United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JUNE 25, 2009 No. 97

Senate

The Senate met at 9:31 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 prayer will be offered by our guest Chaplain, Rabbi Shea Harlig, spiritual leader of Chabad of Southern Nevada.

The guest Chaplain offered the following prayer:

Almighty G-d, the Members of this prestigious body, the U.S. Senate, convene here in the spirit of one of the seven Noahide Laws which were set forth by You as an eternal universal code of ethics for all mankind; that every society be governed by just laws which shall be based in the recognition of You, O G-d, as the Sovereign Ruler of all peoples and all nations. We, the citizens of this blessed country, proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—''One Nation, under G-d, with liberty and justice for all.''

Grant us, Almighty G-d, that those assembled here today be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On this 25th day of June, 2009, which corresponds to the third day of the Hebrew month of Tammuz, we are 15 years—to the day—from the passing of our esteemed spiritual leader, The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of blessed memory, who consistently extolled the virtues of this great land as a ''Nation of Kindness.''

I beseech You, Almighty G-d, to grant renewed strength and fortitude to all who protect, preserve, and help further these ideals so essential to the dignity of the human spirit. Please grant that our beloved Rebbe's vision of a world of peace and tranquility—free of war, hatred, and strife—be realized speedily in our days.

G-d bless this hallowed body. G-d bless our troops who stand in defense of this great land. G-d bless the United States of America.

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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 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.

WELCOMING RABBI HARLIG

Mr. REID. Madam President, with the Senate Chaplain, Admiral Black, standing by, we all listened to a prayer from one of our Jewish brethren in Las Vegas, Rabbi Harlig. I am sure the Chaplain was pleased with the prayer. Those of us in attendance were pleased with the prayer. It was a meaningful, wonderful prayer for our Senate and the country. So I welcome Rabbi Harlig and thank him for helping us open the Senate with the beautiful prayer he uttered.

Rabbi Harlig and his wife Dina breathed new life into the southern Nevada Jewish community when they opened a Chabad center in their living room in 1990. It has grown dramatically since then, and successfully grown, and there are now five such community centers in southern Nevada. The organization Rabbi Harlig founded has taught so many children and adults and has done so many mitzvot—or good deeds—for so many people.

As Rabbi Harlig mentioned in his invocation, today is significant for the Chabad community because it is the day of the passing of The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, one of the great Jewish leaders of our time.

So thank you, Rabbi Harlig, for joining us in the Senate today.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for up to 1 hour. Senators will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to resume debate on the nomination of Harold Koh to be Legal Adviser to the Department of State. We hope some of the postcloture debate time will be yielded back and we are able to vote on the nomination as early as possible. If we are unable to yield any time, the vote will occur at about 5:30 this evening.

We are also working on an agreement to consider the Legislative Branch appropriations bill. Senators will be notified when votes are scheduled or agreements are reached.

MEASURE PLACED ON THE CALENDAR—S. 1344

Mr. REID. Madam President, it is my understanding that S. 1344 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1344) to temporarily protect the solvency of the Highway Trust Fund.

Mr. REID. Madam President, I object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REFORM

Mr. MCCONNELL. Madam President, Americans are insisting that Members of Congress work together on reforms which make health care more affordable and accessible but which don't force people off their current plans or add to an already staggering national debt. Yet the Democratic plan now being rushed through the Senate would do just the opposite. It would force millions of Americans off their health care plans and bury our Nation deeper and deeper in debt.

Democrats have repeatedly and incorrectly declared that under their plan Americans who like their current insurance will be able to keep it. This morning, I would like to explain why that is, unfortunately, not the case.

Just last week, the independent Congressional Budget Office said that the incomplete Democratic HELP Committee proposal would cause 10 million Americans who currently have employer-based insurance to lose that coverage. Let me repeat that. Before the Democratic bill is even complete, we know that it will cause 10 million Americans to lose their health care insurance they currently have. But 10 million would just be the beginning. One key section missing from the HELP bill is the government plan Democrats say they want, and according to one study, 119 million Americans could lose their private coverage if a government plan is enacted.

Here is why this so-called government option would lead to Americans losing their current plans and why it would soon become the only option.

First, a government-run plan would have unlimited access to taxpayer dollars and could operate at a loss indefinitely, which could force private insurers out of business. Private health plans simply wouldn't be able to compete, and millions of Americans could be forced off their health plans whether they like it or not. At that point, people would have to enroll in a government plan or any surviving private health care plan, if they could afford it. I say if they could afford it because another unintended consequence of creating a government plan is that it would cause rates for private health plans to skyrocket, leaving most Americans unable to afford them. They would simply be too expensive. Right now, government programs such as Medicare and Medicaid pay hospitals and doctors less than private insurers do, and hospitals and doctors then pass on the difference to private insurers. If a government plan was established, doctors and hospitals would shift more of their cost onto private health plans, making them even more expensive and making it even harder for them to compete with a government plan. In the end, only the wealthiest would be able to afford private health plans and the kind of care most Americans currently enjoy.

Some say safeguards could be put in place to create a level playing field. But the very nature of the government running a health insurance plan in the private market is the problem. Any safeguard could easily be eliminated, and one look at the government takeovers in the insurance and auto industries shows that when the government is involved, there is really no such thing as a fair playing field.

Let's take a look at the auto industry. The government has given billions of dollars to the financing arms of Chrysler and GM, allowing them to offer interest rates that Ford, a major manufacturer in my State, and other private companies struggle to compete with. This means the only major U.S. automaker that did not take a bailout is at a big disadvantage as it struggles to compete with government-run auto companies. When Ford needed money, it had to raise it in the open market and pay an 8-percent interest rate. But GM could just call up the Treasury—just call up the Treasury—and have them wire over some taxpayer money. No company can compete with that.

So contrary to their claims, if the Democratic plan is enacted, millions of Americans will lose the health insurance they have and that they like. Again, that is not what I say, it is what the Congressional Budget Office says, it is what independent analysts say, it is what America's doctors say, and it is even what President Obama now says. The President now acknowledges that under a government plan, some people might be shifted off of their current insurance.

This isn't the only Democratic claim about health care that is increasingly suspect. Democrats have also promised their health plan will be paid for and won't add to the deficit. But the facts just don't add up. Right now, just one section—one section—of the HELP bill would spend $1.3 trillion. It is not plausible that this won't add to the deficit, which has already swelled by more than $1 trillion thanks to bailouts and the stimulus money.

So when Democrats predict their health care plan won't cause people to lose their current insurance and won't add to the national debt, Americans are certainly right to be skeptical. They made the same kinds of predictions about the stimulus bill. They said the money wouldn't be wasted. Yet we are already hearing about a $3.4 million turtle tunnel and $40,000 to pay the salary of someone whose job is to apply for more stimulus money. The administration also predicted that if we passed the stimulus, the unemployment rate wouldn't rise above 8 percent. Now they say unemployment will likely rise to 10 percent.

Americans, indeed, want health care reform, but they do not want a so-called reform that takes away the care they have and stands in the way of their relationships with their doctors or that buries their children and grandchildren deeper and deeper in debt. I think we can do a lot better than that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

HEALTH CARE REFORM

Mr. REID. Madam President, one-sixth of every dollar that is spent in America goes to health care today. If we do nothing with health care, by the year 2020 it will be 35 percent. Think about that. That is just 11 years from now. So it is obvious that crushing health care costs leave many families uninsured and underinsured and drive far too many into bankruptcy or foreclosure.

When we discuss our country's health care crisis with our constituents next week when we go home for the July 4th break and when we debate it with our colleagues in this Chamber in the coming months, they will talk about how best to relieve that burden. There are a lot of good ideas, but one of the best ways to bring down the cost is by preventing disease and illness in the first place.

Prevention and wellness are based on a simple premise: The less you get sick today, the less you will have to pay tomorrow. Part of reforming health care means making it easier for Americans to make healthier choices and live healthier lives. We are far from that goal and need to do a better job of making that possible. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of all deaths in America. So doesn't it make sense to stop them before they start? The obvious answer is yes.

It is not just a health issue, it is also an economic issue. Prevention isn't

free, but it is a lot cheaper to invest in health before it is too late. Unfortunately, that investment is peanuts right now. We spend only 4 cents out of every health care dollar toward preventing disease. That is far too little. Although we spend only 4 cents of every dollar toward preventing disease, we spend 75 cents of every health care dollar caring for people with chronic conditions. It isn't enough just to treat and cure disease, we must also prevent disease and help people stay healthy. Reducing the number of us who suffer from chronic diseases will cut costs and help more Americans lead healthier and more productive lives. It is the same principle we bring to health care reform overall. Reform isn't free, but it is a lot cheaper to invest in our citizens' health, our country's health, and our economy's health before it is too late.

Everyone needs to listen, especially based on my colleague's statement he just gave. We Democrats are committed to lowering the high cost of health care. We Democrats want to ensure every American has access to that quality, affordable care, and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care to the millions—including 9 million children—who have no health care.

We are committed to a plan that says: If you like the coverage you have, you can keep it. We are committed to reducing health disparities and encouraging early detection and effective treatment that saves lives. Just a small investment in prevention and wellness can make a big difference for American families. Reforming health care, doing so in the right way, and making that investment will help people get sick less often—and even when they do get sick, it will cost them less to get back on their feet. Benjamin Franklin famously said: ''An ounce of prevention is worth a pound of cure.'' For Americans' physical health and America's fiscal health it may be worth much more.

Madam President, I believe it is time to announce morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority in control of the second half, with Senators permitted to speak for up to 10 minutes each.

The Senator from Nebraska is recognized.

Mr. JOHANNS. I thank the Chair.

(The remarks of Mr. JOHANNS pertaining to the submission of S. Res. 206 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

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

Mr. ALEXANDER. Madam President, how much time is remaining on Republican time?

The ACTING PRESIDENT pro tempore. There is 18 minutes remaining.

Mr. ALEXANDER. Thank you, Madam President. Will you please let me know when 4 minutes remain?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. ALEXANDER. Madam President, let me talk about a threat to the middle-class family's budget, and that is health insurance. How do we pay for health care? I do not have to explain to anyone who might be listening or reading these remarks that health care, for most Americans, is a cost that is difficult to afford.

It is difficult for most small businesses. We have many large businesses who are having a difficult time competing in the world marketplace because of health care costs. We think of the auto industry in Detroit which has claimed that the legacy costs of health care have put them out of business, unable to compete, even with car companies that locate in the United States and make cars here employing American workers.

So we on the Republican side, like our friends on the Democratic side, want health care reform this year. President Obama is going to town meetings and saying what he is for. He is saying: Let's do it this year. He is saying: Let's make sure we cover the 47 million Americans who are uninsured. He is saying: Let's make sure we can afford it.

''We do not want more debt,'' the President is saying. We certainly agree with that. He already has proposed, over the next 10 years, more new debt than it cost to wage all of World War II according to the Washington Post. So we agree with him, we do not want any health care bill that creates more new debt. We do not want a health care bill that puts more new taxes on States as they pay for State-operated health care programs such as Medicaid.

We want to make sure that Americans who like their insurance are able to keep the insurance they have. About 177 million Americans have employer-sponsored health insurance which they like. They like the quality of the health care they get. We do not want to think about the 47 million who are uninsured, we want to think about all 300 million Americans.

We Republicans agree with the President. We want health care reform this year. We want a health care plan that you can afford. We want a health care plan your Government can afford, so your children do not get a big debt piled on top of them, and we want to make sure all of the uninsured are covered as well.

We want to make sure, on this side, that Washington does not come in between you and your doctor. In other words, you and your doctor make the health care choices, not some Washington bureaucrat who might cause you to wait in line or deny treatment that you and your doctor think is needed.

So how does the Senate bill that we are working on stack up with the President's ideas that we should cover everybody, be able to pay for it, and allow people to keep their insurance? Well, I am very disappointed to report that, according to the Congressional Budget Office, which is the nonpartisan agency in the Congress—and the Congress, of course, is majority Democratic, by a large margin—has given us some very disturbing information about the bill we are working on in the HELP Committee, a place that I am about to go in a few minutes to continue considering parts of the bill, since we only have a little bit of the bill that we are being asked to consider.

Here is what we know about cost: The Congressional Budget Office has said that in the first 10 years of the partial Kennedy bill which has been presented to us, it would add over $1 trillion to the debt, the national debt, $1 trillion.

Senator GREGG of New Hampshire, who is the ranking Republican on the Budget Committee, has pointed out that once the health care program envisioned in the Kennedy bill is up and going, that over a 10-year period, say years 5 through 14, it would be $2.3 trillion added to the debt, a debt that already has more new debt in the next 10 years, according to the Washington Post, than we spent in all of World War II in today's dollars.

People in Tennessee and across this country are saying: Whoa. Wait a minute. This is getting out of control. We need some limits. We know you have got a printing press there in Washington, DC, but our children and grandchildren and even we are going to pay the consequences if we do not have some limits on the amount of debt.

I would think the President would say to the Senators who are working on this: Wait a minute, Senators, I said this needs to be something that pays for itself. We cannot add $2.3 trillion.

That is not all. We do not even have all the Kennedy bill. Some of the most important parts are yet to come. Some of the most expensive parts are yet to come. The assumptions that we are left to work with—because we hear them discussed—is that there will be a big expansion of the Medicaid Program that States help to operate and help to pay for, usually about 40 percent of the cost, and an increase in the reimbursement rates that go to doctors and hospitals who participate in the Medicaid Program.

What would that cost? Well, in the State of Tennessee, if we increase Medicaid eligibility to 150 percent of the poverty level, which sounds pretty good, that adds about $600 million to the State cost of Medicaid in Tennessee.

If we increase the Medicaid reimbursement rates, that adds another $600 million to the State costs of Medicaid. When the stimulus funding goes away after 2 years, which was sent to the States to help pay for Medicaid costs, that is another $600 million.

Now we throw so many dollars around up here that it is hard to say what is important. But to give you one idea of what would happen if a Senator went home to be Governor and had to manage a Medicaid Program that expanded that much and were faced with a $1.2, $1.5, $1.8 billion new State cost about 2015, where would he or she get that money? A 10-percent income tax in our State would raise about $1.2 or $1.3 billion. So the costs we are talking about adding to States are astronomical. Most States are having a difficult time even balancing their budgets this year, some nearly bankrupt—think of California—and add to that huge new Medicaid costs, as well as a Federal addition to the debt of $2 or $3 trillion. It is an unimaginable prospect and totally inconsistent with what President Obama has said, who said very sternly to Congress 2 or 3 weeks ago: We need pay as we go. If we are going to spend a dollar, we need to save a dollar or we need to tax a dollar. So we would have to raise or save $2 or $3 trillion to pay for the Kennedy bill, as we know it, and if you live in a State that has increased Medicaid costs, you could have, depending upon what these provisions say, huge new State taxes to pay for it.

That bill gets an ''F'' on the first aspect of the President's request, cost, and debt.

The second is that we cover the 47 million uninsured. Unfortunately, even though we add perhaps $2 to $3 trillion to the Federal debt, and a lot of new State taxes, the bill we are considering in the Senate HELP Committee will only cover 16 million more people who are not now insured.

In other words, we would reduce the uninsured from 47 to 30 million. We would have 30 million people left even though we added $2 or $3 trillion to the Federal debt and a lot of new State taxes. I think that is a flunking grade as well for this bill.

Then what about allowing you to keep your insurance if you like it? Well, the Congressional Budget Office also had something to say about that. It said: If the Kennedy bill, as it is presently, were enacted, about 15 million people would go from private insurance that they now have to an existing or a new government-run health care plan.

You might do that because you choose to, or you might do that because your employer says: I think I will quit offering the insurance you now have.

So this does not seem to fit what the President is suggesting we do. With all respect, I know that there has been a lot of hard work done on this bill, but we need to stop and start over even to get close to the President's own objectives.

Let's take the 46 or 47 million uninsured Americans. We need to be realistic about what we are dealing with here. Some 11 million of those are noncitizens, and about half of those are illegally here. So we deal with those in one way or another. About one-third of the uninsured, about 15 or 20 million, have incomes of over $75,000 a year. In other words, they could afford health insurance but do not have it. About 13 million are young and believe they are invincible and would only buy health insurance on their way to the hospital.

So the question is, do we raise costs for everybody else in a failed attempt to try to pass a ''one size fits all'' for all of those 46 million uninsured Americans, or do we come up with different ways of trying to entice them or require them to have an insurance policy, at least a catastrophic insurance policy, so we all are not paying $1,000 more in insurance so you cannot have insurance and go to the emergency room when you have a problem?

That is who the uninsured are.

Then let us think about the approach the Kennedy bill and other bills are making to the so-called government-run programs. There are some competing polls in newspapers, depending on how you ask the question. The New York Times, the other day, had a huge headline: Everybody likes the government-run health care program. But the Wall Street Journal and other polls that have presented questions in different ways said that by a 2-to-1 margin most people preferred a private insurance policy that they choose themselves, which is what 120 or 140 million Americans have chosen today.

Why do we need a government program? Let's think about that. The President said: Well, we need to keep the insurance companies honest. That is a little bit like saying: We need a government drugstore to keep the drugstores honest, or we need a government car company—actually we have almost got one with GM—to keep the other auto companies honest, or a government anything. That is not the way this country is supposed to work. We have a big free market system. We are entrepreneurs in this country. We want limited Federal Government.

We ought to get out of the car and banking business and out of the insurance business and stop these Washington takeovers. Yet the most imposing feature of the health care proposals proposed by our Democratic friends is a big, new government-run program to keep everybody honest.

I do not see that we need such a program under the proposals that Republicans have offered. I think we agree that whatever plan we have should require that everybody have a chance to be a part of it, that a preexisting condition you might have does not disqualify you, and that your rates need to be reasonable.

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

We agree on that. We think competition is what helps keep prices low. The President says you need a government-run program for competition. But that is like putting an elephant, the government, in a room with a lot of mice and saying: All right, fellows, compete. After a while, there would not be any mice left. Your only choice would be big government, because it has the power to lower prices and subsidize itself to make sure it succeeds.

What is wrong with that? Most Medicaid patients can tell you what is wrong with that. Some 40 percent of doctors restrict access to Medicaid patients. Why? Mostly because the reimbursement rates are so low. The government program is cheaper, but it does not allow you to get any health care. It is like giving you a bus ticket, but there is no bus to catch.

So if what we chose to do in our plans is to expand the Medicaid Program, at enormous cost to State taxpayers, and have big increases in the Federal debt, we will be dumping low-income Americans into government programs that exist, and new government programs we create to which they might not gain admission.

So we think we have better ideas. They are in the Wyden-Bennett bill, which is bipartisan. They are in the Burr-Coburn bill. They are in the legislation introduced by Senator GREGG of New Hampshire. They are in the legislation Senator HATCH and Senator CORNYN are working on.

We would like to give dollars to low-income Americans so they can choose to buy an insurance policy and have the same kind of coverage that most of the rest of us can buy. We would rather give them choices in the private market, which is what, by far, most Americans have and choose today. We can do that without adding debt to the national debt. The Wyden-Bennett bill is scored at no extra debt. And we can do that in a way that reduces the number of uninsured more than the Kennedy bill does.

So, Madam President, with respect, I suggest we start over, we do it in a bipartisan way, that we take some suggestions actually from the Republican side, which has not been done at all. That is another thing the President said. He said he wanted a bipartisan bill. We have had a completely partisan bill in the Senate. We do not like that. We came here to be a part of solving this big problem. We have our ideas on the table. They are not being considered. Everyone is being polite to us, but it is: We have the votes. We won the election. We will write the bill.

I am afraid America will not be better off, and the President's goals will

not be met because we will have added $2 or $3 trillion to the Federal debt, have a big new tax for states and locally, stuff low-income people into government programs, and we will still have 30 million people uninsured.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Madam President, I rise to speak about the urgent need for health care reform. I wish to thank both the Finance and HELP Committees for the enormous amount of effort they are both putting into this monumental task.

When it comes to health care, if you talk with Coloradans, they will point you in the right direction. They want us to end double-digit premium increases on the middle class and small businesses. They want us to leave alone the parts of the system that are not broken. They agree that all Americans should have access to affordable and secure health care coverage.

But they are skeptical that Washington can get this done without breaking the bank. They want us to find a way to pay for these reforms now and not just pass on the cost to the next generation in the form of increased deficits and debt.

That is a tall order, but it is the right one and simple common sense. We will be tempted throughout this process to settle for half-fixes and easier political victories that help a few people but do not deliver real reform for all families. We have to work hard across party lines and avoid these temptations.

Showing resolve means not giving in to the usual political posturing that has characterized the debate on health care for 30 years and has gotten us nowhere. Failing to act responsibly now will result in yet another lost decade of soaring health care costs for families and small businesses.

Working families with good health insurance are now spending over $3,700 of their own annual income just on premiums, drug copays, and other out-of-pocket costs. The amount a family has to pay before health insurance coverage kicks in has gone up by over 30 percent in the last 2 years alone.

Even the amount all of us pay to cover the uninsured as a part of our health care premium—a hidden tax on every family in the country who has health insurance—has increased to over $1,000 a year. This hidden tax will only continue to increase for all families if we keep walking down this path.

Our top priority must be to stop this ever-increasing spiral of health care costs that create such a struggle for families and small businesses. But we do not have the luxury of spending recklessly to accomplish these goals.

I agree with the President that reforming the health care system is the most pressing fiscal challenge our Nation faces right now. That is right, fiscal challenge.

Fail to reduce costs and health reform will not work. Fail to pass meaningful reform and we will face a worsening fiscal mess. Americans spend over $2 trillion on health care each year. Yet premiums continue to skyrocket, and our coverage is not keeping up with what we are paying for it.

Coloradans know this is a bad deal, and it is getting worse every day we do not act.

We do not have to look very hard for enormous cost savings. The potential savings in Medicare and Medicaid are right in front of us. We must look at inefficiencies and perverse incentives in the system and address those first. Medicare's payment incentives spur doctors and nurses to recommend procedures instead of spending more quality time with patients.

We can empower medical professionals to do the best job possible by fixing this incentive structure. It starts with Medicare. If we want a culture change in health care, we must start with our largest health care spending program, Medicare.

If nothing changes in the next 8 years, the cost of health insurance for families covered by their employer will rise by 124 percent. The average annual cost to cover a family will increase from $11,000 to $25,000.

As you can see, increases in the growth of health care costs have rapidly outpaced increases in family income. Median income has risen by $11,300 in the last decade, and it is projected to increase by $10,600 in the next decade. Income growth will stay relatively stable.

Let's look at the growth of health care costs in this same time. In the last decade, health care insurance to cover a family rose by $5,400, and now the cost of health insurance for a family will increase by $14,000 in this next decade. This rapid increase in growth is clearly unsustainable.

What you can see from this chart is that median income, in real dollars—the increase—remains essentially flat over these decades. From 1996 to 2006, the growth was $11,300. From 2006 to 2016, we see $10,600. But look at the growth in median health care premium costs at the same time: $5,400 over the first period; $14,000 over the second period. It is clearly unsustainable.

We have just come out of a decade when median family income in the United States, in real dollars, actually declined by $300, and over the course of this same time, health care costs went up by 80 percent and the cost of higher education went up by 60 percent. These are not ''nice to haves.'' These are essential things if our middle class is to remain intact and we are to preserve the American dream for the next generation of Americans.

Our revenues as consumers have been far outstripped by the costs of that which is essential to all of us, and it is one of the reasons we find ourselves in the fiscal mess we are in. Because in order to finance that gap, we piled on credit card debt, we had home mortgage loans we could not afford—all to try to finance this gap. It is unsustainable. It has been a house of cards, and we are dealing with the consequences now.

Already, some Coloradans are seeing cutbacks on the benefits in their coverage, and some businesses are no longer able to afford coverage for their workers. Faced with these unchecked increases, health coverage becomes a luxury few families and small businesses can afford. Many people are cutting back on other essentials, visiting the doctor less frequently, even when they know they need care.

We must meet this economic challenge head on. The first goal is fixing health care. But we cannot forget the second goal. It is just as important: fiscal responsibility. A more efficient health care system can save taxpayers money in the long run.

A study from the White House Council of Economic Advisers shows that smart reform will slow the rapid rise in health care costs by a percent and a half or more. Slowing health care costs by just a percent and a half will have a significant impact on our Federal budget.

If we were to look at how much we will save by reforming our health care, economists have shown us our Federal deficit will decrease. By 2040, we would have saved enough money to reduce our Federal budget deficit by 6 percent from health care cost savings alone.

Just this point and a half would increase the income of the average family in this country by $2,600 in the next decade, growing our economy and improving our ability to get a handle on the deficit. Colorado families will use $2,600 to make purchases, put away for college tuition and retirement, and obtain new employment skills to improve their earning potential. Part of fiscal responsibility is empowering middle-class families. The current health care system is holding them back.

If nothing changes, employers will see about a 10-percent increase in their health care costs next year. Businesses are straining to pay salaries already and remain competitive because health care costs are so high. Every day, they are making tough decisions about what kind of benefits they can afford to offer and whether they can even offer health coverage at all.

Coloradan Jean Butler is the clerk and treasurer for the small town of Blanca in Costilla County. The town has about 400 people and employs 6 people in its government. Two of those town employees, the town police officer and the head of maintenance—who oversees roads, water, and sewer—get health benefits provided with their employment.

The town pays the full premium for the two employees, though they do have to pay some out-of-pocket costs. The cost of maintaining a plan that covers just these two employees has become an increased burden on the small town. The coverage has been in place for about 10 years and has increased in cost almost every single year.

Jeannie said the town budgets for a significant increase every year, with the hope it has budgeted enough. In 2008, the increase was 25 percent; the year before, it was 15 percent—40 percent in 2 years. No other town expense requires such a big year-to-year increase. Most others are budgeted to increase with the inflation rate.

The current plan with San Luis Valley HMO costs the town $804 a month and the employees $750 in out-of-pocket expenses. But that plan is no longer available. Jean said that similar plans from other providers would increase the cost premium anywhere from 33 percent to 235 percent. Even with the smallest cost increase, the total annual cost to the town will be close to $12,000.

Jeannie said—Jeannie told me her official name is Jean but that I could call her Jeannie; and she said everybody else does—Jeannie said:

My [town] board now has to decide whether to accept the higher rates, reduce the coverage, require the employee to pay a much larger share of the premium, or try something else. It is not an easy decision.

Jeannie may have summed up the problem we face as well as anyone. She pointed out that:

They should call it sick care not health care because the insurance companies do not pay to keep anyone healthy.

Because Jeannie cannot find another plan, hard decisions are being made about employees. We cannot continue down this path when we know health care costs are overwhelming businesses and working families.

Ann Brown and her husband Gordon run New Vista Image, a large-format digital design and printing company in Golden. The business has nine employees and provides health care benefits, covering 60 percent of each employee's premium but not that of their dependents.

Ann said she is happy with the choices available in Colorado for different types of plans, and she believes in the employer-provided benefits model. She and her husband built in the cost of health care when they began their business because she knew it would help attract the best employees.

Ann said she understands how important a healthy workforce is and supports wellness programs, so employees can prevent major medical conditions. Whenever she brings someone in, she knows the first question asked will be: Do you have a health care plan?

Nevertheless, the business has been forced to offer less and less coverage in order to keep premiums within its budget. Health care is one of the biggest ticket items they worry about. Ann said that in recent years, the percent cost increase over the previous year has been in the double digits. As a result, they have had to offer less coverage, with higher deductibles and more out-of-pocket costs.

The plan's deductible has gone from $1,500 to $3,000, and Ann said it is likely the next step they will have to take is a $5,000 deductible. She knows how hard those out-of-pocket costs can be for employees to absorb. A few years ago, when an employee was facing a serious health condition, the business covered the deductible so the employee would not be saddled with the medical bills.

''I would do it again,'' Ann said, although she knows higher deductibles mean a less generous plan to offer to her employees and less of a competitive edge for the business overall.

Teresa Trujillo of Pueblo, CO, has employer-based coverage. For 7 years, Teresa saved up money to buy a home, and then learned she had breast cancer. After 14 months of treatment, the money ran out and Teresa had to take a loan out to finish paying for the rest of her treatment.

For Teresa, her health insurance coverage only took her so far. While she has been cancer-free for 4 years, she constantly worries that her cancer will come back, and with it, the huge financial strain it would bring. All she wants is health care she can count on.

These are people who have done everything right, played by the rules, looked out for their fellow employees and fellow citizens. Our health care system is failing them. People should not have to wait until they get sick to learn their health insurance will not cover the cost of their treatments. Families should not have to watch their loved ones go through sickness and also deal with the anxiety of paying for medical bills that are increasingly becoming completely unaffordable.

We know health care reform will not be easy. As the President has said, if it were easy, we would have done it a long time ago. But for these Coloradans—for their families and for their businesses—the system must change. For our Nation's long-term prosperity, the system must change. We cannot burden future generations with responsibility for the reform we need today. If we make the hard choices, we will create a better health care system, a better economy, and a better future for our children and our grandchildren.

I thank my colleagues for listening this morning.

I yield the floor, and 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. SPECTER. 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.

SOTOMAYOR NOMINATION

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Sotomayor to be an Associate Justice on the Supreme Court of the United States.

I have made it a practice to write to nominees in advance of the hearings in order to give advance notice to the nominee so that the nominee will be in a position to respond to questions raised without going back to read cases or consider the issues and facilitate the proceeding. I commented to Judge Sotomayor, when she had the so-called courtesy call with me, that I would be doing that.

In a letter dated June 15, I wrote her and commented about it in a floor statement, discussing in some detail the qualifications of Judge Sotomayor for the Supreme Court.

To briefly recapitulate, I noted in my earlier floor statement her excellent academic record and highest rankings in Princeton undergraduate and Yale Law School, her work as an assistant district attorney, her professional experience with a major law firm, her tenure on the Federal trial court, and her current tenure on the Court of Appeals for the Second Circuit.

Today, I am writing to Judge Sotomayor to give her advance notice that I will be inquiring into her views on televising the Supreme Court. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require that, subject to a decision by the Court on a particular case if they thought the Court ought not to be televised. I think the analogy is very apt to televising proceedings of the Senate or the House of Representatives so that the public may be informed as to what is going on with these public matters.

The arguments in the Supreme Court are open to the public. Only a very few people have an opportunity to see them. First, it is not easy to come to Washington and, second, there are so many people who do come to Washington, but they are only allowed to be in there but a few minutes. With the marvel of television, this proceeding appears in the homes of many Americans on C–SPAN2, the House is televised on C–SPAN1, and many of our hearings are similarly televised. That is a great educational tool, and also it shows what is going on.

The Supreme Court of the United States, in a 1980 decision, Richmond Newspapers, Inc. v. Virginia, noted that a public trial belongs not just to the accused but to the public and the press as well. The Supreme Court noted that such openness has ''long been recognized as an indisputable attribute of an Anglo-American trial.''

Chief Justice William Howard Taft put the issue into perspective, stating:

Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is subject to the intelligent scrutiny of their fellow men and to candid criticism.

In the same vein, Justice Felix Frankfurter said:

If the news media would cover the Supreme Court as thoroughly as it did the World Series, it would be very important since ''public confidence in the judiciary hinges on the public's perception of it.''

The term ''press'' used in Richmond Newspapers would comprehend television in modern days. And certainly Justice Frankfurter's use of the term ''media'' would comprehend television as well.

It is worth noting that Justices have frequently appeared on television. Chief Justice Roberts and Justice Stevens appeared on ''Prime Time,'' ABC TV. Justice Ruth Bader Ginsburg's interview on CBS by Mike Wallace was televised. Justice Breyer participated in Fox News Sunday and a debate between Justice Scalia and Justice Breyer was filmed and available for viewing on the Web.

There is no doubt of the enormous public interest in what the Supreme Court does. When the case of Bush v. Gore was decided, the block surrounding the Supreme Court Chamber, just across the green from the Senate, was loaded with television trucks. Although the cameras could not get inside, there was tremendous public concern. The decisions of the Court are on all of the cutting edge issues of the day. The Court decides executive power, congressional power, defendants' rights, habeas corpus, Guantanamo, civil rights, voting rights, affirmative action, abortion, and the list could go on and on.

In both the 109th and 110th Congresses, I introduced legislation calling for the Court to be televised. Twice it was reported favorably out of committee, but neither time did it reach the floor of the Senate. I intend to reintroduce the legislation and I intend to pursue it.

A number of Justices have commented about television. Justice Stevens said he favors televising the Supreme Court. He thinks, as he put it, ''it is worth a try.'' Justice Ruth Bader Ginsburg said she would support television and cameras as long as it was gavel to gavel. Justice Alito, in his Senate confirmation hearing, noted that when he was on the Third Circuit, he voted in favor of televising the proceedings, but had a reservation, saying if confirmed, he would want to consult with his colleagues about it. Justice Kennedy has said that he thinks televising the Court is inevitable. Chief Justice Roberts left the question open.

There is an obvious sensitivity in the Court if a colleague strenuously objects, and such a vociferous objection has been lodged by Justice Souter, who was quoted as saying, ''I can tell you the day you see a camera come into our courtroom, it is going to roll over my dead body.'' That is quite a dramatic statement. Justice Souter has announced his retirement. Perhaps in the absence of that strenuous objection, it is a good time for the Court to reconsider the issue.

I intend to ask Judge Sotomayor in her confirmation hearing whether she agrees with Justice Stevens that televising the Supreme Court is worth a try, whether she agrees with Justice Breyer that televising judicial proceedings is a valuable teaching device, whether she agrees with Justice Kennedy that televising the Court is inevitable. She can shed some light on the issue, because her courtroom was part of a pilot program where it was televised. There was a program from 1991 through 1994, where the Judicial Conference evaluated a pilot program conducted in six Federal district courts and 2 Federal circuits, and they found:

> Overall, attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program.

The Judicial Center also stated:

> Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.

I think that is a very solid step forth from some of the Justices who have expressed concern that the dynamics of the Court would be changed. With the ability to put a camera in a concealed position and the findings of the Judicial Center that is a solid argument in favor of proceeding and, to repeat, I will continue to press the issue; and the confirmation proceedings of Judge Sotomayor will be a good opportunity to ask her about her experience when she presided over the trial under the pilot program, and to further develop the issue and perhaps stimulate some more public interest.

I commend to the attention of my colleagues the report of the Judiciary Committee on the legislation I had introduced in the 110th Congress. I cite Calendar No. 907, Senate Report 110–448 to Accompany S. 344, ''A Bill to Permit the Televising of Supreme Court Proceedings.'' It is lengthy, but I think it has a good summary to supplement the remarks that I have made to acquaint the public with the issue and the importance of it.

SYRIAN AMBASSADOR

Mr. SPECTER. Madam President, I compliment the President for his decision to send an Ambassador back to Syria. I am a firm believer in dialog. I believe that even though we may have some substantial questions about Syria's activities and Syria's conduct, we ought to continue the dialog. I believe in the famous maxim that you make peace with your enemies and not your friends. The derivative of that would be to talk to people who may be adversaries—not that I necessarily put Syria in an adversarial position, and I certainly wouldn't characterize them as an enemy. But the Ambassador was withdrawn 4 years ago as a protest to the assassination of former Lebanese Prime Minister Rafik Hariri.

The Security Council of the United Nations adopted a resolution on April 7, 2005, to establish an independent international investigating commission to inquire into all aspects of the terrorist attack killing Prime Minister Hariri. That tribunal has faced considerable obstacles, but it is still in operation, and I think its report would be very important in making a determination as to who was responsible for the assassination of Prime Minister Hariri and whether Syrian officials were implicated in any way.

I do believe and have believed for a long time that Syria could be the key to advancing the peace process in the Mideast.

In connection with my duties as chairman of the Intelligence Committee in the 104th Congress and my work on the Foreign Operations Subcommittee of the Appropriations Committee during my tenure in the Senate, I have traveled extensively abroad and have concentrated on the situation in the Mideast. In connection with those travels, I have visited Syria 18 times and have studied the Syrian Government. I have gotten to know former President Hafez al-Asad, current President Bashar al-Asad, Foreign Minister Walid Mualem, who for 10 years was Ambassador to the United States and now is Foreign Minister.

It has long been my view that a dialog with Syria is very important. In December of 1988, I had my first meeting with Syrian President Hafez al-Asad, a meeting which lasted 4 hours 35 minutes. During the course of that meeting—President Hafez al-Asad was noted for his long meetings—we discussed virtually every problem of the world and every problem of the Mideast. It seemed to me from that meeting that President Asad was open to conversation. I have had many similar meetings with him. I was the only Member of Congress to attend his funeral in the summer of 2000. At that time, I met his successor, President Bashar al-Asad, and have gotten to know him, with meetings virtually every year in the intervening time.

There have been back-channel negotiations conducted through Turkish intervention between Israel and Syria, and I think dialog between the United States and Syria could promote future discussions between Syria and Israel. It would be my hope that the day would be sooner rather than later when Syria would be willing to talk to Israel directly. The Israeli officials, the Prime Ministers, have repeatedly stated their interest in direct conversations. Syria has resisted but has undertaken conversations through back channels. President Clinton came very close to effectuating—or made a lot of progress toward an agreement is perhaps more accurate to say—in 1995 when Prime Minister Rabin was in charge of Israel. In the year 2000, again, there was substantial progress made by President Clinton on those efforts. The back-channel communications brokered by Turkey suggest the time is right for promoting that kind of an effort.

Only Israel can make a determination as to whether Israel wants to give up the Golan Heights, which is key to

having the peace talks proceed. But it is a very different world today in the era of rockets than it was in 1967 when Israel captured the Golan Heights. Syria, obviously, wants the Golan back as a matter of national pride.

Former Secretary of State Kissinger told me that he found President Hafez al-Asad to keep his word on the negotiations for the disengagement in 1974, so that, obviously, any arrangements would have to be very carefully negotiated under President Reagan's famous dictum of ''trust but verify.''

It seems to me now is a good time to promote that dialog. The advantages would be if Lebanon could be stabilized. It is an ongoing question to the extent Syria is destabilizing Lebanon. The Syrian officials deny it. There is no doubt that Syria supports Hezbollah and Hamas, so that Israel could gain considerably if the weapons to Hamas were cut off and attacks from the south and Hezbollah were not a threat from the north.

The sending of an Ambassador is a very positive sign, a positive sign that Envoy former-Senator George Mitchell was visiting. I think this bodes well. The article I wrote in the Washington Quarterly some time ago sets forth in some greater detail my views on the issue of dialog.

I note my colleague has come to the floor, so I will conclude my statement and yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER TO THE DEPARTMENT OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

The Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong opposition to the nomination of Mr. Harold Koh to be the Legal Adviser to the Department of State. My concerns with Mr. Koh arise primarily from his own statements, writings, and testimony before Congress. In my opinion, he seems more comfortable basing his legal conclusions on partisan political opinions and trendy arguments rather than the facts and the law. We do not need more legal theorists in government. We need more legal realists in government, someone who pays attention to the hard work we do in this body to pass laws. The Department of State and the country deserve better than that kind of advice.

Let me provide a few quick examples. On September 16, 2008, Mr. Koh testified before the Senate Judiciary Subcommittee on the Constitution. His written testimony included the following statement:

> A compliant Congress repeatedly blessed unsound executive policies by enacting nominal, loophole-ridden ''bans'' on torture and cruel treatment and rubberstamping without serious hearings presidentially introduced legislation ranging from the PATRIOT Act to the Military Commissions Act to the most recent amendment of the Foreign Intelligence Surveillance Act.

In the same testimony, he argued that Congress should revisit the hastily enacted FISA Amendments Act with less emphasis on the issue of immunity for telephone and Internet service providers. He obviously was not paying attention.

Besides his condescending and inappropriate tone, I think his statements reflect a poor understanding of some of the most important pieces of national security legislation that have been passed since the September 11 terrorist attacks and passed on a bipartisan basis in both Houses.

As my colleagues may know, I was heavily involved in the legislative process surrounding the passage of the FISA Amendments Act. I can assure you that certainly was not the result of a congressional rubberstamp that was enacted hastily. We began working on the first one, the Protect America Act, debated it, and passed it in the summer of 2007. When we came back in the fall, the Senate Intelligence Committee went to work on a bipartisan basis, and we worked for months to get a truly bipartisan bill that came out of the committee. In that bill, we added many additional protections to American citizens to assure their rights would be protected from warrantless surveillance, even if they were overseas. We added that. And we added further protections. That bill passed the Senate. It went to the House, and it was stalled for months.

In the spring of 2007, I sat down with the Republican whip and the Democratic whip in the House of Representatives—STENY HOYER of Maryland and Mr. ROY BLUNT of Missouri. We went through and took account of all of the concerns they had on both sides in the House of Representatives. We worked with lawyers from the Department of Justice, from the intelligence community, and lawyers for the majority staff in the House of Representatives. It took us several months. What we finally came up with was a piece of legislation that overwhelmingly passed the House on a bipartisan basis and came back and passed the Senate on a bipartisan basis.

Another key aspect of the FISA Amendments Act was to ensure the intelligence community could continue to collect timely intelligence that could be used to prevent future terrorist attacks. Another key aspect of the legislation was the carrier liability provisions that were designed to end frivolous litigation against companies alleged to have responded to requests for assistance from the highest levels of government. I don't know what planet Mr. Koh is living on, but if he thinks we can accept electronic communications without being able to give legitimate orders to the carriers of those communications, he doesn't understand the real world. That is where we find out what the terrorists' plans are, who the terrorists are, and where they are likely to strike. If we cannot say we are not going to have frivolous lawsuits against those who respond to lawful orders from the Federal Government, then we are not going to be able to have access to that information.

I am happy to report that earlier this month, the U.S. District Court for the Northern District of California, which had raised questions and entertained legislation, rejected the constitutional challenges to the carrier liability provisions and dismissed all but a few of the lawsuits involved in the multidistrict litigation. They found that, contrary to Mr. Koh, they were constitutional, and a well-reasoned opinion said they were right. A bipartisan majority in both Houses of Congress said they were right.

Let me be clear, the FISA Amendments Act was a necessary and important piece of national security legislation that is keeping us all safe. But despite the overwhelming bipartisan approval, apparently Mr. Koh does not see it that way. I urge my colleagues, even those who voted for cloture, to go back and think again, to see if legislation worked on for a year in this body on a bipartisan basis and passed by this and the other body should be dismissed as hastily approved.

In his book, he condemns the Democratic leaders in the Senate who played a leading role in making the improvements to the FISA Act. And to the Republicans, he condemned everybody who worked on it. Apparently, decisions need to be made in the Department of Justice, not through the elected will of those of us who represent the people of America. I think his charges and his disregard of Congress warrant a hard look at him.

Another example of Mr. Koh's partisan legal scholarship can be found in his May 2006 article in the Indiana Law Journal, where he wrote:

> We should resist the claim that a War on Terror permits the commander in chief's power to be expanded into a wanton power to act as torturer in chief.

While that might appear to be a nice media sound bite in winning partisan plaudits, I think it is a bit premature to conclude that the United States illegally tortured detainees. We know the Department of Justice's Office of Legal Counsel reviewed the proposed interrogation procedures on several occasions and found them to be lawful. We in the Senate Intelligence Committee are

conducting a review of those practices to make sure what was done complied with the law. Where American soldiers violated all standards—not only of law but of decency—and performed unspeakable acts on detainees at Abu Ghraib prison, they were rightfully punished and sent to prison, as they should have been. That is what we do even with our brave soldiers who step out of bounds.

Here is another clever sound bite from Mr. Koh. In an article for the Berkeley Journal of International Law back in 2004, he wrote:

> What role can transnational legal process play in affecting the behavior of several nations whose disobedience with international law has attracted global attention after September 11—most prominently, North Korea, Iraq, and our own country, the United States of America? For shorthand purposes, I will call these countries the ''axis of disobedience.''

To my fellow colleagues, I ask: Do you accept the fact that the United States is part of an ''axis of disobedience''? Do you really think fighting back against the terrorists who struck us on 9/11 was disobedience? Do you think we should have a Legal Adviser in the State Department who believes international law—ill-defined, not applicable—should be applied to affect his political judgments on America?

The Legal Adviser for the State Department should be an advocate for the Nation not a detractor. If I remember correctly, after September 11, by a vote of 77 Members in the Senate, plus a majority in the House, we made the determination to go to war in Iraq to make sure we didn't suffer further attacks. It was in compliance with a U.N. resolution. Oh, I say, by the way, that was a legal international resolution.

A lot of people will say Mr. Koh had a distinguished career in government service and legal academia. I am concerned he spent a little too much time in the ivory tower, and I wish he would return to that jurisdiction.

Given my previously stated concerns, I cannot and will not in good conscience vote in favor of his nomination. I recognize that Mr. Koh may be headed for confirmation, but I would ask those who may have previously voted for cloture to go to this nomination and think about what he said about Congress, about the work we have done, and about what he has said about America. Are you comfortable having him as a Legal Adviser to the State Department after what he said about America being part of the ''axis of disobedience''? Are you comfortable with what he said about those of us who voted for the war resolution, about those of us who voted for the FISA Amendments Act? I certainly am not.

If he is confirmed, I would hope for his and our country's sake, if he returns to the State Department, his legal advice will be based on facts rather than political rhetoric.

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

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

The assistant 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 as in morning business for up to 10 minutes.

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

HONORING DENISE JOHNSON

Mr. KAUFMAN. Madam President, once again I rise to honor a Federal employee whose service to our Nation is exemplary. Before I do, I want to thank my distinguished colleague from Mississippi, Senator COCHRAN, for his June 11 statement about Federal employees. It is my great pleasure to join with him and other Senators to recognize the enormous contributions to the security and prosperity of our country by those who work in the Federal Government.

Madam President, last week, I shared the story of a Federal employee who spent his career working at the Redstone Arsenal in Alabama. He helped design and test the advanced missile systems used by our military to defend our ideals overseas. This week, I wish to share the story of a Federal employee who also works to advance our interests overseas—that of humanitarian good works. Both are vital to our global leadership.

I have spoken before about the groundbreaking medical research performed by Federal employees at the National Institutes of Health. The advances in medicine and biotechnology pioneered by those working at NIH keep America's health care the most innovative in the world. Yet making breakthroughs and developing treatments are only a part of how the Federal Government is helping to promote global health. One of our foreign policy and humanitarian priorities is to expand access to new medications and health technologies among those who live in the developing world.

The hard-working men and women of the Centers for Disease Control and Prevention are at the forefront of initiatives to bring lifesaving medicines to those in greatest need. Foremost, the CDC monitors, prevents, and, if necessary, contains the outbreak of deadly diseases in the United States, such as West Nile and Swine Flu. Part of this effort is a push to eradicate some of the most dangerous viruses throughout the world.

With the lens of Congress now focused on our health care system, so much has been said about its shortcomings. Yet for all the problems we face on this front, Americans are blessed with freedom from fear of diseases that afflicted previous generations.

When I was young, tens of thousands of children each year were stricken with polio. In the early part of the 20th century, polio outbreaks occurred in the United States with deadly frequency. Parents used to keep their children home and away from their peers. Many became paralyzed or had to make use of the iron lung. We have all seen those famous images of President Franklin Roosevelt seated behind his desk in the Oval Office signing New Deal programs into law and overseeing a World War against the enemies of liberty. But at the same time, few Americans knew that behind that desk our President sat in a wheelchair, his legs paralyzed from his own battle with polio.

Today, in parts of Africa and South Asia, hundreds of children each year still develop polio. While children in developing nations routinely receive the Salk or Sabin vaccines, this is a luxury for rural villagers in places such as India, Nigeria, Afghanistan, and Somalia. The CDC has set a goal of vaccinating every child on Earth. Leading this charge over the past decade, Denise Johnson serves as the Acting Chief of the CDC's Polio Eradication Branch.

Before she was recruited to direct this project, Denise served for 6 years as the manager of the CDC's Family and Intimate Partner Violence Prevention Program. In this role, she oversaw the promotion of nonviolent, respectful relationships through community and social change initiatives. This was around the time that Congress passed the Violence Against Women Act, which was one of the proudest achievements of my friend and predecessor, Vice President JOSEPH BIDEN, during his career in the Senate.

When asked why Denise was highly sought after to work on the polio project, one of her supervisors at the CDC said:

> If you do a good job keeping women and children from being beaten, you can eradicate polio.

With Denise at the helm, the Polio Eradication Branch has been working in close concert with the World Health Organization and UNICEF to promote immunization. In her first few years alone, Denise and her team helped immunize over a half billion—let me repeat that, a half billion—children in 93 countries.

From her office in Atlanta, Denise oversees a staff of over 40 professionals working overseas. Her effective leadership has proven to be a key factor in the program's success. Denise administers the purchase and distribution of over 200 million doses of the oral polio vaccine—bought for a mere 63 cents per dose—and routinely serves as a field consultant in polio hotspots around the world. In fact, Denise is in Kenya right now, taking the fight against polio straight to the front lines.

Twenty years ago, there were over 350,000 cases of polio in 125 countries, but today there are fewer than 2,000 cases. That is 350,000 cases down to 2,000 cases because of the diligent work

performed by Denise and the rest of her team at the CDC's Polio Eradication Branch. It is only a matter of time before this disease no longer threatens our world's children.

Madam President, Denise is just one of so many Federal employees who have dedicated their lives to serving the greater good. She and her team are truly engaged in what President Obama has called ''repairing the world.'' Their work saves lives and helps demonstrate our Nation's commitment to humanitarian leadership in the global community.

I hope my colleagues will join me in honoring Denise Johnson and her team for their outstanding work, as well as the important contributions made by all of our excellent public servants.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

GROVES NOMINATION

Mr. CARPER. Madam President, in the Constitution, we see laid out before us a framework of how our government is supposed to work, with three branches—legislative, executive, judicial. We also find in the Constitution what our relative responsibilities are, not with great detail but with some definitiveness.

Ironically, one of the requirements the Constitution provides for us in this country is that every 10 years we try to count everybody. We have a census. Most nations do that. We have been doing that really for over 200 years. It does not get any easier. In fact, every 10 years it gets harder, and it also gets to be more expensive.

The Director of the Census does not serve a finite period of time. The Director of the Census really serves at the pleasure of the President, and we have had Census Directors who have served as little as 1 year and some Directors who have served maybe 4 or even 5 years.

This is particularly appropriate to speak about today because we do not have a Director of the Census. We had a Dr. Murdock, from down in Texas, who served for about the last year of the Bush administration as our Census Director. He did a very nice job. But at the beginning of this year, Dr. Murdock resigned. We do not have a Census Director. What we do have coming down the railroad tracks is the requirement to do the census.

Next April 1—I call it a little bit like D-day. At Normandy, we sent all of our troops ashore, and they scrambled off of those landing vessels. They stormed the beaches. That took place after literally months of planning, months of preparation, and finally the day of execution came.

In a way, the census is like preparing for the Normandy invasion. The efforts are underway now. They have been underway for months and will continue up to April 1 and beyond that day, as we try to count everybody. Yet, at this critical time, as we approach the need to conduct our census, to do it in an accurate, cost-effective way, we do not have a leader there. We have some good people, but they lack a Director.

Last month, I held a hearing of our Homeland Security and Governmental Affairs Subcommittee, and we invited people who had been high-level officials in, I think, every census since 1970—the 1970 census, the 1980 census, the 1990 census, and the 2000 census. We asked them to come in and talk to us about how they thought we were doing in terms of the preparation for the 2010 census. At the end of their testimony, I asked each of them to give to us on our committee two names of people who they thought would be excellent Census Directors, and they were good enough to do that. I think every one of them included in their recommendations the name of a fellow from Michigan—I am an Ohio State guy, but they recommended a fellow from Ann Arbor whose name is Dr. Robert Groves.

Dr. Groves is an expert in survey methodology. He has spent decades working to strengthen the Federal statistical system, to improve its staffing through training programs, and to keep the system committed to the highest scientific principles of accuracy and efficiency. Having once served as Associate Director of the Census Bureau a number of years ago, Dr. Groves knows how the agency operates and what its employees need to successfully implement the decennial census and other programs. He knows because he has been there. He is not just an academician—one of the most respected people in his field in the country—he actually helped run the Census Bureau at an earlier time. The combination of those experiences has prepared him well to lead the Bureau at a time when rapid developments and changes are occurring.

As a manager, he elevated the University of Michigan's Institute for Social Research to a premier survey research organization, respected throughout the country—actually, respected around the globe. Numerous Federal and State agencies and policymakers have sought his expertise in survey design and response. His work has received professional recognition through awards from various professional associations, including the 2001 American Association for Public Opinion Research Innovator Award and more recently the 2008 American Statistical Association Julius Shiskin Award for original and important contributions in the development of economic statistics. Ultimately, his deep expertise in survey response will help the Census Bureau focus on the most important goal of the 2010 census, which is to encourage all people to respond to the census.

Dr. Groves will undoubtedly face a host of operational and management challenges as we move closer to the 2010 census. However, I remain confident he is well equipped—remarkably well equipped—to understand the agency's inner workings, to lead his staff—he has led a large organization already; he served at a senior level at the Census Bureau before—and to also be a national spokesperson for the 2010 census and the agency's other equally important ongoing survey programs. It is for these reasons that I hope the full Senate will support his nomination and move it quickly.

Let me just reiterate, we are now about 8 months away from when the first forms go out as part of the start of the 2010 census. The Bureau has already completed something we call address canvassing—an operation in which 140,000 people on the ground nationwide were making sure the address lists we have to do the census are accurate.

Since the 2000 count, the population in this country is estimated to have increased by over 40 million people, with increased numbers of minorities and an increase in the number of languages spoken. Further complicating the 2010 decennial operations is the mismanagement and lack of preparation that occurred in past years, most notably in the failure of the field data collection automation contract, resulting in a last-minute decision to return to paper-based questionnaires, ultimately adding billions of dollars to the census budget. And it is only going to get harder the longer the Senate delays the confirmation process.

The reason we do not have a Census Bureau Director is not because we do not have a qualified candidate. It is not because our Subcommittee on Homeland Security and Governmental Affairs has not endorsed his candidacy. We have done so unanimously, and actually we have endorsed him with acclaim. We are just lucky, very fortunate in this country to have—at a time when we are about to try to meet our constitutional responsibility to count everybody accurately and in a cost-effective way—to actually have somebody with his gifts and his talents to bring to the job. What we do not have is the permission to bring his name up for a vote in the Senate. If we leave here today without having had the opportunity to vote up or down on the nomination of Dr. Groves, we will have made a very grave mistake.

I understand our Republican friends are uncomfortable, unhappy with the pace for the confirmation process for Judge Sotomayor, who has been nominated, as we know, to be an Associate Justice on the U.S. Supreme Court. I voted for Chief Justice John Roberts a couple of years ago. The timetable for approving his confirmation was almost the very same from the day he was nominated by former President Bush to the day we voted for him here, it was almost the same number of days we are

talking about with respect to the Sotomayor nomination. The timetable on Justice Alito: almost the same from the day he was nominated by President Bush until the day we voted here in the Senate—at least a majority of our colleagues did—to confirm him. It was almost the same number of days. I realize some of our colleagues are unhappy that we are providing the same kind of timetable for Judge Sotomayor that we provided for Justice Alito and Chief Justice Roberts. I, for the life of me, do not see what the beef is.

Just as I believe we are fortunate to have someone with Dr. Groves' credentials to serve as our Census Director, I think we are lucky to have somebody with Judge Sotomayor's credentials to serve on the Supreme Court. I have had the opportunity to meet with her. I know a number of my colleagues have too. I must say, among the things I most like and respect about her: She is up from nothing. She was a kid born in the Bronx, raised in the Bronx, and very humble, from a humble setting, a humble beginning. She worked hard, won herself a scholarship to Princeton, went there, excelled, and later went off to law school at Yale—two of the finest institutions we have in our country.

After that, she was a prosecutor for a number of years; beyond that, a corporate litigator; and finally nominated by a Republican President—George Herbert Walker Bush—to serve as a district court judge. By all observers, she did a superb job. She was not just so-so. She was an exceptional judge—so good, in fact, that a few years later, when there was a vacancy on the circuit court of appeals in her district, a Democratic President, Bill Clinton, said: I think she ought to get the nod. He nominated her for that position, and she was confirmed by a wide margin. So she has actually been through this process not once but twice. I think she has gone on to serve longer as a Federal judge—when you add together the district court time and the circuit court of appeals time, I think she has served longer as a Federal judge than anybody in the last 100 years who has been nominated to serve on the U.S. Supreme Court.

I have read the comments some of her colleagues have to say about her, including colleagues who were also nominated by Republican Presidents. They have been uniformly complimentary, very gracious in their remarks, very laudatory as well.

So I would say to my Republican colleagues, while you struggle to get over the fact that we are going to set the same timeline or try to set the same timeline for the confirmation of Judge Sotomayor that we set for the nominations of Judges Alito and John Roberts—I just don't understand the angst you feel.

I do know this: Apparently, the nomination of Dr. Groves is being held up along with 25 to 30 other names, all of whom have cleared committees, I think, by wide margins. We can't move forward on those nominations. Some of them maybe are not of grave consequence. The nomination of Dr. Groves is of grave consequence. If we have the opportunity later today in the course of business to actually consider a number of nominations that are before the Senate, that are awaiting our consideration, I would urge my colleagues on the other side of the aisle to allow the nomination of Dr. Groves to come here for a vote and to give us the opportunity to vote him up or down. I am sure we will vote him up, and I am equally sure he will make us proud with the service he will provide as the Director of the Census Bureau for our country in the years ahead.

With that having been said, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

HEALTH CARE REFORM

Mr. BROWN. Madam President, just before walking into this Chamber, I attended a historic rally on health care reform across the street. Today, thousands of Americans—some from every State in this country—traveled to Washington for one of the largest health care lobby days in the history of the Nation. I joined these citizens—volunteers, almost all—representing more than a thousand organizations and more than 30 million people who are fighting to ensure that every American has access to affordable health care coverage.

I am inspired by their activism and energy and by the message I hear from these Americans. I am hearing from hundreds of thousands of middle-class Ohioans, and their message is: Don't let the special interests hijack this health insurance reform.

The message I hear is to make sure health care reform includes a strong public option. I will tell you about individuals, Americans like Joseph from Powell, OH, who are demanding they change. Joseph, an ordained pastor and doctor of psychology, wrote to me that as a child he suffered a stroke and became paralyzed and blind. His father's insurance expired and his family had no coverage. They struggled to provide the care he needed. As an adult, he is concerned that too many Americans are not receiving the medical care they need. Joseph wishes to see a public insurance option that will bring down costs and help all Americans lead a productive life.

The spirit and energy of the people I met today—thousands from around this Nation demanding change—reaffirms why health care reform is so important.

Health care reform is about keeping what works and fixing what's broken. Middle-class families from all over the country are demanding a health care system that reduces costs, enhances quality of care, and provides choice—choice either of a private insurance plan or of a public option. It is their choice. The existence of both will make the other behave better and make the other work better and will improve the quality of care for all Americans. Good old American competition.

People are reminding elected officials in the Senate and House about Americans like Ken from Findlay, OH. He lost his manufacturing job a few years ago, after working in the industry for nearly 30 years. Shortly before losing his job, Ken began having serious health issues—unexplained seizures and memory loss. In and out of the hospital, and out of a job, Ken was forced to find expensive private insurance after being denied Social Security disability and not yet old enough to be eligible for Medicare. Unfortunately for Ken, the price of the private insurance was simply too high.

After a near-death seizure a few years ago, Ken was hospitalized again and diagnosed with lupus. After a month-long hospitalization, Ken entered a nursing home for rehabilitation.

All this treatment was done without insurance. With tens of thousands of dollars in medical expenses, Ken had to withdraw from his 401(k) savings early—facing tax penalties, I might add—ultimately draining his lifetime, hard-earned savings, and putting his retirement security in jeopardy.

It is unacceptable that Ohioans such as Ken, who worked hard all their lives, have to fight for health insurance simply to take care of their disability. That is why the time for health care reform is now.

The HELP Committee has accomplished a lot on quality, on prevention and wellness, in part thanks to the contribution and efforts of the Presiding Officer from North Carolina. We have done well with the workforce shortages issue. We have good language on fraud and abuse. Clearly, most important, the most difficult work is in front of us. We have more work to do to make sure health care reform is about providing people with affordable, quality health insurance that protects them, to protect what works and to fix what is wrong.

I need some of my colleagues to explain to me something that is pretty confusing. As we talk about this public option, I hear the insurance industry tell us over and over they can do things better, that with their marketing, their skills, their bureaucracy, their well-paid executives and all the things they do they can do things better. As they argue against the public option, they say the government cannot do

anything right. What puzzles me is why the insurance industry is so afraid that the public option will put them out of business. They tell us the insurance business does things better, the government cannot do anything right, but yet they are afraid the public option will put them out of business. I don't understand.

I encourage all of the grassroots volunteers whom I met today to keep moving forward to remind your elected officials this legislation is not about helping out the insurance companies. Health care reform is about helping people such as Cheryl from Cleveland.

Cheryl is 59 years old and was recently diagnosed with diabetes. Her husband died just 4 months ago, and with no income, her insurance costs more than $400 a month. With no income, Cheryl cares for a disabled adult son and an autistic granddaughter. She writes that she has no choices and that our system is broken and unaffordable for her, for some of her neighbors, and for too many Americans. She writes that she needs health care reform now before all her savings are lost. That is why it is so important we do this now.

President Obama is right we not wait for next year or the year after. Some people say the economy is bad; we cannot do it now. The same people said when the economy was good: We cannot do it now. As Chairman DODD repeatedly said in the committee that Senator HAGAN and I sit on, 14,000 Americans every day are losing their health insurance.

It is people such as Cheryl I talked about and Ken and Kathleen and Joseph—Kathleen, I will speak about in a minute—people who are losing their health insurance every day, 14,000 Americans every single day. For us to wait an additional 6 months or a year, or some people say let's wait until the next election until the voters, again, say we need health care reform, 14,000 people every day are losing their insurance.

Health care reform is about helping small business owners such as Kathleen from Rocky River, OH, west of Cleveland. One of Kathleen's finest employees suffers from rheumatoid arthritis. Kathleen's premiums have increased to $1,800 a month, and after trying to purchase another plan, she was turned down because of her employee's arthritic condition.

Keep in mind, if you have a small business of 10, 20, 50 employees, and you have a decent insurance plan, if one of them gets very sick to the tune of hundreds of thousands of dollars, everybody's premium goes up because it is such a small insurance plan. Then so often the small business person has to give up and cannot insure their employees. Kathleen is being victimized, as are her employees, by that phenomenon. She does not want to fire her finest employee, nor should she have to.

I stand ready to work with my colleagues to design a public insurance option that will help provide middle-class families with economic stability, with stable coverage, with stable costs, with stable quality. I stand with the thousands of volunteers who were here today across the street demanding real change in our health care system. They are showing the world how change in America happens. Their activism is important—the stories of the people they are fighting for, people I just mentioned—Joseph, Ken, Cheryl, and Kathleen. That is why we cannot wait any longer. We need health care reform now, and we need a strong public option now.

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

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

The bill clerk proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

AID TO PAKISTAN

Mr. GRAHAM. Mr. President, I want to speak on the record in support of the Kerry-Lugar legislation that was passed by this body basically without objection—by voice vote. It went through so quickly, to me it demonstrates the power of the bill, and so I want to congratulate Senator KERRY and Senator LUGAR for this piece of legislation.

To the public, what I am talking about is an aid package to Pakistan of I think it is over $1.5 billion a year for the next 5 years. I know we need money here at home. Trust me, in South Carolina we have the third highest unemployment in the Nation. Times are tough. But all I can tell the taxpayers and the American people is that what happens overseas does matter.

September 11 was planned in Afghanistan. It was an area of the world, quite frankly, that we ignored. Pakistan has been an ally in the war on terror generally. It is a regime with nuclear weapons. It is a country that has been hit incredibly hard by the downturn of the world economy. There are millions of people in Pakistan who are looking to find a better way. The government is fighting forces that are aligned with the al-Qaida movement—the type of people who would impose a period of darkness in the Middle East that would affect the quality of our lives. So $1.5 billion is a lot of money, but it will do a lot of good in Pakistan and it will help this government and the Pakistan military combat the growing threat of terrorism in Pakistan. The aid package is going to help the government provide a better quality of life for its people. Where the government fails to provide a decent quality of life in Afghanistan and Pakistan, you will have a vacuum that will be filled by the Taliban. The Taliban is not in favor with the Afghan people, but when the government of Afghanistan cannot deliver justice, provide the basic necessities of life, that allows the drug dealers and the Taliban to come along and fill in the vacuum.

Pakistan is a large country with nuclear weapons. It is in our national security interest to make sure that the government is stable, that the military will be supportive of civilian control of the government and will be able to defeat the forces of extremism we have seen. We know what they can do when left unchecked. So this bill is an aid package which focuses on civil capacity.

The bill also makes sure that we know where the money is going to go. It is not a $1.5 billion check to Pakistan that could be stolen through corruption. It is a very accountable system that follows the money. It makes an effort to upgrade the Pakistan military to deal with counterinsurgency, because they do not have the capacity now that they need. Again, it provides assistance to the Pakistani people and the government to improve the quality of their lives.

I think we are getting something for our money. I think we are going to get a good return if we can stabilize Pakistan. It helps us in Afghanistan, where we have thousands of American troops stationed and fighting as I speak.

So to Senators KERRY and LUGAR, congratulations on being able to get this bill through the Senate so swiftly. To Senators MCCONNELL and REID, I applaud them both, the minority and majority leaders, for working for the common good here. The administration has also been very supportive. I have had my differences with this administration, and I will continue to have them, but I want to acknowledge that Ambassador Holbrooke, who is now in charge of monitoring Pakistan and Afghanistan as a unit, has done a good job of focusing on what we need to do in both countries, because one does affect the other.

The Kerry-Lugar bill, according to the Ambassador and General Petraeus, would be the most important thing the Congress could do to aid the Pakistan Government and the Pakistan military at this crucial time. So I am glad to see that in a bipartisan fashion we responded to that call from our general and from our Ambassador, and hopefully this will become law soon.

To the American taxpayer, I know times are tough. I know money is in short supply. But quite frankly, this is an investment we have to make. We have soldiers serving in Afghanistan. If we can make Pakistan more secure and less of a safe haven for terrorists who are attacking our troops, that makes their lives better. If we can stabilize Pakistan and put it in the column of moderation and not extremism, not

only will our Nation prosper now, but future generations will be able to prosper. It is impossible for us as a nation to have a strong, vibrant economy and to enjoy the freedom we enjoy today and pass it on to our kids and grandkids without confronting these problems head on. Anytime you ignore problems such as Pakistan and Afghanistan, they always come back to bite you.

This is a wise investment at a time that it matters. The tide is turning in Pakistan, it is turning our way, and I hope this aid package will allow it to accelerate and get a result in Pakistan that helps us in Afghanistan.

Every American should be proud of the history and tradition of our country. We have been blessed in many ways. The challenges we face are enormous, but we have to remember we are the most blessed nation on Earth and this is a chance for us not only to help ourselves but help the world at large.

I am proud of the Senate. I look forward to working in the future with Ambassador Holbrooke and the administration on Afghanistan, Iraq, and Pakistan, to find ways to make sure we are successful. This is not a Republican or Democratic problem, this is a problem for anyone who loves freedom. This is a problem that needs to be addressed and the Kerry-Lugar bill does address the problem of Pakistan in a reasoned way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STRUGGLE FOR EQUALITY

Mr. BURRIS. Mr. President, this June we celebrate our diversity as Americans as we mark Pride Month. In many ways, the struggle for equality is a singular thread that is woven through the fabric of American history.

From the Declaration of Independence, to the Emancipation Proclamation, to women's suffrage, from school integration, to Stonewall, the story of this Nation is a story of a long, slow march toward equal rights for every citizen. It is a story of ever greater inclusiveness—a tribute to the enduring promise of the American dream.

Together, we can reduce discrimination based on race, ethnicity, religion, sex, sexual orientation, and gender identity.

I believe we can achieve equal rights for all. I believe our next step in this ongoing struggle must be to secure the rights of the gay, lesbian, bisexual, and transgender community. We must start by stepping up our efforts to prevent hate crimes.

It is hard to believe that it has been over a decade since Matthew Shepard was brutally beaten and left to die on a bitterly cold Wyoming road. His story rightly sparked intense national debate about the nature of hate. It reminded us that if Matthew was vulnerable, anyone could be vulnerable to such a vicious attack.

The thing that is particularly heinous about hate crimes is that they are not just an assault on an individual, they are intended as an indiscriminate assault on an entire community.

Our government has a moral obligation to say this is wrong, and we need to make sure our law enforcement officers and our courts have all of the resources they need to deliver justice.

That is why I am proud to be a cosponsor of the bill inspired by Matthew's tragic story. I do not want to see another year go by without the Matthew Shepard Local Law Enforcement Act as the law of the land.

But we must not stop there. Far too many gay and lesbian Americans face not just violence but other forms of discrimination in their daily lives.

We are fortunate in Illinois to have laws on the books to protect our citizens from discrimination based on sexual orientation or gender identity. I believe those equal protections should be Federal law. I am also a proud cosponsor of the Employment Non-Discrimination Act. It is the fair thing to do, and it is the right thing to do, and it is far overdue.

Passing ENDA will not end all forms of discrimination. One of the worst forms of discrimination is not only destroying people's careers and lives, it is undermining our national security.

I am talking about the military's ''Don't Ask, Don't Tell'' policy.

To all of those who have served, and to those currently serving in our Armed Forces, let us say: Thank you—thank you to those who have served. We honor your service. We honor your sacrifices. And we honor your courage.

This Nation is a better, safer place because of them. They fight for this Nation every day. We should end this offensive and discriminatory policy so they can be the best soldiers, sailors, airmen, and marines they can be, while living their lives openly and honestly.

Especially in this time of war, when we face terrorist threats, we must welcome the service of every patriotic man and woman who signs up to defend our freedom. When we dismiss the sacrifices made by those with a different sexual orientation, we determine the strength—we undermine the strength—of our fighting forces.

When we fail to recognize the brave contributions that gay and lesbian servicemembers continue to make every single day, we diminish ourselves as much as we diminish their service.

Senator TED KENNEDY has long been a leader on this issue, and I know he wants to see legislation passed to end the ban. I support his important work and I will do all I can to support those efforts.

We will see justice, and not just in the military, but also for gay and lesbian families.

Last week, President Obama took a first step toward ending the inequality of gay and lesbian families when he extended certain benefits to domestic partners of Federal employees. For the first time, same-sex partners can be included in the Federal Long Term Care Insurance Program. Now any employee will be able to use sick leave to care for a same-sex partner, just as an employee can take time off to care for an opposite-sex spouse.

I applaud the President for beginning to tear down these inequities, but while this Executive order represents an important initial step, there is so much more to be done. The U.S. Government is far behind the private sector on this front. A large number of Fortune 500 companies already offer comprehensive benefits to same-sex couples. They have done so for many years, sometimes for over a decade. This allows them to compete for the best and brightest, attracting talented professionals regardless of sexual orientation or gender identity. We need to make sure the Federal Government is able to compete for the same talented people.

I am proud to support a bill that would extend additional benefits to the domestic partners of Federal workers. This legislation, introduced by my friend Chairman LIEBERMAN and Ranking Member COLLINS, will extend the full range of benefits to these couples. This includes access to the same Federal health and retirement plan currently available to the recognized spouses of government workers. As the free market has shown, extending these benefits to same-sex partners is not only the right thing to do, it also makes good business sense.

I know that this week, the many Pride events around the country mean a lot of different things for people in the gay, lesbian, bisexual, and transgender community. For some, it is a chance to reflect on the progress and accomplishments made by this community and to organize for the future. For others, it is an opportunity to reflect and to honor those who have been lost to AIDS. And still for others, it is a chance to feel safer, to feel empowered to celebrate a part of something bigger than themselves, and to be reminded that everyone should be proud of who they are. However each of us celebrates Gay and Lesbian Pride Month, we must remember that gender equality is far from over. But just as the Emancipation Proclamation set this country on the path to racial equality, just as women's suffrage paved the way for gender equality, so that singular refrain throughout our history will be taken up again. The struggle for equality will not be easy,

and it never has been, but if we keep at it, we will get there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, might I inquire what the status is?

The PRESIDING OFFICER. We are on the executive nomination of Harold Koh.

Mr. ENZI. Are there time restrictions?

The PRESIDING OFFICER. We are in postcloture, which requires debate on the pending matter.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business for such time as I might consume.

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

HEALTH CARE REFORM

Mr. ENZI. Mr. President, I rise today to speak about the need to reform our Nation's health care system. If we are to be successful, we must undertake this effort with the greatest care and deliberation.

When it comes to health care reform, we have started down this road before. Last Congress, I proposed legislation called Ten Steps to Transform Health Care in America in an effort to provide a blueprint from which we could begin to address the challenge of improving our health care system.

I might mention the way that came about is that Senator KENNEDY as the chairman of the Health, Education, Labor, and Pensions Committee, and I as the ranking member, worked together on a number of bills. In fact, I have quite a record for being able to work in a bipartisan way to get bills completed. We were very busy on the Higher Education Act and other education issues, so I took some leadership in the health area, and we talked about principles we wanted to achieve. Then I collected ideas from both sides of the aisle and put together this package of 10 steps that will transform health care in America as a blueprint to improve and address this challenge of improving our health care system. So it isn't something on which he or I just started working.

After I introduced the bill, I took my message of health care reform directly to the people in my State. I traveled 1,200 miles and held a series of events in March of last year to provide the people of Wyoming with the chance to see what I was working on and to voice their concerns with our current system. Everywhere I went, I heard the same message repeated over and over, and that was that people want change. They want a system that will provide them with a health care system that is affordable, more available, and easier for them to access. Simply put, the people of Wyoming, as do people all across the country, want more choices and more control over their health care. That was the goal of my Ten Steps bill. It was drafted with the aim of leveling the playing field in tax treatment of health insurance. It was also intended to provide a helping hand to low-income Americans in the form of subsidies that would ensure access to quality, affordable health insurance.

As I traveled through the State, I also heard from members of the small business community. They made it clear that they wanted greater equity and access to a plan that would allow cross-State pooling so they could band together with small business owners in other States and get better rates on the health insurance they provide to their employees.

In the end, no matter whom I spoke with, they all had one message they wanted me to bring to the Senate: Keep costs down and under control. There have to be limits. That is why, as the only accountant in the Senate and as a member of the Budget Committee, I was and remain very concerned with the effect any health care reform proposal will have on our Federal budget, both in the short and the long term.

I can't be the only one who heard those things when I was back home. I think my experience on the road was very similar to that of almost every one of my colleagues. Last year, whether they were campaigning for themselves or for other members of our party, we logged on a lot of travel miles. We met with and spoke to people from all walks of life who came from every imaginable background. Some were from large cities and towns with large populations and others came from the smaller cities and some very small towns with fewer people and resources. Whomever we spoke to and wherever we were, we all heard the same concerns: We need a better health care system, and we need it now.

In response, I was pleased to join with several of my colleagues as we continued to work on health care reform this year. As the ranking member on the Senate Committee on Health, Education, Labor, and Pensions and in my service on the Senate Finance Committee, I have been working to foster and facilitate a constructive dialog with my colleagues on both committees. I have also met with the President and administration officials on numerous occasions so we could share ideas on how to best craft a strong, bipartisan bill. As the debate on health care reform proceeds, I continue to stand ready to work on this critical issue.

This is likely to be the most important legislation we will ever work on as Members of the Senate, no matter how many terms we serve. How well we handle this crucial issue will have an impact not just today but for many tomorrows and countless years to come. If we fail to provide the change that is needed, it may be a long time before the Senate will ever try to do this again.

I am convinced we have a perfect storm before us as we face this issue. The time is right, the political winds are with us, and we have the support and encouragement of the current administration and the people of this Nation to get something done. That is why a good bill and a bipartisan effort are well within our grasp.

If we are to do the work that is before us and do it well, however, we can't have one side or the other try to grab the reins and lead the effort exclusively in their direction. The American people are looking for us to solve the problem, and they want to know we wrote this bill together, amended it together, and, most importantly, finished it together. They know no one side has all the answers, so they do expect us to put partisanship aside. This is too important an issue not to follow a path that will produce a bill that will have the support of 75 or 80 Members of the Senate. I have every belief we can do that, and that is why I am so strongly committed to bringing massive change to the policies laid out in the recently filed Kennedy bill. I will continue to try to bring that change to the work being done by the Health, Education, Labor, and Pensions Committee and in the Finance Committee.

Let me be very clear about what I believe we can do if we put partisanship aside and work together. We can draft a good bipartisan bill, one that will draw a large majority to its side, and we can get it done this year.

Last week, the HELP Committee began to mark up a very flawed piece of legislation. I understand the difficult circumstances that brought Senator DODD to chair this extraordinarily complex bill, and I appreciate Senator DODD's willingness to take on the task, as he also chairs the Banking Committee. However, the legislation we are considering in the HELP Committee is broken, almost to the point of being beyond repair. It is too costly and it is incomplete. Of course, we are promised we will get the other pieces of the bill. Arguments made about the unfairness of estimating the cost of an incomplete bill show that in the race to revamp our health care system, this bill was a false start. In order to get this right, we should slow down, and in some areas we need to start over.

This shouldn't be a matter of speed. To stay with the analogy of health care, no one goes to a doctor or a surgeon based on how fast they can operate or conduct an examination. It never matters how long it takes. All that matters is that they get it right. We should do the same.

I am not suggesting that we come up with a new process to develop this legislation. All I am saying is that we need to make better use of the one we already have in place, the way we have always done things in the Senate when we want to make sure we get it done right.

For instance, it wasn't all that long ago that we had to do something about our Nation's pension system. We worked together. We talked about what we had to do together. Then we came up with a way to get there, together.

The result was a bill that when it came to the floor was over 1,000 pages long and it had the immense involvement of two committees—the same two committees we are talking about with health care, the HELP Committee and the Finance Committee. Those two committees came together on a bill of over 1,000 pages. When it came to the floor, we already had an agreement between the two committee members which was taken to the leaders, which meant we had an agreement with everybody in the Chamber that there would be 1 hour of debate, two amendments, and a final vote. I asked the Parliamentarian when the last time was that there was a bill of that complexity that had that kind of an agreement before we even debated it, and that person said: Not in my lifetime. That is what is possible around here if we work together. That is what we did with the Nation's pension system.

I think we were talking about the Pension Benefit Guaranty Corporation being short a drastic $24 billion. Boy, that doesn't look like much money anymore, does it? No. We are talking about some errors on this one that are over $58 billion. That pensions bill wasn't so long ago. We worked together, we talked about what we had to do together, and then we came up with it together. The result was a bill that only had the two amendments offered to it because the agreement on both the illness and the remedy was so strong.

As we prepared to begin the markup of this bill last week, we received a troubling preliminary analysis from the Congressional Budget Office and the Joint Committee on Taxation regarding the costs and coverage figures associated with the legislation. In its review of the proposal, the CBO found that enacting the proposal would result in an increase in spending of about $1.3 trillion, with a net increase to the Federal budget deficit of about $1 trillion over the 2010-to-2019 period. This cost estimate did not include the promised ''significant expansion of Medicaid or other options for subsidizing coverage for those with an income below 150 percent of the poverty level.'' As the markup continues, we will be asking the CBO for an official analysis of the impact of the addition of such a policy on the Federal budget deficit.

We are having more and more seniors moving into the category of long-term care—and we have a proposal before us, which we will debate when we get back. The Senator from New Hampshire, Mr. GREGG, ranking member on the Budget Committee, pointed out that the only part of that proposal that gets scored are the premiums people would pay in over that first 10 years for their long-term care, which comes to about $59 billion, which shows a surplus of $59 billion. But what it doesn't take into consideration is the obligation to those people who are paying in those premiums that they will get long-term care.

The expected cost of that long-term care to those people paying in that $59 billion is $2 trillion. The proposed payment doesn't match the proposed costs, and it would not be sustainable beyond the 10 years. Whether or not people actually start taking long-term care benefits right away, we will have another Federal Government program with a budget deficit. At the same time we received notice of the preliminary analysis of the Kennedy bill, we got word the Finance Committee was postponing the markup on health care legislation, after reports surfaced that the CBO was preparing an estimate of its legislation that projected an increase to the Federal deficit of $1.6 trillion over the next 10 years. All of this was on the heels of President Obama's speech last week at the American Medical Association, in which he said:

> Health care reform must be and will be deficit neutral in the next decade.

The bill we have before us misses the target of this commitment by more than $1 trillion. Again, the bill is still missing language in three key areas.

I will take a few moments to speak about our Nation's deficit and overall fiscal and economic condition. My concern about the runaway spending in the Kennedy bill—I should call it the Kennedy staff bill; I know the Senator, had he been able to work with me, would have come up with some different conclusions on the bill. My concern with the runaway spending in the Kennedy staff bill is not simply a concern that it breaks faith with the President's health care reform commitments. Rather, I am deeply troubled by the direction this bill would take us during a truly perilous fiscal age.

I was elected to this body in 1996. In my first years in Congress, we moved from a budget deficit to a budget surplus. I am deeply disappointed that nearly 13 years later, our projected deficit for this fiscal year exceeds $1.84 trillion, and our national debt exceeds $11.4 trillion. That is bad. People are starting to take notice, and that, unfortunately, includes our creditors. Add to this the losses to our gross domestic product and an unemployment rate heading toward 10 percent and the news is worse. Again, there have to be limits. People have them in their families, municipalities have them, and most States have them. The Federal Government doesn't.

According to the Federal Reserve, the level of debt-to-GDP ratio is estimated to reach the highest levels it has since immediately after World War II. The increasing spread between short-term and long-term treasuries is evidence that global investors are increasingly concerned about our Nation's level of debt and the real potential for future inflation.

In recent weeks, Treasury Secretary Geithner traveled to China to attempt to ease growing concerns about our ability to pay off our growing debts. When Geithner told an audience of Chinese students at Peking University that ''Chinese assets are very safe,'' reports are that this statement drew loud laughter.

It is really not a laughing matter for us. It is serious. Tough action, not ''I will tell you what you want to hear'' speeches, is what we need.

On the State and local front, our economic indicators are equally troubling. On Thursday, the Rockefeller Institute of Government issued a report on State personal income tax revenues for 2009. They are falling fast; 34 of the 37 States in the report saw declines in tax revenue, indicating that it will be increasingly more difficult than expected for States to close their widening budget gaps. I can hear calls for more bailouts, but my question is, who is going to bail out the Federal Government?

These numbers provide the critical backdrop as we consider the new deficit spending included in the Kennedy staff bill. Recently, Fed Chairman Bernanke stated that ''achieving fiscal sustainability requires that spending and deficits be well controlled.'' He went on to note that ''unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor economic growth.'' For these reasons, the Kennedy proposal requires an entire rewrite with respect to its impact on our Federal budget deficit.

Just as troubling as this bill's impact on the deficit is its failure to help tens of millions of Americans get the health insurance they need. The Congressional Budget Office estimates that, if enacted, this bill would only provide health insurance for one-third of the Nation's uninsured. Let's see, $1 trillion for 16 million people. This number falls far short of the President's stated goal of ''quality, affordable health insurance for all Americans'' in his recent letter to Chairmen KENNEDY and BAUCUS.

Of even greater concern, the CBO projects that about 10 million individuals who would be covered through an employer's plan under current law would not have access to that coverage under the Kennedy legislation. This figure breaks President Obama's often-repeated promise during both the 2008 campaign and since taking office that under his health care plan:

> If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

Under the Kennedy plan, that promise rings hollow for millions of Americans, and that is simply unacceptable. I know the President has already scheduled an event on one of the networks to push his health care ideas. When it airs, I am sure we will hear him repeat the line over and over: If you like the health care plan you already have, you can keep it.

If he makes that promise again, every time we hear him say that, we should remind ourselves that the White House has already admitted that such statements aren't to be taken literally. I think that means they are not true.

I cannot recall ever hearing something like that from the White House, but those are their words. Maybe they should be applied to the whole presentation—that none of it should be taken literally.

I know one thing that can be taken literally, and we ought to give it straight to the American people, and that is this: Under the Kennedy proposal being rolled out, you would not be able to keep the care you have right now. Washington bureaucrats will be able to deny you and your family the care you need and that you fully deserve.

Unfortunately, that is not the only thing that we are in denial about. We are also in denial when it comes to the cost of the Democrats' health care plan and our ability to work our way out of a hole of debt that only promises to grow deeper and deeper for a long time and for many years to come.

A lot of times we talk about how we are spending our kids' and grandkids' money. I really feel compelled to point out that we are already spending our seniors' money. Why is that? Well, normally, what happens in this country is that a little bit is taken—well, a bunch is taken—out of your check for Social Security, which is matched by the employer. That amount of money each month has always gone to pay the seniors who are retired, their pensions, and to have a little bit of surplus. But do you know what? It is not doing that anymore. We are having to take money out of the trust funds now to supplement that to be able to pay the people who are retired now—and we are not even to the baby boomers yet. So we have a problem.

Unfortunately, that is not the only thing we are in denial about. Having shown the devastating impact of the Kennedy bill on the Federal deficit, and the failure of it to provide access to adequate health coverage for millions of Americans, I want to turn to one of the three foundational principles of my 10-step plan; namely, improving the quality of care.

On this front, I think the Kennedy plan again fails to live up to the promise laid out by President Obama to ''improve patient safety and quality of care.'' That is very important—to improve patient safety and quality of care.

I am deeply troubled by the real possibility that comparative effectiveness research, which is mentioned in the bill and has been debated in the committee, and which has been held intact in there, will be used as a cost-containment measure to ration care under this legislation. The result would be, for millions of Americans, a Federal bureaucrat would dictate the type of care they receive and interfere with the doctor-patient relationship.

As the Kennedy bill proceeds through Congress, I will fight to strip those provisions that will delay and deny needed health coverage to Americans. I spoke at length in committee about the truly horrible stories of rationing care that we hear about from the United Kingdom. I will continue to speak out to make sure this type of so-called care is not imported to the United States.

Finally, I am deeply troubled with a number of other policies advanced in the Kennedy bill. I believe the community rating provisions will result in skyrocketing premium costs for younger Americans. I am troubled that the bill doesn't provide incentives to encourage individuals to make healthier choices. There are a lot of choices we can make to improve our health ourselves.

As we complete the second week of the HELP Committee markup, we are still missing the guts of the Kennedy proposal. We expect that the final proposal will include a government-run plan, a mandate on employers to provide insurance, and a provision dealing with biosimilars. It is difficult to comment on these provisions until they are released.

Proponents of the government-run option—including the President—consistently argue that a public plan is necessary to keep the insurance companies honest and to foster competition. With respect to provisions dealing with preexisting conditions, rate bands, and other reforms, we are all committed to taking action to keep insurers honest and make sure people with preexisting and chronic diseases can get insurance. The creation of a new government program at a time when the experts and Medicare trustees tell us that Medicare stands on the brink of insolvency, does nothing to foster honesty; it fosters fiscal irresponsibility. We are borrowing to pay for the government-run programs we have now. If you already have trouble making your mortgage payments, why would you go out and buy a boat and an RV?

With respect to the notion that we will be fostering competition with the creation of a government-run health plan, I think the public is growing tired of government intervention in our day-to-day lives. First, there was our involvement in the mortgage system and then the banking system and then we got more involved in our Nation's automotive industry. It is certainly more than a possibility that the government has taken on more than it can handle. We are operating at more than the maximum capacity already. Having government take over our Nation's health care system may be the last straw.

Think about that—about all the things that just this year the government has decided to take over. The comment I get at home, and in other places I have traveled across the United States, is, doesn't the government have a little bit of trouble just running government?

There is certainly a role for government as a strong regulator of free market enterprise, but the inclusion of the government as a principal player in our competitive markets is entirely inconsistent with our Nation's capitalist economic system. I will forcefully oppose the creation of a government-run health plan.

Before I conclude, I would like to say a few words about the current process of health care reform in the Senate Finance Committee. I said at the outset that I am committed to working toward bipartisan health care reform. As a member of the Finance Committee, I have witnessed and have been a part of at least the foundations of such reform. There are many hurdles to remain, but I thank Chairman BAUCUS and Ranking Member GRASSLEY for their very hard work on this extremely complex, difficult issue. We have never had an issue that involved as many people in this country—100 percent of the people. It is important we get it right, that we take the time to get it right. Ranking member GRASSLEY has been cooperative and Chairman BAUCUS has been open and that has been extremely helpful. We have spent hours upon hours in that committee receiving inputs and options from both sides on how to reform our Nation's health care system.

This stands in great contrast to the partisan process that has, unfortunately, unfolded in the Health, Education, Labor, and Pensions Committee we have been tediously working through. There have been comments about how many amendments we turned in. We had 388 amendments. I had to remind them that if you don't get any piece of the drafting, you have to get your opinions in somehow and you do it through multiple amendments. Probably half those amendments were to fix grammatical errors, punctuation, typos—about half of them. Those were accepted.

It is my hope that the difference in process will result in a difference in substance between the Health, Education, Labor, and Pensions Committee legislation and the Finance Committee legislation. I will continue to work in the Finance Committee to shape legislation that improves the quality of our health care, reduces costs, is responsible in its budgetary impact, and increases access to care for all the American people.

As I have said, there is a long way to go on that committee and many differences to resolve, but I continue to work in good faith and hope for bipartisan, responsible health care reform. I am holding out hope a better, more inclusive process will emerge as we continue our work in the HELP Committee. I hope that a change will come about soon, but the bill we currently have before us is a clear sign that just as we have been excluded early on in the health care reform effort, it looks like we will continue to be excluded as the process continues. There is time to get us included. There is an important reason to get us included. But we will see.

In the end, for me and many people across this country, our discussions

about health care can be summed up in a short story with a simple moral. I was reading a book about a Wyoming doctor who came home and decided to settle in a town called Big Piney. He found some ranch land he liked, and he decided to make it his home. When he was attending a local rodeo, one of the cowboys competing in the contest looked at him and said: You aren't from here, are you?

He said: Well, I am going to be, I am a doctor.

Unable to control his enthusiasm, the cowboy walked away shouting to all within earshot: Hey, we finally got ourselves a doctor.

That is what health care is all about in Wyoming, the West, and countless towns and cities all across our country.

I have to tell you, this doctor spent most of his life in the Congo. He studied Ebola and established a lot of health clinics over there. When he retired, he did move to Wyoming. He did health care the old-fashioned way. He made house calls. He sat with people while they were dying. He had a lot of friends over there. Incidentally, he did not take Medicare or Medicaid. He said there were too many strings attached to it. He set up a foundation, and people he worked with could make a donation to his foundation instead. That way he wouldn't violate any Federal rules about treating some people and taking money. He was a tremendous doctor. Unfortunately, we lost him this year. So that area is once again without a doctor. If you can send me one who likes rodeos, we would be happy to have him there. That is what health care in Wyoming is about.

In the big cities and towns of Chicago, New York, Boston, and Los Angeles, it seems to me there is a hospital or doctor's office on almost every corner. In States such as Wyoming, however, they are few and far between, which makes health care a very precious commodity. I always tell people the statistics are we are short every kind of provider in Wyoming, including veterinarians, which always brings the comment: Surely, veterinarians don't work on people. We say: Yes, if you are far enough from a regular doctor, you are happy to have a veterinarian. You just hope he doesn't use the same medicines!

If we are not careful with this legislation, it will not make health care more plentiful and abundant, it will make it even more rare and difficult to obtain, and when health care gets more expensive and less available in places such as the big cities in this Nation, imagine what it will be like in the small towns of Wyoming and the West. People back home know what it will be like—another one-size-fits-all policy that did not fit so well into the rural areas of this country to begin with. That is why people are worried right now. The only way we can assure them they do not have to worry is if we take the time to make sure we get it right the first time. Then, and only then, will the American people feel like they will be getting what they said they wanted during our campaigns last year—not just change but change for the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for the time I consume.

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

Mr. INHOFE. Mr. President, let me say of my friend, the senior Senator from Wyoming, he does articulate this issue well. He has spent countless hours working on it. When you listen to him, his depth of knowledge and trying to work out something that would give improvements and avoid a total socialization of medicine, he knows what he is talking about.

When I go back to my State of Oklahoma, it is not all that different than from when he goes back to his State of Wyoming and people ask the question: If government isn't working well now, why do we want to put all the rest of these things in government, whether it is health care or the banking industry, the insurance industry, oil and gas and the other takeovers we are witnessing right now?

I do think you can summarize what he said very simply by merely saying, if there is a government option, of course, this is a moving target. For those of us who are not on a committee that is dealing with health care reform, we are not sure what is going on there, and I am not sure anyone else does either because it is a moving target. From one time to another, we hear different things that are going to be in the bill, and then they change their mind.

One thing we know, though, they keep saying there is going to be a government option. If there is a government option, we are going to see a huge impact on insurers, private companies that offer insurance, and you will see that market dwindling. You can't blame them for that.

The other thing that is a certainty in this whole issue of the Kennedy bill and what they are trying to do, what the administration is trying to do with the health delivery system in America is they would be putting Washington between the patient and the doctor. That gets a response when I am back in Oklahoma of we don't want that to happen.

So we have right now a lot of invasions on the systems that have worked well in America.

NATIONAL ENERGY TAX

I wish to talk about one other issue since tomorrow the House is scheduled to vote on what is known as the Waxman-Markey bill, which is the Democrat's answer to the worst recession in decades, a national energy tax, a tax designed to impose economic pain through higher energy prices and lost jobs or as a recent Washington Post editorial put it:

> The bill contains regulations on everything from light bulb standards to the specs on hot tubs and it will reshape America's economy in dozens of ways that many don't realize.

In other words, this would be, if it were to pass, the largest tax increase in the history of America. I know a little bit about this issue because I started working on this issue back in the late nineties when they were trying to get the United States to ratify the Kyoto treaty. The Kyoto treaty is very similar to the proposals we have had since that time. We know what that would have cost at that time. Somewhere between $300 billion and $330 billion a year as a permanent tax increase.

There have been proposals on the floor of the Senate in 2003, 2005, 2007, 2008, and now this time. We in the Senate have more experience in dealing with this issue than the House does because this is the first time they have ever had it up for consideration.

Over the past several weeks, Speaker PELOSI has been facing an insurrection within her own ranks. We have been reading about the Democrats who are pulling out saying: We don't want to be part of the largest tax increase in the history of America. More and more people are jumping in and saying we cannot have it. As of yesterday, the American Farm Bureau came in opposing, the strongest opposition to this legislation.

Let me say, if the Democrats are having trouble passing this bill in the House, where the majority can pass just about any bill it wants, then there is no hope for a cap-and-trade bill to come out of the Senate. I think we know that. We watched it.

Right now, by my count, the most votes that could ever come for this largest tax increase in the history of America would be 34 votes—34 votes. They are not even close.

I say that because there are a lot of people wringing their hands: She wouldn't bring this bill up in the House on Friday unless she had the votes. Maybe she will have the votes. There has been a lot of trading, a lot of people getting mad. Nonetheless, she may have bought off enough votes to make it a reality.

The fact is the Waxman-Markey bill is just the latest incarnation of very costly cap-and-trade legislation that will have a very devastating impact on the economy, cost American jobs by pushing them overseas, and drastically increasing the size and scope of the Federal Government.

In the Senate, we have successfully defeated cap-and-trade legislation in the years I mentioned. Four different times it has been on the floor. I remember in 2005, I was the lead opposition to it. Republicans were in the majority at that time. It had 5 days on the Senate floor, 10 hours a day, 50 hours. It was the McCain-Lieberman bill at

that time. It was defeated then and by larger margins ever since then.

Just a year later, with the economy in a deep recession, it is hard to believe that many more Senators would dare vote in favor of legislation that would not only increase the price of gas at the pump but cost millions of American jobs, create a huge new bureaucracy, and raise taxes by record numbers. It is not going to happen.

I appreciate that my Democratic colleagues desperately want to pass this bill. They argue that cap and trade is necessary to rid the world of global warming and to demonstrate America's leadership in this noble cause. But their strategy is all economic pain and no climate gain. This is a global issue that demands a global solution. Yet cap-and-trade advocates argue that aggressive unilateral—unilateral, that is just America; in other words, we pass the tax just on Americans—aggressive unilateral action is necessary to persuade developing countries—now we are talking about China, India, Mexico, and some other countries—to enact mandatory emission reductions. In other words, we provide the leadership and they will follow. But recent actions by the Obama administration and by China and other developing countries continue to prove just the opposite. They continue to confirm what I have been saying and arguing for the past decade, that even if we do act, the rest of the world will not.

If you still believe—and there are fewer people every day who believe that science is settled—that manmade gases, anthropogenic gases, CO_2, methane are causing global warming—there are a few people left who believe that. If you are one of those who still believes that, stop and think: Why would we want to do something unilaterally in America? It doesn't make sense. The logic is not difficult to understand.

Carbon caps, according to reams of independent analyses, will severely damage America's global competitiveness, principally by raising the cost of doing business here relative to other countries such as China, where they have no mandatory carbon caps. So the jobs and businesses would move overseas, most likely to China.

This so-called leakage effect would tip the global economic balance in favor of China. A lot of them are saying China is going to follow our lead, they are going to do it. Look at this chart. This person is the negotiator for the administration. His statement is: We don't expect China to take a national cap-and-trade system. This is the guy who is supposed to be in charge of seeing to it that they do. This is Todd Stern. He is admitting it.

I wish those people who come to the floor and say: Oh, no, we know that if America leads the way, China is going to follow us—they are sitting back there just rejoicing, hoping we will go ahead and have a huge cap-and-trade tax to drive our manufacturing jobs to places such as China where they don't have any real controls on emissions, and the result would be an increase in CO_2. In other words, if we pass this huge tax in this country, it is going to have the resulting effect of increasing the amount of CO_2 that is in the atmosphere.

By itself, China has a vested interest in swearing off of carbon restrictions in order to keep its economy growing and lifting its people from poverty. Add unilateral Federal U.S. action into the mix, and we give China an even stronger reason to oppose mandatory reductions for its economy. And China understands this all too well. I believe they will actively and unfailingly pursue their economic self-interest, which entails America acting alone to address global warming.

Consider that in other realms, whether on intellectual property rights or human rights. The Chinese have conspicuously failed to follow America's example. We have tried to get them to do it, and they haven't done it. All the human rights efforts we have gone through to try to get political prisoners released and all these other things we have said to them to do it—we have threatened, we have asked, we have begged—and they do not do it. So why would they do this? So for China, climate change will be no exception.

My colleagues in the Senate are rightly focused on the economic effects this bill will have on their States and their constituents. But with China and other developing countries staunchly opposed to accepting any binding emissions requirements, we should be asking a more fundamental question: What exactly are we doing this for? If the goal of cap and trade is to reduce global temperatures by reducing global greenhouse gas concentrations, and if China and other leading carbon emitters continue to emit at will, then how can this supposed problem be solved?

Well, if I accept the alarmist science that anthropogenic gases are causing a catastrophe, then reducing global greenhouse gas concentrations is a solution. But the unilateral Federal solution, again, that America must first act to persuade China and others to follow—please follow us, please pass a tax in your own country, and then they are going to be following our example—there is no evidence that has ever happened before or that it would happen again. The only thing America gets by acting alone is a raw deal and a planet that is no better off.

Now, my Democratic colleagues want to sweep this reality under the rug. They argue that cap and trade—and I hope everyone understands what cap and trade is. I have often said, and other people have said—including some of the advocates of this—that they would prefer to have a carbon tax over cap and trade. Well, if you are going to have one or the other, I would too. But the only reason they use cap and trade is to hide the fact that this is a tax—a very large tax increase. So they argue that cap and trade will not only be at least to pull China along, but also it will solve our economic woes, create millions of new green jobs, and promote energy security.

Of course, these are laudable goals, and Republicans have a simple answer to this: Let's provide the incentives rather than the taxes and mandates to produce clean, affordable, and reliable sources of energy.

I am for all of the above. I want to have renewables, I want nuclear, I want wind, I want solar, I want clean coal, and natural gas. We need it all. Cut the redtape and encourage private investment. Let all technologies compete in the marketplace. However, that is not what the Democrats are proposing in the Waxman-Markey bill.

I am talking on the Senate floor about a House bill, and I am doing that because it is scheduled to pass tomorrow and then there will be an effort over here. We have had experience with this legislation. As I have said before, it is not going to pass here, but it is a very significant thing. Anytime one House is proposing to pass the largest tax increase in history, we have to be concerned.

This bill does the exact opposite. It closes access to affordable sources of energy by trying to price certain kinds of energy out of the market. It picks winners and losers that leave places such as the Midwest and the South paying higher energy prices to subsidize areas in the rest of the country. We have a chart that shows how much this would raise in the way of taxes in Middle America as opposed to the east coast and the west coast, and it creates more bureaucracy that will only increase the costs that consumers bear and add more layers of regulation to small business.

We have to ask: Why, then, do my colleagues believe creating a national energy tax is necessary? It is all rooted in fabricated global warming science. In fact, just last week, the administration produced yet another alarmist report on global warming—which, of course, is nothing new—that takes the worst possible predictions of the United Nations Intergovernmental Panel on Climate Change's Fourth Assessment Report—is what it is called.

By the way, these assessment reports are not reports by scientists. They are reports by political people, policy people. I have to also say—and I have said this on the floor of the Senate many times before—a lot of the things that come out and that are not in the best interests of the United States come from the United Nations. That is where this whole thing started, back in the middle 1990s.

It was the IPCC of the United Nations where it all started. So it is no surprise that such a report was released just in time for the House vote on Waxman-Markey. However, what is becoming clear is that despite millions of dollars spent on advertising, the American public has clearly rejected

the so-called ''consensus'' on global warming. There was a time when this wasn't true. I can remember back between the years of 1998 and 2005, when I would be standing on the Senate floor and talking about the science that rejects this notion. Since that time, hundreds and hundreds of scientists who were on the other side of the issue have come over to the skeptic side, saying: Wait a minute, this isn't really true.

I can name names: Claude Allegre was perhaps considered by some people to be the top scientist in all of France. He used to be on Al Gore's side of this issue back in the late 1990s. Clearly, he is now saying: Wait a minute, we have reevaluated, and the science just isn't there. David Bellamy, one of the top scientists in the U.K., the same thing is true there. He was on the other side and came over. Nieve Sharif from Israel, same thing. So there is no consensus on the fact that they think anthropogenic gases are causing global warming.

Of course, the other thing is, we don't have global warming right now. We are in our fourth year of a cooling spell. But that is beside the point. I am not here to address the science today but on the argument advanced by my colleagues, which is that U.S. unilateral action on global warming will compel other nations to follow our lead, as I have documented in speeches before since 1998.

By the way, if anyone wants—any of my colleagues—to look up those speeches, they can be found at inhofe.senate.gov. If you have insomnia some night, it might be a good idea to read them. They are all about 2 hours long. But I think many would find it very troubling indeed, that even if they believe the flawed IPCC or United Nations science, that science dictates that any unilateral action by the United States will be completely ineffective. The EPA even confirmed it last year during the debate on the Lieberman-Warner bill, and the same would hold true for this year's bill.

Put simply, any isolated U.S. attempt to avert global warming is a futile effort without meaningful, robust international cooperation. No one disputes this fact. The American people need to know what they will be getting with their money: all cost and no benefit. This chart shows that U.S. action without international action will have no effect on world CO_2. This is assuming there is no change in the manufacturing base, which we know there would be.

This brings us to a key question as to whether a new robust international agreement can ever be achieved. In addition to the domestic process ongoing in Congress, the United States is currently involved in negotiations for a new international climate change agreement to replace the flawed Kyoto treaty. This process is scheduled to culminate in Copenhagen this December. This will be the big bash put on by the United Nations to encourage countries to buy into their program.

The prospects of such an endeavor are bleak at best. Following the conclusion of the climate meeting in Bonn recently, the U.N.'s top climate official—Yvo de Boer—said it would be physically impossible—now this is the chief advocate of all this—to have a detailed agreement by December in Copenhagen. This is ironic to say the least, considering that President Obama was supposed to bring all the parties together to transcend their differences and to produce a treaty that would save the world from global warming. But the reality of the cost of carbon reductions has intervened, and now a deal appears—as it always has to me and others—far from achievable.

We must not forget where the Senate stands on global warming. As Senators may recall, in 1997, the Senate voted favorably, 95 to 0—95 to 0 doesn't happen often in this Chamber—on the Byrd-Hagel resolution. That stated simply that if you go to Kyoto and you bring back a treaty, we will not ratify that treaty if it, No. 1, would mandate greenhouse gas reductions from the United States without also requiring new specific commitments from developing countries—China—over the same compliance period; or, No. 2, result in serious economic harm to the United States.

Well, obviously, we have talked about the serious harm to the United States and the fact there is no intention at all of having China have to be a part of this new treaty now, what, 15 years later they are going to be talking about. So I think the Byrd-Hagel resolution will still stand strong support in the Senate; therefore, any treaty the Obama administration submits must meet the resolution's criteria or it will be easily defeated.

Remember that criteria: If they submit something in which the United States is going to have to do something that the rest of the world—or the developing world—doesn't have to do, then it is not going to pass; and, secondly, if it inflicts economic harm on this country.

Proponents of securing an international treaty are slowly acknowledging that the gulf is widening between what the United States and other industrialized nations are willing to do and what developing countries such as China want them to do. I suggest the gulf has always been wide but will continue to widen. Recent actions by the United States and China continue to confirm my belief.

Take China's initial reaction to the Waxman-Markey bill. The bill, hailed on Capitol Hill as a historic breakthrough, went over with a thud last week during the international negotiations. Get this: Waxman-Markey, which will be economically ruinous for the United States, was criticized by China for being too weak.

Another troubling aspect coming out of those meetings was the U.S. Government's official submission. Many in the Senate may be surprised to learn that this administration's position is to let China off the hook. You might wonder, why would China look at this thing that would destroy us economically and say they do not think it is strong enough; that they want it stronger? Because the stronger it is, the more manufacturing jobs will leave the United States to go to China. They have to go someplace where they are producing energy. Nowhere in the submission to the conference do we require China to submit to any binding emission reduction requirements before 2020. In fact, before 2020, the submission only asks for ''nationally appropriate'' mitigation actions, followed by a ''low carbon strategy for long-term net emissions reductions by 2050.''

I would submit this proposal is typical of the United States to say: Well, we have to do some face-saving, so at least let's put them in an awkward position of having to ''try'' to do something. It doesn't say they ''have'' to do anything; they have to try. So China can sit back and say: We are trying. Meanwhile, they enjoy all the jobs that are coming from the United States to China.

So what, then, is the Chinese Government's idea of a fair and balanced global treaty? Well, the Chinese believe the United States and other Western nations should, at a minimum, reduce their greenhouse gas emissions by 40 percent below the 1990 levels by 2020. For comparison's sake, Waxman-Markey, which could become the official U.S. negotiating position, calls for a 17-percent reduction—not 40 percent—below the 2005 levels by 2020.

Despite the positive spin the administration is putting on actions by the Chinese Government to reduce energy intensely or pass a renewable energy standard, while laudable, the official position of the Chinese in their submission to the United States remains as such, which I will read.

> The right to development is a basic human right that is undeprivable. Economic and social development and poverty eradication are the first and overriding priorities of the developing nations.

So China is talking about themselves and India and other developing nations.

> The right to development of developing countries shall be adequately and effectively respected and ensured in the process of global common efforts in fighting against climate change.

That is their written statement, and that speaks for itself.

Finally, and the most telling of all, the Chinese and other developing countries collectively argue that the price for reducing their emissions is a massive 1 percent of GDP from the United States and other developed countries. What does that tell us? That tells us they are not willing to pay anything.

So let me get this straight. China opposes any binding emission reduction targets on itself; China wants the United States to accept draconian emission reduction targets that will continue to cripple the U.S. economy;

and on top of that, China wants the United States to subsidize its economy with billions of dollars in foreign aid. In the final analysis, one must give China credit for seeking its economic self-interest. I sure hope the Obama administration will do the same for America.

Despite this reality, some here in the Senate will continue to tout the fact that China's new self-imposed emissions intensity reductions, which do not pose any type of binding reductions requirements, will somehow miraculously appear—will somehow suffice for binding requirements. I believe, however, that position will fail to satisfy the American people as acceptable justifications for passage of a bill that will result in higher United States energy taxes and no change in the climate.

I do not blame them. If I were in China, I would be trying to do the same thing. I would be over there saying we want the United States to increase their energy taxes, we want a cap-and-trade bill, an aggressive one that is going to impose a tax—now it is expected to be—MIT had figures far above the $350 billion a year.

That is not a one-shot deal. I stood here on the Senate floor objecting last October when we were voting on a $700 billion bailout. I can't believe some of our Republicans, along with virtually most of the Democrats, voted for this. I talked about how much $700 billion is. If you do your math and take all the families who file tax returns, it comes out $5,000 a family.

At least that is a one-shot deal. What we are talking about here is a tax of somewhere around $350 billion every year on the American people and the bottom line is, China wants no restrictions for theirs. They want the highest reductions for the United States and they want foreign aid on top of that.

I want to mention one other thing that just came up in today's Chicago Tribune. I read this because the Chicago Tribune has editorialized in favor of the notion that anthropogenic gases are responsible for global warming. I will read this:

> Democratic leaders need to slow down. This proposed legislation would affect every American individual and company for generations. There's a huge amount of money at stake: $845 billion for the federal government in the first 10 years. Untold thousands of jobs created—or lost. This requires careful study, not a Springfield-style here's-the-bill-let's-vote rush job.

Then:

> The bill's sponsors are still trying to resolve questions over whether and how to impose sanctions on countries that do not limit emissions. That's crucial.

That is exactly what we have been saying. Even the Chicago Tribune agrees with that.

> That's crucial. Those foreign countries would enjoy a cost advantage in manufacturing if their industries were free to pollute, while American industries picked up the tab for controlling emissions. The Democrats need to delay the vote. Otherwise, the House Members should vote no.

That came out today in the Chicago Tribune. Even the Chicago Tribune says there should not be a vote, but there is going to be a vote. I can't imagine that Speaker PELOSI would bring this up for a vote unless she had the votes.

What is the motivation for this, knowing full well it will not pass the Senate? I mentioned Copenhagen a moment ago—the big meeting of the United Nations, all these people saying America should pass these tax increases. They have to take something up there that will make it look as though America is going to be taking some kind of leadership role. They are not going to do it. If they take the bill passed out of the House, I expect one will be passed out of the Senate committee—because that committee will pass about anything—they will take that to Copenhagen. Everyone will rejoice up there and come back only to find out we are not going to join in.

I am sure there is going to be some type of a treaty that is given to the Senate to ratify. We will all have to remember what happened in 1997. We voted 95 to 0 against ratifying any treaty that is either harmful to us economically or is not going to impose the same hardship and taxes on developing countries such as China as it does on the United States.

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 legislative clerk proceeded to call the roll.

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

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

AUTHORITY OF U.S. PATENT AND TRADEMARK OFFICE TO USE TRADEMARK FUND

Mrs. BOXER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1358, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1358) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. I ask unanimous consent the bill be read three times and passed, the motion 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 bill (S. 1358) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1358

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

SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUND.

(a) AUTHORITY.—The Director of the United States Patent and Trademark Office may use funds made available under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code, if—

(1) the Director certifies to Congress that the use of such funds is reasonably necessary to avoid furloughs or a reduction-in-force in the Patent and Trademark Office, or both; and

(2) funds so used are repaid to trademark operations not later than September 30, 2011.

(b) EXPIRATION OF AUTHORITY.—The authority under subsection (a) shall terminate on June 30, 2010.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms ''Director of the United States Patent and Trademark Office'' and ''Director'' mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

GLOBAL WARMING

Mrs. BOXER. Mr. President, I did not plan to come down to the floor and speak today about the global warming legislation. But I heard bits and pieces of my friend Senator INHOFE's speech about essentially why we will never approve global warming legislation, why it is a bad idea, and his usual litany of ''horribles'' about what will happen. My friend Senator INHOFE and I work very well together on most issues that come before our committee when it comes to building the infrastructure; the State Revolving Fund, we have been a team; the highway trust fund, we have been a team. He has been very helpful on most of our nominees, if not all. So I am very grateful to him. But I could not allow his words to be the last word here on the global warming legislation as we get ready to leave for our week to go home and work.

I disagree very strongly with those who say that if we attack the problem with global warming head-on, we are moving into territory where we are

going to regret the fact that we did it because it is going to hurt our people, we are going to lose jobs, it is going to increase energy costs, when, in fact, we know the opposite is true. It is not just me saying it. I come from a State—California—where we have taken the lead in addressing the environment. We always have since the very early days. And what we have proven is that when you do it, you have a much healthier base for economic growth.

If you look at the per capita use of energy in my home State over the last 20 years, it has stayed absolutely flat, if you were to look at a graph. The rest of the country has gone up like this. So the difference between remaining on a flat line—in other words, keeping your per capita energy use stable—even with the creation in that time of computers and bigger TVs and all the rest, and a lot of other comforts, I might add—bigger homes—we have been able to do it. The rest of the country has gone this way with their per capita use. The difference between energy efficiency and the rest of the country, we have a lot of room for improvement, and it has been tried and it is proven and it makes a lot of sense, whether it is better energy-efficiency standards, which have been absolutely key to us, or better fuel economy, which has been key to us. We are the State that happens to buy the most, for example, hybrid cars. We have shown that we can keep per capita energy use down. A lot of us in our State have changed to the lightbulbs that make sense, the compact fluorescent bulbs. We know we have laws that will move that even faster. And we have not given up one ounce of our quality of life. We have a very good quality of life.

So by addressing the issue of global warming and getting the carbon out of the air, the first way to do it is through energy efficiency. That is what I call the low-hanging fruit. Renewable standards for our utilities—very important. We have done it in California, and I know my friend who is in the chair is on the Energy Committee, and I am very grateful they did renewable portfolio standards, although I would like to see it a little tougher. Be that as it may, we are on the road.

These are the things we can do that actually will tackle the problem of global warming, but there is so much more we can do through a system where we expect our industries that are emitting the most carbon to gradually bring it down so that we make sure we don't suffer the ravages of increased temperatures.

The science is so clear, and my friend Senator INHOFE and I have disputed this for a long time. He insists that the science is not clear. Well, he is not a scientist and I am not a scientist. So I think the best way to do this is to look to the most qualified scientists in the world. And we are very fortunate that we have had those scientists working at the United Nations, the Intergovernmental Panel on Climate Change, and they have come out with a series of reports, all of which tell us that temperatures are going up even more rapidly than we thought, the icemelt in the Arctic is occurring faster than we thought would happen. We all see the pictures of the polar bears. That picture is worth so much to us because we can see what is happening to the habitat there.

I will be leading a trip to Alaska for a couple of days at the invitation of Senator MARK BEGICH. He wants to show me and a group of Senators—and also Senator MURKOWSKI has been gracious enough to say she will join us in this. We are going to see ground zero for global warming in Alaska. I know in Greenland, where I went, you can just see the ice melt. You can sit and actually see the ice break off from these giant icebergs and watch them go out to sea.

So the scientists have proven it, and we know it is absolutely true. So when Senator INHOFE comes down here and he flies in the face of science, those of us who have been working on this—and I see one of our great leaders, not only, I say this, in the Senate but, frankly, in the country and even in the world community, JOHN KERRY, who has joined us. Just for his information, I will be speaking for about another 10 minutes, and then I am going to be so happy to sit and hear him because he has such an important vision on this.

But here is the good news. The good news is that this is an enormous opportunity to move our country forward. Again, I could quote Thomas Friedman, who did an extraordinary job of writing books and articles, and he testified before the Committee on Environment and Public Works very clearly on this, that the country that does this now and does it right and sets up a price on carbon—and I am sure he now knows that a cap-and-trade system is a very good way to do that—is going to be the leader in the world, not just an environmental leader, which is very important for our kids and our grandkids—we don't want to turn over a planet to them where temperatures are so high that we see people dying in the summer from the high temperatures or see our kids swimming in rivers that have turned so warm that organisms now live in those rivers. We have seen some of that already happen, where toxins exist that couldn't exist before, where we can be harmed because of the kind of life that lives in these warmer waters that can, in fact, harm our children. So we do not want to know those stories. We do not want to see hordes of refugees coming to our shores because countries are inundated due to rising seas.

Look, our own national security teams—the Department of Defense, the CIA—all of those that worry so much about national security—have told us—and Senator KERRY has the quotes chapter and verse—that this is a national security issue.

So when my friend from Oklahoma comes down here and says: Don't worry about it, you know, don't worry about it at all, the science is divided, it is just not so, just not so.

I guess there were always people who said smoking doesn't cause cancer. I guess there still are. I guess there are some people who say HIV doesn't cause AIDS. You know, I know there were people when I was a kid who said: Forget about polio, there is nothing you can do about it. But Dr. Jonas Salk figured out we could do something about it.

The science is clear. The world is getting warmer. Yes, to a certain degree, we can handle it, but above that it gets very dangerous. None other than the Bush administration's CDC, the Centers for Disease Control, told us that it is unequivocal that the dangers are lurking. They started the work to say that there would be an endangerment finding, that our people are in danger if we don't act. And now President Obama sees it clearly, and his EPA has picked up the ball and they have issued a draft finding that we are in danger. So Senator INHOFE and other Senators can stand up and say that we are not, but this work started in the Bush administration, and Bush administration officials participated in a lot of these U.N. meetings. So it is clear.

We have a great recession we are dealing with, and we have this great challenge of global warming. The great news is that when we act to solve global warming, we act to solve the problem of this great recession. Why do I say that? Because we know from the venture capitalists, many of whom live in the Silicon Valley, that the amount of funding from the private sector, not the public sector, that is going to flow into clean energy is going to dwarf that that went into the computer industry, that went into high-tech and biotech. This is testimony from those who are venture capitalists. And that, matched with the cap-and-trade system, which will have the ability to really help agriculture, which will have the ability to help our manufacturers, which will have the ability to make sure we have fair trade at the border when products come in, that means we are going to see technologies invented, cleanups start to happen, we will stop the ravages of global warming, and eventually, when all of this technology kicks in, the average family is going to pay less for their electricity. In the short run, if you have to pay just a little more—and I mean a little more, like 50 cents a day more maybe, probably less—we have the wherewithal to give you a credit for that funding.

I think the House of Representatives has worked very hard to make sure they have the bill that will keep people whole, that will transform this economy to a clean energy economy, will get us off foreign oil, which is only to the good.

You know, Iran has been in the news, and our hearts go out to those who are

trying to take their country back, if I could say that. We all stand with those demonstrators. We will not forget what they have gone through in their struggle.

I ask unanimous consent that when I am done, Senator KERRY finish this time on global warming, followed by Senator COBURN if he would like to be recognized at that time.

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

Mrs. BOXER. Good.

So what Thomas Friedman—again, writing his great column, as he does—says is that Iran would not be such a formidable power in the world if oil was not so sought after in the world.

We do not buy any Iranian oil for obvious reasons, but the rest of the world does. The fact is, if we can create these clean alternatives, it is going to make every difference—every difference—in the world.

So in closing—and I am so pleased Senator KERRY is here—let me say this: My ranking member, JIM INHOFE, made a comment. I just want to say we are good friends, and anything I say here I say to him, and vice versa. My ranking member said in the press—and I do not know if Senator KERRY saw this—my ranking member, Senator INHOFE, said to me in the press I should get a life—get a life—and stop trying to pass global warming legislation because it is not going to happen.

I want to say to him very clearly today, I have a life, and I am spending it getting the votes I need to make sure we take advantage of this momentous opportunity. I want to thank those over in the House who seem to understand this golden moment of opportunity for our economy, for our foreign policy, for the creation of millions of new jobs, for energy independence—that is what they are fighting for over there—and for great opportunities for our agricultural sector, our manufacturing sector.

This is an opportunity we should not lose. I am very pleased at the progress we are making over here, and I want to send that signal: We are making great progress.

Mr. President, I thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is operating under cloture on the nomination of Harold Koh.

Mr. KERRY. Mr. President, has the time for a vote been set at this point?

The PRESIDING OFFICER. It has not.

Mr. KERRY. It is not set. I thank the Chair.

With that in mind, I think the leadership is hopeful of trying to get that vote somewhere in the near term.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask the distinguished Senator from Massachusetts if he would yield for a unanimous consent request or two?

Mr. KERRY. Of course, I will yield, Mr. President.

Mr. REID. As usual, I appreciate the courtesy of my friend from Massachusetts.

Mr. President, I ask unanimous consent that all postcloture time be yielded back except for 30 minutes and that time be divided as follows: 10 minutes for Senator KERRY—and we can count the time he has already used. Does the Senator need more time? OK—10 minutes for Senator KERRY, 10 minutes for Senator CORNYN, 10 minutes for Senator COBURN, or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. REID. Mr. President, I would ask to modify the consent request that instead of 10, 10, and 10, Senator KERRY be given 15 minutes and Senator CORNYN be given 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Koh nomination, and the Senate resuming legislative session, the Senate then move to proceed to the consideration of Calendar No. 84, H.R. 2918, the Legislative Branch Appropriations Act; that the motion be agreed to, and once the bill is reported, a Nelson of Nebraska substitute amendment, which is at the desk, be called up for consideration; further that the following be the only first-degree amendments and motion in order: McCain, Nebraska photo exhibit; Coburn, online disclosure of Senate spending; DeMint, Visitor Center inscription: ''In God We Trust''; Vitter, motion to commit, 2009 levels; DeMint, audit reform Federal Reserve; that upon disposition of the amendments and motion, the substitute amendment, as amended, if amended, be agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to; and that no further amendments be in order; and that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute amendment remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, could I have a 5-minute notice from the Parliamentarian?

The PRESIDING OFFICER. The Senator will be notified.

GLOBAL CLIMATE CHANGE

Mr. KERRY. Mr. President, I want to make some closing comments with respect to the nomination of Dean Koh. But before I do that, I want to have a chance to share a few thoughts with the distinguished chairman of the Environment and Public Works Committee, who has been an extraordinary leader on this subject of global climate change.

Let me be the first to affirm that I rather think the Senator has a terrific life, and I am proud of what she is doing with respect to this issue. It is really interesting. I think it is important for us to talk about a few of the issues.

The Senator from Oklahoma, Mr. INHOFE, has made some comments on the floor of the Senate that are either wrong on the facts or wrong in terms of the judgment politically.

I want to say upfront, as my colleague has said, I enjoy my conversations and my relationship with the Senator enormously. We are both pilots. He flies often, much more frequently than I do these days, but we both share a passion for flight and for aerobatics, and for different kinds of airplanes, and I love talking to him about them.

I wish he were up to state of the art with respect to the science on global climate change. He made a number of comments on the floor of the Senate which Senator BOXER and I just have to set the record straight on: No. 1, suggesting that the science is somehow divided. That is myth. It is wishful thinking, perhaps, on the part of some people. I suppose if your definition of divided is that you have 5,000 people over here and 2 people over here—who want to put together a point of view that is usually encouraged and, in fact, paid for by a particular industry or something—you can claim it is divided.

But by any peer review standard, by any judgment of the broadest array of scientists in the world—not just the United States, across the planet—the science is not divided. The fact is, Presidents of countries are committing their countries to major initiatives on global climate change.

The science is clearly not divided with respect to global climate change. In fact, every major scientist in the United States whose life has been devoted to this effort, such as Jim Hansen at NASA, or John Holdren, the

President's Science Adviser—formerly at Harvard—these people will tell you in private warnings that are even far more urgent than the warnings they give in public. The reason is, the science is coming back at a faster rate and to a greater degree in terms of the damage that was predicted than any of these people had predicted.

The fact is, there is a recent study about the melting of the permafrost lid of the planet. It shows in the Arctic—this is the Siberian Shelf Study, which I would ask my colleague from Oklahoma to read—columns of methane rising up out of the sea level, and if you light a match where those columns break out into the open air, it will ignite. Those columns of methane represent a gas that is 20 times more damaging and dangerous than carbon dioxide, and it is now—as the permafrost melts—uncontrollably being released into the atmosphere.

In addition to that, there is an ice shelf, the Wilkins Ice Shelf, down in Antarctica. A 25-mile ice bridge connected the Wilkins Ice Shelf to the mainland of Antarctica. That shattered. It just broke apart months ago. Now we have an ice shelf that for centuries—thousands of years—was connected to the continent that is no longer connected.

We have sea ice which is melting at a rate where the Arctic Ocean is increasingly exposed. In 5 years, scientists predict we will have the first ice-free Arctic summer. That exposes more ocean to sunlight. The ocean is dark. It consumes more of the heat from the sunlight, which then accelerates the rate of the melting and warming, rather than the ice sheet and the snow that used to reflect it back into the atmosphere.

There are countless examples of evidence of what global climate change is already doing across the planet. In Newtok, AK, they just voted to move their village 9 miles inland because of what is happening with the sea ice melt and the melting of the permafrost. We will spend millions of dollars mitigating and adapting to these changes as they come at us.

The Audubon Society has reported a 100-mile wide swath of land in the United States where their gardeners—who do not record themselves as Democrats or Republicans, ideologues, conservatives, or liberals; they are people who like to go out and garden; they are part of the Audubon Society as a result of that—are reporting plants they can no longer plant that used to be able to be planted.

We have millions of acres of forests in Alaska and in Canada that have been lost: spruce and pine to the spruce beetle that used to die, but because it is warmer, now it no longer dies. You can run down a long list.

Mr. President, I am not going to go through all of it here now, but suffice it to say, he is wrong about China. I just came back from a week in China where I met with their leaders. I went out to see what they are doing in wind power. I went to see their energy conservation efforts. They are ahead of us in some respects with respect to those efforts. They have a higher standard of automobile emissions reduction that they are putting in place sooner than we are. They are tripling their level of wind power that they are trying to target. They have a 20-percent energy intensity reduction level that they are now exceeding in several sectors of their economy, which they did not think they would be able to do. In 2 or 3 years, we are going to be chasing China if we do not recognize what has happened and do this.

So the Senator from California, the chairperson of the Environment and Public Works Committee, completely understands, as do many others, this can be done without great cost to our electric production facilities, without our companies losing business and losing jobs. On the contrary, the jobs of the future are going to be in alternative and renewable energy and in the energy future of this country.

There is barely a person I know who does not think we would not be better off in America not sending $700 billion a year to the Middle East to pay for oil so we can blow it up in the sky and pollute and turn around and try to figure out how we are going to spend billions to undo it. Why not spend those $700 billion in the United States creating that energy in the first place, with jobs that do not get sent abroad, and which pay people good value for the job they are doing? It liberates America for our energy security. It provides a better environment. We are a healthier nation, and we increase our economy. So you get all those pluses. What are they offering? What is the alternative that Senator INHOFE and others are offering? If they are wrong in their predictions, we have catastrophe for the planet.

So I think we are on the right track. China is going to reduce emissions. China will be on a different schedule because that is what the international agreements set up years ago. But as a developing country with 800 million people living on less than $2 a day, it is understandable that they would fight to say: We can't quite meet the same schedule now, but we will get to the same schedule. What is important is that, globally, all countries come together to reduce emissions. That will happen in Copenhagen. It is much more likely to happen in Copenhagen if the United States of America leads here at home. If we undertake these efforts and pass legislation here, I guarantee my colleagues that Copenhagen will be a success and China and other countries will all agree to reductions that are measurable, that are verifiable, and that are reportable.

So we need to get our facts straight as we come at this debate. The Senator from California and I are thirsty and waiting for this debate because we will show how we can reduce emissions, how we can transition our economy with minimal—minimal—costs. In fact, for the first few years, it pays for itself to undertake many of these transformations.

I wish to reemphasize some thoughts in the time I have left about Dean Koh. Dean Koh has been chosen to be legal counsel for the State Department. I have already spoken about his remarkable academic career, his leadership in the legal profession, the respect and glowing praise he has received from colleagues within the legal profession. We have heard a lot about him. I wish to address some of the points that have been raised in opposition to his nomination, some of which I believe are just plain disrespectful and indecent. It is hard to find the rationale for where they come from, frankly—maybe a mean-spiritedness or something—but it is hard, and I am grateful, as I think we all ought to be, that nominees are willing to subject themselves to some of these kinds of arguments. Also, there are some misunderstandings and mischaracterizations.

It is no surprise that not everybody is going to agree with him and every decision or opinion he has made, but the fact is that a lot of the arguments that have been made aren't grounded in reality. First, there have been allegations that his views on foreign law would somehow undermine the Constitution of the United States. Well, please, that is baseless beyond any kind of evidence I have ever seen or any statement he has ever made. Let me repeat what Dean Koh, himself, has said about the primacy of our Constitution. I quote:

> My family settled here in part to escape from oppressive foreign law, and it was America's law and commitment to human rights that drew us here and have given me every privilege in life that I enjoy. My life's work represents the lessons learned from that experience. Throughout my career, both in and out of government, I have argued that the U.S. Constitution is the ultimate controlling law in the United States and that the Constitution directs whether and to what extent international law should guide courts and policymakers.

That is definitive. No one should insert any other interpretation into it other than the Constitution is primary.

Some have also argued that Dean Koh's views on international law, particularly on something called ''the transnational legal process,'' would somehow undermine our sovereignty and our security. Again, this represents a fundamental misunderstanding of his views. Dean Koh understands that international law and institutions are simply part of life in a globalized world. Engagement with the international community is inevitable. He believes it is best to engage constructively. Here is what he said at his confirmation hearing:

> Transnational legal process . . . says what we all know—that we live in an interdependent world that is growing increasingly more interdependent. It is not new, and . . . [i]t is not an ideology. It is a description of

a world in which we live . . . It is from the beginning of the republic. It is the basic views of Thomas Jefferson and Ben Franklin, who called for us to give decent respect to the opinions of mankind. And most importantly, it is necessary and unavoidable that we be able to understand and manage the relationship between our law and other law.

Those aren't the words of an ideologue. They aren't the words of a radical. It is the broad perspective of a deeply knowledgeable and pragmatic and committed advocate for our Nation's interests. It reflects how we represent our interests. It reflects our real challenge, which is how we best use international law and institutions to advance national security interests and promote our core values. That is exactly what Dean Koh has spent his career working on. As one of the world's leading experts on international law, there is nobody better qualified to meet this challenge.

Yesterday, my colleague from Texas suggested that Dean Koh somehow created a moral equivalence between the United States and Iran's brutal and deadly crackdown after the recent election. This is what our colleague said:

Koh appears to draw moral equivalence between the Iranian regime's political suppression and human rights abuses that we've been watching play out on television and America's counterterrorism policies on the other hand. In 2007, he wrote: The United States cannot stand on strong footing attacking Iran for illegal detentions when similar charges can and have been lodged against our own government.

Well, common sense—in one sentence, the Senator accuses Dean Koh of equating our treatment of detainees with Iran's actions and violently suppressing protests this week—right now—and in the next sentence he cites as evidence for that comments that Dean Koh made a couple years ago on an unrelated issue of Iran's treatment of detainees. I have heard of people trying to make ''six degrees of separation'' connections and somehow make it mean something, but this is to the extreme.

The broader point is, Dean Koh was not suggesting there is a moral equivalence between Iran and the United States. He was arguing that we are safer if we can convince countries such as Iran and North Korea to respect global norms and standards. It is harder for the United States to run around the world enlisting allies and marshaling pressure when we are simultaneously forced to fend off accusations of lawless activity by ourselves. So Guantanamos and other things work to deplete our ability to be able to maintain the highest moral ground. That is not moral equivalence. That is a practical reality about how the world works and how you protect the interests of the United States.

We have heard the argument that Dean Koh's position in supporting the regulation of global arms trade is somehow going to infringe on the rights of Americans under the second amendment. Please. I mean, please. Nothing could be further from the truth. The fact is that Dean Koh supports efforts to regulate the transfer of guns across borders, which does nothing to interfere with the domestic possession of firearms. As he said at his confirmation hearing:

The goal is to prevent child soldiers in places like Somalia and Uganda from having AK–47s transferred from the former Soviet Union. It is not to in some way interfere with the legitimate hunter's right to use a hunting rifle in a national or State park.

Dean Koh went on to unequivocally state that he respects the Supreme Court's decision in Heller, which affirmed the right to bear arms under the second amendment as the law of the land.

There are other criticisms that have been made. I don't have time to go into all of them now, but the bottom line is whether it is the CEDAW—the Convention on the Elimination of Discrimination Against Women—or questions about his beliefs about the war in Iraq, the fact is that Dean Koh has also been questioned for allegedly supporting suits against the Bush administration's involvement in abusive interrogation techniques. Well, first of all, Dean Koh had no personal involvement in the lawsuit against John Yoo that has been mentioned, none whatsoever. Let's be clear. The State Department Legal Adviser is not charged with defending U.S. officials from legal suit or investigation of allegations of war crimes. That is the job of the Justice Department and the Defense Department.

Finally, we have heard questions about Dean Koh's respect for the role that Congress has played in crafting legislation relating to our national security. Dean Koh said at his confirmation hearing, and his words should stand:

[T]he Constitution's framework while defining the powers of Congress in Article 1 and the President in Article 2, creates a framework in which the foreign affairs power is a power shared. Checks and balances don't stop at the water's edge. It is both constitutionally required, and it is also smart in the sense that the President makes better decisions when Congress is involved. If they are in at the takeoff, they tend to be more supportive all the way through the exercise.

That is just the type of approach that we here in Congress should welcome.

While disagreements on legal and policy issues are entirely legitimate, I regret that there have been some accusations and insinuations against Dean Koh in the media that would be laughable if they weren't impugning the reputation of such a devoted public servant. Some have alleged that Dean Koh supports the imposition of Islamic Shariah law here in America. Others have actually claimed that he is against Mother's Day. Does anyone really think this President and this Secretary of State would seek legal advice from a man trying to impose Islamic law on America? Or abolish Mother's Day? That type of allegation has no place in this debate.

Fortunately, there is a chorus of voices across party lines and across American life that know the truth about Dean's Koh's record. That's why he has the support of such a long and impressive list of law professors, deans, clergy, former State Department Legal Advisers, and legal organizations.

I was heartened to see that eight Republicans voted for cloture. This sends an important message that his nomination has real bipartisan support. The words of Senator LUGAR on Dean Koh bear repeating: ''Given Dean Koh's record of service and accomplishment, his personal character, his understanding of his role as Legal Adviser, and his commitment to work closely with Congress, I support his nomination and believe he is well deserving of confirmation by the Senate.''

Senator LIEBERMAN, one of this body's strongest supporters of the war in Iraq and of Professor Koh's nomination, also put it well: ''[T]here is absolutely no doubt in my mind that Harold Hongju Koh is profoundly qualified for this position and immensely deserving of confirmation. He is not only a great scholar, he is a great American patriot, who is absolutely devoted to our nation's security and safety.''

In closing, I believe Dean Koh's own words best sum up the case for his confirmation: As he has written, ''I love this country with all my heart, not just because of what it has given me and my family, but because of what it stands for in the world: democracy, human rights, fair play, the rule of law.''

There is no stronger bipartisan voice for foreign policy or for the Constitution in the Senate than Senator DICK LUGAR of Indiana, and I hope my colleagues will follow his example.

I thank our Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to speak, once again, on the nomination of Harold Koh, whom the President has nominated to be Legal Adviser for the State Department. To put this in context, as the Senator from Massachusetts has addressed, the Legal Adviser is a very important job at the State Department. He is responsible for providing guidance on important legal questions, including treaty interpretation and other international obligations of the United States. He gives the Secretary of State legal advice during negotiations with other nations. So the Legal Adviser can be a very influential voice in diplomatic circles, especially if he or she has particularly strong views on America's obligations to other nations and multilateral organizations.

Based on my review of Dean Koh's record, I don't believe he is the right man for this job. His views are in tension with what I believe are core Democratic values, in that he would subjugate America's sovereignty to the opinions of the so-called international common law, including treaty obligations that the Senate has never ratified. Indeed, they are not obligations,

but he nevertheless would impose them on the United States. When the Senator from Massachusetts says he believes the U.S. Constitution is primary, I would have felt much better if he had said it was the exclusive source of American law, together with the laws that we ourselves pass as representatives of the people; not just a consideration but the consideration when it comes to determining the obligations and rights of America's citizens, rather than subjecting those to international opinion and vague international norms which I heard the Senator refer to.

It is true Professor Koh is an advocate of what he calls transnational jurisprudence. He believes Federal judges—these are U.S. judges—should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law. As I mentioned, this means judges using treaties and ''customary international law'' to override a wide variety of American laws, whether they be State or Federal. Of course, we understand treaties that have been ratified by the Senate are the law of the land, but Professor Koh believes that even treaties that the United States has not ratified can be evidence of customary international law and given legal effect as such.

The Legal Adviser to the State Department has an important role, as I mentioned, in drafting, negotiating, and enforcing treaties. That is why it is so crucial he understands that no treaty has the force of law in the United States until it has been ratified, pursuant to the Constitution, by the Senate. Do we want a top legal advisor at the State Department who believes that norms that he and other international scholars make should become the law, even if they are rejected or not otherwise embraced by the Congress? That can't be within the mainstream. That is outside the mainstream; indeed, I believe a radical view of our obligations in the international community.

In 2002, Professor Koh delivered a lecture on the matter of gun control. He argued for a ''global gun control regime.''

I don't know exactly what he means by that, but if he means that the second amendment rights under the U.S. Constitution of an individual American citizen to keep and bear arms are somehow affected by global gun control regimes, then I disagree with him very strongly. Our rights as Americans depend on the American Constitution and American law, not on some global gun control regime or unratified treaties because of some legal theory of customary international law.

On the matter of habeas corpus rights for terrorists, in 2007, Professor Koh argued that foreign detainees held by the U.S. Armed Forces anywhere in the world—not just enemy combatants at Guantanamo Bay—are entitled to habeas corpus review in U.S. Federal courts. Those are the rights reserved to American citizens under our Constitution and laws, not to foreign terrorists detained by our military in farflung battlefields around the world.

If Professor Koh were correct—and he is not—this would mean that even foreign enemy combatants captured on the battlefield fighting against our troops in Afghanistan and held at Bagram Air Force Base would be able to sue in the U.S. courts seeking their release.

On this issue, fortunately, Dean Koh's radical views are not shared by the Obama administration, which filed a brief recently arguing that habeas corpus relief doesn't extend to detainees held at Bagram Air Force base in Afghanistan.

Do we want a top legal adviser in the State Department working to grant terrorists and enemy combatants even more rights than they have now?

There is the issue of military commissions, something Congress has spoken on at some length after lengthy debate. Professor Koh's views of military commissions also deserve our attention.

Military commissions, it turns out, have been authorized since the beginning of this country—by George Washington during the Revolutionary War, by Abraham Lincoln during the Civil War, and by Franklin Roosevelt during World War II. Yes, military commissions have been authorized both by our 43rd and 44th President of the United States in the context of the war on terror.

President Obama has said that ''military commissions . . . are an appropriate venue for trying detainees for violations of the laws of war.'' I agree with him.

Of course, military commissions, as I alluded to a moment ago, have had bipartisan support and have been authorized by the Congress. But somehow Professor Koh takes a more radical view. He believes military commissions would ''create the impression of kangaroo courts.'' He said they ''provide ad hoc justice.'' He said they do not and cannot provide ''credible justice.''

Do we want the top legal adviser at the State Department undermining both the will of Congress and the President regarding the time-tested practice of military commissions during wartime?

Again, here is another example of Professor Koh's views that are radical views—certainly outside of the legal mainstream. Senators should also take a look at Professor Koh's views on suing or prosecuting lawyers for providing professional legal advice in the service of their country.

My position is clear: Government lawyers—and I don't care whether they are working in a Democratic administration or a Republican one—should not be prosecuted or sued for doing their jobs in good faith. They should not be punished for giving their best legal advice under difficult and novel situations, even if it turns out that some lawyer somewhere later disagrees with that advice.

As dean of the Yale Law School, Professor Koh has enabled and empowered the leftwing attempt to sue one of its own alumni, John Yoo, who worked at the Office of Legal Counsel in the Bush administration.

The Yale Law School's Lowenstein International Human Rights Law Clinic has filed suit against John Yoo for the legal advice he provided to policymakers during his service on behalf of the American people.

I wonder if Professor Koh is willing to hold himself to the same standard and agree that individuals can sue him for his official acts if he is confirmed as Legal Adviser to the State Department—if later on lawyers, and perhaps prosecutors, disagree with that legal advice and say it was wrong.

Suppose Professor Koh gives legal advice that certain GTMO detainees should be released. If they return to the battlefield, as many have, and end up killing Americans, or our allies, should the victims' families be allowed to hold Professor Koh legally responsible in a court of law? Or suppose Professor Koh gives legal advice that authorizes military actions in Afghanistan or Pakistan. If those operations result in collateral damage, or civilian casualties, would the victims have standing in Federal Court to sue Professor Koh?

Do we want a top Legal Adviser at the State Department who is so compromised by the fear of being sued or prosecuted that he could not be trusted to give honest, good-faith legal advice to the Secretary of State or the President of the United States?

Perhaps most timely, given the civil unrest in Iran—and the Senator from Massachusetts was critical of the fact that I quoted a 2007 writing of Professor Koh, but it is true from this writing, and I will read it in a moment—Professor Koh appears to draw a moral equivalence between Iran's regime's political suppression and human rights abuses, on one hand, and America's counterterrorism policies on the other.

In 2007 he wrote:

> The United States cannot stand on strong footing attacking Iran for ''illegal detention'' when similar charges can be and have been lodged against our own government.

He goes on to say that U.S. Government criticism of Iranian ''security forces who monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization,'' was ''hard to square'' with our own National Security Agency's surveillance programs.

Do we want to confirm a top Legal Adviser at the State Department who can't see the difference between counterterrorism policies approved by the Federal courts and the Congress and the brutal repression practiced by a theocratic regime?

We have heard enough moral equivalence about Iran over the last week,

and we have heard enough apologies for the actions of the United States, and enough soft-peddling of the actions of the Iranian theocracy, which is a brutal police state. We don't need another voice in the administration whose first instinct is to blame America and whose long-term objective is to transform this country into something it is not.

For these reasons, I urge my colleagues to oppose the nomination of Harold Koh as the top Legal Adviser to the State Department.

I yield the floor and reserve the remainder of my time.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Dean Harold Hongju Koh to serve as Legal Adviser to the Department of State. Dean Koh is a close friend of mine, whom I have known and respected for many years. His distinguished career reflects a long history of public service and bipartisanship. For example, Dean Koh served in both Republican and Democratic administrations, beginning his career in government in the Office of Legal Counsel during the Reagan administration and at the Department of Justice and as Assistant Secretary of State for Democracy, Human Rights, and Labor in the Clinton administration.

Dean Koh also has strong academic and professional credentials. He was the editor of the Harvard Law Review, a Marshall scholar and a law clerk for the Honorable Harry A. Blackmun of the U.S. Supreme Court. He has been awarded with several honorary degrees and more than 30 human rights awards.

Dean Koh's established expertise in international law makes him a strong candidate for the position. I am certain that he will protect the U.S. Constitution and execute the job with extraordinary professionalism. I strongly support his nomination.

Mr. DODD. Mr. President, I rise in support of the nomination of Harold Koh to serve as Legal Adviser to the Department of State.

My one and only regret in offering my enthusiastic support for this nomination is that it will take from my State of Connecticut a pillar of our academic community and a mentor to countless young legal minds at the Yale Law School, where Harold Koh has served as a member of the faculty since 1985 and dean since 2004.

Dean Koh is a man of extraordinary intellect, unquestioned patriotism, and great accomplishment. He is a former Marshall Scholar, a graduate of Harvard Law School, the recipient of 11 honorary degrees, and the author of 8 books.

He has appeared before appellate courts and the Congress on countless occasions, won many awards and accolades as a human rights advocate, and served his country under Presidents of both parties. In his most recent service, he was unanimously approved by this body to serve as Assistant Secretary of State for Democracy, Human Rights, and Labor, where he served with tremendous distinction for 3 years.

In short, Dean Koh is exactly the sort of public servant we need at the State Department at a time when our Nation is seeking to restore its standing in the world by renewing our commitment to traditional American values like respect for all people and adherence to the rule of law.

After all, we confront global challenges as complex as they are numerous. Nuclear proliferation and international terrorism threaten our national security, and issues like genocide and human trafficking test our leadership on the world stage. Our foreign policy must be rooted in an understanding of American and international law, as well as a firm commitment to not only our Constitution, but also the underlying moral values from which it was created.

No one understands these issues better than Harold Koh. He is the child of parents born in South Korea who grew up under Japanese colonial rule. They lived through dictatorship and unrest before coming to America. Their son Harold chose to study law because he understood that, as he once stated in an essay, ''freedom is contagious.''

Dean Koh wrote movingly of his time with the State Department:

> Everywhere I went—Haiti, Indonesia, China, Sierra Leone, Kosovo—I saw in the eyes of thousands the same fire for freedom I had first seen in my father's eyes. Once, an Asian dictator told us to stop imposing our Western values on his people. He said, ''We Asians don't feel the same way as Americans do about human rights'' I pointed to my own face and told him he was wrong.

Our Nation will be safer and stronger, and the world will be freer, with Harold Koh at the State Department once again.

I suspect that many of my colleagues who have raised concerns about this nomination understand fully just how qualified Dean Koh is for this position. Unfortunately, some are too willing to play politics with our foreign policy.

Let's be clear. To suggest that Dean Koh does not understand or appreciate American sovereignty or the supremacy of our Constitution is an insult. Dean Koh has done important and valuable work exploring the tenets of international law and comparisons between the legal systems of different countries, work I hope he will continue when his nomination is approved. He does not wish to subjugate our legal system to that of any other nation, or to international law, and claims to the contrary are simply inaccurate and unfair.

Indeed, while some have been tempted by the prospect of opposing a talented legal scholar nominated by a President of the opposing party, Dean Koh's nomination has been endorsed by serious legal minds on both sides of the ideological spectrum.

John Bellinger, who served in this position under President George W. Bush, wrote: ''I do think Harold Koh is well qualified and should be confirmed.''

Kenneth Starr, the well-known Republican attorney who has opposed Dean Koh in court on many occasions, calls him ''not only a great lawyer, but a truly great man of irreproachable integrity.''

Conservative legal legend Ted Olson agrees, calling Dean Koh a ''brilliant scholar and a man of great integrity.'' He also makes the very salient point that ''the President and the Secretary of State are entitled to have who they want as their legal adviser.''

Serious people, people who understand the importance of this position to our foreign policy and the nature of the man President Obama has nominated to fill it, have been able to look past political considerations and judge Dean Koh fairly.

They support him. I support him. I urge my colleagues to support him. And I look forward to his confirmation, his service, and his continued friendship.

Mr. CORNYN. We yield back the remainder of our time.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there a sufficient second?

There is a sufficient second.

The question is, shall the Senate advise and consent to the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the Department of State.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—62

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Lincoln	Udall (CO)
Conrad	Lugar	Udall (NM)
Dodd	Martinez	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Gillibrand	Murray	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—2

Byrd Kennedy

The nomination was confirmed.

Mr. KERRY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KYL. Madam President, today the Senate confirmed Harold Koh to the position of Legal Adviser to the State Department by a vote of 62 to 35. I voted against his confirmation for reasons I explained on the floor yesterday. Chiefly, I am concerned about his support for a transnational legal process. The National Review recently published an article that explores the inherent conflict between transnational legal structures built on ''global norms'' and the constitutionally defined role of the American judiciary. I ask unanimous consent that it be printed in the RECORD.

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

KOH FAILS THE DEMOCRACY TEST

(By John Fonte)

Advocates of global governance advance their agenda through the ''transnational legal process.'' Harold Koh, former dean of the Yale Law School, who has been nominated by President Obama to be the legal adviser to the State Department, is a leading advocate of this ''transnational legal process.'' His confirmation hearing is today, Tuesday, April 28.

Dean Koh has written extensively—sometimes clearly, sometimes obtusely—on transnational law and the ''transnational legal process.'' In a rather clear paragraph in The American Prospect (September 20, 2004), Koh explains how the system works: Transnational legal process encompasses the interactions of public and private actors—nation states, corporations, international organizations, and non-governmental organizations—in a variety of forums, to make, interpret, enforce, and ultimately internalize rules of international law. In my view, it is the key to understanding why nations obey international law. Under this view, those seeking to create and embed certain human rights principles into international and domestic law should trigger transnational interactions, which generate legal interpretations, which can in turn be internalized into the domestic law of even resistant nation-states.

Koh says much the same thing in the Penn State International Law Journal (2006)—more abstractly, to be sure, but it is worth listening to his voice to begin to appreciate the tone of the global-governance debate in legal circles: To understand how transnational law works, one must understand ''Transnational Legal Process,'' the transubstantive process in each of these issues areas [business, crime, immigration, refugees, human rights, environment, trade, terrorism] whereby [nation] states and other transnational private actors use the blend of domestic and international legal process to internalize international legal norms into domestic law. As I have argued elsewhere, key agents in promoting this process of internalization include transnational norm entrepreneurs, governmental norm sponsors, transnational issue networks, and interpretive communities. In this story, one of these agents triggers an interaction at the international level, works together with other agents of internalization to force an interpretation of the international legal norm in an interpretive forum, and then continues to work with those agents to persuade a resisting nation-state to internalize that interpretation into domestic law.

Koh notes that the crucial mechanism for incorporating these global norms that are ''created'' and ''interpreted'' in transnational forums into American constitutional law is the American judiciary. As Koh declares, ''domestic courts must play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law.''

The global norms that are to be ''internalized'' into American law cover a wide range of policy areas, including matters of foreign policy, terrorism, internal security, commerce, environment, human rights, free speech, and social issues such as feminism, abortion, gay rights, and the status of children.

To ask the crucial questions of democratic theory: Who governs? Who decides?

For the advocates of global governance, the policy issues listed above are typically global problems that require global solutions. In this view, international judges, NGO activists, international lawyers, and the like operating in transnational forums such as the International Court of Justice, the International Criminal Court, and various U.N. agencies are the appropriate decision-makers.

For the advocates of liberal democracy, these issues should be decided through the democratic political process. In the United States, this would mean the elected representatives of the people: the Congress and president at the national level, state legislatures and governors at the state level, and city councils and mayors at the local level.

To be sure, the American judiciary should perform its constitutional role of interpreting the laws made by the political branches of American democracy. However, it is not appropriate for American courts to impose or ''internalize'' global norms, rules, or laws ''created'' at transnational forums by transnational actors who have no direct accountability to ''We the People of the United States''; actors who not only are not elected by the American people, but who are, for the most part, not even citizens of the United States. It is not appropriate, that is, if one believes in liberal democracy.

But, of course, the ''transnational legal process'' articulated by Harold Koh and the politics of transnationalism generally are not democratic. They represent a new form of governance that I call ''post-democratic.'' To ''make, interpret, [and] enforce'' international law, ''which can in turn be internalized into the domestic law of even resistant nation-states'' (as Koh describes it), is to exercise governance. But do these transnational governors have the consent of the governed?

The transnational legal process fails the ''government by the consent of the governed'' test in two ways. First, the democratic branches of government, the elected representatives of the people, have no direct input either in writing the global laws in the first place, or even in consenting to their domestic internalization, as, for example, happens when the Senate ratifies a treaty or the Congress passes enabling legislation for a non-self-executing treaty.

Second, there is no democratic mechanism to repeal or change these international rules that are incorporated into U.S. law by this process. What if the American people decide that they object to these global norms and transnational laws that were imposed upon them without their consent (on, for example, the death penalty, internal security, immigration, family law, etc.)? What if the American people at first approved, but later changed their minds on, some of these rules: How can these global norms, now part of international law and U.S. constitutional law, be repealed? Legislation to repeal the global norms could be deemed ''unconstitutional.'' In short, there are no democratic answers to these questions consistent with the transnational legal process, because it is not a democratic process.

At the end of the day, the argument over the transnational legal process is one part of a larger argument that will come to dominate the 21st century: Who governs?

Will Americans continue to decide for themselves public policies related to national security, human rights, immigration, free speech, terrorism, the environment, trade, commercial regulation, abortion, gay rights, and family issues—or will questions be decided by ''transnational issue networks'' working with ''transnational norm entrepreneurs,'' ''governmental norm sponsors,'' and ''interpretive communities,'' with the complicity of American judges?

The PRESIDING OFFICER. Under the previous order, the President shall be notified of the Senate's action.

LEGISLATIVE SESSION

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

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2918.

The legislative clerk read as follows:

A bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be at least one more vote today.

Senator NELSON should be here momentarily to start managing the Legislative Branch appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1365

(Purpose: In the nature of a substitute.)

Mr. NELSON of Nebraska. Madam President, it is my understanding that there is an amendment already at the desk.

The PRESIDING OFFICER. That is correct. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 1365.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. NELSON of Nebraska. Madam President, I rise today to present the fiscal year 2010 legislative branch bill. I want to start by thanking Senator MURKOWSKI and her staff for their help in putting this bill together. I am very grateful for her support on this subcommittee. This was truly a bipartisan effort from start to finish. I thank her and I note that her health is improving because her leg is improving and she is getting to places on her own now.

This bill funds the salaries of the very dedicated public servants who support the legislative branch of government. The legislative branch is home to not only all of us here in the Senate and the House, but the Capitol Police, the Library of Congress, the Architect of the Capitol, the Government Accountability Office, the Government Printing Office, the Congressional Budget Office, the Office of Compliance, and the Open World Leadership Center.

In crafting this bill, it was our firm belief that the legislative branch should lead by example, funding only the most critical needs of our agencies and being good stewards of the taxpayers' dollars. This proved to be quite a challenge when we were presented with a budget request that reflected a 15-percent increase over the fiscal year 2009 enacted level. However, after several hearings, many meetings, and countless hours of staff negotiations, I am proud to say that we did exactly what we set out to do in writing this bill.

The bill before us today totals $4.6 billion, which is a 4.7-percent increase over the current year. The bill includes House-related items solely considered by that body which totaled $1.475 billion. It is important to note that the Senate Legislative Branch appropriations bill, which did not include House-related items, over which we had no control, represented only a 3.3-percent increase over fiscal year 2009 and was significantly below the budget request. If you include the $25 million that GAO received in the stimulus bill, then this is only a 2.4-percent increase over current year funding levels.

The fiscal year 2010 bill provides $934 million for the Senate, which is an increase of 4.3 percent over the current year. This funding will provide for annual salary and operating increases for Senate offices, the Senate Sergeant at Arms, the Secretary of the Senate, and other agencies that support the operation of the Senate.

The bill includes $331 million for the Capitol Police, which is an 8-percent increase over current year. This includes $15.4 million to fully implement the merger of the Library of Congress Police with the Capitol Police, providing seamless security throughout the entire Capitol complex.

The bill also provides for 10 additional civilian positions to help resolve management issues, including the constant increase in the demand for overtime. The committee did not provide the 76 new officers requested in fiscal year 2010, but does direct GAO to work with the Capitol Police to ensure that they are getting the most efficient use of their nearly 1,800 officers currently on board, by far the biggest this force has ever been.

The Architect of the Capitol is funded at $445 million, which is a decrease of $18 million, or 4 percent below current year. The amount includes $48 million in deferred maintenance projects, including $16.8 million for continued work on asbestos abatement and structural repairs in the utility tunnels. I am happy to say that the utility tunnel work is on schedule and significantly below original cost estimates. The bill also includes over $14 million in energy and sustainability projects across the Capitol campus.

The Library of Congress funding totals $638.5 million, which is a 4-percent increase over the current year. This amount includes $8.5 million for technology upgrades to allow for increased digitization of the Library's collections and full funding for the Digital Talking Book for the Blind project.

The Government Accountability Office is funded at $553.6 million, which is a 4-percent increase over current year, and provides all salary and inflationary increases for GAO's current staff level.

The Government Printing Office is funded at $147 million, which is a 4-percent raise over current year, allowing for the continued implementation of GPO's Federal Digital System and other technology upgrades.

The Congressional Budget Office is funded at $45 million, a 2-percent increase over the current year. Combined with the $2 million included in the supplemental, CBO will have adequate funding and FTEs needed to perform the critical work associated with health care spending, the current financial crisis, and global climate change.

The Office of Compliance is funded at $4.4 million, an increase of 8 percent above current year to cover inflationary changes and to allow the Office to hire an Occupational Safety and Health Program supervisor.

Last, but not least, the Open World Leadership Office is funded at $14.4 million, which is a 4-percent increase over the current year.

I believe the bill before the Senate is sound, prudent, and fiscally responsible. Taking into account the calculations I have given, it is a 2.4-percent increase over the current with those calculations. I encourage my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I rise this afternoon in support of the Legislative Branch appropriations bill for fiscal year 2010. The chairman of the subcommittee, Senator NELSON, and I have worked collaboratively in this process of putting the bill together. I thank him for that. I think we had some real substance in our hearings and spent the time, the energy, and the focus we needed on these matters regarding this particular appropriation.

When combined with the House items, the bill before us totals $4.7 billion, and while this is an increase of 5 percent over the current year, the bill we reported out of the committee represented less than a 3-percent increase over fiscal year 2009, as the chairman has said—in fact, 2.4 percent. I would argue for those who say we need to keep our appropriations bills within the range of inflation, we are probably there at a 2.4-percent increase.

We cannot, within this body, control the amounts the other body may provide for its own operations, but the amounts for the Senate and the other legislative branch agencies that are controlled in this bill are controlled very closely, especially when we compare this with the average 15 percent increase that was requested by the legislative branch agencies. I think we worked very hard to take the requests that came before the committee and really pared them down to what was appropriate, what was needed, what was necessary.

Both Senator NELSON and I are new to the Appropriations Committee. I am very pleased we were able to have these very good and substantive hearings with all of the legislative branch agencies. We discussed the wide range of issues and challenges before the legislative branch. We worked well together and have been consistent in our efforts to eliminate unnecessary spending, tighten our belts, and help ensure that the legislative branch is a model for the rest of the government. We believed we needed to set a good standard. If we stay on schedule, we will be able to get this bill enacted prior to the beginning of the fiscal year. It is a good start to the appropriations process.

I would like to highlight just a few areas, adding on to what the chairman has mentioned.

First, with respect to the Architect of the Capitol, the bill funds those projects that address the most serious risks to safety and health, such as repairs within the utility tunnels that underlie the Capitol Complex and projects that remedy deferred maintenance in our buildings. If we don't address the maintenance backlogs, the price tags, we know, will just increase down the road.

The bill continues the Architect of the Capitol's efforts to improve energy efficiency, with over $14 million in funding designated for this purpose.

Within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure. For about a decade now, there have been no increases to IT within the Library of Congress. Yet most of the users of the Library are virtual users. This was the highest priority of our Librarian of Congress, Mr. Billington. This investment will

ensure that millions of people who access the Library through its Web site will be able to find what it is they are looking for.

Similarly, within GPO, we funded the final increment for updating GPO's—this is the Government Printing Office—Web site to ensure government publications can be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress Police into the Capitol Police. This project was initiated by Senator BENNETT when he was chairman of the subcommittee and has been promoted by each of the successive chairs and ranking members to improve security of the Capitol Complex.

Finally, there is a directive in the bill for a report by the Government Accountability Office of a study of Capitol Police staffing and overtime. Senator NELSON and I both share the concern that we right-size the Capitol Police and we control overtime spending. We recognize security is absolutely paramount, but effective management of the agency is equally as important.

I thank Senator NELSON for his efforts and those of his staff and my staff in putting this bill together. I also thank the full committee chairman, Senator INOUYE, and the ranking member, Senator COCHRAN, for getting us to the floor today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, today the Senate begins its consideration of our annual spending bills. We start with the legislative branch appropriations bill. I am pleased to announce to my colleagues that as of this moment, the Appropriations Committee has reported out four appropriations bills. It may please you to know, Madam President, that all of these bills—Legislative, Homeland Security, Commerce, and Interior—passed the committee unanimously and all of the bills represent a bipartisan approach.

We start with the legislative branch appropriations bill not because we want to take care of ourselves, but because it is the only bill so far which has been passed by the House and marked up by the Senate Appropriations Committee.

Without unanimous agreement, the Senate can only act on those appropriations bills which have already been approved by the House. While we begin today with the legislative bill, we are confident that several bills will soon follow. We are optimistic that the Homeland Security bill will pass the House this week and be available for consideration before we adjourn for the recess. Later this week the Committee on Appropriations will meet to consider two additional appropriations bills and we expect to meet in early July to prepare another five bills. Over the next several weeks we expect to have many bills debated and hopefully passed by the Senate so that we can begin final conference deliberations on these critically important measures.

The bill before the Senate, as prepared by our Legislative Subcommittee Chairman, Senator NELSON of Nebraska and his ranking member Senator MURKOWSKI of Alaska provides $3.1 billion for the operations of the Congressional Branch, excluding amounts specifically requested for the House of Representatives. It represents a 3-percent increase over the amounts provided in FY 2009, but it is nearly 10 percent below the amount requested.

Our colleagues should thank Senators NELSON and MURKOWSKI for completing their hard work on this bill. Because of the change in administration, the committee has had the details of the President's request for less than 2 months. Yet our colleagues, who have only assumed their subcommittee leadership positions this year, have already completed their review and prepared this measure.

The bill was marked up by the committee last week and approved on a unanimous vote. It is a tribute to our two managers that this bill was passed by the committee without a single amendment.

For those of our colleagues who focus on the small part of the Appropriations bills which are earmarks, I would note there is only one earmark in this bill.

Many critics and pundits constantly overstate the controversy over earmarks, but here in the bill which provides the essential support for our legislative branch, we include only one earmark.

As we begin our process to provide for our Nation's spending it is important to remember why we are engaged in this annual exercise.

As the Framers of our Constitution recognized it is critically important to our democracy to ensure that the people's representatives in the Congress are the ones who determine how taxpayer money should be expended.

While the Congress relies on the expertise of the executive branch to develop programs and to construct spending plans, it is our responsibility to determine which of these programs and plans is right for the American people. We were elected to represent our States. One way in which we carry out our responsibilities is by determining our Nation's budget.

Included in this process is the relatively small amount of funding that are included in direct response to our constituents' petitions. In the fiscal year 2010 bills that the Appropriations Committee will recommend to this body we will reduce our spending on non-project based earmarks by 50 percent compared to amounts for these program in fiscal year 2006.

To understand the importance of our willingness to curtail this type of spending, I would note that this means a reduction of more than $8 billion in earmarks.

Chairman OBEY and I have agreed that, as long as he and I are Chairmen, the total of non-project based earmarks in appropriations bills will not exceed 1 percent of the total discretionary funding appropriated by the committee in any fiscal year.

What this means is that this year and in future years we will allocate 99 percent of the funds in the budget for national programs and programs which are included in the president's request, and only 1 percent, really less than 1 percent, for programs that are included in direct response to the needs of our States, cities, towns and the constituents whom we represent.

It is essential that the Congress maintain its control over Federal spending. While it may not always be politically popular to challenge the authority of Presidents in determining the spending priorities for the country, it is how we safeguard the democratic traditions of this Nation.

The day that we cede this authority to the White House is the day when we create a monarchy. As chairman of the Appropriations Committee and a member of this body for more than 46 years, I have no intention to allow that to occur.

As the Senate reviews this and the other spending bills which will soon follow, I urge it to be mindful of the importance of this task.

The bill before this body deserves the support of every Member of this body. It provides for the essential services to fulfill the functions of our legislative branch.

It is a clean bill free of unnecessary legislative riders. It is $300 million below the amount requested and within the funding allocation provided to the subcommittee. I strongly recommend its approval.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. VITTER. Madam President, I have a motion to commit with instructions at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Mr. VITTER moves to commit the bill H.R. 2918 to the Committee on Appropriations with instructions to report the same back to the Senate making the following changes.

(1) Amend the amounts appropriated in the bill so as to report back a bill with an aggregate level of appropriations for fiscal year 2010 not more than the level enacted for fiscal year 2009, while not reducing appropriations necessary for the security of the United States Capitol complex.

Mr. VITTER. Madam President, I will outline my motion to commit shortly. First, by way of introduction, let me say how disappointed and frustrated I am that another amendment I had proposed for this bill was consistently blocked out all of this week, and no vote, no consideration was allowed by the distinguished majority leader. That amendment, which had been filed some time ago, which I worked hard to get before this body, would have passed again, a repeal of the automatic pay

raise provision for Members of the Senate and Members of the U.S. House currently in the law.

We are in the midst of a very serious recession. American families all around the country are really hurting. Many have been laid off, lost their jobs through investment losses and the stock market. Many others are scared to death about their future. Yet all of us as Members of Congress live under this system where we get an automatic pay raise virtually every year, a pay raise on autopilot without any need for a proposal or a bill to be offered, to be filed, to be debated or voted on. That really is a very offensive system to millions of American families, particularly so during this serious recession.

I am very sorry the majority leader felt the need to work at every turn to block out any consideration of this amendment and certainly any vote on this amendment. We have a unanimous consent agreement on this bill before us. It contains amendments that are not germane to the bill. It contains amendments that have points of order against them. There is no legitimate way the majority leader can distinguish my amendment from those, except that he didn't want to deal with the issue.

We already have dealt with it by passing a stand-alone bill through the Senate. But, of course, to require the House to deal with it, we need to effectively attach it to another must-pass bill. So that remains my goal, and my effort will continue. I wish to assure and reassure the majority leader that effort will continue and we will be talking about this more in the future.

With regard to my motion to commit with instructions, it has a very similar theme because this motion to commit would simply send this appropriations bill back to the committee and ask that they restyle it so that it does not spend any more money than we spent on legislative appropriations for the last fiscal year. That would constitute about a $76 million cut. That is not a huge amount of money in Washington terms, but I think it would be the beginning of a huge and an important and an appropriate statement by this body.

Again, as I said, American families are hurting all over the country. There have been layoffs, job losses; there have been tremendous investment losses; people's savings have been whittled away, down to nearly nothing in some cases. People who had retired, counting on a certain future have seen that future disappear in front of their eyes. They don't have the luxury, particularly now, this year, in this recession, of any percentage increase—many of them. Many of those American families are dealing with a huge income decrease. Wouldn't it be reasonable and appropriate for us collectively to say we are going to live by the same dollar amount as we did last year? Consider that amount last year was an 11-percent increase from the year before, so that amount Congress passed last year was an 11-percent increase—about triple the rate of inflation—done in the middle of this serious recession. That was a significant increase last year. Shouldn't we temper that? Shouldn't we make a statement that we are going to live with the same dollar amount as last year?

I also note that under the exact language of my amendment, No. 1, we would give maximum flexibility to the Appropriations Committee about how they would find those modest savings of $76 million, and No. 2, the one thing we would protect, the one thing we would tell them not to touch is spending which is essential for security of the Capitol Complex. There would be no chance—not that it would be the desire of the Appropriations Committee—there would be no possibility of sacrificing anything to do with security of the Capitol Complex.

This is a pretty simple and a pretty basic suggestion. I think it is a pretty commonsense one. American families are struggling with the worst recession since World War II. Millions of American families have one or more members who have lost their jobs. Those families have seen their incomes go down enormously. Tens of millions of other Americans have seen life savings cut in half. Folks in retirement or near retirement have seen that whole picture change before their eyes. So there are plenty of Americans who are not dealing with an increase from last year, they are dealing with a huge decrease. How about we say on a bipartisan basis: OK, our legislative budget got an 11-percent increase last year even as this recession was underway.

So this year, we are going to get a zero percent increase. This year we are simply going to live with the same dollars as we lived with for the legislative branch last year. This is simple, straightforward, but I think important. Again, we would do this by giving the committee maximum flexibility in terms of finding those savings, and we would do it by protecting the security of the Capitol complex.

I urge all of my colleagues to support this important symbol and this important statement as families hurt all around our country.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise in opposition to the Vitter amendment to fund the legislative branch agencies at current year levels, which would result in a reduction actually of $101 million below the level that Senator MURKOWSKI and I have proposed in the bill we are considering.

The fiscal year 2010 bill reflects, as I have mentioned and said, only a 2.4-percent increase over fiscal year 2009 spending when you take GAO's stimulus funding into account.

When we started drafting this bill, the budget request we received sought a 15-percent increase over fiscal year 2009. From the outset, my ranking member and I have been committed to holding this bill to the lowest possible funding level, and to lead by example in being good stewards of the taxpayers' money.

My intention was to hold this bill at the rate of inflation, if we could, and it frankly pained me to even have to go as far as 2.4 percent over current year. But the reality is there are expenses in the legislative branch that we are responsible for.

As a former Governor, I am used to hearing individuals assert the desire to make budget cuts without actually offering any specifics. So I am used to what we are seeing here tonight. I say to my colleague, if he has specific suggestions about what types of cuts would be prudent—he has told us what not to cut, but if he has some specific suggestions about the types of cuts, I would be happy to talk about them. Speaking in generalities will not get the job done. I can appreciate the desire to keep spending restrained. However, if the Senator wishes to make specific suggestions of the $100 million cuts that he is, in fact, proposing, I would welcome it, as I would have welcomed hearing any of the Senator's suggestions during the weeks and months it took to create this bill.

As a matter of fact, I have visited with my colleague Senator JOHANNS about the increases in this budget this year, and have suggested to him that if there are other areas we should cut, then we would take his thoughts into consideration and make any adjustments that would make sense.

But, to my knowledge, I have not received any note of concern from the Senator, the sponsor of this amendment, about any of the items included in this bill while it was being created. We are all concerned about fiscal responsibility.

Let's talk a little bit about this bill and what this amendment would mean. We now have a fully operating Visitor Center here in the Capitol that costs money to operate and to secure, recently completed. There are still costs associated with bringing it up and into the running process. The Visitor Center has provided increased amenities for our constituents when they make the trip to Washington to visit. But it does cost money.

I have already outlined the bill in my opening statements, so I will not go through all of that again.

This is the first time through this process as chairman of the Legislative Branch Subcommittee, and I must say I was honored when Chairman INOUYE tasked me with the enormous responsibility.

This committee funds the agencies Congress relies on to provide them with timely information pertaining to the oversight of the Federal Government. For example, last year the Government Accountability Office, the GAO, as it is referred to, received over

1,200 congressional requests and testified at over 300 congressional hearings. Their work produced hundreds of improvements in government operations and produced significant financial savings for the American taxpayer.

The Congressional Budget Office, the CBO, also funded in this bill, actually received emergency funding in the supplemental that passed last week to further strengthen their workforce, allowing for timelier production of analyses for congressional offices.

I do not know how a spending freeze can be proposed to an agency that desperately needed this kind of help to do their job here so we can do our jobs here in Congress.

It does not make sense. I know for a fact that my colleagues depend on the CBO, that office, perhaps now more than ever before, for analysis related to health care costs, energy, and the current financial crisis.

The agencies funded in this legislative branch work for Congress. Quite simply, if you reduce their funding, you will reduce the service we receive here in Congress at an important time when we are facing important legislation. So we are a little spoiled here. But that is because of the great service we are used to receiving from the Government Printing Office to the Congressional Research Service to the Capitol Police who maintain our security, and the security of those who are in our buildings and on our grounds. These are agencies and staff that also support Congress. That is their mission. I think we owe it to them to at least to fund the cost-of-living increase for these dedicated public servants. The vote will determine whether you think your staff deserves a cost-of-living adjustment in 2010, and whether you think our Capitol Police deserve to be paid overtime with the long hours they work, risking life and limb to keep us and the thousands of Americans who visit here each year safe in the Capitol complex.

Every elevator operator, every construction worker, every plumber, every electrician, every maintenance person, every parking lot attendant, virtually every employee you encounter here in the Capitol complex, including staff present here today, is paid from this appropriations bill.

I could go on and I could go on. But I have to admit, I did not realize what a lot of those folks did until I started working on this bill. But now I do.

It is my responsibility, and the responsibility as well of the ranking member, to do what we think is right by these employees and these agencies.

I respectfully urge my colleagues to vote no on this motion.

How much time does the Senator need in response?

Mr. VITTER. I might need an additional 3 minutes to wrap up.

Mr. NELSON of Nebraska. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. In summary, let me try to clarify and rebut a few points. First, to say that this bill is a 2.4-percent increase over last year's is complete fiction, because that assumes the stimulus into last year's number. In fact, last year's number, because of the stimulus—and the stimulus was a one-time bill, not a normal fiscal year bill.

No. 2, last year's bill, as I mentioned, was an 11-percent increase over the previous year, three times the rate of inflation.

No. 3, I wanted to give the committee maximum flexibility in making this modest cut. But there are plenty of suggestions I would have. I would be happy to offer specifics. I will offer one right now. The Open World Leadership Center Trust Fund, $14.5 million. That would be almost a quarter of the savings I am asking for. That is a program to bring governmental officials from Russia and Eastern European republics to tour the United States. I am sure it is a nice idea, but I think there would be a lot of American families in the middle of this recession who would ask, is that essential? Is that core to what we are doing in government in very tough economic times? Do we actually need to do this?

We can find those savings. That program alone is a quarter of the savings my motion to commit would require. We can find those savings clearly without touching Capitol Police overtime, without touching cost-of-living increases for employees.

Finally, there are millions of American families who are not dealing with any increase this year in their incomes. They are dealing with a huge decrease. They are dealing with a huge decrease in savings. So can't we simply live with the same dollar amount as we did in the legislative branch last year? I think the huge majority of Americans would find that a very reasonable and a very modest goal.

I yield the reminder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I move to table the Vitter motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—65

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

NAYS—31

Barrasso	Ensign	Kyl
Bennet	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Risch
Coburn	Hatch	Sessions
Corker	Hutchison	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	
DeMint	Klobuchar	

NOT VOTING—3

Byrd	Inhofe	Kennedy

The motion was agreed to.

Mr. NELSON of Nebraska. 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.

SERVICE OF SUMMONS AGAINST AND RESIGNATION OF SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Pursuant to rule IX of the Rules and Procedures in the Senate when Sitting on Impeachment Trials, the Secretary of the Senate will now swear the Sergeant at Arms.

The SECRETARY OF THE SENATE. Do you, Terrance W. Gainer, solemnly swear that the return made by you upon the process issued on the 24th of June, 2009, by the Senate of the United States, against Samuel B. Kent, is truly made, and that you have performed such service as therein described: So help you God?

The SERGEANT AT ARMS. I do.

Madam President, I send to the desk the return of service I executed upon service of the summons upon Judge Samuel B. Kent yesterday, June 24, 2009, at 4:30 p.m., at Devens Federal Medical Center, Ayers, MA, accompanied by a statement of resignation executed by Judge Samuel B. Kent following service of the summons, and to be effective June 30, 2009.

The PRESIDING OFFICER. The return of service and accompanying statement of resignation will be spread upon the Journal and printed in the RECORD.

The documents are as follows:

The foregoing writ of summons, addressed to Samuel B. Kent, United States District Judge, and the foregoing precept, addressed to me, were duly served upon the said Samuel B. Kent, by my delivering true and attested copies of the same to Samuel B. Kent, at Devens Federal Medical Center on the 24th day of June, 2009, at 4:30 p.m.

TERRANCE W. GAINER,
Sergeant at Arms.

Dated: June 24, 2009.
Witness: Andrew B. Willison, Deputy Sergeant at Arms.

I, Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT.

Dated 24 June 2009.
Witnessed: Terrance W. Gainer; 4:44 p.m., Andrew B. Willison.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the Secretary of the Senate be directed to deliver the original statement of resignation executed by Judge Samuel B. Kent on June 24, 2009, to the President of the United States and to send a certified copy of the statement of resignation to the House of Representatives.

I further ask unanimous consent that a copy of the statement of resignation be referred to the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent established by the Senate on June 24, 2009.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more votes today. We will have no session tomorrow. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

As I have told everyone more than once, the next 5 weeks after we get back are going to be jam packed with stuff to do. Members should understand that we will have votes on Mondays and Fridays, with one exception which has already been announced: It is July 17. We hope we don't have to have weekend sessions. We have a lot to do. Everyone knows the workload we have. I would hope that we understand the amount of work we have to do. We are going to be in a week longer than the House of Representatives, as everyone knows. Because of our rules, we can't move as quickly as they do. We have an immense amount of work to do. We have the Sotomayor nomination. We have Defense authorization that was reported out of committee today by Senators LEVIN and MCCAIN. That is something that is very important for the military and to the American people. We have other appropriations bills we have to work on. We have health care. We are going to move as far as we can on that during that period of time. So we have a lot of work to do.

Also, on July 14, there will be no votes after 2 p.m. These are arrangements I made with one of the Senators, and this will be good for the entire body. So there will be no votes after 2 p.m. on July 14.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 1366 TO AMENDMENT NO. 1365

Mr. MCCAIN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1366 to amendment No. 1365.

Mr. MCCAIN. 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 strike the earmark for the Durham Museum in Omaha, Nebraska)

On page 27, strike lines 5 through 10 and insert ''mission.''.

Mr. MCCAIN. Madam President, the amendment is very simple. It strikes from the bill an earmark of $200,000 for the Durham Museum in Omaha, NE. Let me be very clear. I hold no grudge against the museum or the sponsor of this earmark. On the contrary, I hold my colleagues from Nebraska in very high esteem, and I have no doubt that the museum does wonderful work. Thanks to modern technology and Wikipedia, it has a very nice description of the Durham Museum, formerly known as the Durham Western Heritage Museum in downtown Omaha, NE, dedicated to preserving and displaying the history of the U.S. western region and it is housed in Omaha's Union Station.

I am sure it is a very fine place. I am sure it gets lots of visitors from all over the great State of Nebraska. The only problem is, as I understand from reading the bill, which sometimes some of us don't do, this is a bill that is entitled ''Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2010, and for Other Purposes.'' Well, obviously, the distinguished manager of the bill found another purpose but certainly none that has the slightest connection to the city of Omaha or the State of Nebraska, except the Senator happens to be from that State. He maybe even resides in that city.

The reason I am taking the floor is because Americans are hurting right now. Americans all over this country are hurting right now. I go downtown in my city, my hometown of Phoenix, AR, and I see people closing store fronts. I see people not able to make their house payments or people not able to pay their medical bills, and $200,000 would mean a lot to them; $200,000 is not a small sum.

So the fact is, I don't question the merits of the program. I don't question that the Durham Museum is probably a nice place to visit. I do question when we are going to stop earmarking porkbarrel projects because of the influence or clout of Members of the Senate.

I want to repeat, I do not question that this museum is a fine museum. I do question—and any objective observer would question—how in the world that has a place on appropriations of the taxpayers' dollars for the legislative branch. I don't think the Durham Museum is in the legislative branch of government unless I am badly mistaken, and I am sure I am not.

Here we are with trillions of dollars of deficit—$1.2 trillion for TARP, $410 million for the Omnibus appropriations bill, which was loaded with 9,000 unnecessary and wasteful earmarks, tens of billions of dollars to the domestic auto manufacturers, and we passed a budget resolution totaling $3.5 trillion. Now we have a bill totaling $3.1 billion to run the legislative branch of government.

As has been widely trumpeted, this bill is less than that requested. What it is also, though, is 3 percent more than it was last year. How many Americans are able to get 3 percent more money than they had last year? It is over $76 million more than last year's bill. So is this a big deal, $200,000? Probably not, with the trillions of dollars that we seem to throw around here.

But I am serving notice on my colleagues that I and some of my other colleagues are going to come to the floor and challenge these earmarks. We have to stop doing business as usual while we are committing generational theft and mortgaging our children's future.

Since it is going to be about 10 days or so before we will have a vote on this amendment—as the majority leader mentioned, we are not going to have anymore votes—I ask unanimous consent that before the vote I have 5 minutes and the Senator from Nebraska have the time he needs before the vote that will take place at the pleasure of the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I respect greatly my colleague from Arizona and his concern about spending. As was noted, the increase in the spending requested in the

appropriations bill is about 2.4 percent. While $200,000 is a lot of money—and it certainly is a lot to people today—I think it is important to point out that this museum is associated with the legislative branch in the following manner.

The Durham Museum is seeking to provide a public service of Federal interest making it appropriate to promote a public-private partnership. And this truly is a public-private partnership; the funding for the project in this bill is only 10 percent of the total cost. The Durham Museum will privately raise the remaining 90 percent and incur all ongoing operating costs.

The $200,000 requested in this bill for the Durham Museum to begin the preservation and digitization of the museum's photo archive collection will create new jobs, preserve our history and improve access to these priceless treasures.

This project will be moved significantly forward by the able assistance of the Library of Congress, and I thank Dr. Billington for his willingness to assist with this important project.

It is important to point out that the Library of Congress has been a leader in digitization efforts, having digitized more than 15 million unique primary source documents. The library enjoyed a remarkable long-term relationship with the Durham Museum long before I came to the Senate and will undoubtedly oversee a quality project as the Durham Museum seeks to follow in our national library's footsteps.

Mr. President, not all national treasures are located inside the beltway.

This project is more than just a ''photo exhibit.'' In addition to making these images available to the public, as noted in the Legislative Branch Report, Durham will work with the Library of Congress to establish conservation and preservation training programs, and on incorporating digitized primary source materials into school curricula.

Dr. Billington and I have worked together to ensure that the library's most impressive exhibits have traveled to the Durham Museum over the years, ensuring that my fellow Nebraskans, Iowans from the east, Kansans from the south, and South Dakotans from the north, have had access to some of our Nation's most treasured documents and artifacts.

Some of the notable library exhibits that have traveled to the Durham Museum have included: ''Bound for Glory,'' showcasing the photographs of the Farm Security Administration in the late 1930s and 1940s, and ''With An Even Hand, Brown v. Board at Fifty,'' commemorating the 50th anniversary of the landmark Supreme Court decision in the case of Brown v. the Board of Education.

In January of 2011, the library's most recent impressive exhibit on Abraham Lincoln, ''With Malice Toward None,'' will travel to the Durham Museum, showcasing some of our revered former President's most transformative speeches and eloquent letters.

I urge that this not be considered just a local project. It is associated with the Library of Congress and, as such, has a tie that is an ongoing and longstanding relationship that will benefit both the Library of Congress and the Durham Museum. There is a nexus here and it is not an isolated incident.

At this point, I ask my colleagues to support the inclusion of that funding within this budgetary request.

OSHA VIOLATIONS

Mr. GRASSLEY. Madam President, as the Senate considers the fiscal year 2010 legislative branch appropriations bill, S. 1294, I would like to raise a concern I have with a provision related to the Congressional Accountability Act of 1995, CAA. As the author of the Congressional Accountability Act, I have long believed that Congress needs to practice what it preaches by applying certain laws Congress passes to the legislative branch. The CAA did this by incorporating a number of laws including the Occupational Safety and Health Act of 1970. Senator MURKOWSKI, the distinguished ranking member of the Appropriations Subcommittee on the Legislative Branch, is here and I would like to ask about the provision in the bill related to the CAA.

I am concerned that the provision striking a section of the CAA related to the compliance date for OSHA violations may go further than necessary. As the author of the CAA, this provision was included to ensure that OSHA violations that are found in legislative branch buildings are remedied in a timely fashion. I understand that some concerns have arisen regarding the requirement that compliance occur by the next fiscal year, which prompted this revision, is that correct?

Ms. MURKOWSKI. That is correct, and it was a topic of discussion during the subcommittee hearings. Citations from the Office of Compliance are requiring certain actions by the Architect of the Capitol that don't always make sense. We found that the legislative branch is held to a higher standard than the executive branch and the private sector, and certain standards and timelines are applied that would not be applied outside the legislative branch, particularly to historic buildings.

As I said in our hearing with the Architect of the Capitol and Office of Compliance, I am completely supportive of having strong fire and life safety standards, but applying a ''gold standard'' to the legislative branch doesn't seem to be appropriate. We need to be pragmatic, and operate within a risk-based framework. In some cases, we have been asked to fund expensive projects by the AOC that simply aren't a good use of taxpayer dollars and don't necessarily offer significant improvements in fire and life safety.

Senator NELSON and I asked GAO to work with us to suggest how we could get the legislative branch on par with the executive branch and private sector. This language is the result of those discussions.

Mr. GRASSLEY. I agree that this provision should not lead to unnecessary expenditures and that we should examine this provision. However, I'm concerned the current revision in S. 1294 goes a bit too far by completely striking the compliance date. In fact I am informed the Office of Compliance, the entity in charge of enforcing the CAA has expressed concerns with completely striking this provision and instead recommends a selective amendment.

Out of the interest of saving time on the Senate floor, I will withhold an amendment to strike or modify this provision if the distinguished ranking member is willing to commit to working with me on this provision to make sure the revision is as narrow as possible as recommended by the Office of Compliance.

Ms. MURKOWSKI. I would agree to work with the ranking member of the Finance Committee, to work with the chairman of this subcommittee, Senator NELSON, and attempt to address his concerns as this bill moves forward.

Mr. GRASSLEY. I thank the distinguished ranking member and look forward to working with her and the chairman to narrow this provision and address the concerns expressed by the Office of Compliance.

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

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

Mr. SESSIONS. Madam President, the nomination of a new Justice to the Supreme Court has somewhat unexpectedly brought to our mind a core question both for the Senate and the American people, and that is: What, if any, is the appropriate role for foreign law to play in the interpretation of our Constitution—meaning, should judges look at what other countries say when they are determining what are our constitutional rights.

This is not an academic question; it is a question that has the potential to impact our fundamental rights guaranteed to us by the U.S. Constitution.

Until recent years, the answer has always been understood to be no, apart from a few rare circumstances, certainly, and certainly never in the interpretation of the meaning of our precious constitutional rights.

This traditional understanding has served to protect our constitutional right by ensuring that judges remain true to the will of the American people, not the will of foreign judges or courts.

Our system has a critical component: moral authority. That moral authority

comes from the basic concept that our law is a product of the will of the people through the people they chose to represent them. The Constitution begins ''We the People do ordain and establish this Constitution.'' Our laws are enacted by a Congress, a body subject to the will of the people, composed of people elected by the people. We are accountable to the American citizens.

The novel idea that foreign law has a place in the interpretation of American law creates numerous dangers. A number of academics, and even Federal judges, I would say, are seduced by this idea.

Judge Sotomayor clearly shares in that idea. I am somewhat surprised, but it is true, as I will discuss. Her vision seems to be that we should change our laws, or listen to other laws and judges, and sort of merge them with this foreign law. That is the overt opinion of Mr. Koh, who was just nominated and confirmed to the chief counsel of the U.S. State Department. Mr. Koh is quite open about it—shockingly so, really.

But I suggest that if we become transnational, we suffer two monumental blows to our legal system. First, the laws we are subject to would not be laws made by us. This should remind us of the Boston tea party. The colonies objected to paying taxes, but not just any taxes; they objected because the taxes were being imposed on them by the British Parliament, and they didn't have a voice in it. The complaint was ''taxation without representation.'' Thus, the moral power of the American law to compel obedience arises from the people's choice to enact it in the first place. That moral authority is undermined when we allow foreign law, which we had nothing to do with, to impact our law. That is a pernicious thing, I suggest.

Second, it is not ever going to work in a good way. Most countries don't have laws, truth be known. They have politics masquerading as laws. Trying to merge our system, based on truth, the law, and the evidence, with these political legal systems will only result in our being shortchanged. We can reach agreements affecting mutual interests with foreign nations and adhere to them as long as we agree to do so—treaties and other kinds of agreements—but to submit ourselves to their political policies while pretending we are merging our law with theirs is foolishness.

It also creates confusion on a matter of utmost importance. The question is, who does the judge serve, the people of the United States or the people of the world or some individual country with whom they agree or the amorphous ''world community,'' which has been referred to?

Furthermore, reliance on foreign law places our constitutional rights in jeopardy. There are great differences between American and foreign law on cherished rights protected by our Constitution. The Constitution's protection of free speech is probably unparalleled anywhere in the world. Other nations punish sometimes spirited debate on controversial matters. They call it sometimes ''hate speech'' and take action against speech and other things that we would allow without a single thought, but it is criminalized in other countries.

The Constitution clearly protects the right to keep and bear arms. Other nations ban private gun ownership entirely. The Constitution allows for the death penalty. Other nations reject the use of the death penalty, even for violent killers, while some other nations have the death penalty and they impose it without due process being carried out. Yet this troubling potential for infringements on constitutional rights, I suggest, is only the tip of the iceberg.

First and foremost, reliance on foreign law creates opportunities for judges to indulge their policy preferences. In a speech that was given to the Puerto Rico chapter of the American Civil Liberties Union on April 28 of this year, 2009, 1 day after having been contacted by the White House about the possibility of a Supreme Court vacancy, Judge Sotomayor placed herself firmly on what I believe is the wrong side of this debate, stating in this speech:

> To suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that is based on a fundamental misunderstanding. What you would be asking American judges to do is close their minds to good ideas.

Well, the ideas our judges are supposed to reflect are the ideas that the Congress sought to be good, the ones we enacted into law—not what was enacted in France, Saudi Arabia, China, or any other place. This is a matter of real importance. This whole concept of foreign law has been a matter of real controversy for several years. It is a timely subject, for sure. I thought it was pretty roundly condemned, although one judge on the Supreme Court defends it. In her speech, Judge Sotomayor explains:

> The nature of the criticism comes from . . . a misunderstanding of the American use of that concept of using foreign law, and that misunderstanding is unfortunately endorsed by some of our own Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensively criticizing the use of foreign and international law in Supreme Court decisions.

So she criticized Justice Scalia and Justice Thomas, who have expressed opposition to this. Let me be blunt. I believe it is Judge Sotomayor, not Justices Scalia and Thomas, who is wrong.

Under her approach, a judge has free rein to survey the world to find what they might consider to be good ideas and then impose these views on the American people, calling it law. However, this is not the American system. Our system requires judges to adhere to this Constitution, to the statutes, and to the legal precedent, to the end that judges follow the will of the people of our country as expressed in our law.

The Constitution says ''We . . . do ordain and establish this Constitution for the United States of America,'' not some other. Judges are not free to amend it by citing some other foreign constitution. I think this is a big deal.

Judges are not free to indulge their own personal opinions about what good policy is. Judges do not set policy and search for support for that in foreign law. Despite Judge Sotomayor's claim at a Duke Law School panel discussion that ''courts of appeals is where policy is made,'' judges are not policymakers. They are servants of the law, if they are fulfilling their role properly—the law as it is, not the way they might wish it to be.

Second, reliance on foreign law causes confusion rather than clarification as to the state of American law. Judge Sotomayor claims that foreign law ''can add to the story [sic] of knowledge relevant to the solution of . . . [a] question [sic],'' paraphrasing Supreme Court Justice Ruth Bader Ginsburg, who pioneered this concept. She made those statements. Judge Ginsburg's citation of it in cases and her defense of it in speeches has really led to this controversy to which Justices Scalia and Thomas have responded.

On the contrary, reliance on foreign law creates confusion. Consider Judge Sotomayor's dissenting opinion in Croll v. Croll in the interpretation of a treaty—one of the few instances in which reliance on foreign law may be perfectly permissible. Judge Sotomayor repeatedly criticized the majority judges on the panel as ''parochial'' for consulting American dictionaries to understand the meaning of custody as determined by the Hague Convention on International Child Abduction, and then she relies on foreign interpretations of those words instead. Yet the majority rightly rebuked Judge Sotomayor for relying on the scattered and divergent foreign legal cases on this subject. The majority even cites a Supreme Court precedent that warns against relying on foreign law where it is in a state of confusion.

Third, the reliance on foreign law is also based on a misconception that judges, rather than elected officials in the political branches of government, play a role in advancing our Nation's foreign policy.

Judge Sotomayor states this:

> I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.

But judges are not diplomats. It is the job of diplomats to protect our standing in the world, and they have to explain to the world why we rule the way we rule on our cases. That is their responsibility.

Fourth, reliance on foreign law blurs the distinction between domestic and

foreign law, undermining our ability to make democratic choices. The examples of the Supreme Court reliance on foreign law, cited approvingly by Judge Sotomayor, involved the interpretation of the Constitution dealing with purely domestic legal issues that do not and should not touch on any matter of international concern. For example, she approvingly cites the case of Roper v. Simmons in which five Justices of the Supreme Court recently rendered a decision based in part on their review of foreign law and concluded that our Constitution declares that we cannot execute a violent criminal if that criminal is 1 day under 18 years of age when he killed someone or a group of people. There is nothing in the Constitution that says that. They found some foreign law to make an argument about what the Constitution says about what age a State can set for the death penalty. I know we can disagree on what the age should be, but it is a legislative matter.

The Court in that case said it was looking to ''evolving standards of decency that mark the progress of a maturing society.'' What kind of standard is that for law? Where do you find what a maturing society now believes? Do you check with China? Do you check with Iran? Or maybe France? Where do we do this? How do they divine what this all is?

The Court concluded that the death penalty violated the eighth amendment which prohibits cruel and unusual punishment. There are at least six or more references in the Constitution itself to capital crimes, to taking a life without due process. It has always been contemplated in the Constitution that the death penalty is not cruel and unusual. That was for drawing-and-quartering and such matters as that.

If basic constitutional rights are subject to redefinition by considering foreign law, our Constitution ceases to be the bulwark for our liberty it has always been. The Constitution will be weakened. Its authority and power will be diminished. Yet this is precisely the view of foreign law advocated by Judge Sotomayor, who says that these courts that do this ''were just using foreign law to help us understand what the concept meant to other countries, and to help us understand whether our understanding of our own constitutional rights fell into the mainstream of human thinking.'' I am not sure, did the judge conduct worldwide polls of human thinking? How does a judge find out what the mainstream of human thinking is? In truth, many of the critics of this idea have hit the nail on the head. They say that all it does is allow a judge to look around the world to find somebody who agrees with them and use that as authority to do what they wanted to do all along.

Judge Sotomayor not only advocates for reliance on foreign law, but she also goes a step further than Justice Ginsburg, advocating for adoption of the techniques of foreign judges, even ones that serve to conceal the individual judge's reasoning process from public scrutiny.

In her forward to the book ''The International Judge,'' which she was chosen to do, Judge Sotomayor states:

> [T]he question of how much we have to learn from foreign law and the international community when interpreting our Constitution is not the only one worth posing. As ''The International Judge'' makes clear, we should also question how much we have to learn from international courts and from their male and female judges about the process of judging and the factors outside the law that influence our decisions.

In her speech in 1999, Judge Sotomayor expressed admiration for the French tradition of judicial panels of judges issuing single decisions, commenting:

> With a single decision, there is less pressure on individual judges and less fear of reprisal for unpopular decisions.

According to law professor William D. Popkin, French legal opinions are anonymous, unanimous, and laconic, the legal ''equivalent of flashing a policeman's badge,'' and ''[t]he irony about French judicial opinion writing is that minimal reason-giving allows French judges to conceal a bold judicial lawmaking role, perhaps even bolder than in the case of U.S. and English judges because of the lack of any formal notion of precedent.''

That is different from the American heritage of law. Judges sign opinions. But we have seen at least three very significant opinions in recent years and months from Judge Sotomayor that were per curiam. No one judge assumed responsibility for the decision, and they were very short—so in a way, maybe she is following that—really surprisingly short in the case involving firearms, in the case involving the firefighters in Connecticut. They were very short opinions and not a lot of discussion and per curiam.

The problems with this tradition are clear. The approach makes it easier for judges to conceal the grounds of their decisions, making it more difficult to assess whether their legal reasoning was justified. Only then can one see if proper principles are being followed. Indeed, Judge Sotomayor may already be following that, as I noted with some of the per curiam opinions we have seen.

I have to say the judge wants more international law, not less. Ominously, Judge Sotomayor states:

> International law and foreign law will be very important in the discussion of how we think about the unsettled issues in our legal system. It is my hope that judges everywhere will continue to do this because . . . within the American legal system, we're commanded to interpret our law in the best way we can, and that means looking to what other, anyone has said to see if it has persuasive value.

The judge makes an audacious claim that the American legal system commands judges to look at foreign law and highlights the role of making decisions on unsettled cases. There have been and will be many differences between domestic and foreign law on matters that are fundamental. This is normal and understandable because different nations have different cultures, values, and legal systems. The United States should be independent to pursue its own individual choices expressed through the American people through their elected officials to reach the fullest and richest expression of our exceptionalism as a nation.

The American ideal of law is objectivity in deciding the case before the court, that case being sufficient for the day. This is unusual. Most countries are not so restrained. To a much greater degree, foreign judges see themselves as policymakers. In Afghanistan and Pakistan recently, the chief judge was setting all kinds of policy in Afghanistan. I thought it was most unusual. Surely nothing like that would happen here because we have a different heritage.

I suggest that for an ambitious, strong-willed American judge, such freedom to search around the world to identify arguments that might be helpful in allowing them to reach a result they might like to reach would be a great temptation. It is a siren call that ought not to be followed, and great judges do not do so. They analyze the American statutes, the American Constitution in a fair and objective way. They apply it to the evidence fairly and honestly found and render a decision without any regard to the parties before them, to the rich and poor alike, as their oath says. That is why we give them independence as a judge to show they will be more willing to render those kinds of opinions.

I am troubled by this, I have to say. I did not expect to see a nominee who would be one of the leading advocates for the adoption of foreign law in the American legal system. I think it is wrong. I don't think that is a good idea. The American people need to be talking about that issue as they think about the confirmation that will be coming up.

Our nominee, Judge Sotomayor, is delightful to talk to. She has a record and a practice as a private practitioner, as a prosecutor, as a district judge, and an appellate judge. All of those are good. She has many good qualities. But some of the issues I am raising today and have raised previously do cause me concern.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The McCain amendment to H.R. 2918.

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

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

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

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

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

COMMENDING MARK S. MANDELL

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

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

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

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

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

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

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

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

BUDGET SCOREKEEPING REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

Enclosure.

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

[In billions of dollars]

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

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

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

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

Source: Congressional Budget Office.

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

[In millions of dollars]

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

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

[In millions of dollars]

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

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

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

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

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

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

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

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

Source: Congressional Budget Office.

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

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

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

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

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

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

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

Sincerely,

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

Enclosure.

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

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,882.1	1,676.2	−1,205.9
Outlays	2,999.1	2,283.2	−715.9
Revenues	1,653.7	1,666.0	12.3
OFF-BUDGET			
Social Security Outlays [3]	544.1	544.1	0.0
Social Security Revenues	668.2	668.2	0.0

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

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

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

Source: Congressional Budget Office.

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

(In millions of dollars)

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

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

(In millions of dollars)

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

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

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

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

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

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

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

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

Source: Congressional Budget Office.

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

HONORING OUR ARMED FORCES

SPECIALIST CHANCELLOR ARSENIO KEESLING

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

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

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

Chancellor had been home just a few weeks ago to celebrate his 25th birthday with family and friends. A native of Jamaica, where he lived until he was 12 years old, he had a particular passion for soccer and reggae music. He planned on going into the construction business once his military career was complete.

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

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

It is my sad duty to enter the name of Army SPC Chancellor Arsenio Keesling in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Chancellor's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

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

FREEDOM OF INFORMATION ACT

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

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

I applaud President Obama and Acting Archivist of the United States Adrienne Thomas for recently appointing Miriam Nisbet as the first Director of OGIS. I look forward to working closely with Director Nisbet and I will continue to work very hard to ensure that OGIS has the necessary resources to carry out its mission.

These new reforms to FOIA are very good news. But there is still much more to be done.

Earlier this year, Senator CORNYN and I joined together to reintroduce the bipartisan OPEN FOIA Act, S. 612, a commonsense bill to promote more openness regarding statutory exemptions to FOIA. This FOIA reform measure requires that Congress clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain government information secret to ensure the public good and safety, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act has twice passed the Senate this year as a part of other legislation. This bill provides a safeguard against the growing trend towards FOIA exemptions and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. I hope that the Congress will enact this good government measure this year.

When describing our vibrant democracy, President Kennedy once wisely observed that ''[w]e are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.'' As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm this commitment to open and transparent government.

Open government is not a Democratic issue, nor a Republican issue. It is truly an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 43rd anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

COMMENDING HUBERT AND THOMAS VOGELMANN

Mr. LEAHY. Mr. President, I would like to bring to the Senate's attention a recent article published in The Burlington Free Press on Father's Day, which featured father and son botanists Hubert and Thomas Vogelmann from Jericho, VT, and the University of Vermont.

Now professor emeritus at the University of Vermont, Hub Vogelmann was the pioneer researcher calling attention to the impact of atmospheric deposition—acid rain—on the forests of the Northeast. Hub led a field trip on the western slopes of the Green Mountains to view the damage in person with the Environmental Protection Agency, EPA, Administrator. His contributions to the stewardship of our natural resources are many, particularly concerning the health of the forest ecosystem.

Now dean of the College of Agriculture and Life Sciences at the University of Vermont, Hub's son Tom is carrying on in the Vogelmann family tradition of science, service and stewardship.

As if this were not remarkable enough, Hub and his late wife Marie's two other sons are scientists as well, Jim a botanist and Andy, a physicist.

I value the working relationship I have enjoyed with Hub over the years and look forward to working with Tom in his new role as dean.

Mr. President, I ask unanimous consent that the article ''Like Father, Like Son—Fellow botanists have a lot in common,'' be printed in the RECORD.

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

LIKE FATHER, LIKE SON; FELLOW BOTANISTS HAVE A LOT IN COMMON

(By Tim Johnson)

JERICHO.—This is a story about the family Vogelmann, father and son. They're next-door neighbors.

Hub, the father, grew up in a city, married, had three sons, moved here to the country, and tried his hand at raising beef cattle—grass-fed, back before that was fashionable.

Tom, the eldest, proved adept at haying. He was a bit of a handful, into everything, but he was good at tossing bales into the barn.

Hub had a day job, and he used to joke that's what made it possible for him to lose money on the cattle. Tom helped out but ''he always had a mind of his own—it was get out of my way,' '' Hub recalled the other day.

Tom smiled knowingly. They were sitting on Tom's porch in the late afternoon sun, reminiscing.

Hub's day job was professor of botany at the University of Vermont. He was there 36 years, retiring in 1991.

Tom turned out all right. He, too, is a professor of botany . . . at the University of Vermont, where else? He's also the new dean of the College of Agriculture and Life Sciences.

If ever there was a prime example of a son's following in his father's footsteps—not just figuratively, but literally—Tom is it. That's what he's doing every time he walks along the gravel road that runs past their houses.

BUTTERNUTS DECODED

Hubert W. ''Hub'' Vogelmann, son of a minister in Buffalo, N.Y., became a botanist by a kind of happenstance.

He liked science. During his last year at Heidelberg College, in Ohio, his favorite professor asked him what he was going to do after he graduated.

''I said, 'I dunno,' '' Hub recalled. ''And he said, 'You've got to go to graduate school. I know some people in the botany department at the University of Michigan.' ''

On the strength of the professor's recommendation, Hub went to Ann Arbor.

''They gave me an exam, and I flunked it,'' he said. ''The department chairman was very kind. He let me stay on.''

Hub stayed on long enough to get his Ph.D. His first job after that was at UVM, and he never left.

''Vermont,'' he said. ''As a botanist, you couldn't ask for a better place.''

At first, Hub and his wife, Marie, settled in Essex Junction. In 1958, when Tom was 5, Hub bought a 120-acre dairy farm in Jericho and has lived there ever since. He later acquired the adjoining property and rented that place out.

Tom was in the first entering class at the new Jericho Elementary School. He remembers being able, from the house, to spot the distant school bus approaching from far across the fields—far enough away that he could time his arrival just right at the stop down the road. His summers were pretty uneventful. He remembers sitting in a tree and watching draft horses at work—old farming technology that was in its last throws in the '50s. He appreciated what he saw.

''When they'd do haying,'' he said, ''there was not one straw left.''

At age 14, during a year the family spent in Mexico, Tom served as his father's assistant as they studied fog in the Cloud Forest. Later Tom went to UVM, where he sampled various disciplines. He liked science and remembers being intellectually swept away by plant biochemistry and molecular biology, two courses in his senior year. He remembers one night at the family dinner table: Tom remarked how curious it seemed to him that butternuts grow next to stone walls—could it be something in their biochemistry or molecular biology?

His father looked at him.

''Tom,'' Hub said, ''you need to take more ecology. They grow there because that's where squirrels drop the nuts.''

Hub knew something about ecology, a field that began to flourish during his career. He did seminal research on the impact of acid rain on forests. He was the first to pin the decline of red spruce on industrial emissions from the Midwest, according to Walter Poleman, a senior lecturer at UVM, who delivered a testimonial May 1 when Hub received a Lifetime Achievement Award at the Center for Research on Vermont. ''His findings helped establish guidelines for the Clean Air Act and set the stage for acid rain research throughout the Northeast,'' Poleman said.

Tom went his own way. He applied to graduate school in plant biochemistry and in archaeology.

''The plant people took me,'' he said. ''The archaeology people didn't.'' So, he became a botanist, earning a Ph.D. from Syracuse University and specializing in whole-plant physiology. He and his wife, Mary (also a botanist), spent three years in southern Sweden, then they went to the University of Wyoming, where he rose to full professor. In 2001, someone from UVM asked if he'd be interested in chairing the botany department—the same department Hub had chaired for 20 years.

''I thought, 'Why not?' '' Tom said. ''So, I came back in January of 2002.'' He camped out in his old room in his father's place. Before long the tenant vacated the house next door. Tom and Mary moved in. ''The whole story is a bit surreal,'' Tom said, when asked how he came to be living next door to his father. ''It wasn't ever thought out or planned.

''One thing led to another,'' he said.

GROWING DEGREES

One thing led to another for Tom's younger brothers, too, both of whom also have doctorates. Jim has a Ph.D. in botany, and so does his wife. The youngest, Andy—the odd one out in this family, unless you count their late mother, Marie, who was an accomplished musician—has a Ph.D. in atmospheric physics.

Was it something in the water? How was it that all three Vogelmann offspring wound up with advanced degrees in science?

The question brought a blank look to Tom's face.

''A lot of conversations around dinner table . . .'' he said vaguely.

About what, besides butternuts?

''Could be about anything, '' he said, ''from fossils to. . . . We used to walk through plowed fields, we'd find artifacts, and we'd talk about them.''

Or, he mused, maybe it had to do with the ambiance in which they came of age. Some kids grow up in a corporate culture. They grew up in a university culture.

Hub still enjoys hearing Tom talk about the doings at UVM. Some things don't change, Hub said.

They don't just talk shop, though. Each one brags about the other's garden.

''He grows some of the world's best celeriac,'' Tom was saying before Hub showed up.

Celeriac, Tom explained, is a big root that you can grate into soups or salads. The leaves look like celery leaves.

After Hub arrived and sat down, the porch conversation soon got back to gardens.

''He has the biggest garlic patch in Vermont,'' Hub said.

''No, I don't,'' Tom said.

''How many plants do you have—a thousand?''

''Over a thousand,'' Tom said. ''That's a lot of holes to make with your thumb.''

''How many varieties?''

''Forty-two,'' Tom said.

Hub smiled. He seemed to know what was coming.

''It all tastes pretty much the same,'' Tom said.

GUN VIOLENCE

Mr. LEVIN. Mr. President, the past few months have been marked by several high-profile, tragic shootings that have left families to grieve and communities to ponder why. While many of the details of these recent shootings vary tremendously, one fact remains constant, our current gun laws have failed to keep firearms out of the hands of those who should not have been able to acquire them.

In 1983, James von Brunn, a white supremacist and Holocaust denier, was convicted of attempting to kidnap members of the Federal Reserve Board, after he was caught trying to enter a board meeting carrying multiple firearms. As a convicted felon, Mr. Von Brunn was legally barred from possessing firearms. Despite this fact, on June 10, Mr. Von Brunn walked into the United States Holocaust Memorial Museum and fatally shot security guard Stephen T. Johns, a 6-year veteran of the facility, before being shot himself by other officers. Holding a .22-caliber rifle, this man entered a museum that welcomes 30 million visitors and school children annually. Tragically, this type of violence is not uncommon.

On June 1, a 24-year-old man shot two soldiers, PVT William A. Long and PVT Quinton Ezeagwula, outside of a military recruiting station in Little Rock, AR. Private Long, who had just completed basic training and was volunteering at the recruiting office before starting an assignment in South Korea, was killed in the shooting. The man accused in this incident was later found with two rifles and a handgun, despite being under investigation by the FBI's Joint Terrorism Task Force. The day before, a 51-year-old man with a history of mental illness walked into the Reformation Lutheran Church in Wichita, KS, and shot Dr. George Tiller in the head while he served as an usher during Sunday morning services. The accused in this incident had been arrested by police in 1996, after being found with bomb-making material in his car.

These senseless acts of gun violence frequently also target police officers. On April 4, a 23-year-old man, dishonorably discharged from Marine basic training, armed with three guns, including an assault rifle, ambushed and gunned down Officers Eric Kelly, Stephen Mayhle, and Paul Sciullo in Pittsburgh, PA. A fourth officer, Timothy McManaway, was shot in the hand. This shooting occurred just 2 weeks after a 26-year-old man, with a prior conviction for assault with a deadly weapon, turned two guns, including an assault rifle, on police officers in Oakland, CA. SGTs Mark Dunakin, Ervin Romans, Daniel Sakai, and Officer John Hege were fatally shot in what was the deadliest day for U.S. law enforcement since September 11, 2001.

In the span of a few months, a security officer, a doctor, two soldiers, and seven police officers lost their lives. All devoted their professional lives to the protection of others; all gunned down by someone who should not have had access to a firearm. These are not uncommon events, but rather simply the latest high-profile shootings to capture national headlines. In a nation which suffers 12,000 gun homicides, 17,000 gun suicides, 650 accidental gun deaths, and another 70,000 nonfatal gun injuries every year, there are still those who resist legislation aimed at putting an end to these tragedies. I urge my colleagues to act immediately and pass urgently needed commonsense gun legislation.

CLOSE THE SILO/LILO LOOPHOLE ACT

Mr. BAUCUS. Mr. President, I have been extremely concerned about the problems lease-in/lease-out and sale-in/lease-out transactions cause our tax system for years. I have made clear before that gaming the system at the taxpayers' expense is simply unacceptable. In 2004, Senator GRASSLEY and I successfully shut down the loophole that allowed losses from these deductions, but the current economic crisis has created new problems. I applaud the work of Senator MENENDEZ to address these issues, and I support his efforts to resolve this problem.

COMMENDING CHIEF WARRANT OFFICER KEVIN J. GALVIN

Mr. REED. Mr. President, today I pay tribute to the long and distinguished service of chief warrant officer and ancient keeper, Kevin J. Galvin of the U.S. Coast Guard.

For over 30 years, Chief Warrant Officer Galvin has served proudly in our Nation's Coast Guard, exhibiting the classic attributes of a ''Coastie'': a profound dedication to duty, unsurpassed technical expertise, and an uncompromising commitment to operational excellence.

Since June 2006, Chief Warrant Officer Galvin has served as the commanding officer of Castle Hill Station in Newport, RI. Through this period, during which the Coast Guard has taken on an increasing burden to help secure our homeland, Chief Warrant Officer Galvin exhibited sound and capable leadership. Under his watch, the Castle Hill Station exceeded every operational expectation, including the successful execution of over 350 search and rescue cases which resulted in 46 lives saved, 428 persons assisted, and $23 dollars in property secured. Chief Warrant Officer Galvin also oversaw more than 500 law enforcement boardings, directed multiple ports, waterways, and coastal security missions to protect critical infrastructure, provided security for visits by the President and foreign heads of state, and led his crew in providing security and SAR response for Tall Ships 2007, where 27 ships visited Rhode Island from around the world culminating in a Parade of Sail with over 6000 spectator vessels.

On June 21, 2008, Chief Warrant Officer Galvin relieved master chief boatswain's mate John E. Downey as the ancient keeper of the Coast Guard, becoming the second recipient of the Joshua James Ancient Keeper Award. The Ancient Keeper Award is presented to a Coast Guard member on Active Duty in recognition of their longevity and outstanding performance in boat operations. The award's namesake, CAPT Joshua James, is the most celebrated lifesaver in Coast Guard history with 626 lives saved. Only those who have exemplified the finest traits of maritime professionalism and leadership are appointed keepers. The ancient keeper is charged with overseeing Coast Guard boat operations to ensure the service's traditional professionalism remains intact. Chief Warrant Officer Galvin has carried out this responsibility with honor and distinction.

On July 1, 2009, Chief Officer Galvin will bring his long and impressive career in the Coast Guard to an end and will be relieved of his duty as the ancient keeper and commanding officer of the Castle Hill Station by another outstanding member of the Coast Guard, CWO Thomas Guthlein.

Again, I commend Chief Warrant Officer Galvin for his dedicated career in the U.S. Coast Guard and thank him for all he has done in service to our country.

PROJECT SPONSORSHIP CORRECTION

Ms. MIKULSKI. Mr. President, as Chairwoman of the Appropriations Subcommittee on Commerce, Justice, science, and Related Agencies, I rise today to clarify for the record the sponsorship of a congressionally-designated project included in the explanatory statement accompanying H.R. 1105, the Omnibus Appropriations Act, 2009, Public Law 111–8.

Specifically: Senator FEINSTEIN should not be listed as a cosponsor of the San Francisco district attorney ''Back on Track'' Byrne discretionary grant through the Department of Justice, since she did not request this funding. Senator FEINSTEIN's name was added as a cosponsor of this project through a clerical error.

MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

Mr. CARDIN. Mr. President, I rise today to show my support for the Matthew Shepard Hate Crimes Prevention Act of 2009.

On June 15, 2009, Stephen Johns was killed in the U.S. Holocaust Museum. On February 12, 2008, Lawrence King, a 15-year-old student, was murdered in his high school because he was gay. On election night 2008, two men went on an assault spree to find African Americans, because then-Senator Obama won the Presidential election. In July 2008, four teenagers brutally beat and killed a Mexican immigrant while yelling racial epithets. Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in 2007. That's nearly one every hour of every day. Over 150 of those incidents occurred in my own home State of Maryland.

The number of hate crimes occurring across the country is likely underestimated. At least 21 agencies in cities with populations between 100,000 and 250,000 did not participate in the FBI data collection effort for the 2007 report. Additionally, victims may be fearful of authorities and may not report these crimes. Local authorities may define what constitutes a hate crime differently than other jurisdictions. But what we do know is that hate crimes are occurring and have increased toward certain groups of individuals.

According to the recent Leadership Conference on Civil Rights Education Fund Report, entitled ''Confronting the New Faces of Hate,'' hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a five year high in victimization rates in 2007 toward lesbian, gay, bisexual and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacist groups has increased by 54 percent and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007.

The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities. Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based upon a victim's gender. States have a patchwork of hate crimes statutes which leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes. The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin and religion. We need to include gender, disability, gender identity, and sexual orientation. Current law also requires the victim to be participating in a federally protected activity, like attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The American public supports this goal. According to a Gallup poll from 2007, 68 percent of all Americans support extending hate crime protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans, and 62 percent of individuals who frequently attend church. This legislation also enjoys the support of 43 Senators from both sides of the aisle. The legislation has also already passed the House of Representatives.

This legislation will also provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local and tribal law enforcement entities for prosecution, programming and education related to hate crime prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activity within their State. The bill supplements state and local law enforcement efforts.

Additionally, and most importantly, the legislation was carefully drafted to maintain protections for Americans' first amendment rights. Nothing in this legislation diminishes any American's freedom of religion, freedom of speech or press, or the freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear, the Matthew Shepard Hate Crimes Prevention Act targets violent acts, not speech.

Hate crimes affect not just the victims; they victimize entire communities and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. I encourage my fellow colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

100TH ANNIVERSARY OF MEDICINE BOW, WYOMING

Mr. BARRASSO. Mr. President, I rise today to recognize the 100th anniversary of the town of Medicine Bow, WY. The town eventually became the setting for the classic Western novel by Owen Wister, ''The Virginian.''

Medicine Bow's history began decades before its incorporation on June 26, 1909. The town's name originates from the mountains surrounding the area. American Indians would annually travel to the foot of the Medicine Bow Mountains to obtain wood that was excellent for arrows. According to the Native Americans, anything that is perfect for the purpose for which it is intended is called ''good medicine.''

The Union Pacific Railroad routed tracks through the valley because the Medicine Bow River was an ideal place for a pumping station. Steam engines would pause to take on a load of water before roaring across the prairie to the east or over the mountains to the west. The railroad not only produced what is now known as the town of Medicine Bow, but it also created economic opportunities. Wyoming's booming cattle industry necessitated stock yards in Medicine Bow. The town became an important shipping center for cattle headed to the eastern market and a great place for cowboys to congregate after gathering their herds.

The wood in the Medicine Bow forest was excellent not only for arrows but also for railroad ties. Every year, tie hacks cut hundreds of thousands of railroad ties and mining props from the mountains at the head of the river. The material was then floated down to a river boom, a mile from the Medicine Bow Station. These ties were pulled from the river and shipped to supply America's swiftly expanding railroad network.

The tie hacks and the cowboys played a vital role in the development of Medicine Bow's untamed reputation. It was this reputation as one of the West's wildest towns that brought famous novelist Owen Wister to Medicine Bow. Following his stay in Medicine Bow, Wister authored the classic Western novel, ''The Virginian.'' In his novel, he mirrored more than just the setting of the town. His plot was a fictionalized story about the Johnson

County War in Wyoming, told from the cattle barons' point of view. Even Wister's famous line from the novel was not original. The phrase, ''When you look at me smile,'' came from a local man named William Hines. His novel brought fame and recognition to Wyoming's culture and history. In 1913 the Virginian Hotel was built by August Grimm and named after Wister's novel. To this day, visitors from all over the world enjoy a nice meal and a comfortable night's sleep at the Virginian.

The area surrounding Medicine Bow has long been host to several energy industries. Coal and uranium mines brought jobs to the area. Presently, wind turbines secure Medicine Bow's future and contribution to the America's energy market. Without a major interstate nearby, the Medicine Bow Valley has been able to secure and maintain its majestic western roots. Modernization may sweep through, but valleys like the Medicine Bow remind us of the Old West legacy.

In celebration of the 100th anniversary of the town of Medicine Bow, I invite my colleagues to visit this historic place. I congratulate the citizens of Medicine Bow who steward this important piece of Wyoming's history and present it to visitors from all over the world.

ADDITIONAL STATEMENTS

COMMENDING REVEREND GEORGE POULOS

• Mr. LIEBERMAN. Mr. President, today I would like to recognize the extraordinary service and remarkable character of Reverend George Poulos of the Church of the Archangels in Stamford, CT, who recently retired after over a half decade of service.

Reverend Poulos has come to hold a special place in our hearts and minds over his 53-year career. Over the years, he has been a spiritual father and friend to thousands of Connecticut families. As parish priest for Church of the Archangels, Reverend Poulos has officiated over 2,000 baptisms, 1,000 weddings, and 800 funerals. Although his formal tenure as parish priest ended earlier this week, Reverend Poulos remains intimately connected to the birth, life, and remembrance of the Stamford community. I have known Reverend Poulos for many years and treasure the example he has set in his career of devoted service; I am grateful for all the wisdom he has offered me personally.

The Church of the Archangels where Reverend Poulos served as parish priest is a magnificent structure built in the 11th century Byzantine style; in fact, it is the only true Byzantine-style church in the Western Hemisphere. As a 16-year-old, I watched the amazing structure emerge just down the street from the house where I grew up. When you enter the church, the left side wall reads: ''AGIASON TOUS AGAPONTAS THN EFPREPEIAN TOU OIKOU SOU,'' which means, ''Bless those who love the beauty of thy house.'' Reverend Poulos has offered us a rare kind of love that helps the Stamford community practice reverence, celebrate growth, and appreciate all the beauty of this life.

Our State and this Nation are blessed to have leaders like Reverend Poulos in our communities. As he retires from his church to spend time with his wife Christine, his five sons, and six grandchildren, I thank him for his service and assure him that his important contributions and generous spirit will never fade from our memory.•

REMEMBERING H.A. ''RED'' BOUCHER

• Ms. MURKOWSKI. Mr. President, as our colleagues know, this year marks the 50th anniversary of Alaska's admission to statehood. Earlier this year I had the privilege to speak at a number of events to kickoff the 50th anniversary celebration. I marveled at the fact that so many of Alaska's statesmen and stateswomen—the people who led Alaska from a frontier territory to a modern and vibrant state—are still with us today. The founding fathers and mothers of so many of our States are just names in a history book. In contrast, the founding fathers and mothers of Alaska are not remote historical figures, but our friends and neighbors. Alaska's history is very much a living history. That is a source of great pride to me and to all Alaskans.

Yet every year, it seems, we lose another piece of Alaska's living history as those who played a significant role in the statehood fight and the early growth of our 49th State pass on. Today it is my sad duty to acknowledge the loss of Red Boucher, the first elected lieutenant governor of Alaska. Red died last Friday at the age of 88. This Friday the people of Alaska will celebrate Red's life at a memorial service in Anchorage

Everyone who knew Red knew of his persuasive gifts. Born in Nashua, NH, he grew up in St. Vincent's Orphanage in Fall River, MA, where he was placed at age 9 after his father's death in 1930. Seven years later Red, who was barely 16 years old, talked his way into the U.S. Navy. He served for 20 years, including all of World War II. After he left the service he ended up in Fairbanks, where in 1958 he established one of Interior Alaska's first sporting goods stores. But sports was only one of his passions. Politics was clearly another.

Following service on the Fairbanks city council and as mayor of the city of Fairbanks, Red served as lieutenant governor of Alaska under Governor Bill Egan from 1970 to 1974.

After his term as lieutenant governor, Red did not disappear from public service. During his nationwide travels from 1976 to 1980 at the behest of the Citizens for Management of Alaska's Lands, Red met with hundreds of newspaper editorial boards, winning acclaim for his strong reasoned arguments for why the Arctic Coastal Plain should be left open to oil and gas development if an environmental impact statement proved it could be developed without environmental harm. Many credited Red's efforts as the reason that ANWR's coastal plain was not locked up as wilderness when ANILCA was enacted in 1980. He returned to Juneau in 1985 representing an Anchorage district in the Alaska House of Representatives. And in 1991 Red was elected to the Anchorage Assembly.

In the minds of many Alaskans these significant contributions are relatively minor. They would regard Red's creation of the Alaska Goldpanners, Fairbanks' summer baseball team, as his most enduring accomplishment. He managed the team from 1960 to 1969. During the 1964 and 1965 seasons Red managed a young pitcher named Seaver, Tom Seaver.

The alumni list of the Alaska Goldpanners reads like a ''who's who'' of Major League Baseball. In fact, nearly 200 Goldpanner alumni have gone on to play in the majors. Then there was Dan Pastorini who pursued a career in football as quarterback for the Houston Oilers, Oakland Raiders, Los Angeles Rams, and Philadelphia Eagles.

The Alaska Goldpanners continue to delight Alaskans and visitors from around the world each summer at Growden Memorial Field. At the time of his death, Red was the director of external affairs for the team.

Two days after Red's passing, at 10:30 P.M. on the evening of Sunday, June 21, his beloved Goldpanners took the field against the Lake Erie Monarchs. It was Fairbanks' 104th annual Midnight Sun Game, game played each year to commemorate the Summer Solstice. That game ended in the wee morning hours of Monday, June 22, with a 6–3 victory for the ''Panners.'' Red's still watching out for them.

In his later years Red championed bringing modern telecommunications and computing technologies to the remotest parts of Alaska. He hosted a statewide cable television show called ''Alaska On Line.'' I was proud to be Red's guest on more than one occasion. We discussed ANWR and the need to construct a pipeline to transport Alaska's abundant natural gas supplies to market.

The formula for ''Alaska On Line'' was simple: Invite interesting guests and let them tell their stories. These shows are virtual oral histories of Alaska. In fact, many of the tapes have already been acquired by the University of Alaska Anchorage Consortium Library for use by historians and scholars.

Red Boucher lived every day to the fullest enriching the lives of his fellow Alaskans in innumerable ways. I join with Red's family and all Alaskans in mourning the loss of this exemplary Alaskan.•

WEST VIRGINIA SCHOOL OF EXCELLENCE AWARD RECIPIENTS

• Mr. ROCKEFELLER. Mr. President, today I honor the recipients of the West Virginia School of Excellence award for the 2008–2009 academic school year. This is a prestigious award given to schools for providing rigorous curricula, innovative programs, and exhibiting an overall high standard of learning. Those receiving the award this year were Ben Franklin Career and Technical Center in Kanawha County; Poca Middle School in Putnam County; Eagle School Intermediate in Berkeley County; Davis Creek, Village of Barboursville, and Martha Elementary Schools all of Cabell County; Cottageville Elementary in Jackson County; and Stratton Elementary in Raleigh County. They are all incredibly impressive schools that are challenging their students. I would like to take a little time to highlight how each school is preparing their pupils for future success.

Ben Franklin Career and Technical Center, located in Dunbar, centers its curriculum on the principle of preparing all students for the 21st century by training them to operate efficiently in a complex economy. It offers career preparation programs, short-term skill courses, and customized training for local businesses.

Poca Middle School is based on the principles of allowing students to ''master basic academic skills and to explore and identify their own interests and talents.'' It is a school that prides itself on offering students various opportunities to explore the arts and to actively pursue their interest by attending a wide range of classes and school events. It has allowed students to experience a more personal learning environment by implementing an online math program. The school's use of online learning is just the beginning of the many expanded learning programs that West Virginia schools will be implementing in the near future.

Eagle School Intermediate, located in Martinsburg, is dedicated to ''providing educational opportunities for all students to reach their highest academic potential.'' Eagle School Intermediate was one of the first schools in West Virginia to allow parents to track their student's progress via online grade checking. This is just another example of how West Virginia is expanding its boundaries towards providing the most in-depth academic technology to its students and their parents.

Davis Creek Elementary School, located in Barboursville, is an extraordinary representation of the Mountain State's flourishing primary education programs. For the 2006–2007 school year, the Cabell County public school was declared a National Blue Ribbon School. Davis Creek served 169 students in grades K–5 and has also been named a West Virginia Exemplary School.

Village of Barboursville Elementary School, located in Barboursville as well, is an institution that is focused on cohesive learning among students and faculty. It boasts a strikingly high parental approval rating. The school focuses its curriculum on providing students with the opportunity not only to learn inside the classroom, but also to develop proper social skills that can be taken and used to develop a stronger bond with the community.

Martha Elementary School, also located in Barboursville, is an institution founded on cooperation between parents and students to create an environment conducive to learning. This 300-student rural school focuses on endowing students with the opportunity to follow their dreams. The dedicated faculty uses innovative programs to assist students on an individual basis, allowing for a more personalized educational experience. The school strives to create an atmosphere of support among family, the school, and the community.

Cottageville Elementary, located in Cottageville, is dedicated to providing ''equity and excellence in education.'' The school bases its curriculum on the belief that all students should be held to a high standard and endowed with the resources necessary to receive an excellent education. Teachers and faculty strive to provide their students with the skills necessary to excel academically by creating a support system that includes the school, family, and the community.

Stratton Elementary, located in Beckley, strives to afford all of its students the opportunity to learn at a pace that is the best match for each individual. Stratton offers many gifted programs and online learning portals that allow students to take more advanced courses and to have access to one-on-one help around the clock.

Once again, I congratulate these eight schools for receiving the West Virginia School of Excellence award, a distinction each school undoubtedly deserves. I commend them on their impressive achievements and applaud all of the administrators, teachers, and students for the wonderful example they set for all West Virginians.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

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

The enrolled bills were subsequently signed by the Acting President pro tempore (Mrs. GILLIBRAND).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 2009, she had presented to the President of the United States the following enrolled bill:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

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–2091. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triallate; Pesticide Tolerances'' (FRL No. 8421–2) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2092. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Butenedioic acid (2Z)-, monobutyl ester, Polymer with methoxyethene, sodium salt; Tolerance Exemption'' (FRL No. 8418–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2093. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxirane, 2-methyl-, Polymer with Oxirane; Tolerance Exemption'' (FRL No. 8420–9) received in the Office of the President of the

Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2094. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Starch, oxidized, polymers with Bu acrylate, tert-Bu acrylate and styrene; Tolerance Exemption'' (FRL No. 8418–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2095. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid, butyl ester, polymer with ethyl 2-propenoate and N-(hydroxymethyl)-2-propenamide; Tolerance Exemption'' (FRL No. 8418–4) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2096. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetochlorp Pesticide Tolerances'' (FRL No. 8417–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2097. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Data Requirements for Antimicrobial Pesticides; Technical Amendment'' (FRL No. 8418–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2098. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerances'' (FRL No. 8417–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2099. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements'' ((RIN2060–AO80)(FRL No. 8420–9)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2100. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009'' ((RIN2060–AO77)(FRL No. 8420–9)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2101. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion'' (FRL No. 8903–6) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2102. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II'' (FRL No. 8921–5) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2103. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone'' (FRL No. 8921–2) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2104. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfections Byproducts Rule and Change in References to Analytical Methods'' ((RIN2040-AF00)(FRL No. 8920–8)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2105. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Aerosol Coatings'' (FRL No. 8920–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2106. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Revision of Source Category List for Standards Under Section 112 (k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries'' (FRL No. 8920–9) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2107. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8417–6) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2108. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more with Russia, Sweden, Hong Kong and Kazakhstan; to the Committee on Foreign Relations.

EC–2109. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0076 - 2009–0081); to the Committee on Foreign Relations.

EC–2110. A communication from the Acting Director of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mine Rescue Teams'' (RIN1219–AB66) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2111. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-104, ''WMATA Compact Consistency Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2112. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2113. A communication from the Deputy Chief Counsel of the Office of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''False Statements Regarding Security Background Checks'' (RIN1652–AA65) received in the Office of the President of the Senate on June 23, 2009; to the Committee on the Judiciary.

EC–2114. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Fundamental Properties of Asphalts and Modified Asphalts-III''; to the Committee on Commerce, Science, and Transportation.

EC–2115. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; AVI July Fireworks Display; Laughlin, Nevada'' ((RIN1625–AA00)(Docket No. USG–2008–1261)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2116. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rockets Over the River; Bullhead City, Arizona'' ((RIN1625–AA00)(Docket No. USG–2009–0070)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River Mile 265.2 to 266.2 and from Kanawha River Mile 0.0 to 0.5, Point Pleasant, West Virginia'' ((RIN1625–AA00) (Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2118. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Mile 460.0 to 475.5, Cincinnati, Ohio'' ((RIN1625–AA00) (Docket No. USG–2009–0310)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2119. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California'' ((RIN1625–AA00) (Docket No. USG–2009–0268)) received in the Office of the President of the Senate on June 22, 2009; to the

Committee on Commerce, Science, and Transportation.

EC–2120. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Marinette Marine Vessel Launch, Marinette, Wisconsin'' ((RIN1625–AA00) (Docket No. USG–2009–0462)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2121. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments'' ((RIN1625–ZA23)(Docket No. USG–2009–0416)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2122. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Basic Provisions; Enterprise Unit Revisions'' (RIN0563–AC23) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2123. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the one-year extension of authority to provide additional support for counter-drug activities of certain foreign governments, and one relative to the establishment of a defense coalition support fund to maintain inventory of critical items for coalition partners, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Armed Services.

EC–2124. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to including as part of the National Defense Authorization Bill for fiscal year 2010, relative to the authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency, received in the Office of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2125. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the Air Force Academy Athletic Association, and one relative to the responsibility for preparation of Biennial Global Positioning System Report, received in the Office of the President of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2126. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2127. A communication from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2008 Management Report and report on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–2128. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Required Fees for Mining Claims or Sites'' (RIN1004–AE09) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Energy and Natural Resources.

EC–2129. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tribal Economic Development Bonds'' (Notice 2009–51) received in the Office of the President of the Senate on June 25, 2009; to the Committee on Finance.

EC–2130. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Santa Susana Field Laboratory-Area IV, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2131. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Standard Oil Development Company, Linden, New Jersey, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2132. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the authority to transfer defense articles no longer needed in Iraq and to provide defense services to the Security Forces of Iraq, Afghanistan, and Pakistan; one relative to building the capacity of Coalition partners; and one relative to building the capacity of NATO and Partner Special Operations Forces, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Foreign Relations.

EC–2133. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of Danger Pay for U.S. Government personnel serving in Banja Luka and Other, Bosnia-Herzegovina based on improved conditions; to the Committee on Foreign Relations.

EC–2134. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, its request for participation in a study on parliamentary oversight; to the Committee on Foreign Relations.

EC–2135. 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 Upper Mississippi River Valley Viticultural Area (2007R–055P)'' (RIN1513–AB40) received in the Office of the President of the Senate on June 25, 2009; to the Committee on the Judiciary.

EC–2136. 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 ''Implementation of Statutory Amendments Requiring the Qualifications of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition on Roll-Your-Own Tobacco (T.D. TTB–78)'' (RIN1513–AB72) received in the Office of the President of the Senate on June 25, 2009; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2847. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–34).

By Mr. DURBIN, from the Committee on the Judiciary, without amendment:

S. 1107. A bill to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Raphael William Bostic, of California, to be an Assistant Secretary of Housing and Urban Development.

David H. Stevens, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. LEAHY for the Committee on the Judiciary.

B. Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

John P. Kacavas, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

(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. CHAMBLISS (for himself, Mr. INHOFE, Mr. MARTINEZ, Mr. ISAKSON, Mr. COCHRAN, Mr. BURR, Mr. BROWNBACK, Mr. VITTER, Mr. WICKER, Mr. BAUCUS, Mr. TESTER, and Mr. CRAPO):

S. 1348. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquified petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. BROWNBACK, Mr. BUNNING, Mr. COBURN, Mr. CORNYN, Mr. GRASSLEY, Mr. INHOFE, and Mr. VITTER):

S. 1351. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1354. A bill to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself and Mr. WYDEN):

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SESSIONS):

S. 1358. A bill to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force; considered and passed.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1359. A bill to provide United States citizenship for children adopted from outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1360. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

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

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. BAYH, Mr. NELSON of Florida, and Mr. CRAPO):

S. 1363. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 1364. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ENSIGN, Mr. BAYH, Mr. VITTER, Mr. SPECTER, Mr. ISAKSON, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 1365. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. REID, Mr. ENSIGN, and Mr. RISCH):

S. 1367. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 1368. A bill to amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1370. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution's Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

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

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. KERRY, Mr. DURBIN, Mr. HARKIN, and Mr. FEINGOLD):

S. 1374. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BENNET, Mr. BROWNBACK, Mr. KOHL, Mr. LEAHY, Mr. UDALL of Colorado, and Mr. SANDERS):

S. 1375. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. INHOFE, Mr. FEINGOLD, and Mr. DURBIN):

S. 1376. A bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1377. A bill to provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

By Mr. LEVIN:

S. 1378. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. MENENDEZ):

S. 1379. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 1380. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 1382. A bill to improve and expand the Peace Corps for the 21st century, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1384. A bill to amend title XVIII of the Social Security Act to provide a senior housing facility plan option under the Medicare

Advantage program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mr. THUNE):

S. 1385. A bill to amend title 46, United States Code, to improve port safety and security; to the Committee on Commerce, Science, and Transportation.

By Mr. BURRIS:

S. 1386. A bill to amend the Homeland Security Act of 2002 to establish the office of Disability Coordination, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1388. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. HARKIN, and Mr. BROWNBACK):

S. 1389. A bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND):

S. Res. 206. A resolution expressing the sense of the Senate that the United States should immediately implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 31. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

S. Con. Res. 32. A bill expressing the sense of Congress on health care reform legislation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 144, supra.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 391

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 391, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 417

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 546

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 592

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 662

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 694

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 855

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 855, a bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, idling reduction and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 981

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) 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. 984

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of 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.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of 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.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1023, a bill to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1035

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1035, a bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 1048

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1048, a bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants.

S. 1064

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1064, a bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1233

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1257

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1280

At the request of Mr. CORKER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1309

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1309, a bill to amend title IV of the

Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes.

S. 1318

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1319

At the request of Mr. COBURN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1344

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1345

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. NELSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 199, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to reintroduce legislation to offer a drastically simplified alternative for home-based businesses to benefit from the home office tax deduction. The U.S. Small Business Administration's, SBA's, Office of Advocacy designated reforming the home office tax deduction as one of its top 10 regulatory review and reform initiatives for 2008. By establishing an optional home office deduction, the Home Office Tax Deduction Simplification and Improvement Act of 2009 would take a strong step toward making our tax laws easier to understand. I would like to thank Senator CONRAD for joining me to introduce this critical bill here in the Senate and Representative GONZALEZ for introducing identical legislation in the House of Representatives.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I continually hear from small enterprises across Maine and this nation about the necessity of tax relief and reform. Despite the fact that small firms are our economy's real job creators, the current tax system places an entirely unreasonable burden on them as they struggle to satisfy their tax obligations.

Notably, according to the Office of Management and Budget's Office of Information and Regulatory Affairs, the American public spends approximately nine billion hours each year to complete government-mandated forms and paperwork. A staggering 80 percent of this time is consumed by completing tax forms. What is even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms.

Turning to the legislation we are reintroducing today, the Internal Revenue Code currently offers qualified individuals a home office tax deduction if they use a portion of their home as a principal place of business or as a space to meet with their patients or clients. That said, although recent research from the SBA indicates that roughly 53 percent of America's small businesses are home-based, few of these firms take advantage of the home office tax deduction. The reason is simple: reporting the deduction is complicated.

A 2006 survey conducted by the National Federation of Independent Business Research Foundation found that approximately 33 percent of small-employer taxpayers try to comprehend the tax rules governing the home office tax deduction, but only about half of those respondents believe that they actually have a good understanding of the rules. As Dewey Martin, a Certified Public Accountant from my home State of Maine, so aptly said in testimony last year before the Senate Finance Committee, ''Many small business owners avoid the deduction because of the complications and the fear of a potential audit.''

With a morass of paperwork attributable to the home office deduction, the time-consuming process of navigating the tangled web of rules and regulations makes it unsurprising that so many small business owners forego the home office deduction. So to encourage the use of the home office tax deduction, the bill we are introducing today would establish an optional, easy-to-use incentive.

Specifically, our bill would direct the Secretary of the Treasury to establish a method for determining a deduction that consists of multiplying an applicable standard rate by the square footage of the type of property being used as a home office. The proposal would also require the IRS to separately state the amounts allocated to several types of expenses in order to reduce the burden on the taxpayer. It is vital that the IRS clearly identify the amounts of the deduction devoted to real estate taxes, mortgage interest, and depreciation so that taxpayers do not duplicate them on Schedule A. Finally, the bill makes two changes designed to ease the administration of the deduction: First, to reflect an economy in which many business owners conduct business or consult with customers through the Internet or over the phone versus face-to-face, our legislation takes these entrepreneurs into account by allowing the home office deduction to be taken if the taxpayer uses the home to meet or deal with clients regardless of whether the clients are physically present. Second, our bill would allow for de minimis use of business space for personal activities so that taxpayers would not lose their ability to claim the deduction if they make a personal call or pay a bill online.

I would be remiss not to note that the bill we are introducing today is the result of the dedicated efforts of various groups and organizations, which have worked with Senator CONRAD and me on a consensus approach to improve the current home office tax deduction. In particular, it is significant to note that the IRS Taxpayer Advocate Service strongly backs this bill. In fact, the National Taxpayer Advocate, Nina E. Olson, sent my office the following statement regarding our legislation:

''In my 2007 Annual Report to Congress, I made a similar proposal to simplify the home office business deduction. I am pleased that Senator SNOWE and CONRAD's proposed bill reflects the gist of my legislative recommendation. Reducing the burdensome substantiation requirements for employees and self-employed taxpayers who incur modest home office costs would make the home office business deduction simpler and more accessible to them.''

Our bill also received an endorsement from the National Federation of Independent Business. Dan Danner, the organization's Executive Director, said the following: ''Currently only a small percentage of home-based businesses in the U.S. take advantage of the home-office deduction because calculating the deduction is unnecessarily complicated. NFIB small business owners have advocated for a simpler, standard home-office deduction for years. The Snowe-Conrad legislation gives home-based businesses the option to deduct a legitimate business expense with minimum hassle. This commonsense change to the tax code will reduce tax complexity and help many home-based businesses take advantage of this deduction.'' Additionally, the SBA's Office of Advocacy added: ''The SBA Office of Advocacy reviewed the legislation and supports it.''

In closing, according to the SBA's Office of Advocacy, America's home-based sole proprietors generate $102 billion in revenue annually. With this in mind, it is absolutely critical to endow these small firms with as much relief from burdensome tax constraints as possible so that they can focus their efforts on developing the products and services of the future, as well as creating new jobs. The confusion over the home office business tax deduction, in my estimation, can be easily solved by passing this legislation. I urge all Senators to consider the benefits this bill will provide to thousands of small business owners, and I look forward to working with my colleagues to enact it in a timely manner.

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. 1349

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 ''Home Office Tax Deduction Simplification and Improvement Act of 2009''.

SEC. 2. OPTIONAL STANDARD HOME OFFICE DEDUCTION.

(a) IN GENERAL.—Subsection (c) of section 280A of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use; limitation on deductions for such use) is amended by adding at the end the following new paragraph:

''(7) ELECTION OF STANDARD HOME OFFICE DEDUCTION.—

''(A) IN GENERAL.—In the case of an individual who is allowed a deduction for the use of a portion of a dwelling unit as a business by reason of paragraph (1), (2), or (4), notwithstanding the limitations of paragraph (5), if such individual elects the application of this paragraph for the taxable year with respect to such dwelling unit, such individual shall be allowed a deduction equal to the standard home office deduction for the taxable year in lieu of the deductions otherwise allowable under this chapter for such taxable year by reason of paragraph (1), (2), or (4).

''(B) STANDARD HOME OFFICE DEDUCTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the standard home office deduction is an amount equal to the product of—

''(I) the applicable home office standard rate, and

''(II) the square footage of the portion of the dwelling unit to which paragraph (1), (2), or (4) applies.

''(ii) APPLICABLE HOME OFFICE STANDARD RATE.—For purposes of this subparagraph, the term 'applicable home office standard rate' means the rate applicable to the taxpayer's category of business, as determined and published by the Secretary for the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(iii) MAXIMUM SQUARE FOOTAGE TAKEN INTO ACCOUNT.—The Secretary shall determine and publish annually the maximum square footage that may be taken into account under clause (i)(II) for each of the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(C) EFFECT OF ELECTION.—

''(i) GENERAL RULE.—Except as provided in clause (ii), any election under this paragraph, once made by the taxpayer with respect to any dwelling unit, shall continue to apply with respect to such dwelling unit for each succeeding taxable year.

''(ii) ONE-TIME ELECTION PER DWELLING UNIT.—A taxpayer who elects the application of this paragraph in a taxable year with respect to any dwelling unit may revoke such application in a subsequent taxable year. After so revoking, the taxpayer may not elect the application of this paragraph with respect to such dwelling unit in any subsequent taxable year.

''(D) DENIAL OF DOUBLE BENEFIT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a taxpayer who elects the application of this paragraph for the taxable year, no other deduction or credit shall be allowed under this subtitle for such taxable year for any amount attributable to the portion of a dwelling unit taken into account under this paragraph.

''(ii) EXCEPTION FOR DISASTER LOSSES.—A taxpayer who elects the application of this paragraph in any taxable year may take into account any disaster loss described in section 165(i) as a loss under section 165 for the applicable taxable year, in addition to the standard home office deduction under this paragraph for such taxable year.

''(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.''.

(b) MODIFICATION OF HOME OFFICE BUSINESS USE RULES.—

(1) PLACE OF MEETING.—Subparagraph (B) of section 280A(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) as a place of business which is used by the taxpayer in meeting or dealing with patients, clients, or customers in the normal course of the taxpayer's trade or business, or''.

(2) DE MINIMIS PERSONAL USE.—Paragraph (1) of section 280A(c) of such Code is amended by striking ''for the convenience of his employer'' and inserting ''for the convenience of such employee's employer. A portion of a dwelling unit shall not fail to be deemed as exclusively used for business for purposes of this paragraph solely because a de minimis amount of non-business activity may be carried out in such portion''.

(c) REPORTING OF EXPENSES RELATING TO HOME OFFICE DEDUCTION.—Within 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall ensure that all forms and schedules used to calculate or report itemized deductions and profits or losses from business or farming state separately amounts attributable to real estate taxes, mortgage interest, and depreciation for purposes of the deductions allowable under paragraphs (1), (2), (4), and (7) of section 280A(c) of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquified petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

Mr. PRYOR. Mr. President, I rise today along with Senator INHOFE to introduce the Fueling America Act of 2009 which will provide incentives for the production and use of natural gas and propane vehicles throughout the United States.

In response to high gasoline and diesel fuel prices, consumers have become more interested in alternative fuel vehicles that run on natural gas or propane. These vehicles and aftermarket conversion kits have been available for years, but they have been used mostly in government and private fleets. Very few have been purchased and used by consumers. Larger natural gas and propone vehicles are often used for clean-burning transit buses and delivery trucks.

Natural gas and propane are clean, cost-effective alternative fuel choices. Two important potential benefits of increasing the supply of natural gas and propane vehicles are energy security and reduced pollutant and greenhouse gas emissions than comparable gasoline or diesel vehicles. Compared with conventional vehicles, natural gas vehicles produce only 5 to 10 percent of allowable emissions, which means far less greenhouse gases.

Thanks to new drilling technologies that are unlocking substantial amounts of natural gas from shale rocks, the nation's estimated gas reserves have surged by 35 percent, according to a study released last week. The report by the Potential Gas Committee, the authority on gas supplies, shows the United States holds far larger reserves than previously thought. Estimated natural gas reserves rose to 2,074 trillion cubic feet in 2008, from 1,532 trillion cubic feet in 2006, when the last report was issued.

Increasing the production of natural gas and propane vehicles for both individual and public transportation will provide a huge boost for Arkansas'

economy and job growth. Arkansas, with its abundant natural gas resources, has the capability to be a leader in the alternative energy sector and the fight to reduce our country's dependence on foreign oil. Developing the natural gas vehicle and propane industry will help Arkansas' natural gas producers grow and thrive, boosting the State's economy. In Arkansas, the Fayetteville Shale is proving to be a major new find of domestic natural gas. The Center for Business and Economic Research at the University of Arkansas estimates that this shale play will result in about $17.9 billion in economic stimulus and 11,000 jobs for the State.

Natural gas and propane vehicles are more fuel efficient and environmentally friendly than their gasoline counterparts, but right now their high cost and lack of infrastructure, such as refueling stations, make them an unrealistic option for the average American. Since the number of natural gas refueling stations is limited only about 400 to 500 publicly available nationwide, compared to roughly 120,000 retail gasoline stations the purchaser of a new natural gas vehicle would likely also install a home refueling system. According to NGVAmerica, a typical home system costs roughly $4,500 plus installation.

The Fueling America Act of 2009 will establish a research, development and demonstration program at the Department of Energy to improve cleaner, more efficient natural gas and propane vehicle engines, on-board storage systems, and fueling station infrastructure; require the GSA to report on whether the Federal fleet should increase the number of natural gas and propane vehicles; extend the Clean School Bus Program through 2014; extend tax credits for natural gas and propane refueling property; and extend and increase the consumer tax credit for the purchase of natural gas, propane and bi-fuel vehicles.

The Fueling America Act will make it easier and more practical for people to buy these clean, green vehicles. This bill will provide incentives for consumers and industry to purchase new natural gas and propane vehicles, as well as aftermarket conversion kits. At the same time, America can become less dependent on foreign oil, utilize our ample domestic natural gas resources, and create a cleaner environment.

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. 1350

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 ''Fueling America Act of 2009''.

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

TITLE I—INCREASED PRODUCTION OF NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES

SEC. 101. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) NATURAL GAS.—The term ''natural gas'' means—

(A) compressed natural gas;

(B) liquefied natural gas;

(C) biomethane; and

(D) mixtures of—

(i) hydrogen; and

(ii) methane, biomethane, compressed natural gas, or liquefied natural gas.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 102. NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator, shall conduct a program of natural gas and liquefied petroleum gas vehicle research, development, and demonstration.

(b) PURPOSES.—The purposes of the program conducted under this section are to focus on—

(1) the continued improvement and development of new, cleaner, more efficient light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicle engines;

(2) the integration of those engines into light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicles for onroad and offroad applications;

(3) expanding product availability by assisting manufacturers with the certification of the engines or vehicles described in paragraph (1) or (2) to comply with Federal or California certification requirements and in-use emission standards;

(4) the demonstration and proper operation and use of the vehicles described in paragraph (2) under all operating conditions;

(5) the development and improvement of nationally recognized codes and standards for the continued safe operation of vehicles described in paragraph (2) and the components of the vehicles;

(6) improvement in the reliability and efficiency of natural gas and liquefied petroleum gas fueling station infrastructure;

(7) the certification of natural gas and liquefied petroleum gas fueling station infrastructure to nationally recognized and industry safety standards;

(8) the improvement in the reliability and efficiency of onboard natural gas and liquefied petroleum gas fuel storage systems;

(9) the development of new natural gas and liquefied petroleum gas fuel storage materials;

(10) the certification of onboard natural gas and liquefied petroleum gas fuel storage systems to nationally recognized and industry safety standards; and

(11) the use of natural gas and liquefied petroleum gas engines in hybrid vehicles.

(c) CERTIFICATION OF AFTERMARKET CONVERSION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall coordinate with the Administrator on issues related to streamlining the certification of natural gas and liquefied petroleum gas aftermarket conversion systems to comply with appropriate Federal certification requirements and in-use emission standards.

(2) STREAMLINED CERTIFICATION.—For purposes of paragraph (1), streamlined certification shall include providing aftermarket conversion system manufacturers the option to continue to sell and install systems on engines and test groups for which the manufacturers have previously received a certificate of conformity without having to request a new certificate in future years.

(d) COOPERATION AND COORDINATION WITH INDUSTRY.—In developing and carrying out the program under this section, the Secretary shall coordinate with the natural gas and liquefied petroleum gas vehicle industry to ensure, to the maximum extent practicable, cooperation between the public and the private sector.

(e) ADMINISTRATION.—The program under this section shall be conducted in accordance with sections 3001 and 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13541, 13542).

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the implementation of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000 for each of fiscal years 2010 through 2014.

SEC. 103. STUDY OF INCREASING NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES IN FEDERAL FLEET.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services, in consultation with the Administrator, shall—

(1) conduct a study on whether or not the Federal fleet should increase the number of light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicles in the fleet;

(2) assess the barriers to increasing the number of natural gas and liquefied petroleum gas vehicles in the fleet;

(3) assess the potential for maximizing the use of natural gas and liquefied petroleum gas vehicles in the fleet; and

(4) submit to the appropriate committees of Congress a report on the results of the study.

SEC. 104. CLEAN SCHOOL BUS PROGRAM.

(a) IN GENERAL.—Section 6015 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (42 U.S.C. 16091a) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''50'' and inserting ''65''; and

(ii) in the matter preceding clause (i), by striking ''one-half'' and inserting ''65 percent'';

(iii) in clause (i)(II), by striking ''or'' after the semicolon at the end;

(iv) in clause (ii), by striking the period at the end and inserting as semicolon; and

(v) by adding at the end the following:

''(iii) clean school buses with engines manufactured in model year 2010, 2011, 2012, 2013, or 2014 that satisfy regulatory requirements established by the Administrator for emissions of oxides of nitrogen and particulate

matter to be applicable for school buses manufactured in that model year; or

''(iv) clean school buses with engines only fueled by compressed natural gas, liquefied natural gas, or liquefied petroleum gas, except that school buses described in this clause may be eligible for a grant that is equal to an additional 25 percent of the acquisition costs of the school buses (including fueling infrastructure).''; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking ''25''and inserting ''50''; and

(ii) in the matter preceding clause (i), by striking ''one-fourth'' and inserting ''50 percent''; and

(2) in subsection (d)—

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

(B) in paragraph (2), by striking ''2008, 2009, and 2010.'' and inserting ''2008 and 2009; and''; and

(C) by adding at the end the following:

''(3) $75,000,000 for each of fiscal years 2010 through 2014.''.

(b) TECHNICAL CORRECTION.—Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is repealed.

TITLE II—TAX INCENTIVES

SEC. 201. CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.

(a) INCREASE IN CREDIT PERCENTAGE FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.—Subsection (e) of section 30C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY AND QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified natural gas vehicle refueling property and any qualified liquefied petroleum gas vehicle refueling property to which paragraph (6) does not apply—

''(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

''(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

''(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000'.

''(B) QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY.—For purposes of this paragraph, the term 'qualified natural gas vehicle refueling property' has the same meaning as the term 'qualified alternative fuel vehicle refueling property' would have under subsection (c) if only natural gas, compressed natural gas, and liquefied natural gas were treated as clean-burning fuels for purposes of section 179A(d).

''(C) QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—For purposes of this paragraph, the term 'qualified liquefied petroleum gas vehicle refueling property' has the same meaning as the term 'qualified alternative fuel vehicle refueling property' would have under subsection (c) if only liquefied petroleum gas were treated as a clean-burning fuel for purposes of section 179A(d).''.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C of the Internal Revenue Code of 1986 is amended to read as follows:

''(g) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2014.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

SEC. 202. CREDIT FOR PURCHASE OF VEHICLES FUELED BY NATURAL GAS OR LIQUEFIED PETROLEUM GAS.

(a) IN GENERAL.—Subsection (e) of section 30B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) HIGHER INCREMENTAL COST LIMITS FOR NATURAL GAS VEHICLES AND LIQUEFIED PETROLEUM GAS VEHICLES.—

''(A) IN GENERAL.—In the case of any eligible natural gas motor vehicle and any eligible liquefied petroleum gas motor vehicle, paragraph (3) shall be applied by multiplying each of the dollar amounts contained in such paragraph by 2.

''(B) ELIGIBLE NATURAL GAS MOTOR VEHICLE.—For purposes of this paragraph, the term 'eligible natural gas motor vehicle' means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system the final assembly of which is in the United States and that—

''(i) is only capable of operating on compressed natural gas or liquefied natural gas, or

''(ii) is capable of operating for more than 175 miles on compressed natural gas or liquefied natural gas and is capable of operating on gasoline or diesel fuel.

''(C) ELIGIBLE LIQUEFIED PETROLEUM GAS MOTOR VEHICLE.—For purposes of this paragraph, the term 'eligible liquefied petroleum gas motor vehicle' means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system the final assembly of which is in the United States and that—

''(i) is only capable of operating on liquefied petroleum gas, or

''(ii) is capable of operating for more than 175 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

''(D) AFTERMARKET CONVERSION SYSTEM.—For purposes of this paragraph, the term 'aftermarket conversion system' means property that converts a vehicle that is not described in this paragraph into an eligible natural gas motor vehicle (for purposes of subparagraph (B)) or an eligible liquefied petroleum gas motor vehicle (for purposes of subparagraph (C)).''.

(b) EXTENSION OF CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES.—Paragraph (4) of section 30B(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'',

(3) by striking ''(as described in subsection (e))'' in paragraph (4) and inserting ''(as described in paragraph (4) or (5) of subsection (e))'', and

(4) by adding at the end the following new paragraph:

''(5) in the case of a new qualified alternative fuel vehicle described in subsection (e)(6), December 31, 2014.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles placed in service after December 31, 2008, in taxable years ending after such date.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to join my fellow New Englander, Senator SUSAN COLLINS of Maine, in introducing the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009.

As families in New England look forward to outdoor fun this summer—and as families around the country look forward to vacationing in New England—they might not be thinking about the risks and dangers associated with hiking, camping, and other outdoor activities.

But every year, tens of thousands of Americans working or playing outdoors are bitten by ticks.

For most, a tick bite is nothing more than a minor annoyance. But approximately 20,000 Americans contract Lyme disease each year, and the numbers are rising. And because Lyme disease is difficult to diagnose, many experts believe the true number of cases each year could be as much as 10 or 12 times the reported number. Worst of all, it is our children who are most at risk.

Lyme disease was first described in my home State of Connecticut, and we still have the unfortunate distinction of being ten times more likely to contract Lyme disease than the rest of the Nation. But the Centers for Disease Control and Prevention has received reports of new cases from 46 States and the District of Columbia. According to some estimates, Lyme disease costs our Nation more than $2 billion in medical costs each year.

Lyme disease can affect every part of the body. Tens of thousands of Americans suffer through pain, severe fatigue, sleep disturbance, and cognitive difficulties, among many other symptoms. Some of these victims are able to lead normal lives, finding ways to cope with the disease. But many more find the disease significantly disrupts their lives, preventing them from everyday experiences that we all take for granted.

The legislation we offer today directs the Secretary of Health and Human Services to establish a Tick-Borne Diseases Advisory Committee at HHS to coordinate efforts and improve communication between the federal government, medical experts, physicians, and the public.

It will improve diagnostic efforts, establish a national clearinghouse for research and reporting, and require that scientific viewpoints on this often-frustrating disease be disseminated in a balanced way.

It contains tools for researchers, physicians, and the public to improve awareness and treatment.

Finally, it requires the Secretary to prepare and submit to Congress an annual report tracking developments related to Lyme disease, its spread, its treatment, and its impact on families in Connecticut and around the country.

Lyme disease is a frustrating puzzle for physicians, a burden on our Nation's health care system, and most importantly, a threat to American families enjoying our beautiful outdoor spaces.

I want to specifically mention and thank the organization from my home State of Connecticut that worked closely with me to develop this legislation, Time for Lyme. The co-presidents and founders of Time for Lyme, Diane Blanchard and Debbie Siciliano, are tireless advocates for the patients struggling with chronic Lyme disease. This is not their job. They are parents whose children suffer from this disease. They work to find time in their busy schedules to make a difference. This is their mission and they give me hope that we can get this done.

I also want to thank my good friend, Senator COLLINS, for her leadership on this issue. I want to thank Senators REED, LIEBERMAN, CARDIN, and WHITEHOUSE for their support for this bill. Whether it is fishing on the Housatonic River or exploring Gillette Castle State Park near my home in East Haddam, Connecticut families enjoy a variety of outdoor activities.

But Lyme disease remains a persistent and dangerous risk for my constituents, for Senator COLLINS's constituents, and for those across the country. With leadership from this body and better coordination from federal agencies, we can more effectively combat this disease, better protect our children and families, and make our outdoor spaces safer places to work and play.

I urge my colleagues to join Senator COLLINS and myself in support of this legislation and thank them kindly for their consideration.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce legislation that will correct an inequality in the Department of Justice's Public Safety Officers Benefits, PSOB, Program by extending benefits to non-profit EMS providers who die or are disabled in the line of duty. I am pleased to be joined in this effort by Senator SANDERS.

Vermonters were deeply saddened earlier this week when we received word that veteran EMT specialist Dale Long died in a tragic, on-duty accident in Bennington. Dale Long had a superb 25-year career as a Vermont EMT, and I extend our deepest condolences to his family, to the Bennington Rescue Squad, and to the entire Vermont EMT community.

First responders nationwide literally put their lives at risk every day for the people of their communities. They represent the best of our nation's dedicated service to others, and Dale Long was a solid example of that tradition. He was Bennington Rescue Squad's 2008 EMT of the Year, and a 2009 recipient of the American Ambulance Association's Star of Life Award. I had the pleasure of meeting Dale just last month when he visited my office during the Star of Life festivities.

This tragedy highlights a major shortcoming in the current PSOB program, which Congress established over 30 years ago to provide assistance to police, fire and medics who lose their lives or are disabled in the line of duty. The benefit, though, only applies to public safety officers employed by a federal, state, and local government entity. With many communities around the United States choosing to have their emergency medical services provided by non-profit agencies, medics working for non-profit services unfortunately are not eligible for benefits under the PSOB program.

Non-profit public safety officers provide identical services to governmental officers and do so daily in the same dangerous environments. With a renewed appreciation for the important community service of first responders since the national tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act would correct this inequality by extending the PSOB program to cover non-profit EMS officers who provide emergency medical and ground or air ambulance service. These emergency professionals protect and promote the public good of the communities they serve, and we should not unfairly penalize them and their families simply because they work or volunteer for a non-profit organization.

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. 1353

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 ''Dale Long Emergency Medical Service Providers Protection Act''.

SEC. 2. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that is officially authorized or licensed—

''(i) to engage in rescue activity or to provide emergency medical services; and

''(ii) to respond to an emergency situation;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2(1) of this Act shall apply only to injuries sustained on or after January 1, 2009.

By Mr. BARRASSO (for himself and Mr. WYDEN):

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, along with my friend, Senator BARRASSO, I am introducing legislation to keep rural America from becoming a health care sacrifice zone. Our legislation, the Rural Health Clinic Patient Access and Improvement Act, will make it more financially attractive for doctors and other providers to treat patients in rural areas. Both Senator BARRASSO and I have heard from the folks back home about how hard it is to get doctors and mid-level practitioners in rural areas. My constituents have had to travel hours to get treatment when they need it. This bill takes major strides to ensure access to health care by building on the successes of the rural health clinic program. When it comes to health care, rural residents should not have to accept second-class status.

As the Senate takes up comprehensive healthcare reform, this Congress must not lose focus on the health needs of folks in rural areas. Too many Oregonians cannot get the kind of affordable and comprehensive coverage or access to care their Members of Congress receive. In addition, many patients in rural Oregon, even those with good health benefits, do not have access to providers or have to travel long distances to get medical care.

Meanwhile, providers lack incentives to go to—or stay in—rural areas. It is a lot more lucrative for them to work in big cities where they can work in state-of-the art facilities and earn top dollar. According to the Oregon State Office of Rural Health, a major obstacle facing Oregon's rural health clinics is the severe shortage of health care providers willing or able to work in a rural area. One out of three Oregon rural health clinics was recruiting in 2008.

That is why Senator BARRASSO and I come here to introduce the Rural Health Clinic Patient Access and Improvement Act. Simply put, our bill would help improve access for patients in rural areas, while increasing reimbursement rates and giving incentives to providers in rural areas.

The Rural Health Clinic Patient Access and Improvement Act increases the all-inclusive Medicare payment rate for rural health clinics by more than 20 percent per visit from an average of $76 to $92. This bill would provide an additional $2 bonus for rural health clinics that participate in a quality improvement program. Quality of care should be a focus for all providers.

The bill will allow for better collaboration between community health centers and rural health clinics. It also creates a 5-state demonstration project to recruit and retain providers in rural communities by subsidizing a portion of the provider's medical liability costs if they practice in a rural health clinic. These reforms will help ensure rural residents have access to the same level of quality care as those in other parts of the country.

This bill builds upon the success of Oregon's 54 rural health clinics that serve 26 out of 36 counties across the state. These rural health clinics help to ensure access to primary care for the underserved elderly and low-income populations. Ninety-eight percent of Oregon's rural health clinics are willing to see Medicare and Medicaid patients as well as patients with no insurance. Not only are they willing to see these patients, but 96 percent are currently accepting new patients. Many rural residents—whether they are uninsured, publically insured or have private insurance—would have nowhere to go to receive primary care without rural health clinics.

When it comes to health care, people want to go to a provider they know and trust. One of the reasons rural health clinics have been so successful is that they have become an integral part of their communities. A great example of this is Gilliam County Medical Center. Gilliam County hosted a succession of short-term physicians placed in the community through the National Health Service Corps. In the 1970s, the community, in conjunction with the State, sought a more permanent, stable health care provider situation. The Oregon legislature appropriated $20,000 as seed money to attract a team of health professionals to the community and the residents of Gilliam County created the South Gilliam Health District to support Gilliam County Medical Center, a certified rural health clinic.

Two physician assistants, David Jones and Dennis Bruneau who were on the faculty at the University of Washington PA program at the time they heard about the opportunity with the clinic were hired. Dave, Dennis, their spouses, who also work at the clinic, and supervising physician Dr. Bruce Carlson created a team that continues to sustain one of the most stable and long-term small rural primary care clinics in the state.

Dr. Carlson visits the clinic one day every 2 weeks to see those patients in need of his services and provide overall medical direction. Otherwise, the clinic is staffed full-time by physician assistants Jones and Bruneau. David's wife is a medical technician who works in the clinic and Dennis' wife serves as the clinic manager. When Dr. Carlson is not in Condon, he has his own medical practice 70 miles away in Hermiston, OR, which is also the location of the nearest hospital to Condon.

Not all rural areas are alike and the rural health clinic program gives these providers the flexibility they need to be the regular source of care of primary care in their communities. Regular access to primary care, as you know, is one of the key tests of whether or not you will receive the preventive health screenings that can mean the difference that could save your life. They allow for health problems to be caught early on so that they can be headed off for just a little money, instead of at later stages, which require costly specialty care that runs up the bill for the patient and the taxpayer.

Oregonians in rural areas have the same right to quality, affordable medical care as those living in urban areas, but they do not have it under our current system. This bill will expand access to health care for folks in rural areas and level the playing field for rural health clinics by giving them the tools they need to attract and retain quality medical providers.

I want to thank Senator BARRASSO and his staff for their hard work in bringing this important bipartisan legislation before the Senate.

I hope my colleagues will join Senator BARRASSO and me, and support this much needed and bipartisan bill.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise on behalf of myself and Senator FEINSTEIN to speak on the introduction of the Western States Trail Study Act of 2009. This legislation would provide for a study by the Department of the Interior on the possible designation of the Western States Trail as a National Historic Trail.

The National Trails System Act specifies that to qualify for listing as a National Historic Trail, a trail must be historically significant and must have significant potential for public recreational use or historical interpretation and appreciation. The Western States Trail absolutely meets these criteria.

From the beginning of California's recorded history, the Western States Trail has played an important role in the development of our state and nation. Originally a Native American trail used by the Paiute and Washoe Indians, it later became the most direct link between the gold camps of California and silver mines of Nevada. Professor William Brewer also followed part of this trail in his 1863 expedition as part of State Geologist Josiah Whitney's survey of California.

In 1955, the Western States Trail became the site of the world's first and leading 100-mile trail ride, and in 1974 became the world's first and leading ultramarathon run. These recreational events are of tremendous importance to the local community as well as equestrians and runners throughout the nation. Western States volunteers dedicate hundreds of hours each year to the U.S. Forest Service and California Department of Parks and Recreation to maintain the trail, exemplifying citizen action at its best.

Most of the trail remains in the same state as in the 19th century, passing through scenic wilderness ranging from the Sierra Crest, to magnificent forests and mountain streams, to the grasses and oaks of the Sierra foothills.

The citizen-government partnership that our bill represents continues the tradition of the Western States Run to protect and preserve the Western States Trail, and to ensure that the public has access to its rich history and scenery.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I believe that perhaps the most effective way to improve the education of our children is to invest in their teachers, and make certain that quality teachers have the incentive to stay in the classroom.

Unfortunately, without new investments, our disadvantaged and rural schools may not be able to attract the qualified teachers needed to prepare our children for the 21st Century workplace. Isolated and impoverished, too many West Virginia schools must compete against higher paying, well-funded schools for scarce classroom talent. As a result, they face a shortage of qualified teachers, particularly in math, science and foreign languages.

Today, I am introducing a bill designed to invest in bringing dedicated and qualified teaching professionals to West Virginia and America's disadvantaged and rural schools. This bill will help give students the opportunity to learn and flourish, an opportunity that every child deserves. The Incentives To Educate American Children Act—or I Teach Act—will provide teachers with a refundable tax credit every year they teach in the public schools with the most need. And it will give every public school teacher—regardless of the school they choose—a refundable tax credit for earning their certification by the National Board for Professional

Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

There are over 16,000 rural school districts in the U.S., and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location. Disadvantaged urban schools must overcome similar difficulties. My I Teach Act will reward teachers willing to work in rural or disadvantaged schools with an annual $1,000 refundable tax credit. Additionally, teachers that obtain certification by the National Board for Professional Teaching Standards will receive an annual $1,000 refundable tax credit. Therefore, teachers who work in rural or disadvantaged schools and get certified will earn a $2000 credit. Schools that desperately need help attracting teachers will get a boost, and children educated in disadvantaged and rural schools will benefit most.

In my state of West Virginia, as in over 30 other states, there is already a state fiscal incentive for teachers who earn National Board certification. My legislation builds upon the West Virginia program. Together, they will create a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

Education is among our top national priorities. It is essential for all children and it is vital for our economic and national security. Teachers are a critical component of quality education, and they deserve the incentives to stay in the classroom.

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

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I am pleased to join with Senator BOND in introducing the National Guard Empowerment and State-National Defense Integration Act of 2009. This is a clearly needed piece of legislation that will enable the Nation to tap more of the tremendous experience and expertise that exists within the National Guard.

This legislation—known as Empowerment II—ensures that the Department of Defense takes advantage of the Guard's unique strengths and focuses on the critical mission of domestic operations and military support to civilian authorities. This bill is about focusing attention on the military's response to emergencies at home and fleshing out the structure of that response. Doing that will ensure our National Guard, Reserves and active forces can bring their specialized capabilities to bear, all while safely under the control of democratically elected officials and civilian authorities.

The bill will specifically make the Chief of the National Guard a full member of the Joint Chiefs of Staff, while creating a new three-star deputy to the Bureau Chief to reflect the Bureau Chief's increased responsibilities. Additionally, the 2009 Empowerment Act provides the National Guard Bureau with limited budget authority to be able to acquire specially designed equipment for domestic operations, and it requires the Department of Defense to establish procedures to formalize arrangements to allow National Guard forces to have tactical control over active forces that operate in a domestic setting.

Today Senator BOND and I seek to build on some of the major improvements to the Guard that we, together, made in the Fiscal Year 2008 Defense Authorization Bill. That landmark bill enacted large portions of the first version of the Guard Empowerment Bill which elevated the Chief of the National Guard from three-star general to full General. The goal of all the changes enacted was to begin to ensure that the Guard has a seat at the table in major budget and policy decisions.

We need to pick up where we left off early last year and sharpen the focus on the National Guard's role as a homeland defense and defense support to civilian authorities force. In fact, we are trying, in the realm of domestic operations and military support to civilian authorities, to do exactly what Secretary of Defense Robert Gates is trying to do in the realm of irregular warfare. The Secretary is working to ensure that at least a good portion of the Department of Defense's equipment has utility in counterinsurgency situations. The Secretary has recently testified that he foresees about 10 percent of procured equipment to be dedicated solely for counterinsurgencies. I strongly support the Secretary's initiative.

There also is a need to carve out a small wedge of the defense budget to develop technologies and systems that will help the National Guard, serving in a Title 32 capacity under the control of the Governors. Much of all Guard equipment is considered and should be ''dual use,'' but a sliver should be specially designed and used solely for domestic situations.

The Guard Empowerment bill we are introducing today will also reduce the confusion that sometimes exists when there is a domestic emergency about how National Guard forces, serving under a Governor during an emergency, will interact with active duty forces that serve under the President's command. United States Northern Command in Colorado has unfortunately only exacerbated those concerns through attempts to override Governors and take command-and-control of National Guard assets in a State even though they are in their so-called Title 32 status.

There is nothing in this bill that the National Guard is not already undertaking. The President and the Secretary of Defense look to the Guard Bureau Chief on matters related to defense at home. The Guard works to purchase homeland defense-oriented equipment through the so-called Guard and Reserve Equipment Account, and the Governors already wield active duty personnel during so-called National Security Events. The chain of command arrangements made during last year's political conventions in Minnesota and Colorado are a good example.

The President recognizes that this legislation makes sense. In his ''Blueprint for Change,'' his new Administration's national security plan, President Obama endorsed the idea of making the Guard Bureau Chief a full member of the Joint Chiefs of Staff, a move that Vice President BIDEN also has endorsed. In developing the bill, we worked closely with The National Guard Association of the United States, the Adjutants General Association of the United States and the Enlisted National Guard Association of the United States—organizations that we expect to formally endorse the bill after its introduction.

Everyone recognizes that if there is an emergency like Katrina and our civilian resources at all levels get overwhelmed, the military is going to have to come in to assist. The American people expect no less than a swift, coordinated and effective response. And it is the National Guard that knows how to do this mission right. Providing support to civilian authorities at the State level is what the Guard has done since its inception more than two centuries ago, and it is a mission that the National Guard continues to take seriously.

This legislation solidifies and codifies sensible approaches to improving the Guard's ability to support civil authorities in an emergency. Enactment of this legislation is the very least we owe our proud citizen soldiers and airmen for their efforts.

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. 1361

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 Guard Empowerment and State-National Defense Integration Act of 2009''.

SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

SEC. 3. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Vice Chief of the National Guard Bureau.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(b) BUDGETING FOR TRAINING AND EQUIPMENT AND MILITARY CONSTRUCTION FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year as follows:

''(1) Amounts for training and equipment, including critical dual-use equipment.

''(2) Amounts for military construction, including critical dual-use capital construction.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 4. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

''§ 10505. Vice Chief of the National Guard Bureau

''(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(C) are in a grade above the grade of colonel.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

''10505. Vice Chief of the National Guard Bureau.

''10505a. Director of the Joint Staff of the National Guard Bureau.''.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting '', the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau''.

SEC. 5. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

"CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

''Sec.
''341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

"§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

''(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

''(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

''(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a) of this title, in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

"16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341".

SEC. 6. FISCAL YEAR 2010 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.

(a) CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $11,000,000.

(B) For National Guard Personnel, Air Force, $3,500,000.

(C) For Operation and Maintenance, Army National Guard, $11,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in training and operations with respect to continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(b) DOMESTIC OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense, $300,000,000 for Operation and Maintenance, Defense-wide.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall be available for the Army National Guard and the Air National Guard for emergency preparedness and response activities of the National Guard while in State status under title 32, United States Code.

(3) TRANSFER.—Amounts under the amount authorized to be appropriated by paragraph (1) shall be available for transfer to accounts for National Guard Personnel, Army, and National Guard Personnel, Air Force, for purposes of the pay and allowances of members of the National Guard in conducting activities described in paragraph (2).

(c) JOINT OPERATIONS COORDINATION CENTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $28,000,000.

(B) For National Guard Personnel, Air Force, $7,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Forces Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(d) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by subsections (a), (b), and (c) for the purposes set forth in such subsections are in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 7. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 8. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

By Mr. REED (for himself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the Success in the Middle Act, which will help provide new support for raising student achievement in the middle grades. I thank Senators KLOBUCHAR, STABENOW, WHITEHOUSE, and LAUTENBERG for joining me as original cosponsors.

We know that the middle grades are an important and unique transition period for young people, and a critical

time in a student's educational and social development. The middle grades are the key to ensuring students remain on track to college and career-readiness. International comparisons indicate that students in the United States do not start out behind other nations in math and science, but they fall significantly behind in these subjects by the end of the middle grades. According to the 2007 National Assessment on Educational Progress, only one-third of eighth grade students in the United States can read at proficiency or above. For math proficiency, this number falls to 31 percent of all American eighth grade students.

There has been significant focus during K–12 reform discussions regarding high school reform, and while there is no doubt that this is an essential component of improving our education system, addressing dropout prevention must begin earlier. It must begin at the middle schools that feed into the thousands of ''dropout factories'' across the country. Dropout factories are high schools in which fewer than 60 percent of students graduate. As one of the leading experts in the area of middle and high school reform, Robert Balfanz, has stated, middle schools are the ''first line of defense'' in identifying at-risk students and then effectively intervening to prevent them from dropping out. Balfanz's research has shown that sixth-graders who failed math or English, attended school less than 80 percent of the time, or received an unsatisfactory behavior grade in a core course had only a 10 to 20 percent chance of graduating on time. Without successful intervention, these behaviors lead students to course failure, non-promotion, and eventually dropping out.

That is why I am reintroducing the Success in the Middle Act. This bill will help strengthen that first line of defense by authorizing grants to states and school districts to improve and turnaround low-performing middle schools. It would concentrate new resources on the middle grades by requiring districts to develop an early warning indicator system for indentifying students at risk of dropping out, and tailoring research-based interventions to get these students back on track to graduating college and career-ready. These interventions would include high-quality professional development for teachers; personal academic plans such as the Individual Learning Plans required in Rhode Island; mentoring and counseling; and extended learning time.

When he was in the Senate, President Obama was the lead sponsor of this legislation. I am pleased that the President has continued to recognize the need for increased investment in middle and high school reform, including earlier this year, his action to encourage states and school districts to spend a significant portion of their American Recovery and Reinvestment Act education funds on improving student achievement in the middle and high school grades.

I was pleased to work with the Rhode Island Middle Level Educators, Rhode Island Association of School Principals, ACT, Alliance for Excellent Education, The College Board, International Reading Association, National Association of Secondary School Principals, National Council of Teachers of English, National Forum to Accelerate Middle Grades Reform, and National Middle Schools Association, and a host of other education organizations on this bill. I urge my colleagues to cosponsor the Success in the Middle Act.

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. 1362

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 ''Success in the Middle Act of 2009''.

SEC. 2. FINDINGS.

In this Act:

(1) International comparisons indicate that students in the United States do not start out behind students of other nations in mathematics and science, but that they fall behind by the end of the middle grades.

(2) Only ⅓ of eighth grade students in the United States, and only 4 percent of such students who are English language learners, can read with proficiency, according to the 2007 National Assessment on Educational Progress (NAEP). The percentage of eighth grade students proficient at reading has not increased since 1998, and the NAEP average reading score for eighth grade students has remained static. In contrast, NAEP reading scores and achievement levels for fourth grade students have increased significantly.

(3) In mathematics, less than ⅓ of students in eighth grade show skills at the NAEP proficient level, and nearly 30 percent score below the basic level. The percentage of eighth grade students scoring above the basic level was 8 points higher in 2007 than in 2000, but for fourth grade students, the percentage increased 17 points, more than double the increase for middle grades students. In eighth grade, the gaps between the average mathematics scores of white and black students and between white and Hispanic students were as wide in 2007 as in 1990.

(4) Fewer than 2 in 10 of the students who graduated from high school in 2005 or 2006 met, as eighth graders, all 4 of ACT's EXPLORE College Readiness Benchmarks, the minimum level of achievement that ACT has shown is necessary if students are to be college- and career-ready upon their high school graduation.

(5) Lack of basic skills at the end of middle grades has serious implications for students. Students who enter high school 2 or more years behind grade level in mathematics and literacy have only a 50 percent chance of progressing on time to the tenth grade; those not progressing are at significant risk of dropping out of high school.

(6) Middle grades students are hopeful about their future, with 93 percent believing that they will complete high school and 92 percent anticipating that they will attend college.

(7) Sixth grade students who do not attend school regularly, who are subjected to frequent disciplinary actions, or who fail mathematics or English have less than a 15 percent chance of graduating high school on time and a 20 percent chance of graduating 1 year late. Without effective interventions and proper supports, these students are at risk of subsequent failure in high school, or of dropping out.

(8) Student transitions from elementary school to the middle grades and to high school are often complicated by poor curriculum alignment, inadequate counseling services, and unsatisfactory sharing of student performance and academic achievement data between grades.

(9) According to ACT, the level of academic achievement that students attain by eighth grade has a larger impact on the students' college and career readiness upon graduation from high school than anything that happens academically in high school.

(10) Middle schools are almost twice as likely as elementary schools to be identified for improvement, corrective action, or restructuring (22 percent as compared to 13 percent) under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 63116).

(11) Middle grades improvement strategies should be tailored based on a variety of performance indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the middle grades, and so that teachers can provide effective instruction and adequate assistance to meet the needs of at-risk students.

(12) To stem a dropout rate nearly twice that of students without disabilities, students with disabilities in the critical middle grades must receive appropriate academic accommodations and access to assistive technology, high-risk behaviors such as absenteeism and course failure must be monitored, and problem-solving skills with broad application must be taught.

(13) Local educational agencies and State educational agencies often do not have the capacity to provide support for school improvement strategies. Successful models do exist for turning around low-performing middle grades, and Federal support should be provided to increase the capacity to apply promising practices based on evidence from successful schools.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a partnership that includes—

(A) not less than 1 eligible local educational agency; and

(B)(i) an institution of higher education;

(ii) an educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(iii) a nonprofit organization with demonstrated expertise in high quality middle grades intervention.

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that serves not less than 1 eligible school.

(4) ELIGIBLE SCHOOL.—The term ''eligible school'' means an elementary or secondary school that contains not less than 2 or more successive grades beginning with grade 5 and ending with grade 8 and for which—

(A) a high proportion of the middle grades students attending such school go on to attend a high school with a graduation rate of less than 65 percent;

(B) more than 25 percent of the students who finish grade 6 at such school, or the earliest middle grade level at the school, exhibit 1 or more of the key risk factors and early risk identification signs, including—

(i) student attendance below 90 percent;

(ii) a failing grade in a mathematics or reading or language arts course;

(iii) 2 failing grades in any courses; and

(iv) out-of-school suspension or other evidence of at-risk behavior; or

(C) more than 50 percent of the middle grades students attending such school do not perform at a proficient level on State student academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) in mathematics or reading or language arts.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MIDDLE GRADES.—The term ''middle grades'' means any of grades 5 through 8.

(7) SCIENTIFICALLY VALID.—The term ''scientifically valid'' means the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(9) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(10) STUDENT WITH A DISABILITY.—The term ''student with a disability'' means a student who is a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

TITLE I—MIDDLE GRADES IMPROVEMENT

SEC. 101. PURPOSES.

The purposes of this title are to—

(1) improve middle grades student academic achievement and prepare students for rigorous high school course work, postsecondary education, independent living, and employment;

(2) ensure that curricula and student supports for middle grades education align with the curricula and student supports provided for elementary and high school grades;

(3) provide resources to State educational agencies and local educational agencies to collaboratively develop school improvement plans in order to deliver support and technical assistance to schools serving students in the middle grades; and

(4) increase the capacity of States and local educational agencies to develop effective, sustainable, and replicable school improvement programs and models and evidence-based or, when available, scientifically valid student interventions for implementation by schools serving students in the middle grades.

SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES FOR MIDDLE GRADES IMPROVEMENT.

(a) IN GENERAL.—From amounts appropriated under section 107, the Secretary shall make grants under this title for a fiscal year to each State educational agency for which the Secretary has approved an application under subsection (f) in an amount equal to the allotment determined for such agency under subsection (c) for such fiscal year.

(b) RESERVATIONS.—From the total amount made available to carry out this title for a fiscal year, the Secretary—

(1) shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section;

(2) shall reserve 1 percent to evaluate the effectiveness of this title in achieving the purposes of this title and ensuring that results are peer-reviewed and widely disseminated, which may include hiring an outside evaluator; and

(3) shall reserve 5 percent for technical assistance and dissemination of best practices in middle grades education to States and local educational agencies.

(c) AMOUNT OF STATE ALLOTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), of the total amount made available to carry out this title for a fiscal year and not reserved under subsection (b), the Secretary shall allot such amount among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year, determined in accordance with section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965(20 U.S.C. 6333(c)(1)(A)).

(2) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this subsection for a fiscal year that is less than ½ of 1 percent of the amount made available to carry out this title for such fiscal year.

(d) SPECIAL RULE.—For any fiscal year for which the funds appropriated to carry out this title are less that $500,000,000, the Secretary is authorized to award grants to State educational agencies, on a competitive basis, rather than as allotments described in this section, to enable such agencies to award subgrants under section 104 on a competitive basis.

(e) REALLOTMENT.—

(1) FAILURE TO APPLY; APPLICATION NOT APPROVED.—If any State educational agency does not apply for an allotment under this title for a fiscal year, or if the application from the State educational agency is not approved, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

(2) UNUSED FUNDS.—The Secretary may reallot any amount of an allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (c).

(f) APPLICATION.—In order to receive a grant under this title, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, including a State middle grades improvement plan described in section 103(a)(4).

(g) PEER REVIEW AND SELECTION.—The Secretary—

(1) shall establish a peer-review process to assist in the review and approval of proposed State applications;

(2) shall appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices (including the areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students), which individuals may include recognized exemplary middle grades teachers and middle grades principals who have been recognized at the State or national level for exemplary work or contributions to the field;

(3) shall ensure that States are given the opportunity to receive timely feedback, and to interact with peer-review panels, in person or via electronic communication, on issues that need clarification during the peer-review process;

(4) shall approve a State application submitted under this title not later than 120 days after the date of submission of the application unless the Secretary determines that the application does not meet the requirements of this title;

(5) may not decline to approve a State's application before—

(A) offering the State an opportunity to revise the State's application;

(B) providing the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) shall direct the Inspector General of the Department of Education to—

(A) review final determinations reached by the Secretary to approve or deny State applications;

(B) analyze the consistency of the process used by peer-review panels in reviewing and recommending to the Secretary approval or denial of such State applications; and

(C) report the findings of this review and analysis to Congress.

SEC. 103. STATE PLAN; AUTHORIZED ACTIVITIES.

(a) MANDATORY ACTIVITIES.—

(1) IN GENERAL.—A State educational agency that receives a grant under this title shall use the grant funds—

(A) to prepare and implement the needs analysis and middle grades improvement plan, as described in paragraphs (3) and (4), of such agency;

(B) to make subgrants to eligible local educational agencies or eligible entities under section 104; and

(C) to assist eligible local educational agencies and eligible entities, when determined necessary by the State educational agency or at the request of an eligible local educational agency or eligible entity, in designing a comprehensive schoolwide improvement plan and carrying out the activities under section 104.

(2) FUNDS FOR SUBGRANTS.—A State educational agency that receives a grant under this title shall use not less than 80 percent of the grant funds to make subgrants to eligible local educational agencies or eligible entities under section 104.

(3) MIDDLE GRADES NEEDS ANALYSIS.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall enter into a contract, or similar formal agreement, to work with entities such as national and regional comprehensive centers (as described in section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602)), institutions of higher education, or nonprofit organizations with demonstrated expertise in high-quality middle grades reform, to prepare a plan that analyzes how to strengthen the programs, practices, and policies of the State in supporting students in the middle grades, including the factors, such as local implementation, that influence variation in the effectiveness of such programs, practices, and policies.

(B) PREPARATION OF PLAN.—In preparing the plan under subparagraph (A), the State educational agency shall examine policies and practices of the State, and of local educational agencies within the State, affecting—

(i) middle grades curriculum instruction and assessment;

(ii) education accountability and data systems;

(iii) teacher quality and equitable distribution; and

(iv) interventions that support learning in school.

(4) MIDDLE GRADES IMPROVEMENT PLAN.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title

shall develop a middle grades improvement plan that—

(i) shall be a statewide plan to improve student academic achievement in the middle grades, based on the needs analysis described in paragraph (3); and

(ii) describes what students are required to know and do to successfully—

(I) complete the middle grades; and

(II) make the transition to succeed in academically rigorous high school coursework that prepares students for college, independent living, and employment.

(B) PLAN COMPONENTS.—A middle grades improvement plan described in subparagraph (A) shall also describe how the State educational agency will do each of the following:

(i)(I) Ensure that the curricula and assessments for middle grades education are aligned with high school curricula and assessments and prepare students to take challenging high school courses and successfully engage in postsecondary education; and

(II) ensure coordination, where applicable, with the activities carried out through grants for P–16 education alignment under section 6401(c)(1) of the America COMPETES Act (20 U.S.C. 9871(c)(1)).

(ii) Ensure that professional development is provided to school leaders, teachers, and other school personnel in—

(I) addressing the needs of diverse learners, including students with disabilities and English language learners;

(II) using challenging and relevant research-based best practices and curricula; and

(III) using data to inform instruction.

(iii) Identify and disseminate information on effective schools and instructional strategies for middle grades students based on high-quality research.

(iv) Include specific provisions for students most at risk of not graduating from secondary school, including English language learners and students with disabilities.

(v) Provide technical assistance to eligible entities to develop and implement their early warning indicator and intervention systems, as described in section 104(d)(2)(D).

(vi) Define a set of comprehensive school performance indicators that shall be used, in addition to the indicators used to determine adequate yearly progress, as defined in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)), to evaluate school performance, and guide the school improvement process, such as—

(I) student attendance and absenteeism;

(II) earned on-time promotion rates from grade to grade;

(III) percentage of students failing a mathematics, reading or language arts, or science course, or failing 2 or more of any courses;

(IV) teacher quality and attendance measures;

(V) in-school and out-of-school suspension or other measurable evidence of at-risk behavior; and

(VI) additional indicators proposed by the State educational agency, and approved by the Secretary pursuant to the peer-review process described in section 102(g).

(vii) Ensure that such plan is coordinated with State activities to turn around other schools in need of improvement, including State activities to improve high schools and elementary schools.

(b) PERMISSIBLE ACTIVITIES.—A State educational agency that receives a grant under this title may use the grant funds to—

(1) develop and encourage collaborations among researchers at institutions of higher education, State educational agencies, educational service agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), local educational agencies, and nonprofit organizations with demonstrated expertise in high quality middle grades interventions, to expand the use of effective practices in the middle grades and to improve middle grades education;

(2) support local educational agencies in implementing effective middle grades practices, models, and programs that—

(A) are evidence-based or, when available, scientifically valid; and

(B) lead to improved student academic achievement;

(3) support collaborative communities of middle grades teachers, administrators, and researchers in creating and sustaining informational databases to disseminate results from rigorous research on effective practices and programs for middle grades education; and

(4) increase middle grades student support services, such as school counseling on the transition to high school and planning for entry into postsecondary education and the workforce.

SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-PERFORMING MIDDLE GRADES.

(a) IN GENERAL.—A State educational agency that receives a grant under this title shall make competitive subgrants to eligible local educational agencies and eligible entities to enable the eligible local educational agencies and eligible entities to improve low-performing middle grades in schools served by the agencies or entities.

(b) PRIORITIES.—In making subgrants under subsection (a), a State educational agency shall give priority to eligible local educational agencies or eligible entities based on—

(1) the respective populations of children described in section 102(c)(1) served by the eligible local educational agencies participating in the subgrant application process; and

(2) the respective populations of children served by the participating eligible local educational agencies who attend eligible schools.

(c) APPLICATION.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including—

(1) a comprehensive schoolwide improvement plan described in subsection (d);

(2) a description of how activities described in such plan will be coordinated with activities specified in plans for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and school improvement plans required under section 1116(b)(3) of such Act (20 U.S.C. 6316(b)(3)); and

(3) a description of how activities described in such plan will be complementary to, and coordinated with, school improvement activities for elementary schools and high schools in need of improvement that serve the same students within the participating local educational agency.

(d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT PLAN.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall develop a comprehensive schoolwide improvement plan for the middle grades that shall—

(1) include the information described in subsection (c)(2);

(2) describe how the eligible local educational agency or eligible entity will—

(A) identify eligible schools;

(B) ensure that funds go to the highest priority eligible schools first, based on the eligible schools' populations of children described in section 102(c)(1);

(C) use funds to improve the academic achievement of all students, including English language learners and students with disabilities, in eligible schools;

(D) implement an early warning indicator and intervention system to alert schools when students begin to exhibit outcomes or behaviors that indicate the student is at increased risk for low academic achievement or is unlikely to progress to secondary school graduation, and to create a system of evidence-based interventions to be used by schools to effectively intervene, by—

(i) identifying and analyzing, such as through the use of longitudinal data of past cohorts of students, the academic and behavioral indicators in the middle grades that most reliably predict dropping out of high school, such as attendance, behavior measures (including suspensions, officer referrals, or conduct marks), academic performance in core courses, and earned on-time promotion from grade-to-grade;

(ii) analyzing student progress and performance on the indicators identified under clause (i) to guide decisionmaking;

(iii) analyzing academic indicators to determine whether students are on track to graduate on time, and developing appropriate evidence-based intervention; and

(iv) identifying or developing a mechanism for regularly collecting and reporting—

(I) student-level data on the indicators identified under clause (i);

(II) student-level progress and performance, as described in clause (ii);

(III) student-level data on the indicators described in clause (iii); and

(IV) information about the impact of interventions on student outcomes and progress;

(E) increase academic rigor and foster student engagement to ensure students are entering high school prepared for success in a rigorous college-ready curriculum, including a description of how such readiness will be measured;

(F) implement a systemic transition plan for all students and encourage collaboration among elementary grades, middle grades, and high school grades; and

(G) provide evidence that the strategies, programs, supports, and instructional practices proposed under the schoolwide improvement plan are new and have not been implemented before by the eligible local educational agency or eligible entity; and

(3) provide evidence of an ongoing commitment to sustain the plan for a period of not less than 4 years.

(e) REVIEW AND SELECTION OF SUBGRANTS.—In making subgrants under subsection (a), the State educational agency shall—

(1) establish a peer-review process to assist in the review and approval of applications under subsection (c); and

(2) appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices, including areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students, including recognized exemplary middle grades teachers and principals who have been recognized at the State or national level for exemplary work or contributions to the field.

(f) REVISION OF SUBGRANTS.—If a State educational agency, using the peer-review process described in subsection (e), determines that an application for a grant under subsection (a) does not meet the requirements of this title, the State educational agency shall

notify the eligible local educational agency or eligible entity of such determination and the reasons for such determination, and offer—

(1) the eligible local educational agency or eligible entity an opportunity to revise and resubmit the application; and

(2) technical assistance to the eligible local educational agency or eligible entity, by the State educational agency or a nonprofit organization with demonstrated expertise in high quality middle grades interventions, to revise the application.

(g) MANDATORY USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) shall carry out the following:

(1) Align the curricula for grades kindergarten through 12 for schools within the local educational agency to improve transitions from elementary grades to middle grades to high school grades.

(2) In each eligible school served by the eligible local educational agency receiving or participating in the subgrant:

(A) Align the curricula for all grade levels within eligible schools to improve grade to grade transitions.

(B) Implement evidence-based or, when available, scientifically valid instructional strategies, programs, and learning environments that meet the needs of all students and ensure that school leaders and teachers receive professional development on the use of these strategies.

(C) Ensure that school leaders, teachers, pupil service personnel, and other school staff understand the developmental stages of adolescents in the middle grades and how to deal with those stages appropriately in an educational setting.

(D) Implement organizational practices and school schedules that allow for effective leadership, collaborative staff participation, effective teacher teaming, and parent and community involvement.

(E) Create a more personalized and engaging learning environment for middle grades students by developing a personal academic plan for each student and assigning not less than 1 adult to help monitor student progress.

(F) Provide all students with information and assistance about the requirements for high school graduation, college admission, and career success.

(G) Utilize data from an early warning indicator and intervention system described in subsection (d)(2)(D) to identify struggling students and assist the students as the students transition from elementary school to middle grades to high school.

(H) Implement academic supports and effective and coordinated additional assistance programs to ensure that students have a strong foundation in reading, writing, mathematics, and science skills.

(I) Implement evidence-based or, when available, scientifically valid schoolwide programs and targeted supports to promote positive academic outcomes, such as increased attendance rates and the promotion of physical, personal, and social development.

(J) Develop and use effective formative assessments to inform instruction.

(h) PERMISSIBLE USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) may use the subgrant funds to carry out the following:

(1) Implement extended learning opportunities in core academic areas including more instructional time in literacy, mathematics, science, history, and civics in addition to opportunities for language instruction and understanding other cultures and the arts.

(2) Provide evidence-based professional development activities with specific benchmarks to enable teachers and other school staff to appropriately monitor academic and behavioral progress of, and modify curricula and implement accommodations and assistive technology services for, students with disabilities, consistent with the students' individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

(3) Employ and use instructional coaches, including literacy, mathematics, and English language learner coaches.

(4) Provide professional development for content-area teachers on working effectively with English language learners and students with disabilities, as well as professional development for English as a second language educators, bilingual educators, and special education personnel.

(5) Encourage and facilitate the sharing of data among elementary grades, middle grades, high school grades, and postsecondary educational institutions.

(6) Create collaborative study groups composed of principals or middle grades teachers, or both, among eligible schools within the eligible local educational agency receiving or participating in the subgrant, or between such eligible local educational agency and another local educational agency, with a focus on developing and sharing methods to increase student learning and academic achievement.

(i) PLANNING SUBGRANTS.—

(1) IN GENERAL.—In addition to the subgrants described in subsection (a), a State educational agency may (without regard to the preceding provisions of this section) make planning subgrants, and provide technical assistance, to eligible local educational agencies and eligible entities that have not received a subgrant under subsection (a) to assist the local educational agencies and eligible entities in meeting the requirements of subsections (c) and (d).

(2) AMOUNT AND DURATION.—Each subgrant under this subsection shall be in an amount of not more than $100,000 and shall be for a period of not more than 1 year in duration.

SEC. 105. DURATION OF GRANTS; SUPPLEMENT NOT SUPPLANT.

(a) DURATION OF GRANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grants under this title and subgrants under section 104(a) may not exceed 3 years in duration.

(2) RENEWALS.—

(A) IN GENERAL.—Grants and subgrants under this title may be renewed in 2-year increments.

(B) CONDITIONS.—In order to be eligible to have a grant or subgrant renewed under this paragraph, the grant or subgrant recipient shall demonstrate, to the satisfaction of the granting entity, that—

(i) the recipient has complied with the terms of the grant or subgrant, including by undertaking all required activities; and

(ii) during the period of the grant or subgrant, there has been significant progress in—

(I) student academic achievement, as measured by the annual measurable objectives established pursuant to section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act (20 U.S.C. 6311(b)(2)(C)(v)); and

(II) other key risk factors such as attendance and on-time promotion.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—A State educational agency, eligible local educational agency, or eligible entity shall use Federal funds received under this title only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this title, and not to supplant such funds.

(2) SPECIAL RULE.—Nothing in this title shall be construed to authorize an officer, employee, or contractor of the Federal Government to mandate, direct, limit, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

SEC. 106. EVALUATION AND REPORTING.

(a) EVALUATION.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the period of the grant, each State receiving a grant under this title shall—

(1) conduct an evaluation of the State's progress regarding the impact of the changes made to the policies and practices of the State in accordance with this title, including—

(A) a description of the specific changes made, or in the process of being made, to policies and practices as a result of the grant;

(B) a discussion of any barriers hindering the identified changes in policies and practices, and implementations strategies to overcome such barriers;

(C) evidence of the impact of changes to policies and practices on behavior and actions at the local educational agency and school level; and

(D) evidence of the impact of the changes to State and local policies and practices on improving measurable learning gains by middle grades students;

(2) use the results of the evaluation conducted under paragraph (1) to adjust the policies and practices of the State as necessary to achieve the purposes of this title; and

(3) submit the results of the evaluation to the Secretary.

(b) AVAILABILITY.—The Secretary shall make the results of each State's evaluation under subsection (a) available to other States and local educational agencies.

(c) LOCAL EDUCATIONAL AGENCY REPORTING.—On an annual basis, each eligible local educational agency and eligible entity receiving a subgrant under section 104(a) shall report to the State educational agency and to the public on—

(1) the performance on the school performance indicators (as described in section 103(a)(4)(B)(vi)) for each eligible school served by the eligible local educational agency or eligible entity, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of funds by the eligible local educational agency or eligible entity and each such school.

(d) STATE EDUCATIONAL AGENCY REPORTING.—On an annual basis, each State educational agency receiving grant funds under this title shall report to the Secretary and to the public on—

(1) the performance of eligible schools in the State, based on the school performance indicators described in section 103(a)(4)(B)(vi), in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of the funds by each eligible local educational agency in the State and by each eligible school.

(e) REPORT TO CONGRESS.—Every 2 years, the Secretary shall report to the public and to Congress—

(1) a summary of the State reports under subsection (d); and

(2) the use of funds by each State under this title.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $1,000,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE II—RESEARCH RECOMMENDATIONS

SEC. 201. PURPOSE.

The purpose of this title is to facilitate the generation, dissemination, and application of research needed to identify and implement effective practices that lead to continual student learning and high academic achievement in the middle grades.

SEC. 202. RESEARCH RECOMMENDATIONS.

(a) STUDY ON PROMISING PRACTICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to study and identify promising practices for the improvement of middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall identify promising practices currently being implemented for the improvement of middle grades education. The study shall be conducted in an open and transparent way that provides interim information to the public about criteria being used to identify—

(A) promising practices;

(B) the practices that are being considered; and

(C) the kind of evidence needed to document effectiveness.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 1 year after the date of the commencement of the contract.

(4) PUBLICATION.—The Secretary shall make public and post on the website of the Department of Education the findings of the study conducted under this subsection.

(b) SYNTHESIS STUDY OF EFFECTIVE TEACHING AND LEARNING IN MIDDLE GRADES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to review existing research on middle grades education, and on factors that might lead to increased effectiveness and enhanced innovation in middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall review research on education programs, practices, and policies, as well as research on the cognitive, social, and emotional development of children in the middle grades age range, in order to provide an enriched understanding of the factors that might lead to the development of innovative and effective middle grades programs, practices, and policies. The study shall focus on—

(A) the areas of curriculum, instruction, and assessment (including additional supports for students who are below grade level in reading, writing, mathematics, and science, and the identification of students with disabilities) to better prepare all students for subsequent success in high school, college, and cognitively challenging employment;

(B) the quality of, and supports for, the teacher workforce;

(C) aspects of student behavioral and social development, and of social interactions within schools that affect the learning of academic content;

(D) the ways in which schools and local educational agencies are organized and operated that may be linked to student outcomes;

(E) how development and use of early warning indicator and intervention systems can reduce risk factors for dropping out of school and low academic achievement; and

(F) identification of areas where further research and evaluation may be needed on these topics to further the development of effective middle grades practices.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 2 years after the date of commencement of the contract.

(4) PUBLICATION.—The Secretary shall make public and post on the website of the Department of Education the findings of the study conducted under this subsection.

(c) OTHER ACTIVITIES.—The Secretary shall carry out each of the following:

(1) Create a national clearinghouse, in coordination with entities such as What Works and the Doing What Works Clearinghouses, for research in best practices in the middle grades and in the approaches that successfully take those best practices to scale in schools and local educational agencies.

(2) Create a national middle grades database accessible to educational researchers, practitioners, and policymakers that identifies school, classroom, and system-level factors that facilitate or impede student academic achievement in the middle grades.

(3) Require the Institute of Education Sciences to develop a strand of field-initiated and scientifically valid research designed to enhance performance of schools serving middle grades students, and of middle grades students who are most at risk of educational failure, which may be coordinated with the regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), institutions of higher education, agencies recognized for their research work that has been published in peer-reviewed journals, and organizations that have such regional educational laboratories. Such research shall target specific issues such as—

(A) effective practices for instruction and assessment in mathematics, science, technology, and literacy;

(B) academic interventions for adolescent English language learners;

(C) school improvement programs and strategies for closing the academic achievement gap;

(D) evidence-based or, when available, scientifically valid professional development planning targeted to improve pedagogy and student academic achievement;

(E) the effects of increased learning or extended school time in the middle grades; and

(F) the effects of decreased class size or increased instructional and support staff.

(4) Strengthen the work of the existing national research and development centers under section 133(c) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)), as of the date of enactment of this Act, by adding an educational research and development center dedicated to addressing—

(A) curricular, instructional, and assessment issues pertinent to the middle grades (such as mathematics, science, technological fluency, the needs of English language learners, and students with disabilities);

(B) comprehensive reforms for low-performing middle grades; and

(C) other topics pertinent to improving the academic achievement of middle grades students.

(5) Provide grants to nonprofit organizations, for-profit organizations, institutions of higher education, and others to partner with State educational agencies and local educational agencies to develop, adapt, or replicate effective models for turning around low-performing middle grades.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this title $100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) RESERVATIONS.—From the total amount made available to carry out this title, the Secretary shall reserve—

(1) 2.5 percent for the studies described in subsections (a) and (b) of section 202;

(2) 5 percent for the clearinghouse described in section 202(c)(1);

(3) 5 percent for the database described in section 202(c)(2);

(4) 42.5 percent for the activities described in section 202(c)(3);

(5) 15 percent for the activities described in section 202(c)(4); and

(6) 30 percent for the activities described in section 202(c)(5).

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing a bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River as Wild and Scenic. I am pleased to be introducing this legislation with my colleague from Oregon, Senator MERKLEY. This legislation has already been introduced by Representative SCHRADER in the House, who is a champion for protecting the river. The Molalla River Wild and Scenic Rivers Act of 2009 will designate an approximately 15.1-mile segment of the Molalla River, and an approximately 6.2-mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act protects a popular Oregon destination that provides abundant recreational activities all of which take place among the abundant wildlife that call this area home. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout,

along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I want to express my thanks to the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill's supporters to advance this legislation to the President's desk.

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. 1369

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 ''Molalla River Wild and Scenic Rivers Act''.

SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(208) MOLALLA RIVER, OREGON.—

''(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

''(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

''(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

''(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

''(i) entry, appropriation, or disposal under the public land laws;

''(ii) location, entry, and patent under the mining laws; and

''(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

''(C) EFFECT OF DESIGNATION.—

''(i) IN GENERAL.—The designation of the river segments under this paragraph shall not affect valid existing rights (including rights-of-way and easements) in, through, and to the land designated as part of the Wild and Scenic River System under this paragraph.

''(ii) PRIVATE LAND.— Nothing in this paragraph requires management of private land within the basins of the river segments designated under this paragraph in a manner different than that required under State law, including Chapter 527 of the Oregon Revised Statutes.''.

By Mr. NELSON, of Florida (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with my colleagues Senators ENSIGN and MARTINEZ, the Clean Renewable Water Supply Bond Act of 2009.

While many of us do not think twice when we turn on the faucet, State and local authorities anticipate widespread water shortages in the near future, and the consequences may be severe, if not catastrophic. Rising demand and dwindling sources of fresh water raise serious questions about our ability to ensure every community has access to a clean, safe, and affordable water supply. The U.S. population has grown more than 50 percent in the last 30 years. At the same time, the amount of water used by each of us has tripled. In many States, particularly fast-growing States, water consumption nears or exceeds the renewable water supply.

Several parts of the country have experienced drought or near-drought conditions requiring authorities to impose water user strictions. According to a comprehensive Government Accountability Office study, even under normal conditions, 36 States expect water shortages by 2013. Compounding the problem, the Environmental Protection Agency estimates a shortfall of $224 billion in funding for water projects over the next 20 years.

Water shortages also have implications for the environment. The Everglades is a prime example. Over the years, diminished flows into the Everglades have reduced the ecosystem to half its original size. As a result of less water, the Everglades experienced a 90 percent reduction in the population of wading birds. The effects of climate change—including salt water intrusion and higher sea levels—mean our recent experiences will only intensify over the next couple decades.

There is a growing consensus on the need for new investments in water supply and treatment projects. Advanced technologies offer extraordinary promise and can provide new sources of clean water, but the cost of the initial capital investment is often prohibitive. States are primarily responsible for managing the development, allocation, and use of freshwater supplies. A single advanced water project can cost as much as $400 million, an amount difficult to finance with conventional tax-exempt bonds, which require principal and interest payments by the issuer.

The bipartisan legislation we are introducing today would authorize public water agencies at the State and local level to issue tax credit bonds as a financing vehicle for innovative new water supply technologies. The legislation would create a new category of Clean Renewable Water Supply Bonds, to finance innovative projects such as water recycling, desalination, and groundwater contamination clean-up. Tax credit bonds such as CREWS provide a deeper and more efficient subsidy than tax-exempt bonds. The Federal Government provides a tax credit to the bondholder in lieu of an interest payment. As a result, a public agency financing a $100 million project with CREWS would save an estimated $62 million in interest payments over the life of the bond. The issuer remains responsible for repayment of the principal. The bonds would be issued by public agencies in the same way that they issue conventional tax-exempt bonds.

A project would not be eligible for CREWS unless the issuer has received all Federal and State regulatory approvals necessary to construct the project. Qualifying projects must be designed to comply with regulations that minimize negative environmental impacts. In order to limit the revenue loss to $1 billion over ten years, the bill caps the amount of annual CREWS bonding authority.

Tax credit bonds are a proven and effective financing mechanism. Congress has authorized the issuance of tax credit bonds for the construction of inner city schools, renewable energy projects, energy conservation measures, forestry conservation programs, and post-Katrina and Rita reconstruction. According to an analysis prepared for the New Water Supply Coalition, an investment of $6.2 billion in construction for desalination, recycling and groundwater recovery would generate a national economic impact of $19.5 billion and approximately 143,000 jobs. Most importantly, if enacted and fully funded, the Coalition projects that over 1.8 billion gallons of water per day would be created by the new investment resulting from the Clean Renewable Water Supply Bond Act—enough new water to meet the needs of over four million families of four.

Addressing the challenges of our growing water needs will require a concerted effort that involves all levels of government—Federal, State, and local. The Clean Renewable Water Supply Bond Act would create an effective tool for the shared Federal-State financing of advanced, innovative clean water supply projects. I encourage my colleagues to support the 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. 1371

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 ''Clean Renewable Water Supply Bond Act of 2009''.

SEC. 2. CLEAN RENEWABLE WATER SUPPLY BONDS.

(a) IN GENERAL.—Subpart I of Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 54G. CLEAN RENEWABLE WATER SUPPLY BONDS.

''(a) CLEAN RENEWABLE WATER SUPPLY BONDS.—For purposes of this subpart, the term 'clean renewable water supply bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(2) the bond is issued by a qualified issuer,

''(3) the issuer designates such bond for purposes of this section, and

''(4) in the case of a bond issued by a qualified issuer before 2019, the bond is issued—

''(A) pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable water supply bond limitation under subsection (b), and

''(B) not later than 6 months after the date that such qualified issuer receives an allocation under subsection (b).

''Any allocation under subsection (b) not used within the 6-month period described in paragraph (4)(B) shall be applied to increase the national clean renewable water supply bond limitation for the next succeeding application period under subsection (b)(2)(B).

''(b) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

''(A) $0 for 2009,

''(B) $100,000,000 for 2010,

''(C) $150,000,000 for 2011,

''(D) $200,000,000 for 2012,

''(E) $250,000,000 for 2013,

''(F) $500,000,000 for 2014,

''(G) $750,000,000 for 2015,

''(H) $1,000,000,000 for 2016,

''(I) $1,500,000,000 for 2017, and

''(J) $1,750,000,000 for 2018.

''(2) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified projects as provided in this paragraph.

''(B) METHOD OF ALLOCATION.—For each calendar year after 2009 for which there is a national clean renewable water supply bond limitation, the Secretary shall publish a notice soliciting applications by qualified issuers for allocations of such limitation to qualified projects. Such notice shall specify a 3-month application period in the calendar year during which the Secretary will accept such applications. Within 30 days after the end of such application period, and subject to the requirements of subparagraph (C), the Secretary shall allocate such limitation to qualified projects on a first-come, first-served basis, based on the order in which such applications are received from qualified issuers.

''(C) ALLOCATION REQUIREMENTS.—

''(i) CERTIFICATIONS REGARDING REGULATORY APPROVALS.—No portion of the national clean renewable water supply bond limitation shall be allocated to a qualified project unless the qualified issuer has certified in its application for such allocation that as of the date of such application the qualified issuer or qualified borrower has received all Federal and State regulatory approvals necessary to construct the qualified project.

''(ii) RESTRICTION ON ALLOCATIONS TO LARGE PROJECTS OR TO INDIVIDUAL PROJECTS.—

''(I) IN GENERAL.—Except as provided in subclause (III), for any calendar year the Secretary shall not allocate more than 60 percent of the national clean renewable water supply bond limitation to 1 or more large projects, more than 18 percent of such limitation to any single project that is a large project, or more than 12 percent of such limitation to any single project that is not a large project.

''(II) DEFINITION OF LARGE PROJECT.—For purposes of subclause (I), the term 'large project' means a qualified project that is designed to deliver more than 10,000,000 gallons of water per day.

''(III) EXCEPTION TO RESTRICTION.—Subclause (I) shall not apply to the extent its application would cause any portion of the national clean renewable water supply bond limitation for the calendar year to remain unallocated, based on applications for allocations of such limitation received by the Secretary during the application period referred to in subparagraph (B).

''(3) CARRYOVER OF UNUSED LIMITATION.—If the clean renewable water supply bond limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

''(c) MATURITY LIMITATION.—

''(1) IN GENERAL.—A bond shall not be treated as a clean renewable water supply bond if the maturity of such bond exceeds 20 years.

''(2) COORDINATION WITH SECTION 54A.—The maturity limitation in section 54A(d)(5) shall not apply to any clean renewable water supply bond.

''(d) REFINANCING RULES.—For purposes of paragraph (a)(1), a qualified project may be refinanced with proceeds of a clean renewable water supply bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(e) DEFINITIONS.—For purposes of this section—

''(1) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(2) LOCAL WATER COMPANY.—The term 'local water company' means any entity responsible for providing water service to the general public (including electric utility, industrial, agricultural, commercial, or residential users) pursuant to State or tribal law.

''(3) QUALIFIED BORROWER.—The term 'qualified borrower' means a governmental body or a local water company.

''(4) QUALIFIED DESALINATION FACILITY.—The term 'qualified desalination facility' means any facility that is used to produce new water supplies by desalinating seawater, groundwater, or surface water if the facility's source water includes chlorides or total dissolved solids that, either continuously or seasonally, exceed maximum permitted levels for primary or secondary drinking water under Federal or State law (as in effect on the date of issuance of the issue).

''(5) QUALIFIED GROUNDWATER REMEDIATION FACILITY.—The term 'qualified groundwater remediation facility' means any facility that is used to reclaim contaminated or naturally impaired groundwater for direct delivery for potable use if the facility's source water includes constituents that exceed maximum contaminant levels regulated under the Safe Drinking Water Act (as in effect on the date of the enactment of this section).

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a governmental body, or

''(B) in the case of a State or political subdivision thereof (as defined for purposes of section 103), any entity qualified to issue tax-exempt bonds under section 103 on behalf of such State or political subdivision.

''(7) QUALIFIED PROJECT.—

''(A) IN GENERAL.—The term 'qualified project' means any facility owned by a qualified borrower which is a—

''(i) qualified desalination facility,

''(ii) qualified recycled water facility,

''(iii) qualified groundwater remediation facility, or

''(iv) facility that is functionally related or subordinate to a facility described in clause (i), (ii), or (iii).

''(B) ENVIRONMENTAL IMPACT.—A project shall not be treated as a qualified project under subparagraph (A) unless such project is designed to comply with regulations issued under subsection (f) relating to the minimization of the environmental impact of the project.

''(8) QUALIFIED RECYCLED WATER FACILITY.—

''(A) IN GENERAL.—The term 'qualified recycled water facility' means any wastewater treatment or distribution facility which—

''(i) exceeds the requirements for the treatment and disposal of wastewater under the Clean Water Act and any other Federal or State water pollution control standards for the discharge and disposal of wastewater to surface water, land, or groundwater (as such requirements and standards are in effect on the date of issuance of the issue), and

''(ii) except as provided in subparagraph (B), is used to reclaim wastewater produced by the general public (including electric utility, industrial, agricultural, commercial, or residential users) to the extent such reclaimed wastewater is used for a beneficial use that the issuer reasonably expects as of the date of issuance of the issue otherwise would have been satisfied with potable water supplies.

''(B) IMPERMISSIBLE USES.—Reclaimed wastewater is not used for a use described in subparagraph (A)(ii) to the extent such reclaimed wastewater is—

''(i) discharged into a waterway or used to meet waterway discharge permit requirements and not used to supplement potable water supplies,

''(ii) used to restore habitat,

''(iii) used to provide once-through cooling for an electric generation facility, or

''(iv) intentionally introduced into the groundwater and not used to supplement potable water supplies.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations promulgated in consultation with the Administrator of the Environmental Protection Agency to ensure the environmental impact of qualified facilities is minimized.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (D), by inserting ''or'' at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

''(F) a clean renewable water supply bond,''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 54G. Clean renewable water supply bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution's Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

Mr. LEAHY. 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. 1372

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

SECTION 1. VEHICLE MAINTENANCE BUILDING.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a vehicle maintenance building at its Vehicle Maintenance Branch in Suitland, Maryland, to house, maintain, and repair Smithsonian vehicles and transportation equipment.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for fiscal year 2010 for the purposes described in section 1.

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

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency; or from funds administered by that agency to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the Federal Research Public Access Act. I am very pleased to be joined again by my good friend and colleague, Senator JOE LIEBERMAN, who has remained dedicated to seeing this important legislation passed. This bipartisan bill is the same legislation we introduced in the 109th Congress. The purpose of this legislation is to ensure American taxpayers' dollars are spent wisely, which is even more important now in this time of fiscal tension.

To put things in perspective, the Federal Government spends upwards of $55 billion on investments for basic and applied research every year. There are approximately 11 departments/agencies that are the recipients of these investments, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, the Department of Defense, and the Department of Agriculture. These departments/agencies then distribute the taxpayers' money to fund research which is typically conducted by outside researchers working for universities, health care systems, and other groups.

While this research is undoubtedly necessary and is beneficial to America, it remains the case that not all Americans are capable of experiencing these benefits firsthand. Usually the results of the researchers are published in academic journals. Despite the fact that the research was paid for by Americans' tax dollars, most citizens are unable to attain timely access to the wealth of information that the research provides.

Some Federal agencies, most notably the NIH, have recognized this lack of availability and have proceeded to take positive steps in the right direction by requiring that those articles based on government-funded research be easily accessible to the public in a timely manner. I am proud to report that the NIH's public access policy has been a success over the past few years. By the NIH implementing a groundbreaking public access policy, there has been strong progress in making the NIH's federally funded research available to the public, and has helped to energize this debate.

Although this has surely been an encouraging and important step forward, Senator LIEBERMAN and I believe there is more that can and must be done, as this is just a small part of the research funded by the Federal Government.

With that in mind, Senator LIEBERMAN and I find it necessary to reintroduce the Federal Research Public Access Act that will build on and refine the work done by the NIH and require that the Federal Government's leading underwriters of research adopt meaningful public access policies. Our legislation provides a simple and practical solution to giving the public access to the research it funds.

Our bill will ask all Federal departments and agencies that invest $100 million or more annually in research to develop a public access policy. Our goal is to have the results of all government-funded research to be disseminated and made available to the largest possible audience. By speeding access to this research, we can help promote the advancement of science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people at home and abroad.

Each policy that these departments and agencies develop will require that articles resulting from federal funding must be presented in some publicly accessible archive within six months of publication. In doing so, the American taxpayers will have guaranteed access to the latest research, ensuring that they do not have to pay for the same research twice—first to conduct it and then again to view the results.

This simple legislation will provide our government with an opportunity to better leverage our investment in research and in turn ensure a greater return on that investment. All Americans stand to benefit from this bill, including patients diagnosed with a disease who will have the ability to use the Internet to read the latest articles in their entirety concerning their prognosis, students who will be able to find full abundant research as they further their education, or researchers who will have their findings more broadly evaluated which will lead to further discovery and innovation.

While a comprehensive competitiveness agenda is still a work-in-progress, this legislation is good step forward. Providing public access to cutting-edge scientific information is one way we can encourage public interest in these fields and help accelerate the pace of discovery and innovation. In promoting this legislation, I hope to guarantee that students, researchers, and every American can access the published results of the research they funded.

By Mr. ROCKEFELLER:

S. 1377. A bill provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will guarantee that Medicaid remains available as a critical safety-net for working families in the event of another economic downturn. Medicaid is consistently the first program slated for cuts during a State budget crisis. My legislation would establish an automatic trigger for a temporary FMAP increase so that state Medicaid assistance becomes available in a timely and targeted manner during significant economic challenges.

State cutbacks during the 2001–2003 recession eliminated public health coverage for more than one million Americans. According to the Kaiser Commission on Medicaid and the Uninsured, between fiscal years 2002 and 2005, the loss of revenue led all 50 States to reduce Medicaid provider payment rates and implement prescription drug cost controls, 38 States to reduce Medicaid eligibility and 34 States to reduce benefits. Many more Americans would have lost coverage if Congress had not provided states with $20 billion in Federal aid in 2003.

Now, once again, the country is facing economic challenges unlike anything else we have faced since the Great Depression. Fortunately, the American Recovery and Reinvestment Act, ARRA, included $87 billion in Federal Medicaid relief for States. It is estimated that through this temporary FMAP increase, my State of West Virginia will receive nearly $450 million in

Federal funding over the next 2 years to help meet the existing and growing enrollment needs in Medicaid. This temporary FMAP increase will protect the health care coverage of nearly 400,000 West Virginians, and approximately 58 million Americans, as this country works to pull itself out of the current economic recession.

After the last economic downturn, I joined a bipartisan group of my colleagues in requesting that the Government Accountability Office, GAO, study and report on options to protect Medicaid during future recessions. In response to this request, the GAO issued a report GAO–07–97, entitled Medicaid: Strategies to Help States Address Increased Expenditures during Economic Downturn and developed a State and local government model that can simulate the fiscal outcomes for this sector in the aggregate for several decades into the future.

The legislation I am introducing today is based on the findings of this GAO study. As we have seen in the past two recessions, waiting for Congress to act to provide necessary Federal Medicaid relief results in harmful delays in families getting the assistance they need. I believe that there should be an automatic economic trigger for State fiscal relief—independent of Congressional intervention—during future recessions. My legislation would create such a trigger for a temporary FMAP increase.

State fiscal relief would become available when the average unemployment rate has increased by at least 10 percent in at least 23 States. This type of automatic trigger would provide states with the timely, targeted, and temporary Federal Medicaid assistance that they need in the face of a significant economic downturn. More importantly, it would help Americans maintain access to health care in tough times.

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. 1377

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

SECTION 1. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the first sentence—

(i) by striking ''and (4)'' and inserting ''(4)''; and

(ii) by inserting ''and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(1), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (y)(3)'' before the period; and

(B) by adding at the end the following:

''(y) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (5) of the first sentence of subsection (b):

''(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

''(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the 'trigger quarter'); and

''(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

''(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

''(i) dividing—

''(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

''(II) the State's total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

''(ii) multiplying the quotient determined under clause (i) by 100.

''(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

''(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

''(I) IN GENERAL.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

''(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

''(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

''(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

''(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

''(I) a calendar quarter occurring in fiscal year 2012, $350; and

''(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

''(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

''(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

''(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

''(bb) the National expenditure per person in poverty amount determined under subclause (III).

''(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the State expenditure per person in poverty amount is the quotient of—

''(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

''(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

''(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

''(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

''(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

''(C) STATE'S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State's total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

''(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

''(ii) 4.

''(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

''(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, (or, if the Secretary determines it appropriate, a multiyear average of such data);

''(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for nondisabled, nonelderly adults and children; and

''(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

''(5) DEFINITION OF 'ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS', 'ROLLING AVERAGE UNEMPLOYMENT RATE'.—In this subsection, the term—

''(A) 'rolling average number of unemployed individuals' means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

''(B) 'rolling average unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

''(C) 'monthly unemployment rate' means, with respect to a State, the quotient of—

''(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

''(ii) the monthly seasonally adjusted number of the labor force for the State,

using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State.

''(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

''(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

''(A) disproportionate share hospital payments described in section 1923;

''(B) payments under title IV or XXI; or

''(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).

''(8) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2) that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures required under section 1902(a)(2), the State shall not require that such political subdivisions pay for any fiscal year quarters occurring during a national economic downturn assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under State law in effect on the first day of the fiscal year quarter occurring immediately prior to the trigger quarter for the period.''.

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(y)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(y) of the Social Security Act (as added by subsection (a)) to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

By Mr. GRASSLEY:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, President Obama, in his press briefing this past Tuesday, June 23, 2009, made the following statement regarding his assessment of the first four months of the American Recovery and Reinvestment Act: ''I am not satisfied with the progress that we've made.'' I could not agree more with President Obama's assessment. Thus far, the $787 billion American Recovery and Reinvestment Act has fallen short on virtually every one of its advertised effects.

In the abbreviated debate leading up to the consideration of this bill, we constantly heard the mantra from my friends on the other side: JOBS, JOBS, JOBS! This stimulus bill was supposed to create jobs, jobs, jobs, but in the four months since the bill's passage, there are still no jobs in sight.

The architects of this bill made several bold claims in projecting the job effects of the $787 billion stimulus bill. First, they said that its passage would keep the unemployment rate from exceeding 8 percent. Second, they said it was going to create or save 3 to 4 million jobs. And third, they said that 90 percent of the new jobs created would be in the private sector.

So far, in all three of these areas, the actual effects of the stimulus bill have not lived up to the hype. Let us examine each of these areas one by one.

First, the stimulus bill was supposed to keep unemployment at or below 8 percent. In fact, the administration projected that in the absence of stimulus, the unemployment rate would peak at around 8.8 percent. However, four months into this program, the unemployment rate stands at 9.4 percent and rising—higher than the administration projected it would be in the absence of stimulus.

Just listen to President Obama's comments from his June 23rd press briefing to see which direction the unemployment rate is headed: ''I think it's pretty clear now that unemployment will end up going over 10 percent, if you just look at the pattern, because of the fact that even after employers and businesses start investing again and start hiring again, typically it takes a while for that employment number to catch up with economic recovery. And we're still not at actual recovery yet. So I anticipate that this is going to be a difficult, difficult year, a difficult period.''

When asked how high he thought the unemployment rate would go, President Obama responded, ''I am not suggesting that I have a crystal ball. Since you just threw back at us our last prognosis, let's not engage in another one.'' Once again, I have to agree with President Obama's assessment.

As the unemployment rate continues to go up, that means job numbers continue to go down, which brings me to my next point: The administration projected that the stimulus bill would create—or save—between 3 and 4 million jobs by the end of 2010. While we've got a long way to go before the end of 2010, the prospects of the stimulus bill living up to this job creation estimate seem very unlikely. Before we look at the actual job numbers for the past few months from the Department of Labor, let me discuss the source of the administration's projections.

In January, Christina Romer, who is now Chair of the Council of Economic Advisers, and Jared Bernstein, who is now the Chief Economist for the Vice President, released a 14-page paper titled ''The Job Impact of the American Recovery and Reinvestment Act.''

In this document, Romer and Bernstein repeatedly asserted that a package of the size discussed by the President-Elect would be expected to create between three and four million jobs by the end of 2010, which would more than meet the President-Elect's goal of creating or saving 3 million jobs by the end of 2010. In a follow-up report in May, the Council of Economic Advisers attempted to explain how the administration planned on measuring the number of jobs created or saved by the stimulus. This document articulated that all recipients of stimulus funds for government investment will be required to provide ''recipient reports'' estimating the number of jobs retained or created directly by the funds.

Then, to arrive at the total estimate of jobs created or saved by the stimulus, the job numbers from the recipient reports will be added to the administration's estimate of jobs created or saved through tax cuts, State fiscal relief and transfer payments. These estimates will be derived from administration-produced multipliers and macroeconomic modeling.

Sounds pretty simple, don't you think? Unfortunately, there are some problems.

The first problem is that the most accurate part of these job estimates will be from the recipient reports, and since the stimulus bill included approximately $271 billion in government investment spending, these reporting requirements cover just over a third of the $787 billion of stimulus funding.

While the job estimates from these recipient reports should be an accurate representation of actual jobs created by the stimulus, the administration even admits that ''there will likely be inconsistencies and measurement error across the individual reports.''

This leads us to the second problem: for the other ⅔ of the bill, in the administration's own words, ''There is no mechanism available for collecting data on actual job creation from these parts of the Act.'' So, for ⅔ of the bill, the job estimates are basically going to be guesswork from the administration based on mathematical formulas.

Since President Obama's ''First 100 Days'' address on April 29, 2009, we have heard plenty about the 150,000 jobs that have been created or saved so far by the stimulus.

As I have pointed out, it is impossible to verify these numbers with any degree of certainty, and the administration can not even give an estimate of how many of the 150,000 jobs were created and how many were saved.

What we can verify are the actual job numbers produced on a monthly basis by the Department of Labor. According to the Department of Labor, in the 3 full months March, April, and May, following the enactment of the stimulus bill, the U.S. economy has lost over 1.5 million jobs. In the first 5 months of 2009, the U.S. economy has lost 2.9 million jobs. These are the painful numbers that really matter.

As Jared Bernstein, Chief Economist for the Vice President, said on June 8, 2009, ''Most importantly from the perspective of American families, the nation's employers are still shedding jobs on net.''

So, the advertised effect of the stimulus on unemployment was clearly wrong, and the job claims resulting from the stimulus are unverifiable. Now, how about the claim suggesting that 90 percent of the jobs created by the stimulus will be in the private sector?

To be clear, this claim was first made in Romer and Bernstein's January report, and the President himself has repeated this assertion. Unfortunately, this projection—like the first two—is missing the mark by a long shot.

Let's look at the actual data from the Department of Labor once again. In the first three months since the stimulus bill has been the law of the land, the private sector has lost nearly 1.6 million jobs. In those same 3 months, government payrolls have actually expanded by 81,000 jobs. Similarly, in the first 5 months of 2009, while the private sector has lost over 3 million jobs, the government has gained 96,000 jobs.

While I am encouraged to see at least one sector of the economy experiencing job gains, I don't expect that the administration's projection of 90 percent of stimulus jobs being in the private sector will be realized. The administration has promised that 600,000 additional public sector jobs will be created or saved this summer. While an increase of 600,000 government jobs would certainly be a positive development if it comes to pass, it does raise concerns as to whether the government will be the only winner from the stimulus bill.

My point today, Mr. President, is not to berate the administration or those who voted for this bill.

My point is, first, to note the conspicuous absence of job gains in our economy following the stimulus, and second, to bring our focus back to the source of 70 percent of net new jobs over the past decade—the engine that drives the U.S. economy. Of course, I am talking about America's small businesses.

America's small businesses have been suffering during this recession. If you go back to your States frequently, like I do, you'll hear about it directly. A few months ago, Senators LANDRIEU and SNOWE held a hearing on the credit crunch hitting small business. They found that big banks have been cracking down on lending to small businesses.

Another very good source of answers about the environment of small business is found in the monthly survey of small business. This survey is published by the National Federation of Independent Business ''NFIB''.

NFIB is the largest small business organization. NFIB has been conducting these surveys for 35 years.

NFIB's membership includes hundreds of thousands of small businesses all across America. You can find the survey on NFIB's website at http://www.nfib.com/Portals/0/PDF/sbet/sbet200906.pdf. I would encourage every member to check out the June 2009 survey.

The survey shows some extremely disturbing trends. On credit availability, small businesses are getting squeezed very hard. The availability of loans has fallen off a cliff since late 2007 and is at its lowest point since the recession period of 1980 to 1982.

This credit crunch and other factors have contributed to NFIB's index of small business optimism falling well below average. According to the survey, small business owners have become extremely pessimistic in the last couple of years. What you see here is the attitude of the decision makers in small business America.

Those are the decision makers for businesses that President Obama and Congress agree are the businesses most likely to grow or contract jobs. This data should concern every policy maker in this town.

While those two sets of data are bad, it doesn't get any better when you look at small business hiring plans. Another question on the survey asks the small business owner whether he or she plans to expand or contract employment over the next three months. The survey results show small business activity contracting tremendously, and the overall small business employment numbers tell the same story.

I must say that the President's recent efforts to increase lending to the small business sector are commendable. The center piece of his small business plan will allow the federal government to spend up to $25 billion to purchase the small-business loans that are now hindering community banks and lenders. Unfortunately, that is a drop in a very empty bucket.

Remember, colleagues, that small business accounts for about half of the private sector.

Moreover, the positives that will come to small businesses from this relatively small package of loans—which will ultimately have to be paid back—will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not wise.

I now want to turn to those aforementioned tax hikes on small businesses that President Obama and my colleagues on the other side of the aisle have proposed. I certainly understand that small business is vital to the health of our economy. The President and I agree that 70 percent of new private sector jobs are created by small businesses.

However, where we differ is that I believe small businesses' taxes should be lowered, not raised, to get our economy back on track. In 2001 and 2003, Congress enacted bipartisan tax relief designed to trigger economic growth and create jobs by reducing the tax burden on individuals and small businesses. This included an across-the-board income tax reduction, which reduced marginal tax rates for income earners of all levels, a reduction of the top dividends and capital gains tax rate to 15 percent, and a gradual phaseout of the estate tax.

Unfortunately, like many of the other provisions enacted in 2001 and 2003, these tax relief measures are scheduled to expire at the end of 2010.

Some have referred to this bipartisan tax relief as ''the Bush tax cuts for the wealthy'' and have suggested that the tax relief provided for higher-income earners should be allowed to expire. However, this tax relief was bipartisan and provides tax relief for all taxpayers. The President and my colleagues on the other side of the aisle have proposed increasing the top two marginal tax rates from 33 percent and 35 percent to 36 percent and 39.6 percent, respectively.

They have also proposed increasing the tax rates on capital gains and dividends to 20 percent, and providing for an estate tax rate as high as 45 percent and an exemption amount of $3.5 million.

Also, the President has called for fully reinstating the personal exemption phaseout, or PEP for short, and

the limitation on itemized deductions, which is known as Pease. Under the 2001 tax law, PEP and Pease are scheduled to be completely phased out in 2010. However, like other provisions in the law, PEP and Pease are scheduled to come back in full force in 2011 should Congress fail to take further action.

With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rate increased by 20 percent or more. For example, a family of four that is in the 33 percent tax bracket in 2010 could pay a marginal effective tax-rate of 41 percent after 2010—or even more if they had more children—because of PEP and Pease.

Some of my colleagues on the other side of the aisle have defended this proposal by claiming they will only raise taxes on ''wealthy'' taxpayers who make over $200,000 a year. For the vast majority of people who earn less than $200,000, raising taxes on higher earners might not sound so bad.

However, this means that many small businesses will be hit with a higher tax bill. These small businesses happen to at least 70 percent of all new private sector jobs in the U.S.

These small businesses that are taxed as sole proprietorships, S corporations, and partnerships—including LLCs—whose owners make over $200,000, or $250,000 if married, would get hit with the President's proposal to raise the top two marginal tax rates.

In addition, there are just under 2 million C corporations that are not publicly traded, and all C corporations are subject to double taxation. To the extent these C corporations' owners that make over $200,000, or $250,000 if married, pay themselves a salary, they would get hit with the tax increase on the top two marginal tax rates proposed by the President.

Also, any owners of C corporations that receive dividends or realize capital gains and make over $200,000, or $250,000 if married, would pay a 20 percent rate on these dividends and capital gains after 2010 under the President's tax hike proposals, instead of paying the current law rate of 15 percent.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. According to the Small Business Administration, about ⅔ of the Nation's small business workers are employed by small businesses with 20–500 employees.

Do we really want to raise taxes on these small businesses that create new jobs and employ ⅔ of all small business workers?

With these small businesses already suffering from the credit crunch, do we really think it's wise to hit them with the double-whammy of a 20 percent increase in their marginal tax rates?

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over $250,000. This is a conservative number, because it doesn't include flow-through business owners making between $200,000 and $250,000 that will also be hit with the Budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases, or present data that show a different result.

I will also fight for a lower estate tax rate and a higher estate tax exemption amount to protect successful small businesses and farmers. In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising their taxes.

Odds are, they will cut spending. They will cancel orders for new equipment, cut health insurance for their employees, stop hiring, and lay people off. Instead of seeking to raise taxes on those who create jobs in our economy, policies need to focus on reducing excessive tax and regulatory barriers that stand in the way of small businesses and the private sector making investments, expanding production, and creating sustainable jobs.

As the current ranking member of the tax writing Finance Committee, you can be sure that I will continue to fight to prevent a dramatic tax increase on our nation's job engine—the small businesses of America. This includes working to protect small businesses from higher marginal tax rates, an increase in the capital gains and dividends tax rate, and an increase in the unfair estate tax rate that will penalize the success of small businesses and farmers who would like to pass on their gains to the next generation.

In fact, today I have introduced a bill to lower taxes on these job-creating small businesses.

My bill contains a number of provisions that will leave more money in the hands of these small businesses so that these businesses can hire more workers, continue to pay the salaries of their current employees, and make additional investments in these businesses.

For instance, my bill would increase the amount of capital expenditures that small businesses can expense from $250,000 to $500,000. Also, my bill would allow more small C corporations to benefit from the lower graduated tax rates for smaller C corporations.

Another provision takes the general business credits, which are listed in section 38, out of the Alternative Minimum Tax, AMT, for those sole proprietorships, flow-throughs and non-publicly traded C-corps with 50 million or less in annual gross receipts. This provision amends section 39 to extend the 1-year carryback for general business credits to a 5-year carryback. This applies to general business credits for those sole proprietorships, flow-through entities and non-publicly traded C-corps with 50 million or less in annual gross receipts.

Another provision in my bill amends section 199 of the Internal Revenue Code, which contains the deduction for manufacturing, to provide a 20 percent deduction for flow-through business income for all small businesses, which are defined as flow-through entities with 50 million or less in annual gross receipts. Another provision in my bill deals with the situation where a C corporation becomes an S corporation. Under current law, there is no tax on built-in gains of assets within a C corporation that converts to an S corporation if those assets with built-in gain are held for 10 years by the S corporation. The stimulus bill reduced this 10-year period down to 7 years for sales of assets with built-in gain that occur within 2009 and 2010.

My provision reduces this time period down to 5 years for all S corporations that have converted from a C corporation.

Another provision in my bill expands the net operating loss provision contained in the stimulus bill. Current law provides that net operating losses from any size business may be carried back 2 taxable years before the year that the loss arises and carried forward 20 years. The stimulus bill amended the carryback provision by expanding the carryback from 2 years to 5 years if a small business had gross receipts of $15 million or less.

This provision expands that $15 million gross receipt requirement to $50 million in gross receipts so that more small businesses can qualify for this benefit.

Another provision in my bill amends section 1202 of the Internal Revenue Code to eliminate the tax on capital gains for certain start-up C corporations. The stimulus bill reduced the capital gains tax to approximately 7 percent on stock qualifying under 1202. However, President Obama has called for eliminating, not simply reducing, the tax on capital gains for these start-up businesses, and that is exactly what my provision would do.

The final provision in my bill permits a deduction for payments made under the Self-Employment Contribution Act, or SECA, at one-hundred percent of health insurance premiums that are paid by those who are self-employed.

We all want to see the job numbers from the Department of Labor moving in a positive direction. We all want to see the unemployment rate plummet. I firmly believe that the best way for us to do that is to prime the job-creating engine of our economy, which is small businesses. Furthermore, increasing taxes on small businesses as President Obama has proposed will destroy even more jobs.

My small business bill, if enacted, will lead to many new jobs. As opposed

to the jobs President Obama argues that the stimulus bill has saved while our economy has been hemorrhaging jobs, my bill will create countable, verifiable, private sector jobs that will put people to work and get the economy moving in the right direction again.

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. 1381

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Tax Relief Act of 2009''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

SEC. 2. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 (relating to limitations) is amended—

(1) by striking ''$25,000'' and all that follows in paragraph (1) and inserting ''$500,000.'',

(2) by striking''$200,000'' and all that follows in paragraph (2) and inserting ''$2,000,000'',

(3) by striking ''after 2007 and before 2011, the $120,000 and $500,000'' in paragraph (5)(A) and inserting ''after 2009, the $500,000 and the $2,000,000'',

(4) by striking ''2006'' in paragraph (5)(A)(ii) and inserting ''2008'', and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 (defining section 179 property) is amended by striking ''and before 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. MODIFICATION OF CORPORATE INCOME TAX RATES.

(a) IN GENERAL.—Paragraph (1) of section 11(b) (relating to amount of tax) is amended to read as follows:

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

''(A) 15 percent of so much of the taxable income as does not exceed $1,000,000,

''(B) 25 percent of so much of the taxable income as exceeds $1,000,000 but does not exceed $1,500,000,

''(C) 34 percent of so much of the taxable income as exceeds $1,500,000 but does not exceed $10,000,000, and

''(D) 35 percent of so much of the taxable income as exceeds $10,000,000.

In the case of a corporation which has taxable income in excess of $2,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 5 percent of such excess, or (ii) $235,000. In the case of a corporation which has taxable income in excess of $15,000,000, the amount of the tax determined under the foregoing provisions of this paragraph shall be increased by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $100,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—In the case of eligible small business credits—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year__

''(i) a corporation the stock of which is not publicly traded, or

''(ii) a partnership,

which meets the gross receipts test of section 448(c) (by substituting '$50,000,000' for '$5,000,000' each place it appears) for the taxable year (or, in the case of a sole proprietorship, which would meet the test if such proprietorship were a corporation).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 5. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits—

''(i) this section shall be applied separately from the business credit (other than the eligible small business credits) or the marginal oil and gas well production credit,

''(ii) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(iii) paragraph (2) shall be applied—

''(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) is amended by inserting ''or the eligible small business credits'' after ''credit)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits arising in taxable years beginning after December 31, 2009.

SEC. 6. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

''(A) 9 percent of the lesser of—

''(i) the qualified production activities income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year, and

''(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

''(i) the eligible small business income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year.''.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

''(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

''(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).

''(2) ELIGIBLE SMALL BUSINESS INCOME.—

''(A) IN GENERAL.—For purposes of this section, the term 'eligible small business income' means the excess of—

''(i) the income of the eligible small business which—

''(I) is attributable to the actual conduct of a trade or business,

''(II) is income from sources within the United States (within the meaning of section 861), and

''(III) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

''(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

''(i) Any income which is attributable to any property described in section 1400N(p)(3).

''(ii) Any income which is attributable to the ownership or management of any professional sports team.

''(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

''(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

''(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.''.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 7. REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

''(B) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), subparagraph (A) shall be applied without regard to the phrase '10-year'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 8. CARRYBACK OF NET OPERATING LOSSES OF CERTAIN SMALL BUSINESSES ALLOWED FOR 5 YEARS.

Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) 5-YEAR CARRYBACK OF LOSSES OF CERTAIN SMALL BUSINESSES.—

''(i) IN GENERAL.—In the case of a net operating loss with respect to any eligible small business for any taxable year ending after 2008, or, if applicable, following the taxable year with respect to which an election was made by such eligible small business under this subparagraph (as in effect before the date of the enactment of the Small Business Tax Relief Act of 2009)—

''(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) ELIGIBLE SMALL BUSINESS.—For purposes of clause (i), the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).''.

SEC. 9. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) TEMPORARY INCREASE IN EXCLUSION.—Paragraph (3) of section 1202(a) (relating to exclusion) is amended to read as follows:

''(3) SPECIAL RULES FOR STOCK ACQUIRED BEFORE 2011.—In the case of qualified small business stock—

''(A) acquired after the date of the American Recovery and Reinvestment Tax Act of 2009 and on or before the date of the enactment of the Small Business Tax Relief Act of 2009—

''(i) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

''(ii) paragraph (2) shall not apply, and

''(B) acquired after the date of the enactment of the Small Business Tax Relief Act of 2009 and before January 1, 2011—

''(i) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(ii) paragraph (2) shall not apply, and

''(iii) section 57(a)(7) shall not apply.''.

(b) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) (relating to per-issuer limitation on taxpayer's eligible gain) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) (relating to treatment of married individuals) is amended by striking ''paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000'' and inserting ''the amount under paragraph (1)(A) shall be half of the amount otherwise in effect''.

(c) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) (defining qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''.

(d) INFLATION ADJUSTMENTS.—Section 1202 (relating to partial exclusion for gain from certain small business stock) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2009, the $15,000,000 amount in subsection (b)(1)(A), the $75,000,000 amount in subsection (d)(1)(A), and the $75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.''.

(e) EFFECTIVE DATES.—

(1) EXCLUSION; QUALIFIED SMALL BUSINESS.—The amendments made by subsections (a) and (c) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (b) and (d) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 10. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DODD:

S. 1382. A bill to improve and expand the Peace Corps. for the 21st century, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce a piece of legislation—and not just any old piece of legislation, I might add, because this organization I am about to talk about had as much to do with the formation of who I am as my family did: the Peace Corps Improvement and Expansion Act of 2009.

I would point out that some 35 years ago a young man from Massachusetts and an equally young man from Connecticut were elected to the House of Representatives. A fellow by the name of Paul Tsongas and myself were the first two former Peace Corps volunteers to be elected to the Congress. Paul Tsongas went on to be elected to the Senate, I think, in 1978. He is no longer with us. He died tragically a number of years ago. His wife Niki is now a Member of the House of Representatives from Massachusetts.

Paul Tsongas and I were great friends and enjoyed sharing stories with each other for many years about our respective Peace Corps experiences.

Paul Tsongas served in Ethiopia—one of the earliest programs, if not the earliest program, in that country. I served in the Dominican Republic from 1966 through 1968 as a Peace Corps volunteer up in the mountains of that country, not far from the Haitian border. The Peace Corps experience for me was as formative, as I said at the outset of these remarks, as anything else in my life, with the exception of my own family; growing up with wonderful five brothers and sisters in Connecticut and a family who was deeply involved in public service.

The Peace Corps experience was formative, and so over the years, I have expressed a great deal of interest in the organization and the various administrations that have served in Washington since the late 1970s through the 1980s and 1990s and this decade. So my interest in the organization is strong.

The contribution of the Peace Corps has been remarkable over the years. It is one of the few Federal agencies that enjoys almost universal support from the American public. It has had greater moments of celebration and public awareness than at others, but it has been consistent in the minds of most Americans. This organization sends mostly younger Americans, but not always younger Americans, to serve in underprivileged nations, nations that are struggling, including Third World nations, to make a difference in the lives of others. It has been a unique contribution to the world.

There are many other volunteer organizations—some in our own country, some in other nations—but I think the Peace Corps holds a special place in the minds not only of our own fellow citizenry but also millions of people around the world who have come to know those Peace Corps volunteers—as I said, mostly younger people but not always younger people—who serve and spend 2 years working with them in their villages or urban areas, not only making a difference in their daily lives but also getting to know them, getting to know us. People who would never have the chance to come to America got to know America because they got to know that young American who was learning their language and spending time with them and making a contribution to improve their lives.

Well, for 48 years, the Peace Corps has stood as a uniquely American institution. I know other nations make contributions. This is not a unique idea for ourselves. But what other great nation would send its people abroad not to extend its power or intimidate its adversaries, not to kill or be killed, but to dig, to teach, to empower, and ask for nothing in return. For 48 years, those men and women—180,000 of us—have returned, as stronger, wiser, and more inspired people prepared to live our American lives of service.

For a half century, the Peace Corps has shaped our lives and the identity of all Americans; who we are as a people and what we hope to achieve, not only for our own Nation but also for others who share this planet with us.

Today I rise to offer a piece of legislation for one simple reason, Mr. President: I want the Peace Corps to continue playing that role that it has for the last half century for another half century to come. But before we consider how the Peace Corps can grow going forward, I think it might be worth remembering just how it came into being. Where did it all start? How was it created?

Like an awful lot of groundbreaking ideas, Mr. President, the Peace Corps might not have survived a board meeting or a subcommittee hearing where the idea was first proposed. It was a wild notion in many ways, so breathtakingly outrageous that it could only have been born out of idealism, youthful energy, and—perhaps a key element—too much caffeine. For you see, the Peace Corps was born at 2 in the morning.

It was October 4, 1960, and a then young Senator from Massachusetts by the name of John F. Kennedy was running for the Presidency. He was running hours late, as candidates often do, for a campaign stop at the University of Michigan in Ann Arbor. John Kennedy assumed that most of the crowd would have gone home by that late hour. But when he arrived at the student union, at the campus in Ann Arbor, he found 10,000 students waiting outside in the frigid dark to greet him. As public officials and holders of elective office, I think we can sympathize with then-Senator Kennedy at that hour, having endured months of late nights on a campaign trail, uncomfortable beds, and a bad diet along the way. I suspect he might have been sorely tempted at that late hour—as all of us have been from time to time—to offer a perfunctory thank-you to the Michigan students for hanging around all that long, recite a memorized stump speech—having given it on countless occasions, he would know it from memory—and send them home and retire himself.

But something besides a chill was in the air that night in Ann Arbor. Floodlit and shivering, the crowd began to chant his name as he climbed the steps to the student union, and Senator John Kennedy realized this was something special. He realized he owed these students more than just that perfunctory set of remarks. So at 1:30 or 2:00 in the morning, on a frigid night in Michigan, he challenged them as a candidate, as a United States Senator, and he asked:

> How many of you, who are going to be doctors, are willing to spend your days in Ghana? Technicians or engineers, how many of you are willing to work in the Foreign Service and spend your lives traveling around the world?

I believe, Mr. President, that challenge is the Peace Corps' founding document. It didn't begin with a white paper or a TV ad. It began with a simple question.

In the days that followed the Kennedy rally at the student union in Michigan, students drafted a petition, circulating it to colleges all across the State, and within a couple of weeks across the country, presenting several scrolls ultimately to John Fitzgerald Kennedy containing thousands upon thousands upon thousands of names. Some 30,000 letters flooded his office asking him to continue with this idea.

So I think it is fair to say, Mr. President, the answer to that question—are you willing to serve your country by serving the world?—was an overwhelming yes by a generation almost 50 years ago. Of course, several other pressing questions also followed: How do you build an organization around that raw energy? How do you pay for that? What do you even call that idea or organization?

John Kennedy's top advisers were already working on those issues. After all, they had decided, if we don't start doing our part for the developing world, they were concerned—and rightfully so—the Communists around the world would. At a time much like today, when our Nation faced conflicts with people who knew as little of America as we knew of them, this case for a Peace Corps could be made not only in the lofty rhetoric of idealism but in the cold hard language of realpolitik.

The notion that service could be a part of our foreign policy—indeed that it could be a powerful weapon in the Cold War—was truly a radical idea. It suggested that there could be more measures of strength than caliber or tonnage. It argued that the world needed to see our ideals not just in ink but incarnate in the person of Americans with dirty hands working under a hot foreign sun. It said: You cannot hate America if you know Americans.

The skeptics quickly descended upon John Kennedy's idea. Richard Nixon called the Peace Corps ''a haven for draft-dodgers.'' Former President Dwight Eisenhower called it ''a juvenile experiment.'' Even those old foreign policy hands who supported Kennedy's idea thought it was a fine idea, as long as it was kept small. Academics and State Department officials agreed: Proceed with caution, they urged. Start with just a few hundred volunteers. Don't create a fiasco, they said. Don't let this experiment get out of hand.

If they had gotten their way, I suspect the Peace Corps might not even exist today. But just as a late-night burst of exuberance gave birth to the Peace Corps in Ann Arbor, a similar bolt of sleepless inspiration kept it alive. In a hotel room in downtown Washington—not far from where I am on the floor of the Senate—with only a few typewriters and a stack of blank papers, two aides—only two of them; one named Sergeant Shriver and the other named Harris Wofford, who turned out many years later to be a colleague of ours in the Senate—comprised the entirety of the Peace Corps staff that had been tasked with figuring out how to put this outrageous idea into practice.

The one thing the two of these men knew, Sergeant Shriver later told us, was that the conventional approach then in vogue wouldn't work. America would only have one chance to get it right. So it was that Sergeant Shriver happened to be in the office at 3 o'clock in the morning—not unlike the hour at Ann Arbor—reading a paper prepared by a State Department employee who had sent along some ideas. His name was Warren Wiggins.

Warren Wiggins called his paper ''The Towering Task,'' a reference to JFK's first State of the Union Address, where the young President said:

> The problems are towering and unprecedented and the response must be towering and unprecedented as well.

Warren Wiggins called for a towering and unprecedented Peace Corps. He wrote:

> One hundred youths engaged in agricultural work of some sort in Brazil might pass by unnoticed, but 5,000 American youths helping to build Brasilia might warrant the full attention and support of the President of Brazil himself.

Where a handful of young people might present a nuisance to a foreign ambassador, an army of motivated young Americans could make a real difference. Besides, wasn't it a moment for great ambition?

At 3 o'clock in the morning, Sergeant Shriver read Warren Wiggins's conclusion: The Peace Corps needed to begin with a ''quantum jump,'' and it needed to begin immediately, by Executive order, with as many as 5,000 to 10,000 volunteers right away. By 9 o'clock that same morning, Warren Wiggins himself was sitting alongside Sergeant Shriver in that very hotel room drafting a report for the President of the United States.

Within a month of that date, President John Kennedy had created the Peace Corps by Executive order. Within 2 years, more than 7,000 young Americans were serving across the globe, and that number had more than doubled by 1966, the year that I joined the Peace Corps.

One of those young Americans—as I mentioned, the person speaking to you this afternoon—was a 22-year-old English major at Providence College who arrived in the small village of Moncion in the Dominican Republic. As a young person, I spoke barely any Spanish. I had little idea I was doing, and I certainly didn't have a clue that more than 40 years later I would be standing on the floor of the United States Senate explaining that the Peace Corps gave me the richest 2 years of my life.

I owe those 2 years, and the impact they had on all of my years since, to John Kennedy's 2 a.m. question and Warren Wiggins paper that Sergeant Shriver read at 3 in the morning.

From the story of the Peace Corps, and my own story, we can learn three things: First, the Peace Corps works,

Mr. President. Besides simple labor and goodwill, every American we send abroad brings with him or her another chance to make America known to a world that often fears and suspects us and our motives. Every American who returns to our country from that service comes home as a citizen strengthened with the knowledge of the world in which he or she has just lived.

As Sargent Shriver said, ''Peace Corps Volunteers come home to the USA realizing that there are billions—yes, billions—of human beings not enraptured by our pretensions, or our practices, or even our standards of conduct.''

Second: size matters. The perils of a small, timid Peace Corps are just as clear today as they were in 1961. Just as then, advocates of a stripped-down mission make the same arguments: sending untrained, untested students only aggravates our host countries and raises the chance of a mishap—so let's send a few experts instead. And just as in 1961, our response is fundamentally the same, and still fundamentally correct: of course we need volunteers of the highest quality. But we need the highest quantities, too.

Third: size comes at a cost. The bigger any organism grows, the slower it gets. The Peace Corps that charted its course in a hotel room with a staff of two now enjoys a staff of over a thousand and a fine office building close to the White House. But even the most groundbreaking ideas must all make, in good time, what the philosopher Gramsci called ''the long march through the institutions.'' And where President Kennedy once predicted that, within a few decades, our Nation would have more than one million returned volunteers, today fewer than 200,000 have had the opportunity to serve.

The legislation I offer today is designed to help the Peace Corps not only grow—and I have joined the many voices calling for it to grow dramatically—but also reform.

To those who know and love the Peace Corps, reform is an uncomfortable subject. After all, we don't want to destroy what has made this institution so remarkable and unique. There wouldn't be a Peace Corps if JFK had stuck to the script in Ann Arbor. There wouldn't be a Peace Corps if thousands of students, acting on their own initiative, hadn't caught his attention with their movement. There might not be a Peace Corps if Sargent Shriver had listened to the respectable voices of caution in the early days of 1961.

The Peace Corps is unlike any other organ of our government because of its uniquely grassroots origin. And we can't treat it like any other organ of our government for those reasons.

So the Peace Corps Improvement and Expansion Act of 2009 does not include a list of mandates. It does not micromanage.

Instead, it asks those who have written this remarkable success story—from the Director to managers and country directors to current and returned volunteers—to serve once more by undertaking a thorough assessment of the Peace Corps and developing a comprehensive strategic plan for reforming and revitalizing the organization.

Just as JFK's question to those Michigan students sparked the Peace Corps, asking questions today, some 50 years later, I believe will strengthen it. How can volunteers be better managed? How can they be better trained? Can we improve recruiting? Are we sending our volunteers to the right countries? Why do we have volunteers in Samoa and Tonga, but not in Indonesia, Egypt, or Brazil? Are we still achieving the broader goals of the Peace Corps and helping our country meet 21st century challenges?

Most of all: How can we strengthen and grow this remarkable organization without losing the spark—the ambitious sense of the possible that led JFK to stay up late dreaming with those students in Ann Arbor and Sargent Shriver to stay up even later reading Warren Wiggins's paper?

Warren Wiggins died 2 years ago at the age of 84. His obituary quoted Harris Wofford: ''I think he embodied the watchwords that were once given to me: We must be more inventive if we're going to do our duty.''

Inventiveness and duty: two qualities that don't often go together. But the Peace Corps is the result of just such a combination. It has strengthened our Nation, improved the world, and stands today as one of the signal accomplishments of the 20th century. It has been supported by Republican and Democratic administrations over the last 50 years.

As I said at the outset of these remarks, except for my own family, nothing has meant more in my life—or in the lives of so many others—than the experience I enjoyed so many years ago.

Today we honor the accomplishment of this organization. But let us commit to strengthening and expanding the Peace Corps by passing this legislation which I will send to the desk momentarily. Let us strive to inspire future generations to walk the path of service and exploration, the one that led me and thousands of our Nation's citizens to nations such as the Dominican Republic or Ethiopia, where Paul Tsongas served, and then years later to arrive at this institution, which I cherish and love as well. And let us never lose that spirit, that idealism, that ambition that led a young President of a young nation to ask a generation to serve.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. I rise to introduce the Dextromethorphan Abuse Reduction Act of 2009. This legislation will help prevent the dangerous abuse by minors of cough medicines containing the ingredient dextromethorphan, and will also help education and prevention efforts regarding teen abuse of prescription and nonprescription drugs. I am pleased to be joined by my colleague Senator GRASSLEY of Iowa in sponsoring this legislation, and I look forward to working with him to see it enacted into law.

Dextromethorphan, or DXM, is a cough suppressant commonly found in over-the-counter cold medicines. These medicines are safe and effective when taken in their recommended dosage, but when consumed in large amounts, medicines containing DXM can produce a hallucinogenic high. Teens who abuse cough medicines often refer to the practice as ''Robotripping,'' a term derived from the cough medicine Robitussin which contains DXM. When abused, cold medicines containing DXM can cause a variety of harmful physical effects, including disorientation, impaired physical coordination, abdominal pain, nausea, rapid heartbeat, and seizures. However, medicines containing DXM are legal, inexpensive, and sold at retail stores and over the Internet.

Studies show that teenagers are abusing cough medicines at an alarming rate. A recent study by the Partnership for a Drug-Free America revealed that about 7 percent of teens—or 1.7 million—reported abusing cough medicine in the year 2008. This study also found high rates of teen abuse of other prescription drugs, with 2.5 million teens reporting having abused a prescription pain reliever in 2008. Experts say that cough syrup and prescription drug abuse is significantly underreported.

The Dextromethorphan Abuse Reduction Act would take significant steps to reduce and prevent teen abuse of DXM and other over-the-counter drugs. First, the bill prohibits the sale of products containing DXM to a buyer who is under 18 years old. Several major retailers, including Walgreens, Rite-Aid, and Giant, have already voluntarily agreed not to sell products that contain DXM to purchasers who are under 18, and their retail clerks check IDs to verify the purchaser's age. The legislation would codify these voluntary steps, and would also direct the Justice Department to promulgate regulations ensuring that Internet sales of DXM-containing products comply with these age restrictions. Notably, the legislation prohibits the sale to minors of any product containing DXM, including not just over-the-counter cough medicines but also products containing DXM in its raw, unfinished form. This is important since the abuse of unfinished DXM products has been responsible for several deaths in my home State of Illinois and elsewhere.

Second, this legislation would fund prevention and educational programs

to combat over-the-counter and prescription drug abuse. The bill authorizes the Director of National Drug Control Policy to provide money for the creation of a nationwide education campaign directed at teens and their parents regarding the prevention of abuse of prescription and nonprescription drugs. It also authorizes grants to communities for over-the-counter drug abuse awareness and prevention efforts, and provides increased funding to the National Community Anti-drug Coalition Institute to provide training and technical assistance to boost those community-level efforts.

I am pleased that drug manufacturers and drug prevention groups have joined together in support of this legislation. The bill is supported by the Consumer Healthcare Products Association, the Partnership for a Drug-Free America, and the Community Anti-Drug Coalitions of America.

Restricting access by minors to DXM-containing products and increasing awareness for teens and their parents of the potential harms of cough syrup and other over-the-counter drugs will help combat the high rates of teen abuse of these products. I urge my colleagues to support this important 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. 1383

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 ''Dextromethorphan Abuse Reduction Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) When used properly, cough medicines that contain dextromethorphan have a long history of being safe and effective. But abuse of dextromethorphan at doses that exceed the recommended levels can produce hallucinations, rapid heart beat, high blood pressure, loss of consciousness, and seizures. The dangers multiply when dextromethorphan is abused with alcohol, prescription drugs, or narcotics.

(2) Dextromethorphan is inexpensive, legal, and readily accessible, which has contributed to the increased abuse of the drug, particularly among teenagers.

(3) Increasing numbers of teens and others are abusing dextromethorphan by ingesting it in excessive quantities. Prolonged use at high doses can lead to psychological dependence on the drug. Abuse of dextromethorphan can also cause impaired judgment, which can lead to injury or death.

(4) An estimated 1,700,000 teenagers (7 percent of teens) abused over-the-counter cough medicines in 2008.

(5) The Food and Drug Administration has called the abuse of dextromethorphan a ''serious issue'' and has said that while dextromethorphan, ''when formulated properly and used in small amounts, can be safely used in cough suppressant medicines, abuse of the drug can cause death as well as other serious adverse events such as brain damage, seizure, loss of consciousness, and irregular heart beat.''

(6) In recognition of the problem, several retailers have voluntarily implemented age restrictions on purchases of cough and cold medicines containing dextromethorphan, and several manufacturers have placed language on packaging of cough and cold medicines alerting parents to the dangers of medicine abuse.

(7) Prevention is a key component of the effort to address the rise in the abuse of dextromethorphan and other legal medications. Education campaigns teaching teens and parents about the dangers of these drugs are an important part of this effort.

SEC. 3. SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.

(a) SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.—

(1) IN GENERAL.—Part D of title II of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''SEC. 424. CIVIL PENALTIES FOR CERTAIN DEXTROMETHORPHAN SALES.

''(a) IN GENERAL.—

''(1) SALE.—

''(A) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly or intentionally sell, cause another to sell, or conspire to sell a product containing dextromethorphan to an individual under 18 years of age, including any such sale using the Internet.

''(B) FAILURE TO CHECK IDENTIFICATION.—If a person fails to request identification from an individual under 18 years of age and sells a product containing dextromethorphan to that individual, that person shall be deemed to have known that the individual was under 18 years of age.

''(C) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to an alleged violation of subparagraph (A) that the person selling a product containing dextromethorphan examined the purchaser's identification card and, based on that examination, that person reasonably concluded that the identification was valid and indicated that the purchaser was not less than 18 years of age.

''(2) EXCEPTION.—This section shall not apply to any sale made pursuant to a validly issued prescription.

''(3) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General shall promulgate regulations for Internet sales of products containing dextromethorphan to ensure compliance with this subsection. The Attorney General may issue interim rules as necessary to ensure that such rules take effect not later than 180 days after the date of enactment of this section.

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—The Attorney General may file a civil action in an appropriate United States district court to enforce subsection (a).

''(2) MAXIMUM AMOUNT.—Any person who violates subsection (a)(1)(A) shall be subject to a civil penalty in an amount—

''(A) not more than $1,000 for the first violation of subsection (a)(1)(A) by a person;

''(B) not more than $2,000 for the second violation of subsection (a)(1)(A) by a person; and

''(C) not more than $5,000 for the third violation, or a subsequent violation, of subsection (a)(1)(A) by a person.

''(3) EMPLOYEE OR AGENT.—A violation of subsection (a)(1)(A) by an employee or agent of a person shall be deemed a violation by the person as well as a violation by the employee or agent.

''(4) FACTORS.—In determining the amount of a civil penalty under this subsection for a person who is a retailer, a court may consider whether the retailer has taken appropriate steps to prevent subsequent violations, such as—

''(A) the establishment and administration of a documented employee training program to ensure all employees are familiar with and abiding by the provisions of this section; or

''(B) other actions taken by a retailer to ensure compliance with this section.

''(c) DEFINITIONS.—In this section—

''(1) the term 'identification card' means an identification card that—

''(A) includes a photograph and the date of birth of the individual; and

''(B) is—

''(i) issued by a State or the Federal Government; or

''(ii) considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B)(1) of title 8, Code of Federal Regulations (as in effect on or after the date of the enactment of the Dextromethorphan Abuse Reduction Act of 2009); and

''(2) the term 'retailer' means a grocery store, general merchandise store, drug store, pharmacy, convenience store, or other entity or person whose activities as a distributor relating to products containing dextromethorphan are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.''.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) manufacturers of products containing dextromethorphan should continue the practice of including language on packages cautioning consumers about the dangers of dextromethorphan abuse; and

(B) retailers selling products containing dextromethorphan should implement appropriate safeguards to protect against the theft of such products.

(b) PREVENTION FUNDING.—

(1) PRESCRIPTION AND NONPRESCRIPTION DRUG ABUSE PREVENTION GRANTS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall provide grants to one or more eligible entities for the creation and operation of a nationwide education campaign directed at individuals under the age of 18 years and their parents regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) ELIGIBLE ENTITY.—For purposes of subparagraph (A), the term ''eligible entity'' means an organization that—

(i) is a not-for-profit organization;

(ii) has broad national experience and a nationwide presence and capabilities;

(iii) has specific expertise and experience in conducting nationwide education campaigns;

(iv) has experience working directly with parents, teens, people in recovery, addiction scientists, and drug specialists to design drug education programs;

(v) has conducted research upon which to base the campaign specified in subparagraph (A);

(vi) has experience generating news media coverage related to drug prevention;

(vii) is able to secure pro bono media time and space to support the campaign specified in subparagraph (A); and

(viii) has a well-established national Internet presence targeting parents seeking information about drug prevention and intervention.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

(D) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal

and non-Federal funds available for carrying out the activities described in this subsection.

(2) GRANTS FOR EDUCATION, TRAINING AND TECHNICAL ASSISTANCE TO COMMUNITY COALITIONS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall award a grant to the entity created by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note), for the development and provision of specially tailored education, training, and technical assistance to community coalitions throughout the nation regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

(C) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(c) SUPPLEMENTAL GRANTS FOR COMMUNITIES WITH MAJOR PRESCRIPTION AND NONPRESCRIPTION DRUG ISSUES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Substance Abuse and Mental Health Services Administration;

(B) the term ''drug'' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(C) the term ''eligible entity'' means an organization that—

(i) before the date on which the organization submits an application for a grant under this subsection, has received a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.); and

(ii) has documented, using local data, rates of prescription or nonprescription drug abuse above national averages for comparable time periods, as determined by the Administrator (including appropriate consideration of the Monitoring the Future Survey by the University of Michigan);

(D) the term ''nonprescription drug'' has the meaning given that term in section 760 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa); and

(E) the term ''prescription drug'' means a drug described in section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(2) AUTHORIZATION OF PROGRAM.—From amounts made available to carry out this subsection, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall make enhancement grants to eligible entities to implement comprehensive community-wide strategies regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking an enhancement grant under this subsection shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(B) CRITERIA.—As part of an application for a grant under this subsection, the Administrator shall require an eligible entity to submit a detailed, comprehensive, multisector plan for addressing abuse of prescription and nonprescription drugs (including dextromethorphan).

(4) USES OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds for implementing a comprehensive, community-wide strategy that addresses abuse of prescription and nonprescription drugs (including dextromethorphan) in that community, in accordance with the plan submitted under paragraph (3)(B).

(5) GRANT TERMS.—A grant under this subsection—

(A) shall be made for a period of not more than 4 years; and

(B) shall not be in an amount of more than $100,000 per year.

(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(7) EVALUATION.—A grant under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures required of the recipient of a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of fiscal years 2010 through 2012 to carry out this subsection.

(d) DATA COLLECTION.—It is the sense of the Senate that Federal agencies and grantees that collect data on drug use trends should ensure that the survey instruments used by such agencies and grantees include questions to ascertain changes in the trend of abuse of prescription and nonprescription drugs (including dextromethorphan).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) TABLE OF CONTENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 423 the following:

''Sec. 424. Civil penalties for certain dextromethorphan sales.''

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today I am introducing legislation that I hope will enable our national intelligence agencies to increase their employees' proficiency in critical foreign languages. I have been a member of the Senate Intelligence Committee for over eight years, and during that time I have sat in a number of briefings and hearings that addressed foreign language capabilities. While specific details regarding the intelligence community's capabilities are generally classified, it is no secret that there is still a great need for more analysts and agents trained in key foreign languages. Over the past few years there have been a number of new initiatives designed to address this problem from different angles, and even newer initiatives are being introduced this year. The legislation that I am introducing today, which I have drafted along with Senator CHAMBLISS of Georgia, is not designed to replace any of those initiatives—rather, we think it will complement those other initiatives by filling a key gap.

Let me explain this gap a little, so it will be clear what problem we are trying to fix. Most efforts to improve the language capabilities of various intelligence agencies focus on recruiting Americans who have a background in critical foreign languages—either from their education, or from their family. But this only attacks the problem from one angle. If you want the national security workforce to have the strongest language skills possible, you also need to improve language training for people who already work for the intelligence agencies. This means both teaching the basics of key languages to more people, and helping people who are already proficient improve their skills further. Unfortunately, language training is time-intensive, and this can mean that personnel are diverted from short-term priorities.

Here is an example of how this problem might crop up in practice. Imagine that you are the supervisor of a group of 10 people somewhere in the intelligence community, working on counterterrorism issues, and that one of those employees decides he wants to go spend several months in intensive language training to improve his Arabic. This would be a good career move for that individual, and a good long-term investment for your agency. But for you, the supervisor, it means that you might be short-handed for several months while one of your employees is off getting language training. Since you have a fixed number of positions available for your office, it is difficult for you to replace someone while they are gone. This means that as the supervisor you actually have an incentive to resist letting that employee head off for language training, since it will leave your team less well-equipped to meet short-term priorities.

I am not saying that all supervisors within the intelligence community are focused solely on short-term priorities, to the detriment of our long-term security interests. But I am saying that if we want our intelligence agencies to effectively balance short- and long-term priorities, we need to give them incentives that encourage them to do so, and not penalize people who try to balance short-term needs and long-term goals.

Here is how the bipartisan legislation that Senator CHAMBLISS and I are introducing today would attempt to address this problem. Our bill would give the Director of National Intelligence the authority to transfer additional positions to offices whose personnel are

temporarily unavailable due to language training. The Director of National Intelligence is uniquely situated to evaluate which offices are most in need of these extra positions, and could transfer them to the places where they would do the most good.

So, to return to my previous example, if you were the supervisor of a young counterterrorism analyst who wants to take 6 months to go learn Arabic, you could go ask the Director of National Intelligence to transfer an extra position to your office for that 6 month period. That way, you could bring someone else in on a temporary basis to do that analyst's work while they are gone for training. The analyst and the agency would get the long-term benefits of additional language training, and you, the supervisor, would not have to sacrifice in the short-term.

Senator CHAMBLISS and I do not claim that this legislation will revolutionize the intelligence community's language capabilities overnight. But it is our hope that it will make it easier than it is today for managers to balance short- and long-term priorities. If we can achieve that it will be good for our national intelligence workforce, and for our national security interests.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 206—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD IMMEDIATELY IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 206

Whereas, since his election in 2002, the President of Colombia, Alvaro Uribe, has been overwhelmingly successful in strengthening the institutions of Colombia, fighting terrorism, improving the economy of Colombia, and extending the authority of the central government, the social support network, and security to most of Colombia;

Whereas, during President Uribe's term, the economy of Colombia grew at an average rate of more than 5 percent per year between 2002 and 2007;

Whereas, according to the World Bank, the total gross domestic product of Colombia increased from $93,000,000,000 in 2002 to $207,800,000,000 in 2007;

Whereas, according to the Office of the United States Trade Representative, approximately 10,000,000 people in Colombia have been lifted out of poverty during the past 5 years;

Whereas, according to the Ministry of Defense of Colombia, between 2002 and 2007, kidnappings in Colombia decreased by 83 percent, murders decreased by 40 percent, and terrorist attacks decreased by 76 percent;

Whereas police are now present in all 1,099 municipalities in Colombia, including areas previously held by various criminal and terrorist groups;

Whereas, according to the Department of State, more than 30,000 paramilitaries have been demobilized and disarmed since 2002;

Whereas, in July 2008, the security forces of Colombia successfully rescued 15 prisoners held hostage by the Revolutionary Armed Forces of Colombia (FARC), including French-Colombian Ingrid Betancourt and 3 citizens of the United States, Marc Gonsalves, Keith Stansell, and Thomas Howes;

Whereas, according to the Office of the United States Trade Representative, unemployment in Colombia fell from 16 percent in 2002 to 9.9 percent in 2007;

Whereas, partially in recognition of the impressive economic, political, and diplomatic advances Colombia has made during the past decade, the United States negotiated and signed the United States–Colombia Trade Promotion Agreement on November 22, 2006, and a protocol of amendment to the Agreement on June 28, 2007;

Whereas, according to the Office of the United States Trade Representative, Colombia is currently the 27th largest trading partner of the United States with respect to goods;

Whereas, according to the United States International Trade Commission, goods valued at $11,400,000,000 were exported from the United States to Colombia in 2008, an increase from $3,600,000,000 in 2002;

Whereas, according to the United States International Trade Commission, implementing the United States–Colombia Trade Promotion Agreement would boost exports from the United States by an estimated $1,100,000,000;

Whereas, more than 90 percent of exports from Colombia to the United States already enter the United States duty-free under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) and the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.);

Whereas, according to the Office of the United States Trade Representative, more than 80 percent of consumer and industrial products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States–Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be eliminated within 10 years after the Agreement enters into force;

Whereas, according to the Office of the United States Trade Representative, the primary exports from the United States to Colombia in 2008 were $2,600,000,000 in machinery, $997,000,000 in mineral fuel, $974,000,000 in organic chemicals, $969,000,000 in corn and wheat cereals, and $950,000,000 in electrical machinery;

Whereas, according to the Office of the United States Trade Representative, Colombia is the 15th largest market for farm products exported from the United States, with the United States exporting almost $1,700,000,000 worth of farm products to Colombia in 2008;

Whereas, since 2006, the quantity of agricultural products exported from the United States to Colombia has increased by approximately 40 percent per year;

Whereas, according to the Department of Agriculture, 99.9 percent of agricultural products imported into the United States from Colombia enter the United States duty-free, but no agricultural products exported from the United States to Colombia currently enter Colombia duty-free;

Whereas, according to the American Farm Bureau Federation, the United States–Colombia Trade Promotion Agreement would increase sales of agricultural products produced in the United States by $910,000,000,000 each year;

Whereas, according to the Department of Agriculture, more than half of agricultural products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States–Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be phased out over time;

Whereas the United States–Colombia Trade Promotion Agreement will level the playing field for workers, businesses, and farmers in the United States by making duty-free treatment a 2-way street between the United States and Colombia for the first time;

Whereas, in the United States–Colombia Trade Promotion Agreement, Colombia agreed to exceed commitments made by Colombia as a member of the World Trade Organization and to dismantle significant barriers to services and investment from the United States; and

Whereas, in the United States–Colombia Trade Promotion Agreement, the United States and Colombia reaffirm their obligations as members of the International Labour Organization: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historic successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia;

(B) congratulates President Uribe, the Government of Colombia, and the security forces of Colombia for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(C) recognizes the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime; and

(D) recognizes that the United States–Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free for the first time; and

(2) it is the sense of that Senate that—

(A) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(B) the United States should implement the United States–Colombia Trade Promotion Agreement immediately.

Mr. JOHANNS. Mr. President, I rise today to speak about the United States-Colombia Free Trade Agreement which was signed way back in November of 2006. On July 29, President Uribe will be visiting the United States to meet with our President, President Obama. The two have previously met at the Summit of Americas in April, but this will be President Uribe's first time here under the new administration.

Today, as one Senator, I rise to express my hope for a continuing bond in our relationship with Colombia's President Uribe. I also rise to express some concerns that I will talk about. I am happy that President Obama recognizes the importance of our closest ally in South America. I am also pleased President Uribe continues to seek a close relation with the United States, for he is truly a courageous and a visionary leader.

Coming to power in some of the darkest and most vicious days of a Marxist insurgency everywhere in that country, he has pulled Colombia back from

the brink. President Uribe has driven the terrorists from much of their territory in Colombia's cities, boosted the economy, and he has improved Colombia's human rights record.

If an American President had achieved this much, some would be clamoring for him or her to seek a third term. The same is true in Colombia, where despite term limits, Uribe is actually being petitioned to run again.

His achievements are very impressive. During President Uribe's time in office, the economy grew at an average rate of over 5 percent over the past 5 years.

According to the World Bank, Colombia's GDP growth then grew 7.5 percent in 2007, far surpassing the average in Latin America. Ten million Colombians have been lifted out of poverty, unemployment has fallen from double digits—16 percent in 2002—to 9.9 percent in 2007.

Crime has been a historic problem in Colombia. Yet, under President Uribe's stewardship, kidnapings have declined 83 percent, murders are down by 40 percent, terrorist attacks are down by 76 percent. Every single one of Colombia's 1,099 municipalities now have a police presence. Finally, at long last, Colombia appears to be winning the war against the terrorists who have made life miserable for far too many years.

Last summer, the world was treated to the images of smiling U.S., French, and Colombian hostages when a daring Colombian Army raid freed them from the terrorists. These included three U.S. defense contractors and one hostage who had been held since February of 2002.

The U.S. State Department estimates that over 30,000 paramilitaries and terrorists have been disarmed and demobilized—an impressive number.

I look to the future in this relationship, but I will be very candid. I am concerned about the present. I speak of the Colombia trade agreement that is languishing in the executive branch. We should, in my judgment, be embarrassed by this inaction. I recognize the populism of opposing trade, but I cannot understand the opposition to the Colombian Free Trade Agreement. It levels the playing field for U.S. workers and farmers and small businesses. Over 90 percent of Colombia's exports to the United States already enter this country duty free. They have for years, under the Andean Trade Preferences Act and other previous agreements.

Meanwhile, U.S. exports to Colombia face high tariffs. They can be as high as 35 percent, a tax on our goods going into Colombia. In spite of these restrictions, Colombia is America's 27th largest trading partner.

An International Trade Commission study estimated that the United States-Colombia Free Trade Agreement would boost U.S. exports by $1.1 billion. Do my colleagues and others who oppose this deal think the U.S. economy is so robust it does not need another billion-dollar-plus market? Are things that rosy? I suggest not.

I come from a farm State where we are especially eager to open new markets. Virtually 100 percent of Colombia's agricultural products enter the United States duty free. Zero percent of U.S. agricultural exports enter Colombia duty free.

This FTA wipes out those differences. It levels the playing field. Tariffs would immediately disappear for 80 percent of U.S. exports into Colombia and the rest phase out over time. The potential for dramatic increases in our exports, in my judgment, is very clear.

Consider this: Even with the tariff imbalance our agricultural exports to Colombia totaled almost $1.7 billion in 2008. In spite of all of the current tariffs, corn and wheat cereals are one of the major U.S. exports to Colombia. Last year we sold $969 million worth, as well as $2.6 billion in machinery.

By anybody's definition these are very big numbers, and on a level playing field—which is what the FTA will do—they will be even bigger, with a potential to create thousands of jobs in an economy that needs every job.

These statistics clearly show the FTA we have negotiated with Colombia is not a blind leap into the unknown. Colombia already essentially has free trade with us, an open border. This FTA levels the playing field for America's farmers and ranchers and U.S. businesses.

Did you know more than 8,000 small- and medium-size businesses in our country export to Colombia? For them, the elimination of these tariffs would blow open the door of opportunity.

Congress should not be in the business of creating hurdles for the United States overseas, nor should the executive branch. Yet here we have a clear pathway to eliminate a huge hurdle with a simple nod of approval. Yet we have failed to act.

The economic justification speaks for itself, but it is just one of the several compelling reasons to ratify this agreement immediately. Perhaps as persuasive is the political situation in Latin America. Since his rise to power in Venezuela in 1998, Hugo Chavez has reinvigorated the radical Latin-American left. He has formed a block of anti-American countries in South and Central America composed of Cuba, Nicaragua, Bolivia, and, increasingly, Ecuador.

During an audacious raid on the Ecuador border, Colombian military units captured evidence detailing the Venezuelan Government's extensive support for the terrorists. Venezuela has used its petroleum money to buy friends and influence people throughout the hemisphere, and too often they have succeeded. Our friend in Colombia has stoutly resisted this siren song. When too many other nations have drifted into cheap anti-U.S. populism, Colombia has stood strong, and has traveled precisely the opposite way.

So while President Uribe is here in our Nation and is meeting with our President, I hope the President of the United States will do the right thing and stand firmly in support of completing the FTA that has been negotiated. It is time for the administration to show great leadership on this issue, which is at every level, in my judgment, just good common sense.

However, Congress cannot shirk its responsibility for the lack of action on the Colombia FTA. While the administration needs to step to the mound, Congress must step up to the plate and swing for the fences. This agreement was signed and it was sealed and it was delivered two and a half years ago. It is an unbelievable opportunity for our farmers, our ranchers, and our small businesses. It is waiting right here at our doorstep. All it needs is our nod of approval.

That is why today I introduce a resolution recognizing the benefits of the Colombian Free Trade Agreement. I encourage my colleagues to cosponsor this resolution and to implore the leadership to allow it to come to a vote.

Rarely has an initiative with benefits this crystal clear faced such a rocky and uncertain road. The time to level the playing field for farmers and ranchers and small businesses is here. It is upon us.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Nebraska on his resolution to recognize the importance of the United States continuing to trade in the world, especially with our friends in Latin America, especially when they are already taking advantage of low tariffs with us and we are not taking advantage of low tariffs with them. Our principal concern on the Republican side, and I am sure for many Democrats, too, is the cost of living for middle-class families in America. There are many issues that come before us that deal with that—the level of taxes, the level of tuition, that we get Medicaid spending under control so States will be able to fund the Universities of Nebraska and Tennessee better—but another way to do that is to trade with the world.

People walk into stores in America, and they are looking, today, in bad economic times, for low costs. Are we going to erect barriers and raise costs? Are we going to say to families who do not have many extra dollars that it is in our national interest to raise our costs? Are we going to keep out of our country people with products and ideas causing them to keep our products and ideas out of their country? Are we that afraid of competing in the world?

We Tennesseans have been much better off since Federal Express started flying in China and Nissan started building cars in Tennessee. Federal Express employs 30,000 people in the Memphis, TN, area, and Nissan just announced this week it is going to build electric cars, not in Japan but in Smyrna, TN. That is because we trade with the world. So this creeping protectionism that we see is a threat to the middle-class budget of every American.

Senator JOHANNS has made an important step toward change.

SENATE CONCURRENT RESOLUTION 31—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 32—A BILL EXPRESSING THE SENSE OF CONGRESS ON HEALTH CARE REFORM LEGISLATION

Mr. MENENDEZ submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 32

Whereas consumers may continue to confront a variety of problems with a reformed health care system;

Whereas those problems may range from difficulties in choosing an appropriate health plan, problems with calculation of premiums and cost-sharing, the possibility of a denial of benefits, and issues with enrollment and access to providers;

Whereas the Institute of Medicine estimates that as many as 30 percent of people in the United States suffer from health treatment illiteracy;

Whereas the Office of Disease Prevention and Health Promotion of the Department of Health and Human Services reports that only 12 percent of the population can use a table to calculate the share of health insurance costs for an individual;

Whereas a study by RAND Corporation found that increasing the ease of access to information regarding insurance products and simplifying the application process would increase purchase rates of insurance products as much as modest subsidies would;

Whereas the reports from the Institute of Medicine, the Office of Disease Prevention and Health Promotion, and RAND Corporation prove there is a need for a fundamental improvement in the manner in which consumers learn about insurance choices;

Whereas many consumers lack avenues or mechanisms to present grievances both to the managers of health plans and to external reviewers and fail to receive timely decisions with respect to those grievances;

Whereas consumers often need expert guidance to pursue claims for denied health care benefits and other coverage disputes;

Whereas some States have documented a number of cases of improperly rescinded health insurance policies, inappropriate billing for out-of-network services, and fraudulent and deceptive marketing of health plans;

Whereas the Federal Government lacks oversight mechanisms to prevent health care coverage problems from recurring in other States;

Whereas the appropriate resolution of a health coverage complaint may involve multiple Federal and State agencies;

Whereas health plans sometimes make mid-year changes to provider networks, benefit offerings, or other elements of the plan important to enrollees;

Whereas people need assistance enforcing consumer rights in the health care system; and

Whereas Federal laws have created successful models of consumer assistance with health dispute resolution, such as the Long Term Care Ombudsman program that assists nursing home residents in every State and the Senior Health Insurance Assistance Program that assists those eligible for Medicare: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that any health care reform legislation should include, with respect to health plans—

(1) support for consumer education and assistance with enrollment, particularly for vulnerable populations, at both the Federal and State levels;

(2) assistance for people asserting consumer rights;

(3) a strengthened system of consumer protections, including—

(A) an appeal mechanism within a health plan, and an appeal mechanism with an external entity independent of the health plan, which could address a variety of coverage problems;

(B) coverage for emergency care without prior authorization;

AMENDMENTS SUBMITTED AND PROPOSED

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

SA 1366. Mr. MCCAIN proposed an amendment to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, supra.

SA 1367. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, supra; which was ordered to lie on the table.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $145,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $425,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISION

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SECTION 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,375,200,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $200,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $32,089,000 of which $4,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $317,840,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $278,278,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $27,698,000, of which $9,000,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''House of Representatives—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lumpsum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 111th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $267,203,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $64,354,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

TRANSFER AUTHORITY

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,418,000, of which $883,990 shall remain available until September 30, 2011: *Provided*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

''SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

''The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

''Sec. 306. Disposition of surplus or obsolete personal property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''3'' and inserting ''5''; and

(B) in paragraph (2), by striking ''3'' and inserting ''5'';

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking ''Subject to subsection (d), this'' and inserting ''This''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,587,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,305,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $118,597,000, of which $25,074,000 shall remain available until September 30, 2014: *Provided*, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $40,754,000, of which $14,470,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,160,000, of which $7,050,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,898,000, of which $1,280,000 shall remain available until September 30, 2014: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,756,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Architect of the Capitol, and the Botanic Garden''; and

(2) in section 6133(c) by adding at the end the following:

''(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''.

DISABLED VETERANS; NONCOMPETITIVE APPOINTMENT

SEC. 1303. Section 3112 of title 5, United States Code, is amended—

(1) by inserting ''(a)'' before ''Under''; and

(2) by adding at the end the following:

''(b) For purposes of this section, the term 'agency' shall include the Architect of the Capitol and the Botanic Garden. With respect to the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1304. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

BOTANIC GARDEN VENDOR CONTRACTS

SEC. 1305. Section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146) is amended—

(1) in subsection (b)(1), by striking ''an account entitled 'Botanic Garden, Gifts and Donations'.'' and inserting ''an account entitled 'Botanic Garden, Operations and Maintenance'.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) CONTRACTS WITH VENDORS.—

''(1) IN GENERAL.—The Architect of the Capitol may enter into a commission-based service contract with a vendor who, notwithstanding section 5104(c) of title 40, United States Code, may sell refreshments at the Botanic Garden and National Garden.

''(2) DEPOSIT AND USE OF COMMISSIONS.—Any amounts paid to the Architect of the Capitol as a commission under paragraph (1) shall be—

''(A) deposited in the account described under subsection (b); and

''(B) available for operation and maintenance in the same manner as provided under subsection (b).''.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $441,033,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That, $200,000 shall remain available until expended for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,836,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 under standards established by the Office in subsection (a)(2).''.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

(2) in subparagraph (G), by striking the period and inserting ''; or'' and

(3) by adding after subparagraph (G) the following:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,296,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $553,658,000: *Provided*, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) EVALUATION AND AUDIT OF NATIONAL TRANSPORTATION SAFETY BOARD.—Section

1138 of title 49, United States Code, is repealed.

(c) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6574) is repealed.

(d) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(e) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(f) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading ''Salaries and Expenses, General Legal Activities'' under the heading ''Legal Activities'' under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking ''*Provided further*, That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:''.

(g) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,456,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking ''members'' and inserting ''Members of the House of Representatives''; and

(2) in subparagraph (B), by striking ''members'' and inserting ''Senators''.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Board, the Librarian of Congress shall appoint''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPLIANCE DATE RELATING TO CERTAIN VIOLATIONS OF OSHA WITHIN THE LEGISLATIVE BRANCH

SEC. 209. Section 215(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 1341(c)) is amended by striking paragraph (6).

This Act may be cited as the ''Legislative Branch Appropriations Act, 2010''.

SA 1366. Mr. MCCAIN proposed an amendment to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislation Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 27, strike lines 5 through 10 and insert ''mission.''.

SA 1367. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''shall audit an agency'' and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.''.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENGRAVINGS IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 9, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Wilma A. Lewis, to be an Assistant Secretary of the Interior, Richard G. Newell, to be Administrator of the Energy Information Administration, and Robert V. Abbey, to be Director of the Bureau of Land Management.

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

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2 p.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. 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 Thursday, June 25, 2009.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 11 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. SCHUMER. 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 Thursday, June 25, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 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. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 25, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Matthew Shepard Hate Crimes Prevention Act of 2009.''

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 25, 2009, at 12 p.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 3:30 p.m. in room 406 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Madam President, on behalf of Senator BINGAMAN, I ask unanimous consent that Caroline McNeill, Sierra Spence, Nathan Keffer, and Stephanie Louis be granted the privilege of the floor for the remainder of the debate on the nomination of Dean Koh to be Legal Adviser to the State Department.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that three individuals from my staff, Caitlin Baalke, Hanna Kim, and Kimberly Stone, be granted the privilege of the floor during debate on this appropriations bill.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, July 6, the Senate proceed to vote in relation to the McCain amendment No. 1366; that prior to the vote, there be 10 minutes of debate equally divided and controlled between Senators NELSON of Nebraska and MCCAIN or their designees.

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

Mr. REID. Mr. President, for the information of the Senate, following the disposition of the McCain amendment, the Senate is expected to then vote on final passage of the Legislative Branch appropriations bill, so it is the McCain amendment and then final passage of the Legislative Branch appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 7, following a period of morning business, the Senate proceed to the consideration of H.R. 2892, the Homeland Security appropriations bill, and that once the bill is reported, Senator MURRAY or her designee be recognized to offer a substitute amendment; provided further that this order is only applicable if the bill is available.

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

Mr. REID. Mr. President, let me say, even though he is not here, I wish to extend my appreciation to the distinguished Republican leader for working for several days to help us get to what we have just announced. I was patient, he was patient, and as a result of that we were able to get this done, and I acknowledge his good work on behalf of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 170, 203, 206, 207, 214, 215, 251, 252, 255, 256, and 257; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating thereto appear at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

CENTRAL INTELLIGENCE AGENCY

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

DEPARTMENT OF STATE

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

FEDERAL COMMUNICATIONS COMMISSION

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

DEPARTMENT OF LABOR

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

[NEW REPORTS]

DEPARTMENT OF DEFENSE

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DEMINT. Mr. President, I would like to speak for a moment about a pending nomination that is not necessarily the topic of dinner table conversations around the country, but is nonetheless very important in all our daily lives. I am speaking of the Chairman of the Federal Communications Commission, the FCC.

Wireless phones, cable, and satellite television, Internet services, and local television and radio are a part of everyone's daily lives in one way or another. And while we may all have a customer service issue from time to time, for the most part these industries and the products they offer are a showcase of the freedom and innovation that has made America the most dynamic economy and society in the world's history.

We have seen these innovations in dramatic ways in recent days with Twitter reporting, YouTube videos, and mobile updates from the streets of Iran. Of course, the most important element of this new technology is that it gives an unprecedented power to individuals to speak about and share their personal experiences—everyone is empowered and the individual controls the message.

This is very important as it changes the media paradigm we have known for a generation. We often hear the terms ''old'' and ''new'' media. It is more accurate to say ''centralized'' and ''personalized'' media. Not long ago, the average American had access to only a handful of radio and television programming, a local newspaper, no Internet, no mobile telephone service, no texting, and certainly no mobile broadband. In other words, the average person had far less access to information than today, and from far more centralized sources.

The changing communications landscape calls for a knowledgeable and forward-looking FCC; not one looking to regulatory structures of the past that will hamstring future growth and innovation. The President has nominated Julius Genachowski to be Chairman of the FCC. While I believe he is very knowledgeable about today's communications landscape, I am afraid he may have tendencies to direct the development of our private communications industries, particularly broadcast media, with an eye towards the past.

Many of my colleagues have chosen to give Mr. Genachowski the benefit of the doubt, and are supporting his nomination. I believe he has enough votes to be confirmed as FCC Chairman. While I remain concerned that Mr. Genachowski will take us backward, towards more government control of media, more government interference in commerce, and, unfortunately, more government control of media content—I will not prevent his nomination from proceeding.

I will, however, be vigilant in the weeks and months ahead and will fight any effort that even appears to have the effect of limiting or mandating political speech on the airwaves. Mr. Genachowski has said that, under his guidance, any rules that the Commission considers would be through ''processes that are open, transparent, fair, and driven by facts about the industry and the marketplace.'' I hope this is true and promise to hold him to his commitments.

NOMINATION OF ROBERT S. LITT AND STEPHEN W. PRESTON

Mrs. FEINSTEIN. Mr. President, I rise today to support the confirmation of Robert S. Litt to be the second general counsel of the Office of the Director of National Intelligence. I also rise in support of the confirmation of Stephen W. Preston as general counsel of the Central Intelligence Agency, to fill the vacancy in that office that has existed since 2004. President Obama's decision to place these distinguished lawyers at the helms of these vitally important legal offices is an essential step in ensuring that the intelligence community operates within the rule of law.

On June 11, the Select Committee on Intelligence, which I am privileged to chair, favorably reported the nominations by a bipartisan 14–1 vote. The committee's support of the nominees is based on an extensive public record. We questioned them at an open hearing on May 21. That day we also placed on our website their responses to our questionnaire for presidential nominees and to additional prehearing questions about the offices for which they have been nominated.

On June 5, we placed on our website their responses to a further, extensive round of posthearing questions. We also examined financial information that is available to the public through the Office of Government Ethics and confidential communications to the committee from the nominees that supplement their public answers about how they will approach potential conflicts relating to their private law practices.

Mr. Litt is a graduate of Harvard University and Yale Law School. He clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the Supreme Court. He served as an assistant U.S. attorney in the Southern District of New York for 6 years. He later became a partner at the law firm of Williams & Connolly. Then from 1993 to 1999, after a year at the State Department, he held two important posts at the Department of Justice. There, after service as a deputy assistant attorney general in the criminal division, he rose to be Principal Associate Deputy Attorney General. At the DOJ, his responsibilities included FISA applications, covert action reviews, computer security, and other national security matters.

He has been a partner with the law firm of Arnold and Porter since 1999 and has been active in intelligence and national security policy matters through bar association and other public activities.

Stephen Preston is a graduate of Yale University and Harvard Law School. He clerked for Judge Phyllis A. Kravitch of the U.S. Court of Appeals for the 11th Circuit, and joined Wilmer, Cutler, and Pickering, where he became a partner. From 1993 to 2000, Mr. Preston served in the Department of

Defense and the Department of Justice. At the Department of Defense, he was a deputy general counsel and then the principal deputy general counsel, which included a period as acting general counsel and later, general counsel for the Department of the Navy. At the Department of Justice, he was a deputy assistant attorney general in the civil division. While at DOD, the chief counsels at the defense intelligence agencies reported to him, and while at the Navy Department he had legal and oversight responsibilities for the Naval Criminal Investigative Service. He has informed the committee that in his DOD and Navy positions, he dealt with other national security agencies, including the CIA.

Mr. Preston has been a partner at the law firm of WilmerHale since 2001, dealing in both his practice and public and private activities with national security matters.

The Director of National Intelligence has the statutory responsibility of ensuring compliance with the Constitution and laws of the United States by the Office of the DNI and the CIA and ensuring that compliance by other elements of the intelligence community through their host executive departments. As the chief legal officer of the Office of Director of National Intelligence, the general counsel has the critically important responsibility of aiding the DNI in fulfilling this mandate.

In providing legal advice to the DNI, the general counsel must have insight into activities throughout the intelligence community including those of the general counsel offices in the various intelligence community elements. As we made clear during this nomination process, the committee expects that the ODNI general counsel will be aware of and have an opportunity to evaluate all of the significant legal decisions made throughout the intelligence community. The general counsel also represents the executive branch in proposing and negotiating legislative provisions for our annual intelligence authorization bill, which is coming up, and for other legislation that affects the equities of the intelligence community. The first ODNI general counsel, Benjamin Powell, played an indispensable role, for which our committee is deeply grateful, in working with the Congress on the FISA Amendments Act of 2008.

The Central Intelligence Agency operates around the world outside of the law of other nations but is required to operate in strict compliance with United States law, including the Constitution, acts of Congress, and treaties made under the authority of the United States. The CIA general counsel serves to ensure that compliance. Because of the independent legal judgment the role requires, the position of CIA general counsel is an extremely challenging one that requires a strong and principled leader. It has been the longstanding position of the Senate, as manifested in the recommendations of the Iran-Contra Committees upon examining the significant failures they exposed, that it is essential that the CIA general counsel be confirmed by the Senate.

The CIA Office of General Counsel played a key role in the creation of the CIA detention and interrogation program. It provided significant information to the Office of Legal Counsel at the Department of Justice. It participated in briefings to the National Security Council and to Congress. And it was in charge of interpreting and implementing the Office of Legal Counsel's guidance to CIA interrogators in the field.

An examination of the role of the general counsel's office in the detention and interrogation program—something that the Intelligence Committee's review of the program will explore—demonstrates how important it is that the office has a strong leader who applies both sound legal analysis and good judgment to the task of providing counsel to the Director.

As I mentioned earlier in these remarks, the nominees answered the committee's many questions both in writing and in testimony before us. Individual members of the committee may have disagreements with individual answers, and some of these were discussed in the committee's consideration of both. To some extent, the nominees are at the disadvantage of not yet knowing the often still classified context of various questions. I am confident that they will quickly learn.

Moreover, a nomination process is a two-way communication. We use it to learn about the nominees, but it is also a process in which they learn about our concerns. Both nominees now have an abundantly clear idea, for example, of the importance we place on the law's requirements for keeping the committee fully and currently informed. Of course, they will also have the responsibility of implementing the clear commitments that Directors Blair and Panetta have made to that cornerstone of accountability and oversight.

For both the ODNI and the CIA, the Nation needs a strong general counsel of unimpeachable integrity and an unwavering commitment to the Constitution and laws of the United States. I cannot say that too strongly. I am pleased that our committee has determined that the two nominees are both highly qualified and well suited to serve the Nation by providing counsel to the Director of National Intelligence and the CIA. I urge my colleagues to confirm them.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador to Ireland; that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid on the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating thereto be printed at the appropriate place in the RECORD, as if read.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Daniel M. Rooney, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The Financial Report of Contributions of Daniel M. Rooney was printed on page S7776 in the July 21, 2009 Congressional Record.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from PN578, Foreign Service list beginning with Susan Marie Carl and ending with Dale N. Tasharski, nominations received by the Senate and that appeared in the CONGRESSIONAL RECORD on June 10, 2008; that the Senate proceed, en bloc, to their consideration; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; 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 en bloc are as follows:

DEPARTMENT OF STATE

Susan Marie Carl, of Alaska

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Landon A. Loomis, of Louisiana
Keenton C. Luong, of California
Megan A. Schildgen, of Maryland

DEPARTMENT OF STATE

Karl Miller Adam, of Texas
Anjum F. Akhtar, of California
Elizabeth Ann Albin, of Texas
Mark K. Antoine, of Virginia
Julia Elizabeth Apgar, of the District of Columbia
Daniel Patrick Aragón, of Vermont
Karla Ascarrunz, of Virginia
Nathan D. Austin, of Washington
Dina A. Badawy, of California
Francoise I. Baramdyka, of California
Ashley Chantél Barriner-Byrd, of Pennsylvania
Matthew Baumgardt, of the District of Columbia
Brian Paul Beckmann, of Minnesota
Fritz Berggren, of Washington
Kathryn W. Bondy, of Georgia
Roxana Botea, of Virginia
A. Stephanie Brancaforte, of Virginia
Jennifer Leigh Bridgers, of Georgia
Theodore Brosius, of the District of Columbia
Annmarie E. Bruen, of Virginia
Michael William Campbell, of Maryland
Jessica Chesbro, of Oregon
Henry K. Clark, of Maryland
Bianca M. Collins, of Virginia
Patricia A. Connelley, of Virginia
Justin John Cook, of Virginia
Anton M. Cooper, of Washington
Edward Kenneth Corrigan IV, of Virginia
Ann Marie Cote, of Michigan
Andrew J. Curiel, of California
Douglas M. Disabello, of Virginia
Jenny R. Donadio, of Virginia
Nick Donadio, of Virginia

Colin C. Dreizin, of California
Jennifer G. Duckworth, of the District of Columbia
Thomas A. Duval, of Massachusetts
Amy E. Eagleburger, of North Carolina
Jeremy Edwards, of Texas
Jeffrey E. Ellis, of Washington
Shannon M. Epps, of Virginia
John C. Etcheverry, of Virginia
Karen J. Fackler, of Virginia
Sarah L Fallon, of Wisconsin
Craig J. Ferguson, of the District of Columbia
Dylan Thomas Fisher, of the District of Columbia
Theodore J. Fisher, of California
Charles Fouts, of California
Calvin C. Francis, of Virginia
Ryan Eastman Gabriel, of Virginia
Robert A. Gautney, of Virginia
Joseph Martin Geraghty, of the District of Columbia
John Drew Giblin, of Georgia
Stephanie Snow Gilbert, of Oklahoma
Mark T. Goldrup, of California
Amit Raghavji Gosar, of Virginia
John Jake Goshert, of New York
Forrest Graham, of Mississippi
Andrea M. Grimste, of Virginia
Andrew Harrop, of Virginia
Jessica A. Hartman, of Virginia
Nickolaus Hauser, of Texas
Stephanie Made Hauser, of Florida
Mark E. Hernandez, of Virginia
Benjamin G. Hess, of North Carolina
Edward T. Hickey, of the District of Columbia
Jean Hiller, of Virginia
Alan Paul Holmes, of Virginia
Marcia Elizabeth House, of Georgia
Brent W. Israelsen, of Utah
William Jamieson, of Virginia
James Taylor Johnson, of Virginia
Linda M. Johnson, of the District of Columbia
Luke Steven Johnson, of Virginia
Emmit A. Jones, of Virginia
Penelope R. Justice, of Virginia
Rachel Y. Kallas, of Wisconsin
Stephanie Kang, of Missouri
Arthur Keating, of Virginia
Wesley C. Kelly, of Virginia
Matthew DeFerreire Kemp, of Virginia
William B. Kincaid, of the District of Columbia
Jerrah M. Kucharski, of Pennsylvania
Athena Kwey, of California
James Lamson, of Virginia
Dawson Edward Law, of Montana
Katherine Maureen Leahy, of New Jersey
Adam J. Leff, of the District of Columbia
Rong Li, of Maine
Michael Lis, of the District of Columbia
Elizabeth Angela Litchfield, of Illinois
Qin P. Lloyd, of Virginia
Paul A. Longo, of the District of Columbia
Louis T. Manarin, of Virginia
Christa Leora Matthews, of Virginia
Jennifer L. McAndrew, of Texas
Daniel Craig McCandless, of Pennsylvania
Vicki H. McDanal, of Virginia
LaYanna K. McLeod, of Virginia
Daniel E. Mehring, of California
Kristen Ann Merritt, of California
Sterling Michols, of Nevada
Rachel I. Mihm, of Virginia
Kenneth W. Miller, of Virginia
Zachary J. Millimet, of Virginia
Scott J. Mills, of North Carolina
Eric Charles Moore, of Minnesota
Kristy M. Mordhorst, of Texas
Michael K. Morton, of Virginia
Timothy P. Murphy, of West Virginia
Timothy M. Newell, of Virginia
Scott A. Norris, of Florida
Sarah Oh, of New York
Mark J. Oliver, of Virginia
James Paul O'Mealia, of New Jersey
Irene Ijeoma Onyeagbako, of Nevada
Erik Graham Page, of South Carolina
Timothy J. Pendarvis, of Kansas
Valerie Petitprez-Horton, of Virginia
Marlene H. Phillips, of Virginia
Michael P. Picariello, of Virginia
Heidi M. Pithier, of Virginia
Archana Poddar, of Massachusetts
Stacey D. Price, of Maryland
A. Larissa Proctor, of Pennsylvania
Erin Ramsey, of North Carolina
Jerarnee C. Rice, of Tennessee
James Thomas Rider, of Michigan
Syed-Khalid Rizvi, of Maryland
Jennifer W. Robertson, of Vrginia
Mark Robertson, of Virginia
Christopher M. Rogers, of Virginia
Delbert A. Roll, of Virginia
Travis D. Rutherford, of Virginia
Lisa A. Salamone, of Arizona
Dustin F. Salveson, of Utah
Lee Eric Schenk, of the District of Columbia
Janelle L. Schwehr, of Virginia
Jonathan C. Scott, of California
Vikrum Sequeira, of Texas
Mihail David Seroha, of Florida
Muhammad Rashid Shahbaz, of New York
George Brandon Sherwood, of North Carolina
Natalya C. Simi, of Virginia
Gwendolynne M. Simmons, of Florida
Nathan R. Simmons, of Idaho
Christopher James Sinay, of Virginia
Nisha DiNp Singh, of the District of Columbia
Matthew Siren, of Virginia
Kimberly L. Skoglund, of Virginia
Jeremy Daniel Siezak, of New Jersey
Eric Anthony Smith, of the District of Columbia
Veronique E. Smith, of California
Abigail Anne Davis Spanberger, of Virginia
Wesley R. St. Onge, of Virginia
Kristen Marie Stott, of Illinois
Anna Amalie Taylor, of Virginia
John Manning Thomas, of the District of Columbia
Elisabeth Spiekemann Thornton, of Virginia
Sarah M. Trustier, of Virginia
Andrea Tully, of Virginia
Marc E. Turner, of Virginia
Timothy J. Uselmann, of Virginia
Annette Vandenbroek, of Wisconsin
Chad R. Wagner, of Virginia
Marisa Corrado Walsh, of Virginia
Michael James Wautlet, of Colorado
Matthew Harris Welch, of Virginia
Geoffrey David Wessel, of North Carolina
Amos A. Wetherbee, of Massachusetts
Garrett E. Wilkerson, of Oregon
Steve J. Wingler, Jr., of Georgia
John Anthony Gerhard Yoder, of Virginia
Margaret Anne Young, of Missouri
Melissa B. Zeliner, of Illinois

Secretary in the Diplomatic Service of the United States of America:
John J. Kim, of the District of Columbia

The following-named Career Members of the Senior Foreign Service of the Department of Commerce for promotion into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, effective June 22, 2008:

Dale N. Tasharski, of Tennessee

Mr. REID. Mr. President, I rushed through these nominations once we were able to get permission to move them forward. Each one of these that we have just read will change people's lives. Some of these people have been waiting a long time to enter public service. Some have been in public service and are moving to a different spot. It is too bad we can't give more recognition to these outstanding individuals. Their recognition will be based on the job they do while working in this administration. All these people who are approved are not Democrats. They come from both sides. I am thankful and grateful we have been able to get this many done. People have had individual questions about all these nominations, and we worked through them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 190, and that the Senate proceed to that.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 190) Supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) men die of cancer at almost 1½ times the rate of women;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6;

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;

(11) significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

(12) more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

(13) educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

(14) appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

(15) women are twice as likely as men to visit the doctor for annual examinations and preventive services; and

(16) men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas, June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

RECOGNIZING CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further action on S. Res. 199.

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

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 199) recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KOHL. Mr. President, I rise today to applaud the Senate's passage of a resolution I submitted earlier this week with the cochair of the Senate Boating Caucus, Senator BURR. Our resolution recognizes July 1 as National Boating Day, and more importantly, recognizes the importance of boating and fishing to our economy and our constituents.

I believe this resolution comes at a critical time. Like so many other industries, the boating industry has suffered during these tough economic times. Last summer's high gas prices and this past year's credit crisis has put many manufacturers and their dealers at risk. And that endangers the hundreds of thousands of well-paying jobs that the boating industry provides.

Wisconsin is a microcosm of boating and fishing in America. With access to the Great Lakes and thousands of acres of internal lakes and rivers, Wisconsin is home to more than 1.4 million anglers and a destination for both boating and fishing related tourists. Beyond the tourism jobs generated by recreational boating, the boating industry has a strong foothold in my State. Whether it's Mercury Marine in Fond du Lac to SkipperLiner in La Crosse, boating manufacturers, suppliers, dealers and marinas account for thousands of jobs. In 2001, approximately $1 billion was spent in the State on fishing related activities, according to a study conducted by the Fish and Wildlife Service. Recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories.

The importance of boating, however, extends well beyond its economic impact. More than 59 million people spend time each year on our rivers, lakes, and coastlines. These are families spending time together and they are people learning more about the natural resources our country has to offer. The true impact of boating is immeasurable.

And that is why I am so pleased to join my colleagues in supporting the resolution passed earlier today. I hope that on July 1—National Boating Day—both Members of Congress and the American people will reflect on the true importance of boating to our country.

Mr. REID. Mr. 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 that if there are any statements relating to this resolution, they be printed in the RECORD.

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

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas the recreational boating community in the United States includes over 59,000,000 individuals;

Whereas the boating industry contributes more than $33,000,000,000 annually to the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling $10,400,000,000 annually;

Whereas recreational boaters often serve as stewards of the marine environment of the United States, educating others of the value of marine resources, and preserving the resources for the enjoyment of future generations;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas recreational boating provides opportunities for families to be together, appeals to all age groups, and benefits the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That the Senate—

(1) commends the recreational boating community and the boating industry of the United States for contributing to the economy of the United States, benefitting the well-being of United States citizens, and providing responsible environmental stewardship of the marine resources of the United States; and

(2) encourages the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 31.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,

it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, Senate committees may file reported legislative and executive calendar business on Thursday, July 2, 2009, from 2 p.m. to 5 p.m.

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

ORDERS FOR MONDAY, JUNE 29, 2009, AND/OR MONDAY, JULY 6, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 6, unless the House fails to adopt S. Con. Res. 31, the adjournment resolution; that if the House fails to act, the Senate convene at 2 p.m. on Monday, June 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each; that following morning business on July 6, the Senate resume consideration of H.R. 2918, the Legislative Branch appropriations bill.

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

PROGRAM

Mr. REID. Mr. President, as I announced earlier, Senators should expect a series of rollcall votes in relation to the Legislative Branch appropriations bill at about 5:30 on Monday, July 6.

ADJOURNMENT UNTIL MONDAY, JUNE 29, 2009, AT 2 P.M. OR MONDAY, JULY 6, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Monday, June 29, 2009, at 2 p.m., or Monday, July 6, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

MEREDITH ATTWELL BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011, VICE KEVIN J. MARTIN, RESIGNED.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007, VICE DEBORAH TAYLOR TATE, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF COLORADO, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2012, VICE STEVEN R. CHEALANDER, RESIGNED.

DEPARTMENT OF STATE

JUDITH GAIL GARBER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

KERRI-ANN JONES, OF MAINE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE CLAUDIA A. MCMURRAY, RESIGNED.

SAMUEL LOUIS KAPLAN, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

JAMES KNIGHT, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

KAREN KORNBLUH, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

BRUCE J. ORECK, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

CHARLES AARON RAY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

THE JUDICIARY

CHARLENE EDWARDS HONEYWELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE SUSAN C. BUCKLEW, RETIRED.

JEFFREY L. VIKEN, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE LAWRENCE L. PIERSOL, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CHRISTOPHER L. ANDINO, OF THE DISTRICT OF COLUMBIA
KAREN QUINN ANDRUS, OF TEXAS
KARA ELIZABETH AYLWARD, OF NEW JERSEY
MEGAN SCHILL BARTHOLOMEW, OF NORTH CAROLINA
CHRIS YI BEENHOUWER, OF WASHINGTON
CARLTON L. BENSON, OF WASHINGTON
ALEX MICHAEL BERENBERG, OF HAWAII
DIANE N. BRANDT, OF WASHINGTON
LEE A. CALKINS, OF WASHINGTON
PAMELA CAPLIS, OF NEW YORK
MARK P. CARR, OF THE DISTRICT OF COLUMBIA
ANTONIA ELIZABETH CASSARINO, OF VERMONT
NANCY NIM-CHEE CHEN, OF FLORIDA
DIANNA CHIANIS, OF TEXAS
AMY S. COX, OF TEXAS
RACHEL BOREK CRAWFORD, OF VIRGINIA
ELIZABETH F.M. CROSSON, OF VIRGINIA
EDWARD ANDREW DUNN, OF MINNESOTA
HEATHER GRACE EATON, OF CALIFORNIA
TIMOTHY JOHN ENRIGHT, OF VIRGINIA
MATTHEW ALEXANDER FERENCE, OF WASHINGTON
BRIAN FERINDEN, OF FLORIDA
STEVEN GUY MATTHEW GILLEN, OF VIRGINIA
JOSHUA WERNER GOLDBERG, OF VIRGINIA
ALDEN S. GREENE, OF VIRGINIA
SARAH KATHRYN GROW, OF WASHINGTON
JUSTIN HEUNG, OF THE DISTRICT OF COLUMBIA
VIVEK V. JOSHI, OF MASSACHUSETTS
PETER H. LEE, OF CALIFORNIA
KATHERINE MARIE WIEHAGEN LEONARD, OF THE DISTRICT OF COLUMBIA
JEFFREY T. LODERMEIER, OF MINNESOTA
JIMMY RAY MAULDIN, OF ALABAMA
LESLIE ANNE MOELLER, OF ILLINOIS
JOHN MOOR, OF TEXAS
STEPHANIE FORMAN MORIMURA, OF NEW YORK
KATRINA SARAH MOSSER, OF MINNESOTA
BRENDAN PATRICK MULLARKEY, OF WASHINGTON
CARLA THERESA NADEAU, OF NEW HAMPSHIRE
WENDY PARKER NASSMACHER, OF COLORADO
CHERYL L. NEELY, OF TENNESSEE
KEVIN HARRIS O'CONNOR, OF CALIFORNIA
ANTHONY R. PAGLIAI, OF FLORIDA
SANDEEP K. PAUL, OF MASSACHUSETTS
ROBERT W. PIEHEL, OF PENNSYLVANIA
MICHAEL D. QUINLAN, OF HAWAII
AROOSHA ZOQ RANA, OF NEW YORK
BRIAN AARON RANDALL, OF IOWA
NELL ELIZABETH ROBINSON, OF NORTH CAROLINA
GARY E. SCHAEFER, OF COLORADO
SARAH FAKHRI SHABBIR, OF GEORGIA
TYLER K. SPARKS, OF CALIFORNIA
BROOKE PATIENCE SPELMAN, OF VIRGINIA
WENDY R. STANCER, OF CALIFORNIA
VIKI D. THOMSON, OF ILLINOIS
JAMES A. WATERMAN, OF WISCONSIN
BROOKE L. WILLIAMS, OF CALIFORNIA
MATTHEW BRANDT YOUNGER, OF OREGON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA
MIGUEL A. HERNANDEZ, OF VIRGINIA
MARSHA MCDANIEL, OF VIRGINIA

DEPARTMENT OF STATE

ANTONIO GABRIELE AGNONE, OF THE DISTRICT OF COLUMBIA
EMILY ARMITAGE, OF VIRGINIA
CHRISTOPHER MARK AUSDENMOORE, OF TENNESSEE
AARON S. BENESH, OF FLORIDA
BION N. BLISS, OF THE DISTRICT OF COLUMBIA
CYNTHIA T. BURLEIGH, OF FLORIDA
BLAKE EDWARD BUTLER, OF VIRGINIA
NOAH T. CLARK, OF WASHINGTON
EUGENIA W. DAVIS, OF OHIO
GABRIEL DEL BOSQUE, OF TEXAS
STUART R. DENYER, OF THE DISTRICT OF COLUMBIA
NATHAN TENNEY DOYEL, OF VIRGINIA
DAVID DREILINGER, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MICHAEL DUMM, OF THE DISTRICT OF COLUMBIA
THOMAS E. EDWARDSEN, OF WASHINGTON
RACHEL EHRENDREICH, OF NEW YORK
CHRISTOPHER MICHAEL FANCHER, OF TENNESSEE
PETER R. FASNACHT, OF MARYLAND
JOHN P. FER, OF THE DISTRICT OF COLUMBIA
JAMES PATRICK FINAN, OF THE DISTRICT OF COLUMBIA
DOUGLAS L. FLITTER, OF PENNSYLVANIA
MICHAEL K. FOGO, OF GEORGIA
JOSEPH P. GIBLIN, OF NEW YORK
EMILY ANNE GODFREY, OF CALIFORNIA
LYDIA S. HALL, OF THE DISTRICT OF COLUMBIA
JESSICA A. HARTZFELD, OF OHIO
HOLLY MICHELLE HECKMAN, OF ALABAMA
ANTHONY JAMES HENDON, OF MICHIGAN
MARK HERRUP, OF MARYLAND
AMY S. HIRSCH, OF VIRGINIA
DAVID NOYES JEPPESEN, OF WASHINGTON
NAHAL KAZEMI, OF CALIFORNIA
KELLI KETOVER, OF FLORIDA
PAEBO KURIAN, OF CALIFORNIA
JEFFREY L. LADENSON, OF NEW HAMPSHIRE
CHRISTINA T. LE, OF THE DISTRICT OF COLUMBIA
ERIK LIEDERBACH, OF THE DISTRICT OF COLUMBIA

PETER CHARLES LOHMAN, OF VIRGINIA
SARAH A. LOSS, OF VIRGINIA
PETER CHARLES LYON, OF THE DISTRICT OF COLUMBIA
STEPHEN C. MACLEOD, OF MARYLAND
AMIT MATHUR, OF VIRGINIA
CASH MCCRACKEN, OF TENNESSEE
PETER J. MCSHARRY, OF MASSACHUSETTS
RACHEL SUZANNAH MIKESKA, OF TEXAS
VERONICA MILLARES, OF FLORIDA
GEORGE M. MILLER, OF OKLAHOMA
FARID MOHAMED, OF MAINE
CATHERINE ELIZABETH MULLER, OF FLORIDA
STEPHEN J. MURPHY, OF MASSACHUSETTS
MAUREEN D. MURRAY, OF OREGON
COURTNEY C. MUSSER, OF NEW YORK
ANDREW H. NGUYEN, OF WASHINGTON
CHINWE OBIANWU, OF TEXAS
WILLIAM J. O'CONNOR, OF CALIFORNIA
LUKE D. ORTEGA, OF ARIZONA
KATHERINE IVES ORTIZ, OF CALIFORNIA
PAUL DAVID PALMER, OF TEXAS
DEAN R. PETERSON, OF NORTH CAROLINA
TIMOTHY M. PIERGALSKI, OF ILLINOIS
ELIZABETH POWERS, OF MINNESOTA
ROSELYN YVONNE RAMOS, OF MARYLAND
PENNY RECHKEMMER, OF VIRGINIA
KATRINA R. REICHWEIN, OF TEXAS
WENDY A. REJAN, OF NEW JERSEY
MICHAEL RICHARDS, OF FLORIDA
JEREMY RICHART, OF VIRGINIA
ERIN S. ROBERTSON, OF THE DISTRICT OF COLUMBIA
JESSICA ALEAH ROWLAND, OF MARYLAND
LURA ELIZABETH RUDISILL, OF NORTH CAROLINA
AMELIA R. RUNYON, OF VIRGINIA
PRESTON RAPHAEL SAVARESE, OF WYOMING
EMILY ANNE SCHUBERT, OF VIRGINIA
KRISTEN JEANE SCHULTE, OF MICHIGAN
MONICA SHIE, OF NEW YORK
TIMOTHY J. SMITH, OF WASHINGTON
DANIEL E. SPOKOJNY, OF MICHIGAN
KATHRYN M. STUHLDREHER, OF VIRGINIA
SONIA SMYTHE TARANTOLO, OF THE DISTRICT OF COLUMBIA
JUSTINE OVEN TREADWELL, OF NORTH CAROLINA
CARLY N. VAN ORMAN, OF THE DISTRICT OF COLUMBIA
DAVID M. WALTER, OF TEXAS
CHRISTOPHER WALTON, OF CALIFORNIA
JONATHAN M. WEADON, OF MARYLAND
MARGARET CATHERINE WHITE, OF VIRGINIA
SETH AARON WIKAS, OF THE DISTRICT OF COLUMBIA
MATTHEW JAMES WILSON, OF UTAH
KIMBERLY D. ZAPFEL, OF MINNESOTA
HOLLY HOPE ZARDUS, OF THE DISTRICT OF COLUMBIA

IN THE NAVY

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. SEAN R. FILIPOWSKI

THE FOLLOWING NAMED OFFICERS 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. RICHARD D. BERKEY
CAPT. DAVID H. LEWIS

THE FOLLOWING NAMED OFFICERS 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. DENNIS J. MOYNIHAN
CAPT. HAROLD E. PITTMAN

THE FOLLOWING NAMED OFFICERS 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. PAUL B. BECKER
CAPT. ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICERS 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. GRETCHEN S. HERBERT
CAPT. DIANE E. H. WEBBER

THE FOLLOWING NAMED OFFICERS 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. RANDOLPH L. MAHR
CAPT. TIMOTHY S. MATTHEWS

THE FOLLOWING NAMED OFFICERS 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)

CAPTAIN RICHARD P. BRECKENRIDGE
CAPTAIN THOMAS L. BROWN II
CAPTAIN THOMAS F. CARNEY, JR.
CAPTAIN WALTER E. CARTER, JR.
CAPTAIN SCOTT T. CRAIG
CAPTAIN CRAIG S. FALLER
CAPTAIN JAMES G. FOGGO III
CAPTAIN ANTHONY E. GAIANI
CAPTAIN PETER A. GUMATAOTAO
CAPTAIN JOHN R. HALEY
CAPTAIN JEFFREY HARBESON
CAPTAIN RANDALL M. HENDRICKSON
CAPTAIN ROBERT HENNEGAN
CAPTAIN MICHAEL W. HEWITT
CAPTAIN GERARD P. HUEBER
CAPTAIN JEFFERY S. JONES
CAPTAIN MATTHEW L. KLUNDER
CAPTAIN WILLIAM K. LESCHER
CAPTAIN MICHAEL C. MANAZIR
CAPTAIN FRANK A. MORNEAU
CAPTAIN JAMES A. MURDOCH
CAPTAIN GREGORY M. NOSAL
CAPTAIN ANN C. PHILLIPS
CAPTAIN JOSEPH W. RIXEY
CAPTAIN JOHN E. ROBERTI
CAPTAIN KEVIN D. SCOTT
CAPTAIN THOMAS K. SHANNON
CAPTAIN HERMAN A. SHELANSKI
CAPTAIN WILLIAM G. SIZEMORE II
CAPTAIN THOMAS G. WEARS
CAPTAIN DAVID B. WOODS

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, June 25, 2009:

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

DEPARTMENT OF COMMERCE

LAWRENCE E. STRICKLING, OF ILLINOIS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MERCEDES MARQUEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

ROBERT S. LITT, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

CENTRAL INTELLIGENCE AGENCY

STEPHEN WOOLMAN PRESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

DEPARTMENT OF STATE

ELLEN O. TAUSCHER, OF CALIFORNIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

KURT M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2008.

ROBERT MALCOLM MCDOWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2009.

DEPARTMENT OF DEFENSE

DENNIS M. MCCARTHY, OF OHIO, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

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.

DEPARTMENT OF STATE

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

DEPARTMENT OF LABOR

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHY J. GREENLEE, OF KANSAS, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.