANE
BRIGADIER GENERAL JAMES M. KOWALSKI
BRIGADIER GENERAL STANLEY T. KRESGE
BRIGADIER GENERAL SUSAN K. MASHIKO
BRIGADIER GENERAL MICHAEL R. MOELLER
BRIGADIER GENERAL CLYDE D. MOORE II
BRIGADIER GENERAL DOUGLAS H. OWENS
BRIGADIER GENERAL JAMES O. POSS
BRIGADIER GENERAL MARK F. RAMSAY
BRIGADIER GENERAL ROBIN RAND
BRIGADIER GENERAL JOSEPH REYNES, JR.
BRIGADIER GENERAL SUZANNE M. VAUTRINOT
BRIGADIER GENERAL LAWRENCE L. WELLS
BRIGADIER GENERAL JANET C. WOLFENBARGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY O. SPENCER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

ADM. JONATHAN W. GREENERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. PATRICK M. WALSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JOHN C. HARVEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SAMUEL J. LOCKLEAR III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. HUNT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK D. HARNITCHEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK L. TIDD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL GEORGE J. ALLEN
BRIGADIER GENERAL RAYMOND C. FOX
BRIGADIER GENERAL CHARLES M. GURGANUS
BRIGADIER GENERAL DAVID R. HEINZ
BRIGADIER GENERAL STEVEN A. HUMMER
BRIGADIER GENERAL DAVID G. REIST
BRIGADIER GENERAL JOHN A. TOOLAN, JR.
BRIGADIER GENERAL JOHN E. WISSLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN J. BROADMEADOW
COLONEL JOHN W. BULLARD, JR.
COLONEL STEVEN W. BUSBY
COLONEL HERMAN S. CLARDY III
COLONEL LEWIS A. CRAPAROTTA
COLONEL ROBERT F. HEDELUND
COLONEL FREDERICK M. PADILLA
COLONEL MICHAEL A. ROCCO
COLONEL RICHARD L. SIMCOCK II
COLONEL VINCENT R. STEWART

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

R. GIL KERLIKOWSKE, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL F. ADAMES AND ENDING WITH KATHRYN D. VANDERLINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL L. CANNON AND ENDING WITH CHERRI S. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD EDWARD ALFORD AND ENDING WITH RICHARD D. YOUNTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATION OF GEORGE E. LOUGHRAN, TO BE COLONEL.

AIR FORCE NOMINATION OF RAYMOND B. ABARCA, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF IAN C. B. DIAZ, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM T. HOUSTON AND ENDING WITH DAVID L. WELLS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

IN THE ARMY

ARMY NOMINATION OF ELIZABETH M. SHERR, TO BE MAJOR.

ARMY NOMINATION OF ERIN T. DOYLE, TO BE MAJOR.

ARMY NOMINATION OF SCOTT A. BIER, TO BE MAJOR.

ARMY NOMINATION OF ROBERT G. YOUNG, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH GEORGE R. BERRY AND ENDING WITH PERRY W. SARVER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL G. AMUNDSON AND ENDING WITH PAUL C. THORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

ARMY NOMINATIONS BEGINNING WITH BUSTER D. AKERS, JR. AND ENDING WITH MICHAEL T. ZELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN W. HAHN IV AND ENDING WITH STEPHANIE L. MALMANGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

IN THE NAVY

NAVY NOMINATION OF MICHAEL T. ECHOLS, TO BE COMMANDER.

NAVY NOMINATION OF GREGORY J. HAZLETT, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF BRIAN J. ELLIS, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JESUS S. MORENO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF COLLEEN L. JACKSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF GREGORY P. MITCHELL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JONATHAN V. AHLSTROM AND ENDING WITH JOEL E. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.