United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, JULY 28, 2009 No. 115

Senate

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

PRAYER

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

Let us pray.

Eternal God, whose power is unsearchable and whose judgments are great, quiet our hearts in Your presence. Teach us to be still and know that You are God.

Bless our Senators. Give them hearts to listen, teachable minds to learn, and humble wills to obey. Let the light of Your purposes guide them from bewilderment to trust in Your infinite wisdom and resources. Lord, use them to bring about an ordered society of nations that gives substance to humanity's dream of unity and peace. Watch over the entire Senate family and surround us with Your protections.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. Senators during that time will be allowed to speak for up to 10 minutes. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of the Energy and Water appropriations bill. The Senate will recess from 12:30 p.m. until 2:15 p.m. today to accommodate the weekly caucus luncheons.

Mr. President, I have spoken with the Republican leader at some length over the last few days, and we all know what we have to do before we leave here. We are going to finish the Energy and Water appropriations bill, the Agriculture appropriations bill. We have the Travel Promotion Act we have to do. We have to complete the Sotomayor nomination.

We have a package of extenders, for lack of a better description, the House is going to send us. They are going to likely be out next week but not for certain. In that package they are sending us, there will be an extension of the highway bill. I think all of this goes until about December. The Postal Service, we have to help them. We have to do something with FHA. We have to do something with unemployment compensation. That is all in one thing they are going to send us for short extensions. I have not seen what they are going to put together; therefore, I could not share it with my esteemed colleague. But as soon as we have some information, we will make sure the committees of jurisdiction on both sides have knowledge of what that is. But we have to complete that work before we leave here, and I hope we can do it sooner rather than later. I hope we do not have to work this weekend.

We have a finite number of things we need to do before we proceed on to the summer recess. This is something Members look forward to. I personally have a very busy schedule, as I am sure most Members do. But once a year, I get together with my family. I am looking forward to that. It is for 7 or 8 days. But to justify that, we have a lot of work to do. If we look back in the years past, Congress adjourned by this time in years past. They were through for the year. We are, unfortunately, not able to do that as much as we would like that. There is a lot of work we could do at home but we cannot because this is where business is when we are in session. So we are going to continue to work through these things and do it as quickly and as efficiently as possible.

HEALTH CARE REFORM

Mr. REID. Mr. President, fixing our broken health care system after decades of inaction is no small task. With such an effort comes no shortage of strong convictions, diverse ideas, rigorous analysis, and constructive criticism. But as the plans, proposals, and policies evolve, our principles remain constant. Although we navigate a sea of choices, we know where we will land. First, we will bring security and stability back to health care. Second, we will not add a penny to the considerable national deficit that has ballooned over the past 8 years. This work we are doing on health care is budget neutral.

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

Printed on recycled paper.

That means it will not run up the debt. We are obligated to do that because that is in the budget resolution we passed earlier this year. That is what it says. We cannot do health care if it costs an extra penny. So we will do that. Finally, we will remain focused on seeing this fight all the way through because we are long overdue for a change.

Those who are fortunate enough to have health care now and who hear us debate how to make it better might wonder: What are you talking about? You may wonder what is in it for you—the people who are listening in. Well, health care reform helps everyone and affects everyone. It will help those who have insurance today but do not know if it will be there tomorrow. It will help those who worry about being just one illness away or one accident or one pink slip away from losing the insurance they have. It will help those who are covered but fear their children very likely will not be able to say that when they grow up—that they have coverage. And it will help nearly 50 million people who have none to begin with.

The reform we are pursuing means making sure that if you lose your job, your health care will not go with it. It means that if you change jobs, you will not have to worry about losing your coverage. Health care reform means lowering the costs of care and keeping them low. It means improving the quality of the care you get and keeping the quality of care high. Reforming health care means that if your mother had breast cancer or you had minor surgery last year or your child gets allergies every spring, your insurance company cannot say: I am sorry, you are too much of a risk to cover. It means the premiums you pay every month will not go up just because your insurance company feels like it. It means keeping costs stable so the price of staying healthy does not fluctuate like a gallon of gasoline. It not only means making sure you can keep your family's doctor or keep your health care plan if you like it but also that you can afford to do so. No one can predict when that next accident may occur or when one might lose their job. We do not know when we will get sick next or when one of our loved ones will become ill. But we can take the uncertainty and unfairness out of the current system. We can make sure it is stable, more secure, more reliable, and more dependable.

Second, all of the many plans we have heard for fixing health care have something else in common: They each have maintained President Obama's commitment that this effort, I repeat, will not dig us any deeper into debt than we already have. Any plan that passes this body will be fully paid for, I repeat. When all the numbers are crunched, the No. 1 bottom line is zero. It will not cost anything. In fact, as we improve disease prevention, reduce health disparities, and better coordinate medical services, we will be lowering future costs even further.

Families will also save in the long run because the status quo comes with a hidden health care tax. If you have health care now, you are paying at least $1,000 more for that health care then you would need to if other families had some insurance. When we reform health care and you are no longer responsible for covering the uninsured, you will see those savings in every paycheck you get.

The only costs that worry me are the costs of doing nothing, of inaction. We have already seen what happens when we do nothing. Over the past 8 years, health care costs rose to record levels and the number of Americans who cannot afford insurance did the same. The number of people who lost their insurance rose dramatically. Every day, 14,000 people in America—7 days a week—lose their health insurance. Right now, in Nevada, half a million people already lack the coverage they need or struggle with inadequate coverage. If we do not act, many, many more Nevadans and millions more Americans will lose their health care as it gets more expensive day by day.

For a generation, we have been working to fix this broken health care system. Throughout this year, we have explored numerous proposals in numerous bipartisan roundtables and committee hearings. This has been the No. 1 issue on our agenda for a long time now. And today we are closer than ever to getting something done.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. REID. Mr. President, let me just add to what I said to open the Senate. Senator DORGAN is an experienced legislator. He is working with one of our outstanding Republican legislators, Senator BENNETT of Utah. They are here and will be, in an hour, ready to start accepting amendments, if there are any. I had one of my Democratic colleagues say: I have a problem with that bill. I said: Get your amendment there today because if you wait until tomorrow, you may not get a chance to offer it.

We need to move forward. These are appropriations bills, and if Democrats and Republicans have not agreed on much here, there has been an absolute commitment to get our appropriations bills done. We are behind schedule even now. We do not want another big omnibus bill. We want to do these appropriations bills, get them done. And we are going to be able to say, when we leave here this work period, we at least got a third of them done before the August break. We are going to come back in September and continue to work through these.

So I repeat, if you have an amendment, you better get it over here today because tomorrow it may not be available to you.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE WEEK VIII, DAY II

Mr. MCCONNELL. Mr. President, as the debate over health care continues, it is important that we not lose sight of the fact that the American people expect results. No one was ever elected to Congress to push a problem down the road or to point fingers. Americans certainly want reform, and that is exactly what they expect us to deliver. At the same time, Americans have a right to expect that the legislation we pass actually addresses the problems they face and that we do not use the need for reform as an excuse to pass legislation that does not really help or that makes existing problems worse.

This is the nature of the debate we are in: Some in Washington seem to be rushing to push through so-called reforms just for the sake of reform, regardless of whether they actually help the situation, while others are insisting we take the time to get it right.

Fortunately, with each passing day, more and more Americans and now more and more Members of Congress are insisting that we take the responsible path to health care reform—even if it means hitting the reset button and meeting in the middle on reforms that all of us can agree on and that Americans can embrace.

Here are some of the cautionary notes we have heard from Senators just in the last few days.

One top Senator said:

> It's better to get a product that's based on quality and thoughtfulness than on trying to just get something through.

Last week, nine freshmen Senators wrote an open letter to the Senate Finance Committee calling for a solution that doesn't bankrupt our health care system. Here is what those nine Senators wrote:

> In the face of exploding debt and deficits, however, we are concerned that too little focus has been given to the need for cost containment.

We are hearing the same things over in the House. One Congressman said on Sunday morning that:

> The American people want to take a closer look. They want to feel comfortable with it. We have a long way to go.

Another Congressman said he thinks Americans are ''shell-shocked'' after last year's financial bailout, the stimulus, the cap-and-trade bill, and other major bills approved this year.

Another Congressman, referring to health care reform, asked:

> Why are we rushing? Why are we rushing? Let's get it right.

America's Governors are also calling on the administration and Congress to slow down and insisting that Congress take the time to produce the right reform.

One Governor recently was quoted as saying he:

> Personally was very concerned about the cost issue, particularly the $1 trillion figure being batted around.

Here is another one commenting on proposals to shift Medicaid costs on to already cash-strapped States. She said:

> As a governor, my concern is that if we try to cost-shift to the States, we are not going to be in a position to pick up the tab.

Another Governor had the same concerns about Medicaid. Here is what he was quoted as saying in the New York Times last week:

> Medicaid is a poor vehicle for expanding coverage . . . It's a 45-year-old system originally designed for poor women and their children. It is not health care reform to dump more money into Medicaid.

All these people have something in common: They all want reform. They have concerns about the proposals we have seen so far, and they have something else in common too. Every one of the lawmakers I have quoted is a Democrat—every one of them.

Some are trying to portray this debate as a debate between Republicans and Democrats. This is a distortion of the facts and is a disservice to the millions of Americans who want us to get this reform right. As I and others have said, the only thing that is bipartisan about the reforms we have seen so far is the opposition. The reason is clear: It costs too much; they don't address the long-term challenges in our health care system; they don't reduce long-term costs; they would add hundreds of billions to the national debt; and there is no way the American people will embrace them because all of them fall well outside the boundaries of the middle path Americans are asking us to take.

This is why so many within the President's own party are now standing and telling the administration to slow down and to reassess. This is why even traditionally Democratic groups, such as the AFL–CIO, are having second thoughts. Just last week, the AFL–CIO criticized a plan to tax so-called gold-plated insurance plans because of the impact it could have on workers. Why? Because they know that when politicians talk about raising tax on business, it is average Americans who end up shouldering most of the burden.

Americans don't want to lose the quality of care our current system provides, and they certainly don't want to pay trillions of dollars for a government takeover of health care that could lead to the same denial, delays, and rationing of treatment we have seen in other countries. They have heard the same stories we have—of someone with cancer being denied a drug because it costs too much or the woman who came here from Canada to deliver her babies because there wasn't any room in the neonatal intensive care units back home or they visited places such as the M.D. Anderson Center in Houston, TX, as I have, and saw how dozens of patients from other countries go there for treatments.

We don't know the exact circumstances that brought these people here, but we do know this: that they decided to come to the United States, in some cases traveling thousands of miles to do so, to get the kind of care that only America could provide.

Some people, for some reason, seem afraid to admit it, but the fact is, American health care is the envy—the envy—of many people around the world, and Americans don't want to lose it. That is why Americans are telling us we can reform health care without bankrupting the country or destroying what is so unique and special about our current system. That is why a growing number of politicians in Washington are hearing the people's concerns and speaking out. That is why many of them are now urging the administration to take a different path.

TRIBUTE TO METEOROLOGIST TOM WILLS

Mr. MCCONNELL. Mr. President, I rise on behalf of the people of Louisville, my hometown, and across Kentucky who were saddened by the news that after 40 years on the air, WAVE–3 chief meteorologist Tom Wills is retiring. Tom first joined the station and began to be welcomed into people's homes over the airwaves back in 1969.

Many Louisvillians cannot imagine turning on the TV and not being able to find a forecast from Tom Wills. It is a rare and remarkable achievement to reach 40 years in broadcasting and even more so at the same station, serving the same community.

Tom earned the level of respect he has in Louisville by being one of the best meteorologists in the Nation. He is the only broadcast meteorologist in Louisville to hold the Certified Broadcast Meteorologist Seal from the American Meteorological Society, and he is among the earliest holders of the AMS Seal of Approval in the Nation to still be on the air.

We Louisvillians have appreciated waking up every morning the last 40 years knowing Tom is there to tell us whether we need our coat or our umbrella. Tom has also been a calming presence on the television screen at the time of severe weather, helping to save lives by providing crucial information.

Tom was on the air on April 3, 1974, the day when the most severe tornadoes in living memory cut a path of destruction through the city of Louisville. When it was over, lives had been lost, hundreds were injured, and over 900 homes were destroyed.

Throughout the night and into the early morning hours of the next day, Tom Wills was on the air telling people the information they needed to know. As tragic as those events were, we know things could have been worse if not for the lives saved and the tragedy averted thanks to Tom's work.

Tom Wills grew up in West Reading, PA, and knew by age 7 he wanted to do the weather when he grew up. While earning meteorology degrees at Penn State and Colorado State, he specialized in the science of tornado formation.

In addition to his WAVE–3 duties, he has passed along his knowledge and experience by teaching meteorology at the University of Louisville.

Now that he will no longer have to wake up at 2:30 a.m. every day, I hope Tom will have time to pursue his other interests, including gardening and following our Louisville Cardinals sports teams. Of course, his wife Pam, his kids, and his grandkids will be happy to see more of him. Tom is known throughout the community not just as a fine meteorologist but also a gentleman and friend to the many people he has met in his 40 years on the air. He is going to be greatly missed, and I wish to take this moment to thank him on behalf of Kentuckians everywhere for his service.

We are honored that for four decades he chose to share his talents with the people of Louisville and the Commonwealth of Kentucky.

REMEMBERING DAVID FULLER

Mr. MCCONNELL. Finally, I am saddened by the recent loss of my good friend David Fuller. This was a man who certainly had an impact both on his community and on the Nation as a whole. It is no exaggeration at all to say that thanks to David, thousands of workers at nuclear plants in this country have safer jobs and healthier lives.

That includes David's coworkers at the Paducah Gaseous Diffusion Plant in Paducah, KY, where for 10 years David served as president of the Nuclear Workers Union. You see, the Paducah Gaseous Diffusion Plant has produced enriched uranium since 1952 and is currently the only operating uranium enrichment facility in the United States.

For much of the Cold War, the Paducah plant produced fissionable material for our country's nuclear arsenal. It also enriched uranium for commercial nuclear reactors, helping to provide the benefits of cleanly generated electric power to millions of people.

Those Kentuckians who worked in the Paducah Gaseous Diffusion Plant played a vital role in America's victory in the Cold War. Unfortunately, their own government did not look out for them as it should have.

About 10 years ago, we learned there were risks associated with working at the Paducah plant, particularly during the early years of its operation. Some workers were exposed to cancer-causing chemicals and radiological hazards. Some would later sicken and even die.

David was tireless in advocating for the workers at Paducah. He was one of them. He put in 33 years as a cascade operator and electrician. His testimony before Congress was key to advancing the effort to care for those who had been harmed by the government's careless treatment. Thanks, in part, to

David, we created the Energy Employees Occupational Illness Compensation Program to ensure that our Nation's nuclear workers finally now get the attention they deserve from their government. Medical screening is available to all Paducah workers so they may be tested and treated for any illness they contract as a result of working at the plant. We are working to clean up some of the legacy waste materials left at the Paducah plant.

I also might say my wife Elaine Chao, who served as Secretary of Labor during the Bush years, was deeply involved in setting up this compensation program there at Paducah and she too became a friend of David Fuller's.

David testified before Congress on behalf of his fellow workers, including before a committee I chaired. He served as his union's president for 5 years, longer than anyone before, and never lost an election.

David and I worked side by side for a long time on this issue. He visited my office frequently here in Washington, and on several occasions I was his guest at the Paducah Nuclear Workers Union Hall to meet with and speak to the local membership. In that time, I saw how determined David was to help develop a program that would ensure all current and former plant employees were tested for exposure and that would provide sick employees with the treatment they need and deserve.

Of course, nothing can take the place of a life or good health, but David wanted to see every effort made to provide compensation for the workers and their families. Thanks to his extraordinary work, he lived to see that happen.

I know his tireless service will not be forgotten by his friends and coworkers. Even the Paducah workers who did not get to know David personally know they certainly have him to thank for the justice that was provided to the workers who took on this vital duty.

Elaine and I have lost a good friend. We send our prayers to his wife Katherine Cooper Fuller; his daughters, Julie Fuller Leidecker, Laura Ann Nichole ''Nikki'' Fuller, and Meagen Joan Fuller; his son John David Fuller; his three grandchildren; and many other beloved family members and friends.

Not everyone, after he or she is gone, will be able to show as easily as David that theirs was a life spent helping others. David gave so many the simple gift of time: more time spent with their family, friends, and loved ones.

Sadly, David's family has run out of time with David himself, as he passed away on July 19 at the age of only 62. But I hope they can take some solace in the tremendous work he did on behalf of others. Kentucky has lost a great man. He will not be forgotten.

I yield the floor.

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 be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington is recognized.

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, a few moments ago, the Republican leader, on the floor, talked about a concern about ''rushing'' to a health care reform debate and bill. I want to assure everyone that no one is rushing to anything. Everyone is working hard to come up with a good, strong health care reform bill that addresses an urgent need in this country.

In fact, last week, President Obama spoke to the Nation about the urgent need to reform the health care system. He spoke about premiums that have doubled over the last decade. He talked about the out-of-pocket costs that have been shooting up by over a third. He talked about deductibles that all of us have seen skyrocket. He talked about the families and the small business owners who have to work harder and harder to stay afloat. President Obama spoke about the work that has been done to put a health care reform plan together.

I sit on the health care committee in the Senate. We spent months having hearings and working through some of the tough, difficult challenges. We spent weeks and hours working through a debate on a health care reform package. We looked at hundreds of amendments, many of them Republican, a lot of them accepted into our health care bill before it passed out. We are working very hard now with the Finance Committee for them to work through the challenging issues and come up with a solution, as the House is as well.

We are working hard to come to a solution with the health care reform plan that protects patient choice, that reins in those costs I talked about, and provides coverage for millions of Americans who don't have any today.

The President of the United States spoke frankly about some of our Republican colleagues who are speaking out for the status quo. President Obama spoke plainly to Americans about the devastating costs of inaction—the devastating costs of inaction if we do nothing, and what will happen if we maintain the status quo. I am telling you what would happen if we do nothing: Premiums are going to continue to rise, benefits will continue to erode, out-of-pocket costs are going to continue to skyrocket, and more and more employers will do what I have seen too many in my State have to do: drop coverage for their workers. We talk about 47 million Americans today who don't have coverage at all. That will seem like the good old days if we do nothing.

Despite what some of our colleagues wish us to believe, Americans do want health care reform. They need health care reform desperately, and they are not going to accept another year of talking and bickering and stalling.

Last month, I sent a letter to families across my State of Washington asking for their help as we work very hard to reform the health care system. I told them I wanted to pass a plan that protects existing coverage when it is good, improves it when it is not, reins in costs today, and lowers them long term, and guarantees care for the millions of people who don't have health care today.

I asked my constituents to share with me their stories and ideas about how to make this vision a reality. I told them that I know health care is a very personal issue, but I also told them their personal stories have the power to change minds and transform debate. The response I got was overwhelming. I came to the floor last week several times and shared some of the over 5,000 stories that have now poured into my office from my State. I underscored the need to fix this broken health care system and do it this year.

I come to the floor to share a few more stories, and I want to talk about a specific aspect of health care reform I have been working very hard on, and that is, as we reform this health care system, we have a skilled health care workforce that is ready to step up and provide the care we need.

Judy Allen, from Moses Lake, WA, sent me a story about her son. She said he had been diagnosed with cystic fibrosis at the age of 5 and was given a 50–50 chance of making it to his ninth birthday. Judy said she and her husband had good health insurance, but they had to travel over 3 hours to get to a clinic with the resources her son needed. They could not move close to this facility, because moving would force them to switch health care insurance providers, and they knew if that happened, they would get rejected because of their son's preexisting condition. Sadly, Judy's son died 3 years ago, but the reforms we are working on will help mothers such as Judy across the country.

We want to stop insurance companies from spending our premium dollars on figuring out ways to exclude people from coverage. We are going to ensure that nobody will be denied health care coverage even if they have a preexisting condition.

Unfortunately, Judy's story is not unique. Millions of Americans who have insurance today—good insurance—struggle with a broken health care system. They struggle with the skyrocketing costs, with the complicated system that works for the insurance companies but not for the patients. So I agree with President Obama that we need to reform the health care system this year.

As we work to provide quality affordable health care coverage to all Americans, we have to make sure there are enough health care professionals to provide that care. We can write and pass a bill that improves the coverage and reins in the costs, but without an educated, accessible system of doctors, nurses, x-ray technicians, physical therapists, and other health care professionals, that coverage isn't going to mean much. If we provide health care coverage without the workers, it is like building schools and not hiring any teachers. So it is common sense, but it makes economic sense as well.

Not only does this shortage make it hard to access care even if you have insurance today, it makes it more expensive. That is why we have made a number of investments that are going to create and sustain good-paying jobs and ensure access to care so that Americans stay healthy and productive.

We all know today that too few medical students are going into high-demand general care fields. Many students enter specialty fields, in part to pay for the cost of medical school, and because they tend to be more lucrative long term. So the health care bill we passed out of committee on health care includes incentives such as loan repayment programs, scholarships, and grants to encourage students to go into high-need fields and to work in underserved areas. It invests in education, training, and retention efforts, not just for new health care workers but for all of those who are already providing quality care in this country.

Investments in our health care workforce create jobs, ease the strain on overworked health care professionals, and keep Americans healthy, so they can be productive on their jobs. I am going to keep working to make sure these investments remain a priority.

Quickly, before I yield the floor, I want to reiterate the critical need I talked about a minute ago to fix the health care system. I want to share a story.

Sharon Alexander wrote to me from Steilacoom, WA, about her battle with brain cancer—the same type Senator KENNEDY suffers from. Sharon had health insurance, but she wrote and told me that while she was running from doctor to doctor and undergoing radiation treatments, she and her husband had to spend a great deal of time navigating different copayments and acceptance policies of all of her doctors. She told me she was lucky she had insurance, but she still had to jump through hoop after hoop to get the care she needed. Sharon discovered that in our broken health care system, high-priced insurance doesn't guarantee high-quality health care.

That is why we need to act. We need to lower the cost of health care, we need to ensure Americans have affordable health care and, in these difficult times, with all of the challenges Americans have with premiums rising three times faster than wages and every day 14,000 more Americans losing their health insurance, we are not rushing; we are working hard to get this right, and it needs to be done this year.

I yield the floor.

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

Mr. SPECTER. Mr. President, I have sought recognition to comment about the status of efforts to legislate comprehensive health care reform.

Recently there was a comment by a Senator opponent of President Obama, who disclosed what has been known for some time as to the tactics of President Obama's opponents. The Senator who opposes President Obama said this:

> If we are able to stop Obama on this, it will be his Waterloo. It will break him.

This is essentially the same tactic that was used by President Obama's opponents on the stimulus package. I am not betraying any confidence about matters that were on the public record, but immediately after the inauguration, within 2 weeks, when the Senate took up the stimulus package, it was apparent that President Obama's opponents in the Senate were simply going to say no and obstruct the matter. It is a matter of public record that only three then-Republican Senators would even talk to the Democrats about the stimulus package—Senator COLLINS, Senator SNOWE, and myself. Now it is apparent, with what the Senator opponent of President Obama has said what the plan is.

Now that we know we will not vote on comprehensive health care reform until September, there is time for a little bipartisanship—perhaps even a little statesmanship—to come together on this issue. We have been sent by our constituents to Washington to solve problems, not to obstruct potential solutions. There are many items where we can all agree. There are many potential savings available, which I outlined a few weeks ago in an extensive floor statement. For example, on advanced directives, estimates are that as much as 27 percent could be saved on Medicare. So much money is spent in the last few hours, few days, few weeks of a person's life. We know from the statistics that funding from the National Institutes of Health can prevent illness and can cut down tremendously on the cost.

We also know that by changing the prosecution on Medicare and Medicaid fraud and imposing jail sentences, there would be a deterrent to that tremendous amount of fraud and abuse. A fine is simply a license.

We know also that substantial savings are possible by covering those 47 million Americans so that we have medical care at an earlier stage to avoid chronic illnesses that are so very expensive, so that we could come together on these items where I think there is general agreement.

The Senator opponent of President Obama is referred to in this morning's Washington Post as saying that he is in favor of fixing the system, it has been one of the main causes of his career, and a specific:

> We need some real health care reform.

Well, it would be worthwhile to have that Senator opponent of President Obama say whether he believes we ought to cover the 47 million Americans now not covered. I believe there is a consensus that that ought to be done. But if there are differences of opinion, let them be stated, because if we agree that the 47 million Americans have to be covered, then the next question a responsible elected public official would have to ask is: How do we pay for it?

But if someone is going to say ''I am not in favor of covering the 47 million Americans,'' let him or her answer to his constituents. The Senator opponent of President Obama ought to note, as reported in the Post this morning, that there are 700,000 of his State's residents who are uninsured. If he believes we ought not to cover those 47 million Americans, including the 700,000 in his State, let him respond and say so.

It may be that there is a political price to pay if you face up to that. But if you move beyond the question of whether we need to have health care for all Americans, then we need to move forward.

When you talk about the Waterloo of President Obama, it sounds as if we are fighting some foreign power as opposed to the collegiality which is supposed to be present in the Senate, reputedly the world's greatest deliberative body.

I was pleased to see the Senator who is opposing President Obama with his Waterloo statement—I am glad to see a number of his colleagues on that side of the aisle distance themselves. But as yet we have not had a proposal which comes from the Republican side of the aisle, just as we did not have a proposal coming from the Republican side of the aisle on the stimulus package.

It was my view, as I spoke on the floor on February 6, that the problems about sliding into a 1929 Depression were present. We faced that risk. Complaints have been made about the stimulus package that it has not worked, but there have only been 5 months which have elapsed.

Yesterday I was in Pennsylvania at a major interchange, I–81 and Route 39, announcing $12 million for road repairs; earlier, at the Philadelphia International Airport announcing a substantial grant; in western Pennsylvania in Pittsburgh announcing millions of dollars for locks and dams.

It may be that a better proposal could have been crafted on the stimulus package. But there were negotiations.

President Obama was sworn in on January 20. In the week of February 2, within 2 weeks from the inauguration, taking the oath of office, we were already having obstructionism.

It is my hope that while we adjourn for the August recess, there is time to have a bipartisan plan, a plan which will reject partisanship, a plan which might even bring a little statesmanship to this body.

When the three of us on the stimulus issue joined with the Democrats in providing the necessary votes, the indispensable 60 votes to invoke cloture and allow the stimulus package to move forward, the comment was made from the other side of the aisle: Three Senators don't make a bipartisan bill.

So far, only three Republicans are negotiating on comprehensive health care reform. So let's see if we can't have in the intervening weeks between now and September a concerted effort made to move forward to answer some of these basic questions. If someone is opposed to covering the 47 million Americans, let's hear it. If someone is opposed to having a public option, as proposed by Senator SCHUMER, which maintains a level playing field, let's hear the specifics so that our constituents can judge us, so that the 700,000 people who are not covered by insurance in the home State of the Republican Senator who has spoken out to break the President, to promote the President's Waterloo—we will have a chance to evaluate that kind of an attitude.

I thank the Chair, note the expiration of my time, 10 minutes, and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, we stand at a critical juncture today as we grapple with how to fix our broken health care system. Rapidly escalating health care costs are compounding the current economic crisis in America. Families and businesses across the country are struggling to afford increased premiums, copayments, and deductibles. Premium increases are taking an increasing portion of workers' wages, and more firms are under pressure to reduce or possibly eliminate health care coverage for their workers.

Helping middle-class families and small businesses afford health care coverage is a critical component of improving the Nation's economy. Families and business owners in Oregon have told me at length how concerned they are about the rising costs of health care. Those families who have health care are concerned about losing it, and they are concerned about the rising cost of premiums and the copays. And those citizens without health care—nearly 47 million Americans are unable to afford the cost of health care—those citizens are worried about getting sick or they are sick and they are worried about how to pay for the drugs and treatments to get well. Under this system, our small businesses that are working hard to provide health care coverage for their employees are worried they will not be able to continue, that they will have to raise the share of the costs the workers carry or maybe they will have to eliminate the health care plan altogether.

I wish to share with my colleagues the experience of one of my constituents, Jeanette Hall of Milwaukee, OR. She was employed, but she could not afford health insurance. Jeanette had a mole on her arm. It was a mole she thought should be looked at. Her friends and family urged her to have it looked at. Finally, she went to the emergency room to have it examined. The diagnosis was melanoma, but Jeanette could not afford to have the surgery to address it.

Sometimes one gets a fortunate turn in life, and Jeanette just got such an example. She was interviewed by a local news station that was doing a story about the plight of the uninsured. Jeanette says she is only alive today because of that moment when a news station covered her story because after that story aired, she received a call from a local hospital that offered to help. They basically said that in exchange for being the subject of an observational surgery for medical students, the hospital would cover the cost of the surgery. Jeanette is now cancer free, and she feels very blessed about that. What is more, she now has a job where she has health insurance, and that certainly puts a brighter horizon in place for her. But while she is pleased about her personal health and her personal health insurance, she is worried about health insurance for families and friends and health insurance for all Americans in this broken health care system.

Her brother is very ill. Her brother does not have health insurance. Her brother needs an operation to save his life, but he is not getting that operation. She anticipates that his life expectancy is very short now as a result. She sees it very personally, very directly.

Just as she hopes for health care for her and her family and for American citizens, so do citizens across this Nation. Citizens such as Jeanette are not looking for a government handout. They don't expect something for free. But what they do want is access, choice, quality health coverage, affordable health coverage for their families and their workers.

We need to offer citizens such as Jeanette a lifeline in these hard economic times. As a member of the Senate Health, Education, Labor, and Pensions Committee, I am very proud of the bill we passed 2 weeks ago which puts us a significant stride closer to providing affordable, quality health care for every American. It is a plan that will lower costs, provide consumers with more choices, and increase competition.

That act, the Affordable Health Choices Act, is a landmark bill. It gives every American a full range of health insurance options, including a community health plan. It ensures that those who like their current health care coverage can keep it. And it guarantees that no American will be denied coverage because of preexisting conditions. That act makes sound investments in disease prevention, in health promotion, and it strengthens the health care workforce.

The Affordable Health Choices Act gives small businesses better choices for high-value health insurance by creating a new health insurance marketplace, or gateway as it is called, which will help lower costs and increase competition. In fact, let me explain this a little bit more.

Right now in America, if you are an individual trying to get health care, you have to pay an extraordinary premium because you don't bring any market share clout to the negotiating table. And right now in America, if you are a small business, you don't get a good deal because you don't bring any market clout to the negotiation. This health care bill at its heart addresses this problem. It creates an exchange where you would purchase health care, not as an individual but as a group of hundreds of thousands of fellow citizens. That health care plan would bring the combined negotiating clout of those hundreds of thousands or even millions of individuals, so you get a much better deal as an individual and you get a much better deal as a small business. I know that every individual and small business in America that has gone through this process of trying to get a fair, decent health care plan knows exactly what I am talking about. And that is the heart of this reform.

But even as we make historic progress on guaranteeing affordable quality health care for all, there are powerful forces underway to halt this effort. There are those who favor the status quo, and they are working on their talking points, they are rallying their special interests, they are doing polls to see what phrase will most scare Americans from changing. They want to defeat this historic march toward quality, affordable health care for every single citizen.

One thing is clear: We cannot afford to fail. Maintaining the status quo is not an option. The last time we attempted to tackle the problem in 1992, health care spending was $849 billion. Today, health care spending in America is $2.2 trillion and growing by over 10 percent a year. March it forward next year, and it will be over $2.4 trillion; the year after that, $2.7 trillion; the year after that, $3 trillion, and so forth. We will be spending nearly $40 trillion under the status quo over the next 10 years.

Premiums in the early 1990s were 7 percent of a family's income. Today, premiums eat up 17 percent of a family's budget. In 1996, employers paid about $3,700 toward a family plan. Now that is well over $10,000 and growing, and workers are picking up an increasing share of the costs.

Today, under the status quo, 60 percent of bankruptcies are due to health care costs—more than half. More than half of personal bankruptcies are due to health care. What is more, more than half those personal bankruptcies due to health care are with folks who have health care insurance, but their health care insurance simply was not adequate to cover the extraordinary costs of a medical emergency. Indeed, 75 percent of those individuals who are going through bankruptcy due to health care costs had health insurance.

If we look to the future, the consequences of inaction are even more dire. But, despite all that, every day we hear from special interests, we hear from their allies who are standing up, using their poll-tested phrase such as ''government takeover'' in order to scare the American people into rejecting health reform.

Here are citizens who know firsthand the challenge and the stress of health care. But they are being manipulated. There is an effort to manipulate them by powerful special interests that want to scare them, to turn them against reform and change. The opponents of reform have a health strategy. Their strategy is the status quo. Why do they like the status quo so much? Because the special interests are making so much money with the current health care system—huge profits for insurance companies, huge profit for other health care players. But here is the problem. Soaring profits for health care companies equate to out-of-control, unaffordable premiums for America's working families.

Let's examine the status quo plan put forward by the opponents of reform. Under the opponents' status quo strategy, the premiums that are paid by a family would go from about $13,000 a year now to, just 8 years into the future, $24,000—nearly double in a short period of time. If you want out-of-control premiums, then support the opponents' status quo efforts.

Second, under the opponents' status quo plan, the cost of health care for a small business would more than double. The cumulative costs are extraordinary. We see the costs here, in billions of dollars, start in 2009 at $156 billion—the cost imposed on small businesses—and soaring to $2.4 trillion by 2018—cumulative costs. So over a 10-year period, small businesses carrying a multitrillion-dollar burden under the status quo.

Third, under the opponents' status quo plan, the number of uninsured Americans increases. Why is that? It is very simple: Families cannot afford these premiums, small businesses can't afford these premiums, even large businesses may not be able to afford this more than 10-percent-a-year increase in premiums. Indeed, under one study, the number of uninsured Americans, under the status quo, the opponents' plan, would reach 66 million Americans over the next 10 years, up from about 47 million right now. That is a huge increase.

Fourth, under the opponents' status quo plan, our community hospitals would see uncompensated care go through the roof. Why is that? Because we have more uninsured. They have to go to the emergency room to get their care. So the hospitals end up carrying that burden. What does that do? That results in a cost shift from those who do not have insurance and go to the emergency room—those costs get shifted to those with insurance. It continues the death spiral in soaring insurance premiums that we have right now in America.

What is more, under the opponents' status-quo approach, we get the same failure to invest in prevention and disease management. Insurance companies do not have an incentive to invest in disease management that might make you healthier 10 years from now or 20 years from now because they assume you probably will not be their customer 10 or 20 years from now. We get the same investment in a fee system, in a cost-plus system, that is driving up the cost of health care.

Let me make this very clear. If you have any form of expense in which the compensation is cost-plus, the person providing those services is going to provide as many services as possible. If you are building a fighter and you say: We will pay your costs plus 10 percent, you are going to make sure that fighter plane is as expensive as possible. The same is true in health care. Yet that model of compensation is the dominant model in health care today.

We need to invest in an integrated approach, such as the Mayo Clinic does, where the doctors are not motivated by profits but by providing health care to their patients. They have no incentive to run you through that MRI machine four or five times. Their only incentive is to help you get well. That is a very different approach, an approach we need to expand on in America, an approach that says we need an integrated health care system, not a cost-plus fee system.

When the opponents of reform try to scare you and say we don't need to change anything, remember how scary their plan is. I know you understand what I am talking about because you see it every day. The opponents are saying it is OK if insurance companies routinely deny necessary medical care and cancel policies in order to increase their profits. The opponents are saying they prefer an America where parents will lie awake at night, worried if they can afford health care their children need because they do not have health insurance for their children. The opponents want an America where workers are just one pink slip away from losing their job and their health care. That is a double calamity that strikes millions of families in America every year.

The opponents are arguing for an America where a would-be entrepreneur who works hard and wants to start a business may not do so because he or she cannot afford health coverage in a volatile, expensive small business market. The opponents want an America where small businesses that do offer insurance are faced with double-digit, budget-straining premiums that threaten the economic viability of that small business.

I wish to see our small businesses thrive. Our small businesses are incredibly creative, with far more patents per capita than large businesses. Our small businesses expand and grow and absorb more workers. We want them to expand and thrive, and a major challenge they have today to their thriving is our broken health care system.

I do not accept that vision for America, the vision put forward by opponents of health care reform. We need to create a simple health care exchange, where individuals and small businesses can go and be part of a large pool so they can negotiate a fair deal. Today we do not have that fair deal. Tomorrow we will.

We need a health care system that invests in prevention and disease management. We need a health care system that works to expand the health care workforce, because we have a big challenge. Many of our health care workers in America, our doctors and our nurses, are retiring. They are baby boomers. They are reaching retirement age. We will have increasing demand for more of their services as baby boomers retire. The bill we put forward works to address that discrepancy; otherwise, greater demand and lower supply will drive up the cost of health care.

We need to create a system that eliminates insurance that doesn't cover preconditions. What kind of health care do you have if you have a bad back but your bad back is not covered? What kind of health care system do we have if you have melanoma, such as Jeanette did before her operation, and you cannot get it covered because it is a preexisting condition?

This bill changes that. I believe we need to create a health care system that expands citizens' choices instead of constraining them as in our current system. We have many markets in America that only have a single dominant provider. We need to create a Community Health Care Plan to hold the feet of insurance companies to the fire. Competition in the marketplace—a 100-percent apple pie, American concept—is needed in health care to help control costs.

Americans across the country are counting on us to work together to find a solution, to help ease the burden of health care costs on family and business budgets and create more affordable health care options. I urge my colleagues to set their partisanship aside,

set aside the goal of trying to torpedo America's future because you want to torpedo the Presidency of Barack Obama. Think about the quality of health care for our working families and what we in this Chamber could do to make that quality of life far better. The costs of inaction, the costs of our broken status quo system, are too great to allow their solution to fall to petty, bitter partisan bickering.

Let's come together. Let's fight for a brighter future for America's families.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Would the Chair please let me know when I have 1 minute remaining.

The PRESIDING OFFICER. The Chair will.

HEALTH CARE

Mr. ALEXANDER. Madam President, some friendly person is exercising his or her constitutional first amendment rights in Memphis these days running television ads urging me to vote for the health care proposal that is currently pending before Congress. That person may be wasting their money, because we are getting a fair number of calls in my Memphis office congratulating me for suggesting that we ought to slow it down and come up with a better plan.

We should start over in terms of what we are doing to try to find the right way to provide health care for the American people at a cost they can afford and, at the same time, provide a government they can afford. We are going in the wrong direction.

I know a lot of good effort has been put into the plan that came out of the Senate HELP Committee, and to the plans that have come out of two of the House committees and currently are being discussed in the third. But the most charitable thing I can say about it is, very well-intentioned people are working hard to try to find the best way to go in the wrong direction.

When you are going in the wrong direction, is it not the best course to start over, especially when we are dealing with something as big and complex and as personal and as important as the health care of every one of 300 million of us? We all know we will only have one opportunity to get it right. And that opportunity is before us. So if we are headed in the wrong direction, let us start over and let us get it right.

Who says we are headed in the wrong direction besides one Senator from Tennessee or maybe several members of the Republican Caucus?

The Mayo Clinic said that in an opinion it released about 10 days ago. The Mayo Clinic is often cited as an example of what we ought to be doing more of—good results, lower costs. But it said, we are headed in the wrong direction. It did release an addenda after someone obviously called, probably from the White House, and said, what is going on here? So the Mayo Clinic said one thing the White House said did seem to be helpful, but fundamentally it said we are going in the wrong direction with the idea of a public option.

A public option, as the President has said, is to help keep the insurance companies honest. That is like the President saying he is going to buy the rest of General Motors to keep Ford Motor Company honest, or to buy a drugstore to keep Walgreen's honest, or to have a government restaurant to keep O'Charley's honest. That is not the way our country works.

Who else says we are headed in the wrong direction? Democratic Governors as well as Republican Governors as I mentioned here on the floor last week—the Governors of Colorado, Montana. My State Governor said, this is the mother of all unfunded mandates. These Governors are looking at the idea of dumping—I use that word carefully—another 20 million low-income Americans into a failing government-run program called Medicaid, when 40 percent of the doctors will not see Medicaid patients.

The proponents of these proposals call it health reform, and then they are going to shift the cost to the States after about 5 years. The Governors are appalled by this plan. The Congressional Budget Office says we are going in the wrong direction. Senator MCCONNELL, the Republican leader, has said that the only bipartisanship thing about the health care debate is the opposition to it.

So let me take each of those points one by one. There are seven big problems with the two health care plans, one in the Senate, one in the House, that are before us. One is it flunks the first test which is reducing cost.

Two, it cuts grandma's Medicare and spends it on another program.

Three, it would pass big, new Medicaid costs on to the States, causing big increases in State taxes.

Four, despite what the President has said—or because the President said it, there is another reason to step back and take a different direction—millions would lose their employer-provided insurance.

No. 5, millions more Americans would find themselves in government-run health programs.

No. 6, during a recession, we would impose new taxes and new fines on employers in order to encourage more health care.

And, No. 7, with those government programs, you are more likely to wait in line and you are more likely to have your health care rationed.

Let's take them one by one. Flunking the first test, reducing costs. We should start with the 250 million Americans who already have health care and make it more affordable. We know there are 47 million Americans who do not, but 5 million are college students, 10 million are noncitizens, 11 million are people making $75,000 a year or more who can probably afford it, 11 million are eligible for an existing program.

Those are important things to do, but the idea here is to try to reduce the growing costs of Medicaid so you can afford your health care, and so that you can afford your government.

The Congressional Budget Office said on the 17th of this month that the legislation before us significantly expands Federal responsibility for health care costs. Over the weekend, in looking at the next 10 years, the Congressional Budget Office—that is our Congressional Budget Office—said: The proposal would probably generate substantial increases in Federal budget deficits during the decade beyond the current 10-year budget window.

No. 2, it cuts grandma's Medicare. The New York Times yesterday, in describing the proposal in an editorial, said: Reformers are planning to finance universal coverage in large part saving money in the traditional Medicare Program, raising the question of whether all beneficiaries will face a reduction in benefits.

If we are going to cut grandma's Medicare, we ought to spend it on grandma and grandpa.

We ought not to take that money from that program, which the Medicare Trustees have told us may be broke by 2017, and spend it on a new program.

Then there is the third issue, expanding Medicaid and increasing State taxes. As a former Governor, I am concerned that Congress hasn't got a real sense of how this will affect States—this plan to expand one government program, a failing, embarrassing program called Medicaid, into which we dump low-income Americans, and where we are going to dump another 20 million more. This is the reason the Democratic and Republican Governors, at their meeting in Biloxi a couple weeks ago, were up in arms about this. And after 5 years, we will shift the cost of that to the States. To expand it that much, to 133 percent of the Federal poverty level, would cost our State about $423 million a year for the State share. If we really want to give people a bus ticket to a bus line that actually has buses, we will have to pay doctors more because today doctors, 40 percent of the time, don't see Medicaid patients. As a result, that adds another $600 million. That equals a 10-percent new State income tax. It is inhumane to dump low-income Americans into a failing government program.

Then there are the employer taxes and fines. I have talked to a number of

businesspeople. If given the choice between paying $750 per person, which the Senate plan does, or providing every single full-time and part-time employee health care, they will take the $750 a person. And where are the employees going to be? They will be out of employer health care. That is not what the President said he wanted. Where are they likely to be? A lot of them will be in these government programs, one of which is being extended and one of which is being created.

Then there is the problem of waiting in line and rationing. If we create government programs with government people in between ourselves and doctors, there is more of a chance that we will be waiting in line and that we will have our health care rationed.

Republicans have offered a number of plans that make more sense. A number of us have joined with Senator WYDEN in a bipartisan plan that makes common sense. That plan, to be specific, would take the subsidies which we now spend on health care and spend them in a fairer way, giving low-income Americans a chance to buy health care like the rest of us have. It wouldn't create any new government programs. According to the Congressional Budget Office, it wouldn't add to the debt. If we are starting over, that framework would be a good place to start.

People at home in Tennessee, the Mayo Clinic, 1,000 local chambers of commerce that have made their announcement today, the Congressional Budget Office, and the Democratic Governors all say: Whoa, let's get it right. This has too many problems. Let's start over with something that Americans can afford in terms of their own health care plan and a government they can afford.

I ask unanimous consent to have printed in the RECORD an article by Martin Feldstein, President Reagan's former Chairman of the Council of Economic Advisers, from the Washington Post of today.

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

OBAMA'S PLAN ISN'T THE ANSWER

(By Martin Feldstein)

For the 85 percent of Americans who already have health insurance, the Obama health plan is bad news. It means higher taxes, less health care and no protection if they lose their current insurance because of unemployment or early retirement.

President Obama's primary goal is to extend formal health insurance to those low-income individuals who are currently uninsured despite the nearly $300-billion-a-year Medicaid program. Doing so the Obama way would cost more than $1 trillion over the next 10 years. There surely must be better and less costly ways to improve the health and health care of that low-income group.

Although the president claims he can finance the enormous increase in costs by raising taxes only on high-income individuals, tax experts know that this won't work. Experience shows that raising the top income-tax rate from 35 percent today to more than 45 percent—the effect of adding the proposed health surcharge to the increase resulting from letting the Bush tax cuts expire for high-income taxpayers—would change the behavior of high-income individuals in ways that would shrink their taxable incomes and therefore produce less revenue. The result would be larger deficits and higher taxes on the middle class. Because of the unprecedented deficits forecast for the next decade, this is definitely not a time to start a major new spending program.

A second key goal of the Obama health plan is to slow the growth of health-care spending. The president's budget calls explicitly for cutting Medicare to help pay for the expanded benefits for low-income individuals. But the administration's goal is bigger than that. It is to cut dramatically the amount of health care that we all consume.

A recent report by the White House Council of Economic Advisers claims that the government can cut the projected level of health spending by 15 percent over the next decade and by 30 percent over the next 20 years. Although the reduced spending would result from fewer services rather than lower payments to providers, we are told that this can be done without lowering the quality of care or diminishing our health. I don't believe it.

To support their claim that costs can be radically reduced without adverse effects, the health planners point to the fact that about half of all hospital costs are for patients in the last year of life. I don't find that persuasive. Do doctors really know which of their very ill patients will benefit from expensive care and which will die regardless of the care they receive? In a world of uncertainty, many of us will want to hope that care will help.

We are also often told that patients in Minnesota receive many fewer dollars of care per capita than patients in New York and California without adverse health effects. When I hear that, I wonder whether we should cut back on care, as these experts advocate, move to Minnesota, or wish we had the genetic stock of Minnesotans.

The administration's health planners believe that the new "cost effectiveness research" will allow officials to eliminate wasteful spending by defining the "appropriate" care that will be paid for by the government and by private insurance. Such a constrained, one-size-fits-all form of medicine may be necessary in some European health programs in which the government pays all the bills. But Americans have shown that we prefer to retain a diversity of options and the ability to choose among doctors, hospitals and standards of care.

At a time when medical science offers the hope of major improvements in the treatment of a wide range of dread diseases, should Washington be limiting the available care and, in the process, discouraging medical researchers from developing new procedures and products? Although health care is much more expensive than it was 30 years ago, who today would settle for the health care of the 1970s?

Obama has said that he would favor a British-style "single payer" system in which the government owns the hospitals and the doctors are salaried but that he recognizes that such a shift would be too disruptive to the health-care industry. The Obama plan to have a government insurance provider that can undercut the premiums charged by private insurers would undoubtedly speed the arrival of such a single-payer plan. It is hard to think of any other reason for the administration to want a government insurer when there is already a very competitive private insurance market that could be made more so by removing government restrictions on interstate competition.

There is much that can be done to improve our health-care system, but the Obama plan is not the way to do it. One helpful change that could be made right away is fixing the COBRA system so that middle-income households that lose their insurance because of early retirement or a permanent layoff are not deterred by the cost of continuing their previous coverage.

Now that congressional leaders have made it clear that Obama will not see health legislation until at least the end of the year, the president should look beyond health policy and turn his attention to the problems that are impeding our economic recovery.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Dorgan amendment No. 1813, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this legislation comes from the Appropriations Energy and Water Subcommittee. It has passed through the full Appropriations Committee and reported to the floor of the Senate. This is another one of our appropriations bills that we very much hope we can get done, have a conference with the House, and send to the President for signature. Regular order for this bill has not happened for a couple of years, which is a failure of the Congress and the White House because of the way things developed in the last few years. We need to change that.

I thank Senators INOUYE and COCHRAN, the chairman and vice chairman of the full committee. They have made a decision that they want to drive these individual appropriations bills through the process, get them conferenced, then send them to the White House to sign them into law. That is the way they should be done.

We have put together legislation that we think is a good bill. It funds all of the energy functions across the country, including programs attached to the Energy Department. It funds all of the water policy issues across the country, all the projects that are ongoing. It is a very important bill. If we think of the subject of energy and water, there is not much more controversial or important at this point than those two subjects.

This bill is 1.8 percent under the President's budget request and 1.4 percent over the amount spent in the previous fiscal year. This is a fairly conservative, austere bill we have put together. We have tried to make the best case we can for the best investments for the future.

The other thing that is important to understand is that, at a time when our country is in a deep recession, funding water projects and energy projects provides a way of putting people to work and creating jobs. At the end, rather than only spending and having the money disappear, we have invested and we have returns on those investments in the form of water and energy projects that will benefit the country for many years.

Yesterday, I talked for a moment about the Department of Energy's national laboratories. We fund a lot of issues in this appropriations subcommittee, including all of our science, energy, and weapons laboratories. I am so proud of those laboratories. They remind us of the old Bell Laboratories, where so much good research and scientific inquiry occurred. The Bell Labs are now largely gone. The laboratories that we have—the science, energy and weapons labs—are the repository of the most important research that goes on in this country.

I believe it was in the last fiscal year that Los Alamos in New Mexico announced it had completed work on what is called the Roadrunner, which is the most powerful computer in the world. That most powerful computer does not exist somewhere else, it exists here at Los Alamos Laboratory.

It is a computer that has met the speed of what is called a petaflop. That sounds like a foreign language.

Let me start first by talking about a teraflop. A teraflop is something where a computer can do 1 trillion discrete functions per second. In 1997, we reached that standard of a teraflop, 1 trillion functions per second. Ten years later, the amount of space for the hardware to do what was called a teraflop was a very large home essentially. That is the amount of space it took for the hardware. The amount of energy it took to run all that computer power was the amount of energy it took to supply hundreds and hundreds of homes. Then, 10 years later, a teraflop, the same 1 trillion functions per second, could be provided with the energy equivalent of a 60-watt lightbulb on equipment the size of a very small token.

Now we are not talking about 1 trillion functions per second or a teraflop. We are talking about a computing standard called a petaflop. The Roadrunner achieved it. A petaflop is 1,000 trillion functions per second. It is so powerful and unbelievable, it is almost hard to describe. I asked a scientist: What does it mean that you can do 1,000 trillion functions per second? He said: As an example, they are using them on stockpile stewardship and weapons issues. There are something like 1 or 2 billion synapses in the brain that communicate with each other. This is the first computer that has the capability and the power to analyze what these billion synapses of the brain are doing in communicating in order to produce something from one's eye called vision. We understand we can see. We just don't understand how it is all possible. Yet the development of very powerful computers like the Roadrunner, the world's most powerful computer in this country, allows us to do almost unbelievable things in science and research and inquiry. Is that an investment in the country, in the future? Yes, it is a big investment, an investment that will pay dividends for decades to come.

I point that out to say that we have brought a bill to the floor that deals with so many important energy and water issues. It attempts to accelerate research into renewable energy for programs like wind and solar and biomass. It attempts to evaluate how, through science and research, we can understand our ability to continue to use our most abundant resource: coal. We understand we will have to have a lower carbon future and capture carbon and sequester it or use it for beneficial use. The way we will do that is by investing in the kind of research and inquiry that will unlock the mystery of doing that. I am convinced we will. This is the legislation in which we make those investments.

Senator BENNETT has no doubt had the experience I have had because we lead the committee that funds all of this. I have had people from all around the country come to my office breathless about the silver bullet they have now patented that will solve all of our problems in energy, either the newest form of energy or the newest approach to capture carbon. They come in breathless. By the time they are finished talking, we are out of breath because they are so excited about what they are doing.

We have a guy who was a witness at a hearing on the beneficial use of carbon so that we can continue to use coal and not severely impact our environment. He has developed and patented an approach by which he takes the effluent coming out of the stack of a coal-fired generating plant and doesn't separate the CO_2. Through chemicals, he mineralizes it and creates a product that is equivalent and harder than and better than concrete. Is that the silver bullet? I don't know. But he made a strong and interesting case before the committee that this will dramatically advance our ability to use coal in the future while at the same time protecting our environment.

Senator BENNETT and I, in this legislation, provide the investment funds necessary to begin to scale up and demonstrate new approaches and new patents and new technologies in so many of these areas. Why is all this important? We are unbelievably dependent on foreign oil. Almost 70 percent of the oil we use comes from outside of our country. That makes us vulnerable from a national security and an energy security standpoint. The country knows we have to move off that dramatic dependency and find ways to produce more here. That means more of all kinds of energy. That is what we support in this legislation. We produce, we conserve. We provide greater efficiency for virtually everything we use every day, as we use energy in our daily lives.

Then, in addition to that large area of energy, which we will describe in greater detail as we have amendments to the bill, all of the water projects in this country, through the Army Corps of Engineers and the Bureau of Reclamation, are projects that are making life better for people, providing access to clean water and the storage of water.

We understand how controversial water is, but we also understand that water is essential to economic growth and human health. To monitor and conserve water resources and make the best use of all of those resources is exactly what we are trying to do with this legislation.

I won't describe more except to say this legislation includes the President's recommendations, his wide range of earmarks, and what the White House would like to be funded in water projects. We respect that and have accepted most of what the President has recommended for specific project requests. We have added some, while eliminating some of the President's, that we believe have higher value for various States based on information we have gleaned.

We will have amendments. I think there are already a couple dozen amendments filed. Some say the Congress should not have any imprint on what should be funded here, let's just let the White House tell us what they want funded.

Well, that does not make a whole lot of sense because the folks in this Chamber are elected by their constituents and perhaps have the best sense of what kinds of water projects will best meet the needs of their region or their State. But, as I said, we respect the President's views, and we have funded most of the specific projects he has asked us to fund and made some modifications where we think appropriate and where we think it will improve the legislation.

I say on behalf of myself and Senator BENNETT, we were here yesterday, and we did not have amendments offered. We had some filed but not offered. It is a quarter to 12 today, and we will be here all day. We very much hope, if people have amendments, they will come to the floor of the Senate, offer them, and debate them so we can proceed. So we are here. We very much would like to finish this bill by tomorrow evening—perhaps this evening, if people would be as optimistic as we

are. But we would like people to come and offer amendments as soon as possible.

Madam President, I do not know whether Senator BENNETT wishes to speak. Well, I believe we have someone who wishes to offer an amendment. We appreciate Senator VOINOVICH coming to the Chamber.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1841 TO AMENDMENT NO. 1813

Mr. VOINOVICH. Madam President, I ask that the Voinovich-Carper amendment No. 1841 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself and Mr. CARPER, proposes an amendment numbered 1841 to amendment No. 1813.

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

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

The amendment is as follows:

(Purpose: To clarify the authority of the Nuclear Regulatory Commission regarding the acquisition and lease of certain additional office space)

On page 63, after line 23, add the following:

SEC. 3____. AUTHORITY OF NUCLEAR REGULATORY COMMISSION.

The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading ''SALARIES AND EXPENSES'' under the heading ''NUCLEAR REGULATORY COMMISSION'' under the heading ''INDEPENDENT AGENCIES'' of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 629).

Mr. VOINOVICH. Madam President, I thank Chairman DORGAN and Ranking Member BENNETT for allowing me to bring this amendment to the floor.

This bipartisan amendment renews authorization granted to the Nuclear Regulatory Commission and the General Services Administration in the fiscal year 2009 Omnibus appropriations bill that allows GSA to acquire additional permanent office space near the Nuclear Regulatory Commission headquarters location in Rockville, MD. We need to renew this authorization in the fiscal year 2010 appropriations because the current lease negotiations will likely extend beyond September 30, the end of fiscal year 2009.

This is a fairly straightforward and simple amendment, but I want to take this opportunity to underscore the importance of the original intent of the authorizing language.

Having served as either the chair or ranking on the Clean Air and Nuclear Safety Subcommittee for the past 8 years side by side with my good friend, the senior Senator from Delaware, I take great pride in the fact that the NRC has become one of the best regulatory agencies in the world.

Senator CARPER and I, together with other members on the Environment and Public Works Committee, have worked hard to provide the NRC with the necessary resources to do its job; that is, ensuring safe operation of the 104 operating nuclear powerplants while conducting licensing reviews of the 17 applications for construction and operation of 26 new reactors. That may sound like some new information, and it is. We have 17 applications filed with the Nuclear Regulatory Commission for construction and operation of 26 new reactors.

With three pieces of legislation included in the Energy Policy Act of 2005, we were able to help NRC hire more than 1,000 new workers and rehire retirees in the last 4 years to meet the increasing demand. The rehiring was to train new people who are being brought on board.

Now we need to follow through and provide NRC with adequate, colocated headquarters office space to ensure maximum efficiency and effectiveness. I must say that the subcommittee has looked at this over and over again, and we have concluded that it is very necessary to have them have space in the same vicinity so they can more adequately and more efficiently run the operation.

Lately, we have been hearing a lot about how we need to increase the use of nuclear energy if we are to achieve our energy independence, reduce greenhouse gases, and create jobs. I would point out that the NRC is at the center of all of this in the midst of reviewing those 17 applications for 26 new reactors.

Providing NRC with the tools necessary to achieve regulatory stability, efficiency, and effectiveness not only makes sense, it is the job of Congress. I urge my colleagues to vote for this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I am in favor of the Voinovich amendment. To use the language of the cloakroom, it has not yet been hotlined. I do not know of any objection to it, and at least on this side, we will do what we can to get it hotlined, get it cleared, so it can be adopted, I would hope by voice vote, as quickly as possible. But because it has not been hotlined on our side, I would suspect the vote will probably take place this afternoon, if that is acceptable to the chairman.

There has been, as Senator VOINOVICH has pointed out, a significant increase in the NRC workload, and GSA has been in negotiations with NRC to construct additional building space next to the existing NRC headquarters. The negotiations may extend beyond the end of this fiscal year, with the lease award occurring in 2010. So in order to anticipate that, the NRC and GSA agreed that the language should be continued in the fiscal year 2010 appropriations for the NRC. That will facilitate the procurement process and protect the government from any protests after a contract is awarded. This would mean the NRC could continue the current procurement without interruption. For those reasons, I think we should facilitate this.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

Mr. DORGAN. Madam President, if the Senator would withhold?

Mr. BENNETT. Madam President, I will withhold the suggestion of an absence of a quorum.

Mr. DORGAN. Madam President, I, too, rise in support of the amendment offered by Senator VOINOVICH. It is a good amendment. In fact, it would extend authority we have previously carried in this legislation in fiscal years 2008 and 2009. So I believe we would be able to clear this amendment by voice vote, but it has to be hotlined, I think. So my expectation is we will be able to clear this amendment at some point after lunch today.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. 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. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Mr. UDALL of New Mexico. Madam President, as to the bill that is before the Congress, I heard Chairman DORGAN mention Los Alamos National Laboratory and the Roadrunner computer. I thank him for his attention to the two national laboratories in my State, Los Alamos and Sandia. This computer, the Roadrunner computer, is a very important computer in dealing with issues such as climate change, national security, and other scientific research. I applaud his efforts in moving us forward, and also Ranking Member BENNETT. I applaud them both for their leadership.

HEALTH CARE

Madam President, if you follow the debate in Washington about health reform, it is easy to get the wrong idea. The press likes to cover what we are doing out here as if it is a game of chess—one side wins by passing health care reform; the other side wins by blocking it.

I understand that somebody will disagree with whatever plan we produce to reform health care. That is democracy. Some Members of this body might decide they have to vote no on health reform. But let's be clear on one thing: If we fail to pass a health reform

plan, nobody wins. If we keep the status quo, all of our constituents will be worse off.

The health care debate can get complicated. Both sides have a list of numbers a mile long that are supposed to explain the problem and the possible solutions. But these numbers do not tell the whole story. For example, we know that 22,000 Americans die each year because they do not have health insurance. But that is only part of the story because every one of those 22,000 is a unique and irreplaceable individual—somebody's mother, somebody's son. Numbers cannot convey the injustice of it all, the needless pain for families and friends. Every year, this country produces 22,000 unnecessary stories of loss and suffering—22,000 stories that could go unwritten if we act now. These stories are everywhere we look, if we look.

Last week, I got a short note from a man in Pena Blanca, NM. The man wrote:

> My wife and I have been self employed craftsmen for 25 years. We never made enough money for health insurance. My wife now has terminal colon cancer. If she could have had a colonoscopy at 50 [years old] she would not be dying at 54. My heart is broken.

All this woman needed was the simple preventive care that should be available to every American—care that costs little and saves lives. But our system did not provide that, and now she is dying. If we do not get health care legislation passed, thousands of women like my constituent in Pena Blanca will not get their colonoscopies and thousands more hearts will be broken like her husband's. I do not care where you stand in this body, that is not a victory for anybody.

Another thing we talk about in Washington is ''preexisting conditions'' reform. It sounds as if it should be something complicated, something most Americans do not quite understand. But my constituents know exactly what a preexisting condition is. It is the heart attack from 10 years ago that prevents dad from getting insurance through his job. It is mom's age. It is the fact that Sarah from down the street might get pregnant—a fact that forces her to pay more for insurance than her male coworkers.

I have held a number of townhalls on health care reform in New Mexico, and everywhere I go I hear stories.

A couple of weeks ago, I heard a story about a constituent who had come to my office for some casework a few years ago. This is one of those people whom you would expect to do great things. He works an incredibly technical job at Los Alamos National Laboratory. Until recently, he thought his knowledge and hard work would get him through any crisis. Then John began suffering from a host of unexplained neurological problems. The problems got so bad that he was actually relieved when a doctor told him about a tumor in his brain. He chuckles when he remembers that day. He was so relieved to know what was wrong with him, and his doctor said something could be done.

But John's insurance company had other ideas. Months went by, and John was not approved for the operation his doctor recommended. Only just recently was he approved for the procedure he needs. But now he has other problems. His medical leave is about to run out, and he does not know what to do. If he loses his job, he loses his insurance. And if he loses that, he could lose everything. He will become just another American whose preexisting condition prevents him from getting health care.

John was supposed to be one of the lucky ones. Before he began having problems, he assumed he was one of the 55 percent of New Mexicans who have adequate health insurance. But John was just one illness away from the edge. And he is not alone. If we do not act, millions of Americans will fall off the edge in the coming years. I do not care how you feel about the President's health care plan, that is not a victory.

Because John cannot work, he could lose his health insurance. But you do not have to lose your insurance to lose everything.

When I was back in New Mexico over the Fourth of July recess, I stopped at a local TV station for an interview. I went to the front desk to check in and introduced myself to the woman sitting there. It was like I had touched a nerve.

''Senator UDALL,'' she said, ''I need your help.''

This woman works full time and she has health insurance through her work. Not too long ago, her doctor told her she needs cataract surgery or she will lose her sight. On Monday, before I met her, she was scheduled to get that surgery. Then, days before her appointment, she was informed that the deductible would be more than $2,200, not including the cost of any followup care. Like many Americans, she has been struggling to make ends meet in this economy. She cannot spare $2,200 from her paycheck, so she canceled her operation. Now she is afraid she will lose her sight and she doesn't know what to do. So when a Senator walked through the door, she asked me for help.

We can help this woman. She shouldn't have to choose between paying her rent and keeping her sight. Nobody should. And we can make it so. We can create a system where people can find and afford to pay for quality health insurance that provides the care they need. We can create a system where people do not have to worry that they are one layoff away from losing their insurance or one medical emergency away from losing everything. We can guarantee quality affordable health insurance to every American. If we don't—if we miss this opportunity—this is not a victory of one political party over another; it is a massive loss for all of us and for everybody we represent. It would be a national disgrace.

We are better than this. We can pass something that helps every American. We can declare victory not over the other political party but over the status quo. I hope we do so.

Thank you, Madam President.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. 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. KOHL. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Mr. KOHL. Madam President, I rise today to talk about our effort to achieve comprehensive health care reform. Most people agree that reforming our health care system is a necessity and that we cannot afford to wait another 10 or 20 years until health care costs consume the American economy as well as the budgets of most American families. However, as urgent as this issue is, we must approach every aspect of health care reform thoughtfully and not rush to complete what might be one of the most important legislative initiatives any of us will ever work on during our time here.

As the HELP Committee and the Finance Committee release their proposals for health reform, we know we cannot consider a bill that does not control costs. Controlling costs is an enormous priority. I believe it is as important as ensuring universal coverage, because if we provide universal coverage without controlling costs, the result would be financial catastrophe for our Nation.

I want to be clear that lowering costs does not mean limiting access to care, although opponents of health care reform will try to convince the American people that it does. These political talking points are a distraction at a time when we are trying to expand access to health care. No one will be forced to change their health plan, their doctor, or their hospital if they like what they have now. Health care reform will provide coverage to those who do not have it today, and it must lower costs for both families and businesses.

One key component to cutting costs is to eliminate unnecessary testing and overtreatment. If we can do that, then our health care system and America's patients will be in better shape. We can move in this direction if the Federal Government starts paying for value of care, not volume. As it stands, the Medicare reimbursement system provides perverse incentives. Currently, geographic areas that provide the most inefficient care oftentimes get the highest reimbursements. We need to ensure that all health care systems provide better care in a more efficient

way and reward those systems that already do so; otherwise, we will never get costs under control.

As chairman of the Aging Committee, I am familiar with many of the health care issues that affect seniors as well as all Americans. In this capacity, I have been pushing for health reform to include improvements to our long-term care system. Our Nation's population is aging at a record rate, and with every passing year more elderly Americans find themselves in need of long-term care. Most of us will at some point struggle with the high and rising costs of caring for a loved one. These too are costs we must get under control as part of health care reform, and I applaud Chairman KENNEDY for including the CLASS Act in the HELP Committee bill. This bill will provide new funding for long-term care through a voluntary social insurance program.

We can also get long-term care costs under control by promoting a move toward home and community-based long-term care services in Medicaid. These programs break away from a ''one size fits all'' approach, offering flexibility and choices tailored to an individual's needs. Even better, they save a lot of money that would otherwise be spent on nursing home care. Senators KERRY, GRASSLEY, and CANTWELL all have good ideas in this area that I hope will be considered.

We must also protect those consumers who are making an effort to plan for the costs of their own long-term care in advance. In recent years, long-term care insurance has gained popularity. Over 40 States have initiated programs to encourage residents to buy long-term care insurance in an attempt to ease the burden of Medicaid costs on State budgets. I believe we have a duty to make sure these policies, which may span several decades, are financially viable.

Many long-term care insurance companies have been raising their policyholders' monthly premiums, which can be devastating for older persons who are living on a fixed income. Until we can guarantee that consumers have strong protections, that carriers will not deny legitimate claims, and that premiums will not skyrocket down the road, long-term care insurance is not ready to be a major part of the health care reform solution.

The funding of care is not our only concern. It has been 22 years since we raised the standard of care in nursing homes, and quality improvements are long overdue. Every year, as part of our Medicare and Medicaid reimbursement system, our government collects information about all 16,000 nursing homes across the country. We should make this information available to consumers so they can judge a home's track record of care for themselves before deciding where to place a loved one. We should make nursing homes safer by instituting a comprehensive background check system for long-term care workers. Pilot programs have shown that this would keep thousands of predators out of our nursing homes where they can cause, and do cause, terrible physical, financial, and emotional harm to residents and their families.

The truth is that while there are some hot button issues that divide us and while there is seemingly endless ground to cover, there is a lot about improving health care we do agree on. We all recognize the need to bolster the ranks of those who provide care. As America ages, we will face a severe shortage of workers who are equipped to manage seniors' unique health needs. It is important to expand the training and education for licensed health professionals, direct care workers, and family caregivers, and I applaud the HELP Committee for recognizing this need in their bill.

We agree that America's health systems should expand the use of health information technology, which has been shown to save lives by reducing medical errors and save money by promoting efficiency in testing and communication. We agree that those who have suffered from a health problem in their past should not be denied insurance that will protect them for the future by ensuring that these individuals with preexisting conditions can purchase coverage.

We also agree that we should do everything we can to remove fraud, waste, and abuse from the system. We must employ a vigorous health care fraud enforcement program that will protect policyholders, businesses, and taxpayers.

We agree that we should work to provide appropriate care at the end of life. We need to break down the barriers to advance planning and encourage Americans to talk with their doctors about end-of-life care long before such choices must be made.

Finally, we agree that we have a lot to gain if we get this done in a thoughtful, deliberate way. We can do this right and we must do this soon because so many Americans are depending upon us.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THUNE. Madam President, I think the American people are beginning to react in a negative way to what they perceive to be happening in Washington, DC, today with regard to the debate about health care, the debate about new energy taxes in the form of a cap-and-trade program. Of course, we know there are a lot of questions about whether there was any value in the trillion dollar stimulus bill that passed earlier this year, which was supposed to keep unemployment below 8 percent, and now in many States it is well into the double digits and continues to go north from there.

They have seen a lot of government spending with the stimulus, a takeover of many industries, whether it is auto manufacturing, financial services, or insurance companies in this country. They have seen the cap-and-trade bill, which passed the House of Representatives, which they know—there are debates about how much, but they know it will increase what they pay for energy in this country. And now we are having this discussion about the government taking over one-sixth of the American economy in the form of health care.

I think what we are starting to see is that the American people, as they engage in these issues, are becoming increasingly concerned about the level of government expansion and intervention in the marketplace, and the amount of new taxation and new borrowing and spending that is going on in Washington, DC, at a time when the American people are being, by virtue of the fact that they have to live within a balanced budget, required to make hard choices in their daily lives. They see a disconnect between what they are experiencing in their family lives and what is happening in Washington, DC, where there continues to be this pattern of new taxes, spending and borrowing.

Logic would dictate, I think, when you are in a recession, you should not raise taxes. The worst thing to do in a recession is raise taxes and actually crush any economic recovery that might occur because, as we all know, what helps create jobs is small business. If small businesses are faced with higher taxes, they have less to invest in new equipment and in hiring new employees.

The other thing I think logic dictates is that when you are running trillion dollar deficits as far as the eye can see, you should not be piling more debt upon future generations. It seems as if everything we are talking about these days is an expansion of government in Washington, at greater additional costs to the American people, either in the form of higher taxes or increased borrowing from future generations, neither of which is something I think most Americans would acknowledge we ought to be doing when you have an economy in a recession and trillion dollar deficits as far as the eye can see.

The current health care debate is a good example of something about which people have reservations and concerns, because they see the attempt by the Federal Government to take over one-sixth of the American economy, to essentially nationalize it—whatever you want to call it. In any

event, it will mean greater government intervention and greater government involvement and an expansion of government in Washington, DC. I think they are starting to react in a negative way against that, and more and more members in Congress, in the House and Senate, are hearing that.

I think that is why it is becoming increasingly difficult now to move in the quick way in which the Democratic leadership in the House and Senate wanted to in order to enact some form of health care reform before the August break.

The way I view this issue is that we ought to look at starting over. Clearly, what has been proposed and rolled out so far is not working. It is not working in terms of winning the minds of the American people, in terms, in Washington, DC, of putting together what ought to be a bipartisan solution to probably one of the biggest challenges and crises facing the American people and our economy.

So far, we have seen a bill being debated at the committee level in the House of Representatives, and perhaps scheduled for the floor—if not this week, when we get back—and we have seen action by the HELP Committee in the Senate on a bill that, by CBO's estimate, is about a trillion dollars in new costs. Somehow, it will have to be paid for.

It seems as if we ought to push the reset button and figure out, OK, how can we do this in a way that achieves savings to the American people and the health care costs in this country, as opposed to actually adding new costs by increasing government spending in Washington, DC, expanding the size of government, and putting the government in the way of—I guess intervening in that fundamental relationship between physicians and patients.

There are a number of things that are, in my view, wrong with the current plan, the plan that passed the HELP Committee in the Senate, as well as the one currently being considered in the House of Representatives. The first fundamental test it flunks is that it doesn't do anything to reduce costs. To me, reform ought to be finding efficiencies, streamlining, looking at ways of doing things in a less costly way to achieve savings. We know that is not the case with the bill that passed the HELP Committee in the Senate, and we know the House of Representatives, in their bill, according to the most recent Congressional Budget Office estimates, also does nothing to find savings or achieve any sort of savings as a result of all these changes being proposed. So it flunks the first fundamental test of reform; that is, it does nothing to reduce costs.

Secondly, it does cut payments, reimbursements, under Medicare to providers, whether it is hospitals, whether it is the cost of pharmaceuticals. All of these things in this country that add to the overall cost of health care are obviously going to take a nick in this. We don't want to see the health care currently provided under Medicare to American senior citizens somehow be hurt by the fact that they are trying to find money to pay for this whole new expansion of government health care in this country. So you have the issue of cuts to reimbursements currently under Medicare, which very likely would impact the delivery of care, the quality of care for America's seniors.

The third thing, and another big problem, is that it adds new Medicaid costs to our States. States currently are participants. Medicaid is a shared program between the Federal and State governments, and there is talk about a significant expansion, the size of the Medicaid Program, which obviously costs the Federal taxpayers a lot more money. But it also passes on an incredible new and costly mandate to State governments. Many States are figuring that out and are starting to react to it.

My State of South Dakota is a good case in point. Our State legislature, Governor, and people who looked at this have concluded it would cost South Dakota an additional $45 million a year in Medicaid costs, which may not sound like a lot of money in Washington, DC, but in a State such as South Dakota, where there is a requirement to balance the budget every year, that represents a lot of money. Obviously, it will have to be paid for somehow. When you get to the larger States, the numbers increase in multiples.

You are talking about new taxes on States, in addition to the new taxes being talked about in Washington, DC, to pay for all this. You have new Federal and State taxes, again, at a time when already many State governments and budgets are strapped and they are trying to figure out how to balance their budgets currently.

Another reason why the current plan is such a big problem, and why we need to start over and hit the reset button, is because you are going to have a lot of people who are going to lose employer-provided insurance. Most of the studies conclude—and the House bill is a good example—that about 83 million people would lose their private health insurance under the bill that is under consideration in the House of Representatives. There are other studies that have been done. This was a Congressional Budget Office estimate. Other studies suggest that the number of people who could lose insurance on some of these plans under consideration in Congress could be in the 120 million range.

If you consider that we have 177 million people today who get their insurance through their employer, that is a significant number of people who are going to lose their privately provided health insurance and be pushed into a government plan.

That brings me to the next point of why the current health care plan being debated is the wrong direction in which to head and creates problems; that is, you are going to have more people going into the government-run plan—literally millions of people, the ones who are going to lose their insurance in the private marketplace. They are going to be pushed into a government-run plan. Obviously, there are a lot of people who would like to see that. I don't happen to be one of them. We ought to preserve what is best about the market and competition we have and allow people to have more choices. We don't want to, by default, shove more and more people into a government-run plan, when there are opportunities out there available to them today where they can get their health care coverage and insurance in the private marketplace. That is a much better model and has worked very well for a long time.

That isn't to say there are not things we can do better. I don't know of any Senator on either side of the aisle who doesn't acknowledge that there are things we need to do to reform health care in this country, to get costs under control, provide access to more people. But certainly taking away private coverage and pushing people into a government-run plan is not a reform of the health care system that makes sense to me or, I argue, most Americans, especially when it will cost trillions of dollars to do it.

As I said, I think most people look at reform as something that would actually reduce or somehow eliminate costs or create greater efficiencies and savings in the health care system in this country. You have a lot of people who will lose private insurance, and millions of Americans would be pushed into a government-run program.

As I said before, another big problem with this idea is that for employers, during a recession, it imposes new taxes and fines, both of which would be very costly, and both of which would deprive them of the opportunity, as the economy hopefully starts to recover, to hire new people, create new jobs, which is what small businesses do best. They are the economic engine of this country. We are talking about imposing new taxes and fines on them, at great cost, and so that takes away a lot of the resources, as they generate revenue that they can be able to devote or allocate toward capital investment or hiring more people. They are going to be paying fines and taxes to the Federal Government to underwrite this new expansion of government in Washington, DC.

Logic would dictate, and history would suggest, that the worst thing you can do in the middle of an economic recession is to raise taxes on the job creators in the economy. Raising taxes on small businesses is a bad idea. In fact, the House bill that is under consideration, with the surcharges and increased taxes, would actually increase marginal income tax rates from the top rate today of about 35 percent to about 37 percent. Think about that. The size of the increase in marginal income tax rates that would occur in

State and Federal marginal tax rates, under the plan under consideration in the House of Representatives, and how that would impact the economy, would be the largest tax increase we have seen since the end of World War II.

Frankly, if you think about most Americans and most small businesses, when you start paying half, or 50 cents out of every dollar, in taxes, you are getting to a point where it is going to be very difficult for these businesses which might say: Why should I continue to try to create jobs and provide health care coverage for my employees, when the government takes more and more of the profits I make in this business? I think that is the risk we run with the job creators, the small businesses, which are the economic engine and create as many as two-thirds to three-quarters of all of the jobs in our economy, in a recession. When you put new taxes and fines on them, you are layering them and burdening them with more costs that will make it very difficult for them to lead us out of the recession and start to expand the economy and create jobs. Intuitively it makes no sense for us to head in this direction.

Finally, I think the last problem—and, as I said, there are many with the current health care proposals—is we will have to start dealing with the lines and the rationing that so often occurs when we see a system such as they have in Europe or the Canadian system. Some here actually believe that is the best way to do this. They believe in a single-payer system. They believe we ought to nationalize our health care system in this country. Inevitably, what we will end up with is people ending up in lines. We will have government making decisions about what procedures will be covered, what the reimbursement will be for this procedure, that procedure. It is a disaster and a train wreck in the making, and it is a direction I don't think we ought to go.

These are all issues that I think point to the need for us to hit that reset button and to sit down and actually figure out what can we agree upon that will be a bipartisan solution to the challenge of increasing costs and a lack of access for millions of Americans.

That being said, we have a large number of proposals out there which, I submit, we ought to be able to debate. As the HELP Committee and the Finance Committee go through their deliberations, there are many things that have bipartisan support in the Congress for which we could get big majorities and which would address the fundamental issues of access to health care and cost of health care but none of which are being considered because right now the only plan out there is the one that has been written by the Democratic leadership, which consists of this government plan or this government takeover of the health care system.

We believe the principles in this debate ought to continue to maintain: People ought to be able to keep their health care; it ought to be health care they can afford; it ought to provide choices; and it ought to be patient centered.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

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

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

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

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I come to the floor today, as I will in the next few weeks fairly often, to share letters with my colleagues in the Senate and the people of this country, letters I have gotten from people in Ohio. I have letters today from a woman in Clermont County, Cincinnati; a lady in Lake County, Cleveland; a gentleman from Lake County also; and a gentleman from Columbus. I want to read these letters because this is really what the health insurance debate is all about. It is partly about preexisting conditions and exclusivity and gateway and exchange and public option—all those terms we all throw around. But what this debate is really about is people who are hurting because of the health insurance situation in this country. We know it is broken. We know we need to fix it. These are real people I want to discuss, people my office has talked to and I have talked to in some cases, people, for instance, like Lee Parks, whom I sat next to at Medworks in Cleveland this weekend. She was helping people with intake, people without insurance. They had some 1,500 people who came by without insurance. They needed dental care, eye care, medical care. There were several hundred volunteers, as I said, like Maria Parks and her husband Lee, who came and worked with us on health issues. Let me share some of these letters.

This is Wes from Columbus:

I am a 42 year old single male, small business owner. I had been able to make sure that I have health insurance up until March of 2007. It was then that Anthem raised my premium by 40 percent to $725 a month.

I had to decide whether to pay for the insurance or to continue to put money into my business. I chose the business, since without it I wouldn't have had access to insurance anyway. Since then I have tried to get coverage, but because of my 3 spinal surgeries, 2 sinus surgeries, and a prescription, NO ONE will cover me.

He capitalizes ''no one.''

Ohio has something called ''open enrollment'' which is a joke. Each month a different insurance company has legally to accept anyone who has pre-existing conditions. BUT, the way they keep people away is by making the rates so high.

We know that is what the insurance companies do. That is why we wanted the public option.

In 2008 Aetna quoted me a rate of $26,000 a year for coverage.

This is a small business owner. He says:

That is over half of my pre-tax income.

He said:

It's clear to me I will never get coverage under the present system.

Margaret, from Amelia, OH, writes:

I am a 61-year-old woman who has oral cancer. I worked in a law firm in Cincinnati for over 27 years, as the records manager. I've had four recurrences of cancer, and so far have been very lucky, but the doctor has said it will be back . . . and will get progressively worse. I'm worried about the pain, disfigurement and death, but right now—

She has oral cancer, she says—

I am most worried that I will be unable to work following surgery or treatments and lose my job and health insurance.

So she loses her job, she loses her insurance. We know that happens to so many people.

In 4 years I will be on Medicare but the cancer is coming back within months, now, not years. My husband is several years older and will probably be retired before I could get Medicare.

She writes:

Do you really want a truck driver on the road in his late sixties?

Her husband.

I am worried that we will lose the house and everything we've worked for.

This is a letter from a woman from Lake County:

I am 80 years old and have several health problems making it necessary to take 8 prescription drugs. Last year I fell into the donut hole.

This was the President Bush privatization of Medicare. It provided a prescription drug benefit, sort of—a good one for some people. But it was a bill, as you remember, written by the drug companies and written by the insurance companies at the betrayal of the middle class in this country.

She writes:

I fell into the donut hole by July, and only made it through the rest of the year due to the doctor giving me samples. . . .

My son had been diagnosed with rheumatoid arthritis several years ago. The insurance he had with his employer agreed to allow the treatments with remicade.

Remicade is that very expensive biologic drug that costs tens of thousands of dollars a year for which there is no generic substitute, for which there is no way to get the price down.

Then [my son] changed jobs and his new insurance would not allow the remicade, but would allow the use of humira, if my son would co-pay $1,000 per treatment—every other month. . . . That was almost more than his salary. He is barely making out.

That is the reason we need generic biologic reform, the reason we need a health insurance reform plan.

The last letter I will share today is from Thomas, from Lake County.

My name is Tom Zidek. I work for the United Steelworkers Union. Today I received information from one of the companies I represent that Kaiser is requesting a 30 percent increase in premiums next year.

This company has received another quote from Anthem, and ''Anthem's increase will be 15 percent for next year.''

He then goes on and tells me about his son who has Down's syndrome, has had open heart surgeries. His wife has cancer, and the medications she takes, according to Medco, cost approximately $5,000 to $6,000 a month.

As I said, me and my wife have good healthcare but earlier this year we were both concerned that we might lose our jobs.

He has worked for 36 years in the steel industry. He, along with millions of other workers, he tells us, middle-class families, played by the rules, and this is what happened.

These letters are four of hundreds that we get, many of us, every single day. I have had more calls and letters and e-mails this week about health care than any other week in my whole Senate career, my whole House career, for the last 18 years; more letters on health care, on this subject, than total letters I have gotten in any other week since I have been in the Congress. This is so serious. It is absolutely a necessity that we work on this. People who say go slow need to understand there are 14,000 Americans every single month losing their health insurance. Many of them live in my State. We need action.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. 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.

CHINA HUMAN RIGHTS

Mr. DORGAN. Mr. President, I wish to make a very brief statement while we are awaiting Members of the Senate to come and offer amendments. Senator BENNETT and I have been very patient. We have a good many amendments filed, so we are waiting for our colleagues to come offer those amendments on the underlying appropriations bill. But I wish to take a couple of minutes while we are waiting, to offer a brief statement.

I am Chairman of the Congressional-Executive Commission on China. The Commission examines human rights and rule of law developments in China. I would like to talk for a moment about these issues and some developments in China that concern me a great deal.

I want to discuss the increasing harassment of human rights lawyers in China, which this Commission had reported on in great detail. Some have been disbarred, and their law firms have been closed. Others have been physically harassed or beaten. What do these lawyers share in common? The tenacity and courage to take on politically sensitive cases.

I wish to say a few words about China's most famous human rights lawyer, a very courageous man named Gao Zhisheng.

It is 174 days now since Mr. Gao was last seen taken from his bed by more than 10 men. His captors, apparently the ''national defense'' unit of China's public security agency according to the renowned China expert Jerome Cohen, had threatened to kill the young lawyer during previous detentions that were marked by horrific torture. What was his transgression? Why is he in trouble with the Chinese authorities? He agreed to take politically sensitive cases as a lawyer, and represented some of the most vulnerable people in China. He sought to use the law in China to battle corruption, to overturn illegal property seizures, to expose police abuses and defend religious freedom in China.

In October of 2005, Gao wrote an open letter to President Hu and Premier Wen detailing the torture of Falun Gong practitioners by authorities. A month later, the authorities shut down his law firm and revoked his license to practice law.

In 2006, he was convicted of ''inciting subversion of state power,'' and was placed under ''home surveillance'' which was harsher than prison, for Gao and his family.

In 2007, public security officers abducted him again. He was brutally tortured for 50 days. His abduction was prompted by the publication of an open letter he wrote to us in the U.S. Congress.

Think of that. A lawyer in China wrote an open letter to us, Members of the Congress. In it, he alleged widespread human rights abuses in China and described the government's treatment of him and his family. His captors called him a traitor. They warned him he would be killed if he told anyone about being abducted and tortured.

Once released, he was placed again under ''home surveillance''. His family faced constant police surveillance and intimidation. His daughter, barred from attending school, lost hope as a young girl. The treatment became so brutal the family finally decided that their very survival depended on their escaping from China.

But Gao was too closely monitored and could not think of leaving without placing his family at great risk because he was monitored 24 hours a day. He did not want to be in a situation where he would leave his family at even greater risk.

So in January of this year, Gao's wife, 6-year-old son, and teenage daughter were smuggled out of China and into the United States. This is a photograph of Gao, his wife Geng He, his son, and his daughter. This photograph depicts a beautiful family living in China, Mr. Gao and his family, a lawyer who practiced law in support of the most vulnerable in China. As a result, he ran afoul of the Chinese Government.

Mr. Gao disappeared 174 days ago, has not been seen or heard from since. After his family fled China, Gao was abducted once again from his home and no one has seen him alive. We know his situation is extremely grave. I have met with his wife. I have spoken about this on the floor of the Senate previously. His wife came to Washington, DC, and was in the balcony when I and other colleagues spoke about the plight of Mr. Gao.

Of course, he may have been killed. The Chinese Government has not let anyone know his whereabouts or given access to him despite repeated appeals by U.N. agencies, by our government, by foreign governments, NGOs, and the media. The Chinese Government has signed and ratified many international agreements, human rights agreements, that would require it to come clean about Mr. Gao.

I have written to the Chinese Ambassador to the United States, and received a letter back from him that was a nonanswer. I call on the Ambassador again to answer the questions: Where is Mr. Gao being held? Is Mr. Gao alive? What is the Chinese Government doing to this poor soul who had previously been tortured simply because he ran afoul of the state by speaking out and practicing law on behalf of those who are vulnerable in China?

We call on the Chinese Government to give us information about Mr. Gao, to allow him access to a lawyer and to his family and to publicly state and justify the grounds for his continued abuse. The right to speak freely and to challenge the government, all of these are enshrined in the constitution in China. Yet it appears the Chinese Government and the Communist Party seem intent on upholding the violation of these rights in the case of Mr. Gao.

What has the Chinese Government done to Mr. Gao? How do they justify it? When will they allow his family to see him? The government's continued refusal to produce Mr. Gao makes this case resemble those of the ''disappeared'' in Latin American dictatorships.

American law has the practice of habeas corpus. It is the legal action through which a person can seek relief from the unlawful detention of themselves or another. I am aware of nothing similar to America's habeas corpus that exists in Chinese legislation or

legal practice. But the U.N. Convention Against Torture, which China ratified almost 20 years ago, obligates it to come clean about Gao.

I urge the government of China to disclose his whereabouts and justify the grounds for his continued detention. Once again, this is a photograph of a very courageous man, a very courageous Chinese lawyer, who has been incarcerated and tortured and now has been apparently abducted, perhaps killed. We do not know. I call on the Chinese Government to tell us what has happened to Mr. Gao.

Mr. Gao's family and Mr. Gao's wife continually await word now 174 days after their father and husband—this courageous lawyer in China was abducted. Having been abducted before and having been tortured before, they worry very much about the safety of their husband and their father. My hope is that our government, and other governments can expect some word soon from the Government of China about the whereabouts and the well-being of Mr. Gao.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CASEY. 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. DORGAN. Will the Senator yield?

Mr. CASEY. I yield.

Mr. DORGAN. I ask unanimous consent that morning business statements during the consideration of this bill be limited to 10 minutes.

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

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

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

HEALTH CARE

Mr. CASEY. Mr. President, I rise to speak of an issue that has dominated a lot of the time and attention—appropriately so—of this Senate, of the Congress overall, and the American people. Of course, that is health care.

We have heard so far a vigorous debate but, in my judgment, a debate that has not had nearly enough facts on the table. Some of those facts, of course, are the facts as they relate to what is in the legislation. Right now, what is before the Senate is one bill, the Health, Education, Labor, and Pensions bill, which came out of our committee. I am a member of that committee. It came out a few weeks ago with 13 Democrats voting for it, 10 Republican Senators voting against it.

We await anxiously the deliberation, further deliberation and the markup and the amendments which will lead to a vote in the Finance Committee. We do await that with a lot of anticipation. That will cause further debate and properly so. But I rise to speak on two or three topics as they relate to where we are now.

One is the question of the ''cost of doing nothing,'' the cost of staying on the same road, the status quo, because that is one choice for the American people. The other path is the path of change and reform, standing and working with President Obama to create the kind of stability the American people should have a right to expect from their health care system.

That stability should relate to and is framed by a number of important considerations—certainly stable cost. Too many Americans, even though they have coverage, see the costs going up all the time, and they cannot afford to pay them. Whether they are in a family or whether they are running a small business, we need to give them, through this legislation, stable costs going forward into the future.

We also need to make sure we have stability as it relates to quality. Millions, tens of millions of Americans, are covered by a health care plan from a health insurance company but are not getting the kind of quality that they deserve. That is a real indictment of our system. Strong as it is in some other areas, it is pretty weak in some of our quality indicators.

Thirdly, I think we want to make sure we ensure stable choices. The American people have a right to expect, at the end of the road of this legislation, when it is sent to the President—I sure hope we can get there; I think we can—that the President will be able to sign a bill that has a sense of stability as it relates to choices.

Why is it the American people should not be given choices not only from a menu of private options but also be given the opportunity for a public option—not a public option that is vague and overreaching but a public option that has the same rules, that every insurance company has to develop a plan. In other words, that the plan will be solvent, that the plan will be self-sustaining. All those features would be part of the public plan.

But the threshold question still is: Do you want change? Do you want to stay on the road we have been on, the status quo? I speak about the people of Pennsylvania, but I also know these numbers I will cite have a national implication as well.

If we do nothing, if we stay on the path we are on—now it is 2009—by 2016, according to one report, by the New America Foundation, here is what happens in Pennsylvania if we do nothing, if we stay on the road that is called the status quo, the do-nothing, let's not change road.

Here is the result from page 86 of the report.

By 2016, Pennsylvania residents will have to spend nearly $27,000 or close to 52 percent of median household income to buy health insurance for themselves and their families. This represents a 93 percent increase over 2008 levels and the sixth highest premium cost in the country.

I have not found yet, and I do not think I ever will find, a family in Pennsylvania, rich, middle income or poor who will walk up to me and say: You know what, you should not do anything about health care. Everything is fine. We should stay on the road we are on. When it comes to 2016, my family and I can afford to spend 52 percent of our income on health care.

I do not think we are ever going to find anyone in Pennsylvania or America who will be able to make that statement because no one can afford that.

But make no mistake about it, that is the path we are on right now as it relates to the cost to families across the country. Here is another segment of this report on the same page—again, as it relates to Pennsylvania.

People seeking family health insurance through their employers in Pennsylvania will have to contribute—

Meaning by 2016—

more towards premiums than residents of all but one state.

The people of Pennsylvania

will also experience the second greatest percent change in their premiums contributions nationwide. By 2016, people in Pennsylvania seeking family coverage through their employer will contribute almost $9,000 to the cost of the premium.

To be exact about it, we are talking about a premium increase from $3,510 in 2008 to $8,830, almost $9,000, for health care. I don't think I will run into anybody in Pennsylvania or America who says: Let's stay where we are. Everything is wonderful. Don't pass any bill. Don't worry about getting it done. We can afford to stay on the path we are on.

In a word, that leads to, if anything, instability for a family, the inability to make ends meet for a small business. That is the road we are on right now. At some point in this debate, there are going to be people in the Senate and House Members across the way who will have to decide which team they are on. In my judgment, there are two teams: the reform and change team President Obama has developed and the set of policies behind that or the ''let's not change, everything is OK, let's stay on the road we are on and let's stay with the status quo.''

In my judgment—and I know the people of Pennsylvania pretty well—people will support change, because the road we are on now is a road to ruin when it comes to our economy, when it comes to the bottom line of families and small businesses.

Every week, 44,230 people lose their health insurance. That is unsustainable. We can do all kinds of positive things in our economy. We can talk about creating jobs and doing all of the actions we hope to do to build a strong economy, but when we are a country where 44,230 people every week lose health insurance coverage, we are all in trouble.

For Pennsylvania, between January of 2008 and December 2010, a little less than 3 years, 178,520 people are projected to lose health care coverage. Again, I don't think we can stay on the road we are on right now.

Let me share some thoughts about the other debate on cost. What I have outlined is the cost of doing nothing. The cost of doing nothing is very high. In fact, it is unsustainable, if we are to have economic growth and families and small business stability. Two or three quick examples of ways the Senate HELP Committee bill, the Health Choices Act, helps to bend the so-called cost curve to bring costs in line over time.

In 2000, the Institute of Medicine conducted a comprehensive study of the economic cost to society of the uninsured, arising from poor health and shorter lifespans. An update of that study by the New America Foundation estimates that the economic loss is now up to $207 billion a year. By contrast, the CBO recently, when analyzing the House bill, said that it would cost some $202 billion in 2019—not today, 2019—less than the savings to the economy from covering the uninsured.

The bottom line is, we are spending currently per year $207 billion in terms of the cost resulting from poor health and shorter lifespans. One doesn't have to be a math major to cost that out over 10 years. Just add the zero. It is entirely possible from this formulation that if we are losing $207 billion to poor health and shorter lifespans as a result of the uninsured, we are talking over 10 years about $2 trillion by that estimate.

We can choose to stay on the road we are on, which means we lose more than $200 billion every year because of what is happening to the lives of people who don't have health insurance. It is not free. By one estimate, every person pays about $1,000 a year because others are uninsured. The idea that if we cover more people somehow that is going to cost people money, it is already costing people money today.

I argue we should abandon the idea of doing nothing. We should abandon and not even discuss the idea of staying on the road we have been on. The road we are on right now means people in Pennsylvania will pay more than half their income to health care, will continue to be part of the loss of revenue of over $200 billion each and every year. And finally, small businesses won't be able to make ends meet with those kinds of numbers.

We will continue to talk about costs and how we can reduce cost. That is an essential item and priority in this debate. But we also have to talk about what is happening to people right now and what is the cost of doing nothing. The cost of doing nothing is far too high for any American and, candidly, for any country to sustain. We cannot stay where we are now. We have to bring about change. I believe we will do that this year, if we choose to be on the right team in this debate.

I suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. While we are waiting for colleagues, some of whom will be offering amendments, I wanted to describe briefly an amendment I am going to offer.

Let me describe an executive order that was established by President Clinton in 1993. That executive order was titled ''Deficit Control and Productivity Improvement in the Administration of the Federal Government.'' Essentially what the President did in 1993 was require Federal agencies to delineate between their program costs and their overhead costs or general administrative costs. He wanted to begin cutting overhead or administrative costs.

The first thing a business will do, by and large, to deal with a downturn in business, is to begin tightening their belt on administrative or general overhead expenditures. We can't yet do that with Federal agencies, because there is no distinction between program costs and administrative or general overhead costs. The minute you propose any reduction, they say: OK, what you are doing is you are trying to cut these programs.

President Clinton issued an executive order in 1993 that required Federal agencies to separate out and report their administrative and general and administrative overhead expenditures versus program costs. Almost none of the agencies complied. So I began discussing with my colleague Senator COBURN legislation that we have since introduced. We may be an odd couple; we have different records on some issues, though not all. In any event, we decided to introduce legislation that would reinstate the requirements of the 1993 executive order, but in this circumstance make it stick and then, ultimately, begin a reduction in overhead expenditures.

The first step of that is to get the information with each of the major Federal agencies on what is general and administrative overhead expense and what are their program expenditures.

Let me give you some examples of administrative waste that are real head scratchers.

When the Transportation Security Agency was first created some years ago, they had to hire airport screeners. That gave rise to some unbelievable overhead costs in trying to recruit. We held a hearing on this. They had 20 recruiters begin a 7-week stay at the Wyndham Peaks Resort and Golden Door Spa in Telluride, CO, a luxury resort hotel with an 18-hole golf course. After 7 weeks, the recruiters had hired a total of 50 people. On some days only one or two applicants showed up, but they hung in there. They also, as I began to investigate that, had recruiters show up at the Waldorf Astoria to interview people; the Manele Bay Hotel in Lanai, HI; Hawk's Cay Resort in the Florida Keys. They were recruiting people and having a grand time of it, and in the end they spent $700 million in this manner.

A couple years later TSA spent $1 million on an awards banquet. They hired a party planner for $85,000, three balloon arches for the party for $1,400, seven cakes for $1,800, and $1,500 for three cheese platters. That is some cheese.

I don't mean to pick on the TSA alone. Fore example, the Bureau of Indian Affairs spent $28,000 to send 14 of its most senior staffers to a 4-day Tony Robbins motivational seminar. Overhead? It seems to me it is not overhead anybody ought to be supportive of. The participants in that seminar were trained on how to ''shed excess weight quickly and enjoyably,'' and how to ''reignite the passion in your physical relationship.'' They were also asked to walk on hot coals with minimal training. The $28,000 from the Bureau of Indian Affairs could have paid the annual salary of a fifth grade school teacher at an Indian school.

A week or two ago, the Bureau of the Public Debt at the Treasury announced it would hire a consultant to teach employees how to be funny in the workplace. The consultant was going to teach staff through the use of cartoons. I pointed out that there is very little funny to the taxpayers about the public debt. They scrapped that. In fact, I got a fairly upset letter from the cartoonist who bid the project.

My point is, there is fat in government agencies, especially the big agencies that have grown and have never had to trim overhead and general administrative expenses.

That brings me back to the Clinton order of 1993 that has never been complied with by Federal agencies, a Presidential order that directed certain things for which there has been no action. Senator COBURN and I introduced S. 948 with the objective of reviving that executive order and having the information by which to begin trimming back some or belt tightening some with the Federal agencies on overhead expenditures. I will not offer that bill in its entirety as an amendment to this legislation, but I will instead offer an amendment that represents a first step, which is that the Federal agencies will identify their overhead and general and administrative expenses, separately from program expenses. We need to know and should know.

My hope is, once we do know that information, we will be able to at least initiate some belt tightening because with the kind of Federal budget deficit we have—deficits are growing; I think they are unsustainable and very dangerous for our country—we need to be

tightening our belt in a wide range of areas.

The legislation we have introduced would begin to accomplish that. But in order to accomplish that, the first step must be to get the understanding of what the separate expenditures are of general administrative expenses and overhead expenses. So I will be offering that amendment as we go along.

We will be here apparently for a longer period of time, and at some appropriate moment, I will offer that amendment and hope for its inclusion in this legislation.

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

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. DORGAN. Mr. President, I will be glad to withhold my request.

The PRESIDING OFFICER. The Senator withholds.

The Senator from Illinois.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURRIS. Thank you, Mr. President.

HEALTH CARE REFORM

Mr. President, as the national debate over health care reform rages on, some complain about the inherent inefficiencies of government programs. Some are frightened by the prospect of Washington bureaucrats deciding what treatment people receive. But these skeptics always fail to mention the massive inefficiencies—and widespread denial of coverage—that is already present in the private market.

Private insurance companies are accountable to two groups: their customers and their shareholders. The competing interests of these two groups make for a dangerous tightrope walk for insurers. Paying off too many claims, or keeping insurance premiums too low, may lower profits and anger investors. Paying off too few claims, or raising premiums too high, could cause consumers to choose a different plan—if one is available.

The problem is that consumers do not have options. In the past decade, we have seen unprecedented consolidation in the insurance industry. We have seen over 400 corporate mergers involving health insurers over the past 13 years.

Mr. President, 94 percent of the Nation's insurance markets are now considered ''highly concentrated,'' meaning they pose antitrust concerns. These localized monopolies stack the deck against consumers because there is no longer real competition or choice.

The result? At the beginning of this decade, the five largest insurers increased their profit margins by at least 50 percent, and two of those companies increased margins by over 100 percent.

It is not surprising that, as the cost of Medicare skyrocketed over the past decade, the price of health care insurance has increased at an even faster rate. While companies raise premiums, they also work on devious new ways to deny claims.

Many insurers have created barriers to delay and limit care. Preauthorization requirements and burdensome, unnecessary paperwork mean that health care providers spend more time dealing with insurance industry redtape and less time treating their patients. Whole industries have sprung up around finding ways to deny insurance claims.

One insurance company boasted that they are ''Managing the Spiraling Cost of Health Care.'' The company claims that their efforts can ''reduce paid claims costs by up to 10% without changing benefits or making claim system upgrades.'' This means taking advantage of consumers by denying claims based on mere technicalities.

Any of my colleagues who believe insurance companies should decide on treatment options has never gone through the pain of a coverage denial. All of the extra paperwork and administration required to deny claims actually costs a good bit of money. And that cost is passed directly—it is passed directly—on to the consumer.

What some people do not want to tell you is that government programs are actually much more efficient, not less. Administrative costs for government insurance programs, including Medicare, Medicaid, and TRICARE, are around 5 percent. Private costs are as high as 30 percent in the individual market, 23 percent in the small group market, and 12.5 percent in the large group market.

These numbers speak for themselves. The insurance industry has become distracted by their desire to maximize profits at the expense of those who need care. We cannot stand by and watch as the American people are taken advantage of, especially in a time of need when someone's health is on the line.

That is why I am proud to support a public plan that will complete—compete—with private insurers. This option would provide a low-cost alternative to the private market, bringing back competition and choice. It would press insurers to end their abusive practices and high profit margins, and would help eliminate redtape at the same time.

No one would be forced to change insurance plans. No one would face higher premiums. And no one would need to fear that their coverage would be denied by a corporate giant for a few extra dollars' worth of profits. A robust public option would help make insurance available to those who do not have it, increase efficiencies, and reduce costs for every American.

The time to act is now. We must not let another year go by without meaningful reform. I urge my colleagues to join me in supporting a strong public option. The time is now. It has been 50, 60, almost 70 years that we have been working on this program for health insurance for all Americans. It is time we get it done.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to take a few minutes, if I may, as in morning business.

Are we in morning business?

The PRESIDING OFFICER. We are on the bill.

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

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

Mr. DODD. I thank the Presiding Officer.

Mr. President, let me take a few minutes, if I may, on the subject that I know is the preoccupation of many of us, even if you are not on one of the committees. The discussion about health care is, obviously, the dominant debate that is occurring here and in our Nation. I know our colleague from the State of Montana, Senator BAUCUS, along with Senator GRASSLEY, is working in the Finance Committee.

As many of my colleagues, I know, are aware, I was asked to fill in for Senator KENNEDY, who is struggling with his own battles with brain cancer, as the acting chair of the Health, Education, Labor, and Pensions Committee. We completed, as most of my colleagues are aware, our efforts about 2 weeks ago on our portion of the health care debate dealing with prevention, with quality, with workforce issues, with the fraud and abuse allegations in the Medicare, Medicaid systems, as well as coverage questions. The rest is left to the Finance Committee. At the end of that process, the goal is to marry these two pieces of legislation together in one bill.

So we made that effort. We spent about 5 weeks with over 23 sessions, and considered nearly 300 amendments in that process. In fact, we agreed to about 160 of my fellow colleagues' amendments from the Republican side—good amendments, I might add. Some were technical, but many were substantive, which I think added to the value of the bill.

While it did not turn out to be a bipartisan bill in terms of the votes that were cast, if you can define at least one definition of ''bipartisan'' to be that the bill itself reflected the contribution of ideas from all people, then to that extent this bill is a bipartisan bill. But we are obviously waiting until the Finance Committee completes its process. I realize people want us, as they should, to have a deliberate process, one for which we can say at the conclusion we did our very best, that we evaluated the situation as well as we could and came up with the best ideas we could to move forward.

It has been 70 years, as most people know, since we adopted the health care system we have in our country. Every

President, from both political parties, and every Congress, since the 1940s, has grappled with this issue unsuccessfully. Obviously, we passed Medicare and Medicaid and the SCHIP program and other ideas that I think have contributed to a large extent to the health care system we have today. But certainly the overall reforms in the system to move from a sick care system to a truly health care system have defied resolution.

So we are at it once again to see if we cannot defy the odds and do that which no other Congress and no other government has been able to do for more than 65 years; and that is, to come up with an answer that will give people primarily a sense of confidence, a sense of stability, to take away the uncertainty that many people feel about the present health care system.

Most of us, of course, in this country have health care insurance. A lot of those who are insured are underinsured. They have to pay a lot of out-of-pocket expenses or have very high deductibles, and so a lot of what they may face in terms of a health care crisis has to be paid for out of their own pockets. Their insurance coverage does not cover them. Others, of course, have no insurance at all. The numbers vary, but I think most agree the number hovers around 45 million people who are uninsured. There are about 25 million or 30 million who are underinsured in the country.

But, again, I state, most people have a plan they think is pretty good and they do not want the government or anyone else fooling around with it. So the first principle is to say: Leave well enough alone that which is working well. If you like your doctor, if you like your hospital, if you like your coverage, leave that alone. We are not out to change, nor should we, part of a health care system that works.

What we are trying to do is fix that which does not work, that which is costing us more than any other nation on the face of this Earth on a per capita basis—some $2.5 trillion a year. How do we increase access? How do we improve the quality of health care? And how do we make this affordable so people do not end up paying more and more costs in premiums? Of course, how do we provide that sense of confidence, that sense of stability, that sense of certainty that a plan will be there, Lord forbid, if I need it, if my spouse, my child, or I need that kind of health care coverage to pay for that unexpected accident, that unexpected illness that could afflict every family.

It is at that moment, that critical moment, that you want to make sure what you have will not put you into economic ruin, because all of a sudden the fine print excludes the very kind of coverage which you would anticipate based on the policy you have had for years. Or you find yourself in a situation where even if it does, it limits the amount you can receive to pay for that hospitalization or that care.

Those stories go on every single day. People want that notion that: If you are going to change this, if you are going to reform this, the thing I am looking for more than anything else is that I will have the confidence of knowing that policy I have is not going to bankrupt me in costs and will be there when I need it. That, more than anything else, is what we are talking about.

The problem, of course, is while we are waiting to do this—and, again, I emphasize that doing it right is certainly very important. I would like to think in our committee, while we did not get unanimous support at the end of it, we listened to every one of our 23 Members in that committee, over 5 weeks. There was extensive debate and discussion over all of these issues. So we have gone a long way, I think, in that process.

But while we are waiting, there is a cost to all of this. Let me point out what has happened in terms of the numbers. Mr. President, 14,000 people every day in our Nation lose their coverage. Again, that may be due to job loss, that may be because all of a sudden the plan they have does not cover the circumstances they are in. Since we have passed our bill in the HELP Committee 3 weeks ago, 182,000 of our fellow citizens have lost their health insurance. And 14,000 people do every day—again, through no fault of their own: job loss, as I say, or discovering that a policy did not cover the events they thought it covered and they find themselves in this situation.

While we are talking about doing this slowly, and waiting a while to get it done, it is important, I think, for those of us here who have great health care coverage—if you are a Member of the Senate, if you are a Member of the Congress, we have a Cadillac health care plan for every one of us and our families, as do Federal employees. I certainly welcome that. It is reassuring. It certainly gives you that sense, as a Member of Congress, that you have a stable, certain plan in place if you are unfortunate enough to be hit with a health care crisis.

I merely make that point because, as I say, a lot of our fellow citizens do not have that same sense of certainty and that same sense of confidence about their health care. Of course, if they are faced with a health care crisis, we also know what can happen. We now know that 62 percent of the bankruptcies in our country that have been occurring over the last several years are health care crisis related. I might point out, which I think may surprise some people, that 75 percent of that 62 percent are people with health insurance. It wasn't the person without health insurance who got caught with a tremendous health care cost and had no means to pay for it and thus went into bankruptcy. Seventy-five percent of those people actually had health care coverage. Fifty-four percent of the foreclosures in our Nation are related to a health care crisis as well. As I say, 10,000 homes today will receive a foreclosure notice.

So while we are waiting here and trying to get this right—and we should—it is important to be mindful that while we are comfortable about being assured that we have the coverage, millions of our fellow citizens do not have that same sense of certainty and confidence they would like to have as well, the certainty and confidence that they are not going to get wiped out by rising premium costs to pay for someone else, despite the fact that today most families write a check for about $1,100 a year as part of their health insurance to cover the uninsured who show up in emergency rooms—the uncompensated care, as it is called. That is $1,100 a year, on the average, for a family, a check they have to write because in our country, if you show up in an emergency room and you need health and care, I think virtually every medical facility in our country takes you in and they will treat you. They will care for you in that moment of an emergency, but it doesn't come free of charge. The costs of that are borne by those who pay the premiums for their own coverage, and the pricetag per health insurance policy, on average, is $1,100 a year. That is a tax we pay today as a result of not having a more comprehensive health care system in our Nation. So those 182,000 people who have now lost their health care in the last 2 weeks, and the 14,000 who will lose it today, some I presume will show up in an emergency room because of a condition or a tragedy that befalls them. They will get health care under the status quo we have today. They will get health care, but the rest of the country will pay for it one way or the other. We have to change that. You cannot bankrupt the country by having a system that fails to provide for the coverage as well as the cost of these matters on the present system we are living under. It will not be sustainable, in my view.

So these numbers are real. They happen every day. The longer we delay in getting this done, these numbers will mount. So it is important to not do so recklessly, to not do it at such a speed that we don't know what we are doing, but we need to keep in mind that as we move along in this process, it does not come without a cost to those out there who find themselves in that free-fall, that terrible feeling—that terrible feeling that if something happens, I can't take care of my family.

The PRESIDING OFFICER. The Senator has reached his 10 minutes.

Mr. DODD. If I may, I will ask unanimous consent to proceed for 1 additional minute.

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

Mr. DODD. Again, there are stories of people in my State, as I know there are all across this country, who are losing this. I was going to tell the story of Mrs. Carrasco in Hartford, CT. She now

skips her examinations, such as her colonoscopy and others things, because they are not paid for under her policy. Several months ago, she said she had an infection but didn't go to the doctor because she was afraid it would cost too much. Again, doesn't go and the problems can get worse.

Another woman in Connecticut, by the name of Theresa, has a cluster of autoimmune disorders including rheumatoid arthritis and connective tissue disease. Because she doesn't have health insurance, she doesn't see the doctor. Those problems are going to get worse and she is going to show up and the cost goes up. So stability in terms of what we have, making sure the cost of these premiums doesn't outstrip the ability of working families to meet them, is certainly a great challenge before us as well as improving the quality of care for all Americans.

Lastly, I would just say I spent a good part of Saturday this last weekend at the Manchester Memorial Hospital in Manchester, CT, looking at their new ICU unit as well as meeting with hospital personnel. It is remarkable what small hospitals do all across our country and how well they serve the people in keeping down costs and increasing quality. Many of our hospitals do. Our providers are truly good Samaritans in case after case after case. The nurse practitioners, the doctors, and others who support the health care professions do a remarkable job every single day. But we need more primary care physicians, we need more nurses, if we are going to meet the demands of a growing population who has coverage. But we truly need to reform this system; leave in place that which works, fix that which doesn't. That is the goal the President has laid out for us.

That is our collective responsibility. I am confident we can do it. If we will sit down with each other and work through this process, we can achieve that result to bring that level of stability and certainty that people want when it comes to their health care needs.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1841

Mr. CARPER. Mr. President, I wish to return to the underlying bill. Senator VOINOVICH and I have offered an amendment, and I think it is No. 1841. I am not going to call up the amendment now, but I wish to talk a little bit about it.

As the chairman and our colleagues know, we receive in this country probably 20 percent of the electricity that we consume from nuclear powerplants. All those nuclear powerplants were built several decades ago. We have about 104 in all. A number of them are 40 years old. They were licensed for 40 years and the utilities that own those powerplants have to come back to the Nuclear Regulatory Commission and ask for an extension, if you will, on the life of a license. They are asking for 20-year extensions.

The Nuclear Regulatory Commission has many jobs and one of those is to make sure the 104 nuclear powerplants that are in operation are operating safely every day. I like to say if it isn't perfect, make it better, to create a culture of safety and to make sure we don't have mistakes and errors that can cause great havoc.

In addition to that, the Nuclear Regulatory Commission is charged with—these nuclear powerplants are approaching the end of their license, their 40-year license, and so they apply for extensions. The Nuclear Regulatory Commission has to go through with the utilities that own the plant the relicensure process. Add on to that, the Nuclear Regulatory Commission has now, I think, 18 applications to build 28 new nuclear powerplants in this country in the decades to come. Add to that, there are a number of new designs for nuclear powerplants that the Nuclear Regulatory Commission has to say grace over, to evaluate, to wrap their brains around and to understand how they would work and whether they would work safely for 40, 60 years. In short, the Nuclear Regulatory Commission has a lot on its operate plate, which is a good thing.

Nuclear power provides, among other things, electricity for 20 percent of our Nation's households and businesses and so forth, but it also provides electricity that is carbon free. The emissions from nuclear powerplants do not include carbon dioxide, do not include sulfur dioxide, do not include nitrogen dioxide, which bothers our breathing apparatus; does not include mercury which leads to brain damage in unborn children. Nuclear powerplants don't put any of that into the air. They don't contribute to the problems of global warming.

In order to make sure they are doing their job and the folks at nuclear plants and utilities are doing what they need to do to provide safe nuclear power, the NRC has had to hire extra people. They have hired, I think, in the last year or two or three, about 1,000 extra people. They have them spread out at different locations. The Nuclear Regulatory Commission is interested in trying to consolidate as many of those people as they can for management purposes. I think it makes a lot of sense. Senator GEORGE VOINOVICH of Ohio, who has helped me at one time or another, and I have helped him, to lead the Senate Subcommittee on Clean Air and Nuclear Safety—we believe it makes sense for the Nuclear Regulatory Commission to collocate many of their employees going forward.

We want to make sure, and we seek to do it with the language in amendment No. 1841, that the NRC can use the language within the bill and for employee costs and other expenses to be able to get this collocation process underway and provide additional spaces if they are needed for an additional 1,000 employees. So my hope is our colleagues will adopt this amendment.

I would also say the Nuclear Regulatory Commission does a competition with, I think, every other Federal agency. It is a competition we don't hear a lot about, but the competition is for the recognition of best federal agency to work for, best for employees, best for their families, and for the last two or three years, the Nuclear Regulatory Commission has been selected as the very best place for Federal employees to work. They do important work. They work hard. But they also work in an environment where the employees feel it is good for their life—not only their professional life but also their families too. They have asked for this help from us and Senator VOINOVICH and I are pleased to lend our support and we hope our colleagues will join us in supporting amendment No. 1841.

With that being said, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, we are waiting to try to see if we can have a vote on an amendment that has been offered. We, again, would ask colleagues to come and offer their amendments. We have been patiently waiting, Senator BENNETT and I, to see if we could get amendments debated and voted upon.

I have a photograph I wish to show on another matter. I ask unanimous consent to speak as in morning business for 5 minutes.

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

ELECTROCUTION DEATHS IN IRAQ

Mr. DORGAN. Mr. President, at 8:30 p.m. on January 2 in 2008, fellow special forces soldiers found SSG Ryan Maseth on the floor in the bathroom at a security forces building in Baghdad, Iraq. His mother Cheryl Harris was originally told, when she was informed her son had died, that perhaps he had been in the shower with a radio and had been electrocuted. He clearly had been electrocuted when he was found unresponsive in January of last year.

But Cheryl Harris, she wanted to get to the bottom of this, and she would not let this drop. I held two hearings on this subject. We discovered that Kellogg, Brown, and Root had been in charge of fixing widely reported problems at the shower facility where Sergeant Maseth had been electrocuted, and had failed miserably.

Well, this week we obtained an inspector general's report, which shows that there were 230 electrical shocks of American soldiers in facilities in Iraq because they weren't wired properly. Kellogg, Brown, and Root was the contractor, and they failed miserably. In

fact, they were awarded $83 million in award fees, bonuses, for excellent work, which we now know was improper. They hired third country nationals who could not speak good English and didn't know the standards and, in many cases, didn't even do basic grounding of the wiring. We know that Staff Sergeant Maseth was electrocuted. We know there was a young man power-washing a Humvee who was electrocuted. We know that the U.S. Army criminal investigation is now investigating a number of these circumstances.

But when I held the hearings, there was denial all around by Kellogg, Brown, and Root; no, we did great work, they said. By the Pentagon, the Defense Department; no, things were fine, they initially said. It turns out that wasn't the case. We had to ultimately get an inspector general to give us the facts. It is not only on this case. The same thing happened on contaminated water brought to the military bases in Iraq. I held two hearings. The Pentagon denied that KBR had provided unsafe water to our troops. Kellog, Brown and Root—Halliburton, rather, in that case, denied it. But I asked the inspector general to investigate, and they confirmed it. Nonpotable water that was more contaminated than raw water from the Euphrates was sent to our soldiers at bases in Iraq.

These are two inspector general reports. Inspector General, U.S. Department of Defense. There are two of them. They tell us what has been the result of improper wiring of facilities in Iraq. ''In the remaining 9 cases,'' they say, talking about electrocutions, not about the 230 electrical shocks—I am talking about the nine who died. ''In the remaining 9 cases, we determined that individuals were killed by improper grounding or faulty equipment. The equipment malfunctions could have related to whether equipment maintenance complied with proper electrical standards, or whether the respective chain of command acted responsibly in protecting servicemembers. As of June 30, 2009, five of those nine cases remained under criminal investigation.''

Until I did the hearings, these were largely unknown. Even when I did the hearings, KBR insisted that it had done nothing wrong.

In the case of SSG Ryan Maseth, specifically, let me read from the IG report:

> An engineering evaluation of the failed pump [this is a pump that serviced the building] determined that insulation on the internal wires melted, causing a short to the metal pump housing. Failure to ground the pump and improper grounding of the building electrical system allowed the metal pump housing and water distribution pipes in the building to energize.

This says this soldier was electrocuted while taking a shower because contractors didn't do their job. It is not me saying that. I had hearings in which people working for that contractor showed up at the witness table and said: We worked next to people who didn't know what they were doing, and it subjected these soldiers to great risk.

As I indicated previously, in the Department of Defense, for this work, which we now know was shoddy work and improper work that put soldiers' lives at risk, for that work, this contractor got $83 million in bonus awards. It is unbelievable to me that this sort of thing goes on.

I think there are some in the Pentagon, in the chain of command, and certainly contractors, who have a lot to answer for. This Congress ought to insist upon it.

This mother of this soldier, Cheryl Harris, wasn't going to let this drop. Good for her. That is why I held these hearings to determine what is the truth, because we didn't get the truth from the people who talked to the mother of the soldier who died. In the hearings, witnesses who previously worked in Iraq told us that the KBR's wiring was improper. Now we get the truth from the IG report. We should not have to wait for the IG to confirm these things.

I would think the U.S. Defense Department would search more aggressively for the truth than anyone because it was their soldiers who were put at risk. Regrettably, the Defense Department has not pursued this with the zeal you would have hoped for. It doesn't matter whether it was the sodium dichromate case, where soldiers were exposed to the risks of cancer because of the water brought to the bases, which was more contaminated than raw water from the Euphrates. There were four or five cases. The contractor said it did nothing wrong in each case, and the Pentagon by and large said that KBR had done nothing wrong; but the inspector general said that the problems were real, and documented how the contractor had failed, and the Defense Department had failed to hold the contractor accountable.

This Congress deserves better than that from the Defense Department, the taxpayers deserve better, and a mother such as Cheryl Harris should not have had to wonder whether her son was in mortal danger through the mere act of taking a shower.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I want to take a few minutes this afternoon to discuss the recent developments on the health care issue and particularly with Senator BENNETT on the floor, my friend and colleague, and the effort to make sure health care reform is bipartisan. Also, Senator BAUCUS and Senator GRASSLEY on the Finance Committee, on which I serve, are putting in killer hours now in an effort to come up with a bipartisan approach in the health care area.

I wanted to take a few minutes and talk about a particularly important part of the health care debate, and that is what the middle class is looking for in terms of health care reform. I think when you talk about middle-class folks, most of whom have health care coverage, they are looking for a way to be wealthier, they are looking for a way to be healthier, and they want to make sure that if they leave their health care coverage, or their coverage leaves them, they can get portable coverage.

Perhaps as much as anything, middle-class folks want choice. They understand—and this is a matter that Senator BENNETT and I have talked about often—that if you are going to come up with a health care reform effort that is going to save money, create incentives for people to stay healthy and services to offer prevention, and coverage that is portable, you have to give everybody the chance to choose those kinds of health care plans and those services.

The President, to his credit, has made the matter of guaranteeing choice—what I have put up here on the chart—President Obama has said that is one of his bedrock principles for health care reform. The President has said every American must have the freedom to choose their plan and their doctor. He clearly is on target when he talked about choice being one of the best ways to hold health care costs down, reward people for staying healthy and getting coverage that is portable.

For example, every Member of Congress has the capacity to choose a plan that is more affordable for them. When the sign-up period comes in the beginning of each year, you get a menu of various health services, and you want to choose the one that is the most economical for you, the one that rewards you for staying healthy. All Members of Congress have the opportunity to do that. The President is absolutely right in saying that choice ought to be a bedrock principle of health care reform. Clearly, that is what middle-class folks in Colorado, Utah, and Oregon are looking for; they want to make sure they have choices. Frankly, they wish to have as many choices as we have in the Congress.

So Americans want these kinds of choices. But for too many of our citizens, under the health care reform bills that are now being considered in the Congress, lots of people won't have the kinds of choices that Members of Congress have, or any choice at all. There are proposals in the Senate to create what is known as firewalls, to keep people from being able to go to what is a ''farmer's market''—they are called insurance exchanges—where people could get these kinds of choices, and these exchanges are to be created in the reform legislation.

As odd as it sounds, Congress is going to be creating these insurance exchanges, designed to help people shop around for their insurance, but then limit who can shop at these exchanges.

If you have coverage, for example, and somebody in the government says you ought to consider it affordable, you ought to like it, you are not going to be able to go to this ''farmer's market,'' this exchange, and shop for a plan that is better for you and your family. You aren't going to be able to enjoy more choices; you aren't going to be in a position to get more for your health care dollar. You aren't going to be able to get an affordable package, because only some people will be allowed at these exchanges.

I think everybody ought to be able to shop for their health care insurance like Members of Congress do today, and like our esteemed colleague Senator KENNEDY called for in a very fine essay last week.

I have been able, working with colleagues, to come up with a way to do that. I call it the Free Choice proposal. Our Free Choice proposal lets workers who like what they have keep it. But it also lets workers who don't like what they have choose other plans. Half of those fortunate enough to have employer-sponsored insurance today don't have any choice of health plans at all. Think about that. Most Americans don't have the capacity to choose, like we can here in the Congress.

Unfortunately, under the health care reform plans that are being considered in the Congress, we are still going to leave millions and millions of Americans without a choice of health services and health care plans. Under our Free Choice proposal, everybody who has employer coverage is going to have new choices. They can certainly keep what they have. But if they choose, they can take what their employer now pays for their insurance and go to the ''farmer's market'' and buy a plan that is a better fit for them and their families.

It also gives employers more options. If the insurer isn't going to sell them an affordable plan, the employer could then take the whole group to the exchange and get a discount.

What the distinguished Senator from Utah and I have been talking about these many months is something that would give more clout to workers and more clout to employers on day one. It would give employers and workers the ability to save money at the get-go, largely through an old-fashioned concept that is about as American as we have, which is choice and freedom, and the ability, when you shop wisely, to benefit financially and, particularly, our employer approach, where the employer could take the worker to the exchange on day one and get a discount. That the employer could get a discount is one that, in my view, is going to give employers the bargaining power in negotiating with insurers that they don't have today.

This is a proposal we can do without making any adjustments to the Tax Code. The independent analysis Senator BENNETT and I got a few days ago indicates we could save consumers $360 billion over the next decade. Those are savings to our people. Those are savings in the health care system. It is an approach that is very much in line with what the President has identified as a bedrock principle for health reform.

I have talked about the value of choice, particularly this August in Colorado, North Dakota, and around the country being able to tell all middle-class people they are going to have more choices. But what I think is particularly useful about the Free Choice proposal, it is one of the pathways to getting more affordable coverage because once you have these choices, just like Members of Congress—if at the beginning of the year the Senator from Colorado does not like one particular plan, he can go to one of the other plans that is a better fit for him and his family. We are talking about using the same principles that have worked for Members of Congress for many years.

I believe that middle-class folks, as they try to sort through this debate, are going to be looking at a handful of fairly straightforward principles. They are going to want to be wealthier, they are going to want to be healthier, they are going to want coverage they can take with them from job to job.

We have had 7 million people laid off since this recession; 3 million of them do not have health care. What happens to them is they go into a program called COBRA. COBRA is the only Federal program named after a poisonous snake. Given how hard it is for people to afford that coverage and all the bureaucracy for employers and employees, we can do better by both workers and employers. Let's make coverage seamlessly portable. Senator BENNETT and I have included that in our Free Choice proposal. On day one, more choices for the middle class. On day one, the opportunity to save money. If you don't like the first plan, choose one of the other plans. On day one, coverage that is portable. That is what I think middle-class folks are looking for.

That kind of market competition is what the Congressional Budget Office has scored as actually producing savings in the private sector, not in 10 years, not in 15 years, but in a matter of 2 or 3 years. It actually bends the cost curve downward without exploding the debt and the deficit.

I hope my colleagues on the Finance Committee and here in the Senate and on the HELP Committee—I had a very constructive conversation about the Free Choice proposal with Chairman DODD recently. I hope colleagues will see this is an approach that can win bipartisan support.

The guarantee of choice is a bedrock principle in President Obama's agenda. For the middle class who is asking now how this is going to work, this is the path that is going to let middle-class people be wealthier, healthier, and protected when they lose their job or if they want to get another opportunity. I am very hopeful that this bedrock principle of President Obama's agenda for fixing health care can win the support of colleagues on both sides of the aisle because I think that is the pathway to responding to the question middle-class people are asking all over this country today: How we are going to make this work for them?

I hope colleagues who have additional questions about it will see my friend from Utah or me. We will be happy to discuss it with them further.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I know we are on the bill. As the manager on the Republican side, I want to stay on the bill, but, my colleague from Oregon having raised the issue with respect to the consumer choice and our proposal, I ask unanimous consent that I can proceed as in morning business in order to respond.

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

Mr. BENNETT. Mr. President, I am grateful to Senator WYDEN for the leadership he showed here and the tenacity with which he has pursued all of these issues. As I have sat here and listened to the various interventions in morning business about health care, I found the common theme that I want to comment on with respect to it. I think Senator WYDEN's comments helped me frame this theme.

The theme I have heard over and over again from speakers has been: We can't stay where we are. And then the argument has been framed: We either have to move ahead with the President's program or stay where we are. As Senator WYDEN has indicated, there are other alternatives besides moving ahead with the President's program and staying where we are.

I would like to draw this analogy that I hope will help us understand at least this Republican's position. I won't try to speak for all members of my party, although I think many of them would be sympathetic with what I am about to say.

Let's assume your neighbor's house is on fire. This is a serious problem. Your neighbor comes to you and says: My house is on fire. Lend me your garden hose so I can put the fire out.

And you say: My garden hose isn't long enough to reach the fire.

You don't understand, your neighbor says, my house is on fire. There are children in the house. There are women in the house. They will die if you don't put out the fire. Lend me your garden hose.

I respond or you respond: I understand there are children in the house. I understand allowing the house to burn down is a tremendous mistake. But my garden hose won't reach. We need a different garden hose if we are going to put out the fire.

No, no, no, the fire is reaching now, it is down, it has destroyed the top stories, it is getting down to the bottom

stories; people are fleeing. Give me your garden hose or you are a terrible person.

And you respond: I will be happy to give you a garden hose that would work, but the garden hose I have right now will not solve your problem.

We need that kind of an understanding here.

I am not a Republican who says: I defend the present system. I listened to the speeches being made about how terrible the present system may be, and I say I agree with them absolutely. I listened to the letters being read from home States that say: I was denied coverage by an insurance company bureaucrat. I lost my job and I lost my coverage. These are tragic, and I agree they are tragic, and I agree something ought to be done about it. It is just that, in my opinion, the President's garden hose will not reach. In my opinion, the President's garden hose will not only not put out the fire but, to stretch the analogy beyond all credulity, will make it worse. We heard about people who are being denied coverage under the present system. People will be denied coverage under the President's system.

If we look at other countries that have adopted similar public plans of the kinds we are talking about, we are going to see people whose coverage is denied again and again. Indeed, the comment was made about Senator KENNEDY and the brave battle he is putting on against his problem. If he lived under the single-payer coverage of other countries, he would be denied coverage because of his age. We don't want that in America. We don't want people like that to be denied opportunities.

Senator WYDEN and I have worked as hard as we can—back to the analogy—to create a garden hose that will reach, to create a garden hose that will, in fact, put out the fire, solve the problems, and change the present system.

I thank the Senator from Oregon for making it clear that there are alternatives to the present system that are not necessarily the bills that are coming out of the two committees.

I am not going to embarrass my friend from Oregon by insisting that he take the same position I take with respect to the bills that are coming out of the two committees, but together we have formed a solution that we think will solve the problem, we think will put out the fire, we think will turn down the cost curve. And we have now a growing chorus of voices of people who are saying: You know, Wyden-Bennett looks as if it will work; why don't we try it.

The only question I am asking here is, Why don't we try it? So far, neither committee has been willing to look at the details of what we are talking about. All we are asking is that they do so because we are convinced that when they do, they will come to the conclusion that our garden hose will, in fact, put out the fire and it will do it more cheaply and more efficiently than the proposals that are before us.

Again, Mr. President, I thank my colleague from Oregon for his leadership and his tenacity in going forward with this proposal. I am honored to be associated with him in this effort. I agree with all of the speeches that have been made that the present system is not acceptable. I hope we can get together and solve the problem in a truly effective and bipartisan fashion.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to take an additional minute. I thank my friend from Utah.

What is striking about this debate is the opportunity to bring both sides together. As I outlined the Free Choice approach and the pathway to savings for middle-class folks—portable coverage, incentives for prevention—it could work its way into a variety of different bills that are being considered. Obviously, Senator BENNETT and I feel very strongly about our legislation, the Healthy Americans Act, but I was very pleased with the discussion I had the other night over dinner with the distinguished Senator from Connecticut, the chairman of the HELP Committee, who has some good ideas as well.

What I hope we will do, what Senator BENNETT and I have sought to do lo these many months, is focus on some bedrock principles. I cited the three that have been important to President Obama: the question of holding down costs, ensuring choice, maintaining quality.

I believe—Senator BENNETT and I have worked together on this—that our approach with Free Choice in particular making sure we don't have all these firewalls that would prevent choice for millions of Americans would—would actually reward Americans for shopping wisely.

I was very glad that both Chairman BAUCUS, who said he would look at our Free Choice proposal, and Chairman DODD, the same openness at looking at our proposal, captured that this would be a way to carry out the President's agenda for addressing the questions middle-class people are talking about all over the country.

Obviously, Senator BENNETT and I—and I am very pleased the distinguished Senator from Delaware has joined us. He is certainly a veteran of the Senate and what it takes to come up with bipartisan coalitions. I am very pleased to be on the floor with two good friends who know a lot about health care and what it takes to build bipartisan coalitions.

What I wanted to do was to say that in addition to our legislation, which we obviously feel strongly about, this concept of Free Choice and making sure you reward individuals, as we do in so many areas of American life, could really pay off quickly for middle-class people in terms of savings and access to quality health care.

I am very hopeful that as we go into these last couple of weeks before the recess—and we have offered this proposal to Chairman BAUCUS, the chairman of the committee on which I serve—Democrats and Republicans can come together so that before the August recess, we will have at a minimum identified some ideas.

Our Free Choice proposal is just one that will allow us through the month of August to show middle-class people that we are serious about their concerns.

Right now they are trying to sort this debate out. Suffice it to say, they see a lot of arguing in Washington, DC. They hear a lot of the discussion about health care, which almost sounds like gibberish when you listen to all the technical lingo. If we can come back with ideas such as Free Choice and say: Look, middle-class people, you and your family can be part of a system that is very similar to what my family enjoys—and it has paid off for my family at the beginning of the year when I was choosing a plan that is more economical for me, or rewards prevention—then we get behind proposals that bring Democrats and Republicans together. I point out this is one area that the budget office has indicated will actually score substantial savings—not in 10, 12, 14 years from now, but in the second year after it is fully implemented.

I thank my colleague from Utah for all his support and counsel.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, Senator BENNETT and I are similar to the Maytag repairman in the old commercials, waiting for someone to come and offer amendments. Many have been filed. No one, apparently, has come to the floor to offer amendments.

I would not be surprised if at some point down the road someone will say: Well, we did not get enough chance or opportunity to offer amendments. Of course, in these intervening hours, there has been plenty of opportunity for someone to show up to offer amendments.

We had intended and hoped to have a vote at 4:30 on a relatively noncontroversial amendment. But for the last hour or so, we have been waiting, on a noncontroversial amendment, for a staff person to contact the Senator who is apparently not able to be contacted to tell us whether the Senate can vote on a noncontroversial amendment.

Such is the life of the Senate, a place where no one has ever been accused of

speeding. We only ask, having been here now yesterday and today, Senator BENNETT and I only ask, having put together this bill that funds all of our energy and water issues, if there are Senators who wish to offer amendments—and many have been filed—they would come here and decide to offer them because we will not have floor time for the entire week this week. We are not going to be able to be on the floor. The time does not exist to allow us to be here all week.

Those Senators who wish to offer amendments are, it seems to me, going to find very little sympathy from me, and I hope from other Members of the Senate, if they at some point down the road say: Well, we did not have an opportunity. They have had plenty of opportunities. It is they have chosen not to come to the floor to offer amendments.

It may be they feel the amendments do not have merit or are not very important or whatever. But if they do have merit and are important—I assume some do—I would hope they would come soon and give us the opportunity to entertain amendments and discuss them, debate them and have votes on them so we can move this appropriations bill along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

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

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

HEALTH CARE

Mr. WHITEHOUSE. I would let the distinguished floor manager and the distinguished Senator from Utah know that if someone does come to the floor and wishes to do their thing with an amendment, please feel free to give me the high sign and I will conclude my remarks and allow the business of the floor to proceed. I do not wish to keep anybody from offering an amendment, if they have one.

But I did wish to take the time to talk for a minute about our health care system because I think people across the country are, right now, finding our dialogue in the Senate a bit confusing about health care, and they are starting to wonder what is going on. In particular, particularly for those who have insurance: What does this mean for me? Why is this important for me that the Senate be doing this work? I already have insurance. What do I stand to gain from all this?

There are a great number of things Americans stand to gain from all this. But the issue I wish to focus on today is improvements in our delivery system. It is important for Americans who are listening to realize that the personal experiences so many of them have had are not unique. If you have had a loved one in the hospital and you have felt constrained to stay with that loved one through their illness in the hospital, if you have felt you could not leave them alone in that hospital for fear that something might go wrong, some drug might be misadministered, some call might go unanswered, if you feel that way, if you have had that experience, you are not alone.

That is an extraordinarily common experience. If you have felt you missed an opportunity for the prevention of illness, nobody told you that you should have had this test, nobody told you this was a health consequence of something you were doing, that is an experience Americans have across this country.

If you have had to ferry by hand your health records from place to place or if, similar to many Rhode Islanders, you have been rushed up for emergency specialty care in Boston and your paper records did not come with you and you have been in real peril in a Boston emergency room as they try to redo the tests they did not have access to because you did not have a comprehensive electronic health record, you are similar to many Americans.

The consequences of that, of those problems, are renown throughout the health care system. The problems they cause are real ones. There are 100,000 Americans who die, who lose their lives every single year because of completely avoidable medical errors, most of them hospital-acquired infections. That is intolerable. That is a plane crash a day. Yet it is the status quo in the existing health care system.

We have the worst health care outcomes of essentially any civilized developed country we compete with. The worst. Even though we pay twice as much per person for our health care than most of them, we have worse outcomes. That is the status quo of our health care system. The Economist magazine has reported that the health information technology infrastructure that supports our health care sector is the worst of any American industry, except one, the mining industry.

That is not very reassuring, not in an industry where the possibilities for technology are so great, and where at the detection end and where at the treatment end, we are at the technological cutting edge of the world, but you get back to that back office and there you are with that paper record and no way to cross-reference for drug interactions.

We are at a primitive stage with our health information infrastructure. That is the status quo of our health care system. Everybody, I suspect, has had the experience themselves or of a loved one who becomes sick unexpectedly who turns to their insurance company, the insurance company they have been writing those big checks to year after year, only to find out that when you turned to that insurance company in your hour of need, they turned on you, they turned against you.

They tried to figure out a way to get you off coverage. They tried to talk you out of the coverage and the treatment your doctor has indicated. They fought with your doctor about whether they would pay it. For many people, the experience is not just of being the patient, the experience of being the spouse or the family member or the loved one of the patient who has to cope, who has to become the person who answers the deluges of mail, who makes the call after call after call, who waits through dial tones and through the voice mail and the voice messages to try to get to somebody to approve procedures the doctor has said you need. That is the status quo of our health care system—millions of Americans told by their own insurance companies: Forget it. We are not going to pay for the treatment your doctor says you need.

The major reason American families go into bankruptcy right now is because of health care expense. It is not just the uninsured. These are insured families who find their coverage limits have been reached, who find the insurance company has found a loophole, who find they have exceeded, in terms of all the peripheral costs of durable medical equipment and other things that might not be covered, but it is more than they can bear to get by and they are struggling to get by and they are dropped into bankruptcy; the most prominent reason American families go into bankruptcy.

That is the status quo of our health care system. Those can all be better. We can revolutionize all those areas. We can revolutionize the quality of care and the safety of Americans when they are in the hospital.

We can improve our health care outcomes so we are the pride of developing nations, and not the lagger. We can improve so we do not have the worst health information technology of any American sector. We can eliminate denials of care by insurers for preexisting conditions. We can provide adequate supports to Americans so bankruptcy is not a common symptom of illness in this country.

The problem is, if we do not do anything about those existing problems, they are all going to accelerate. They are all getting worse. What do we have to look forward to? Well, we have to look forward to a $35 trillion Medicare liability, and we do not have $35 trillion to spend.

That is a future liability. It is coming toward us. The people who are going to cause it are alive right now. They are not going anywhere. They are getting older every day. Time is not going to stop. And they are getting sicker every day because it is never going to happen that older people are healthier than younger people.

There is a tsunami of health care costs bearing down on us. Just the Medicare slice of it is a $35 trillion liability for our country, and we do not have the $35 trillion. So it is either going to wreck us or we are going to have to take some very smart, very aggressive measures now to reduce those costs.

If we do nothing, a family in Rhode Island in the year 2016—that is not too far from now; that is 7 years from now—a family in Rhode Island making $52,000, which is a pretty good income, a family making $52,000 will spend more than half their income on health care. By as soon as 2016, a Rhode Island family making $52,000 will spend more than half their income on health care.

We use the word ''unsustainable'' around here. We are headed to where it is impossible for regular families to get health care. It is bad enough now, and it is getting worse. We have to act to stop it from getting worse.

We have pretty close to lost our car industry. People used to say: What is good for GM is good for America. It was the emblematic American company. It is gone. It is in bankruptcy, and it is gone. It is now coming back out of bankruptcy, but it had to be swept through a bankruptcy. The catastrophic effect on our country of the loss of those jobs in the Midwest and then through the secondary providers across the country is a very real problem, and it is being felt in large part because those cars were so burdened with health care costs.

If you go to Starbucks, there is more health care money in your coffee than there is coffee bean money. In those cars, there was more health care money than steel. The cost of health care per car was greater than the cost of steel per car. It is pretty hard to compete with Volvos and the Lexus and cars from places where they have a national health care system and the price of the health care is not buried in the cost of the car. It put our workers at a terrible disadvantage. That is only getting worse, and our manufacturing sector has enough problems without continuing to load health care costs on to it. If we can't get the message from the collapse of the auto industry, we are missing some very loud—indeed deafening—signals.

Our last Comptroller General warned that this health care mess will sink our ship of state. He phrases it as a national security issue to get this right. He left the job to go and spread the word around the country warning us of what is coming.

Not only is it bad now, it stands to get a lot worse. Here is the opportunity and the tragedy of this: It is that so much of this is waste. One recent voice on this subject is a former Cabinet member from the last administration. Paul O'Neill was the Secretary of the Treasury of the United States. He is no fool. He is a sensible and thoughtful man. He ran, for years, Alcoa, one of America's biggest corporations. He has extreme business experience. He also ran something called the Pittsburgh Regional Health Initiative which looked at improving the quality of care of hospitals in the Pittsburgh area. He was a leader in all of this. He knows his health care issues well. Here is what he wrote recently: There is $1 trillion of annual waste in the health care system that is associated with process failures. A trillion dollars a year—even by Washington standards that is a big number. That is a target that is worth shooting for. That is a target that we shoot for hard in the legislation we are putting forward.

If we take a look at the President's own Council of Economic Advisers recent report, on July 9, a few weeks ago, they put out the report on the economic case for health care reform. They looked at the health care system from two measures: one, if you compare to it foreign countries and look at their gross domestic product share and extrapolate from that, what we could get our costs down to if we were sensible and thoughtful and didn't have such a wasteful health care system and, second, to look at the variation among the States, from State to State, from region to region, even as the recent article by Atul Gawande said, the differences within a State, between McAllen, TX and El Paso, TX.

If you look at those, that gives you another means of calculating what you could get the costs down to. If you could get the waste out of the system, efficiency improvements in the U.S. health care system potentially could free up resources equal to 5 percent of U.S. GDP. From the Council of Economic Advisers, that is over $700 billion a year. Maybe it is a trillion, maybe it is $700 billion. Per year that is a big number.

Looking at the internal discrepancies, they note:

> [It] should be possible to cut total health expenditures by about 30 percent without worsening outcomes [which] would again suggest that savings on the order of 5 percent of GDP could be feasible.

Again looking at the calculation two separate ways, coming to the same number, $700 billion a year. The problem is, it will take some executive administration to get there. It is not easy. You don't just make your decision, flip up or down the light switch, it goes on, and you don't have to worry about it. This isn't like the sniper who lines up his shot, pulls the trigger, and the projectile goes. This is a problem where you are like the pilot landing in rough weather. You have to continue to steer through it. You have to continue to seek the savings. As the market adapts, you have to adapt with it. It takes executive leadership and administration to make this happen. That means the Congressional Budget Office can't score it. All they can say is that it promises a ''large reduction'' in American health care costs. But they can't score it.

So the American public, with a lot of misinformation out there, has been beguiled into believing that what we are doing won't save money. We are determined to save money doing it. The Medicare system and the American health care system and the American economy will fail if we don't save money doing this. The target is as big as $700 billion to $1 trillion a year.

Our health care system has been described memorably as a ''carnival of waste.'' It is time to bring the carnival to an end and give Americans the health care they deserve.

There are a couple of pretty sensible ways to do this. The administration has focused on all of them. The first is, as I said earlier, health information infrastructure. Why should every American not have an electronic health record? Why, when you go to McDonald's, should the checkout person have a more robust health information infrastructure backing them up and connecting to inventory and connecting to sales than your doctor does? It makes no sense. We could save enormous sums if we had a national health information infrastructure—secure, confidential, reliable, interoperable. So if you went to get a lab test, it went into your record. If you went to the emergency room, it went into your record. If you stayed at the hospital, it went into your record. If you saw a specialist, it went into your record. All of your practitioners would know what was going on in your care. The more complex and chronic your conditions, the more valuable that would be. We don't have that now. It is the worst of any American industry except the mining industry.

Quality improvement: In Michigan, there was a fascinating project, called the Keystone Project, where they went into the intensive care units in Michigan—not all of them but a great number of them—with process reforms in the intensive care units to reduce respiratory problems from not being elevated, to reduce line infections from catheters and from blood lines. The effect of that was, in 15 months, to save 1,500 lives and $150 million just in one State and not even all the intensive care units. It proves the proposition that quality improvement can save money and lives.

Prevention is obviously the same. We will be on the floor shortly to debate Judge Sotomayor's nomination. She has lived with diabetes since she was a child. She has taken good care of herself so she had not created a lot of cost for the health system, but many people who don't manage their disease well, who don't get the prevention they need, end up with amputations, blindness, long and unnecessary hospital stays. There are areas where, by investing in prevention, we can save fortunes.

Why don't we do this then? Why don't we have electronic health records on every doctor's desk for all Americans? Why don't we have every intensive care unit participating in a Keystone-type quality initiative? Why doesn't every community health center have a robust diabetes prevention program? It has to do with the bizarre economics of our health care system. Because the same thing is true for all three entities. If you are a doctor and you want to put electronic health record systems in for your patients, if

you are a hospital and you want to improve the quality of care in your intensive care unit and put in a program that will do that, if you are a community health center that wants to invest in prevention to help the diabetic population stay healthy, you face the exact same predicament: The investment you have to make is 100 percent out of your pocket. The risk of the investment is 100 percent on your neck. The administrative burden is 100 percent on you. The hassle of it is 100 percent yours. All of the costs are on the desk of the doctor, on the desk of the hospital administrator, on the desk of the community health center. But the benefits from the electronic health record, the benefits and the savings from the quality improvement, the savings and the benefits from the prevention don't find their way back to that same desk. They go off to Medicare. They go off to the insurance industry. They connect to the patient in better care, but investment doesn't get the reward.

The basic principle of American capitalism, which is the connection between risk and reward, has been broken in the American health care system. That is one of the things we get after in this bill. We could have electronic health records for every American, our hospitals and doctors highly motivated to pursue all the quality initiatives that will improve the quality of our care while it lowers the cost and avoids unnecessary hospitalizations and delays and infections, and so forth, and we could have the best prevention program in the country, but we have to make it work for people. That is part of what we are about in this health care reform.

I will continue to explain why it is important that we reform our health care system and what the average American will gain from it. Today I focused on the elements of why delivery system reform can be improved. But every American will see that in their lives, their parents' lives, and in their children's lives. When we look back to where we are today from where we can be and where, with President Obama's leadership, we will be, we will look back and ask: My God, how could we have been living that medieval setup? Look how good it is now.

That is our goal. That is our purpose. That is the promise of health care reform.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1841

Mr. VOINOVICH. Mr. President, since there is no further debate on amendment No. 1841, I ask for its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1841.

The amendment (No. 1841) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, this is an important bill, the Energy and Water appropriations bill. It is one of the 12 or 13 appropriations bills we have during the course of the year to prepare for spending in our new fiscal year, which starts October 1. Senator DORGAN and Senator BENNETT are shepherding this bill on the floor.

Meanwhile, in another room, not far from here, at least six Senators—maybe more—are meeting trying to work out the details of a piece of legislation that could literally affect every person living in America. It is the question of health care reform. It is an interesting issue because it has been tried before. Previous Presidents—Theodore Roosevelt; Harry Truman; certainly, Bill Clinton—have tried their best to change the health care system in America to make it a system that is stable, secure, so people know what it will cost, what it will cover, and know, ultimately, they can have quality care available when they need it for themselves or their family.

The simple fact is, in America health care has become extremely expensive. We spend more per person in America—twice as much per person—as the nearest nation on Earth. So we are spending a lot of money. And people see it, because the cost of health insurance premiums is going up much faster than their income, and they worry about it.

Many of the folks whom I talk to back in Illinois worry whether next year there will be an increase in their hourly wage that will be completely consumed by increases in health insurance premiums. And they add, incidentally: Senator, that new health insurance plan is not an add-on. It usually covers less than the one before—the situation where preexisting conditions will eliminate coverage for things that are critically important for individuals; where folks find when they reach a certain age the cost of the health insurance premiums goes up so high.

There are battles that go on between doctors and hospitals and insurance companies about whether they will actually cover something—cases we have seen in Illinois and around the country, where folks thought they had some insurance and guarantee that health insurance covered their medical procedure only to find later it did not.

Many people who are out of work today are realizing for the first time in their lives they do not have the protection of health insurance. Some of them, with limited savings, battered by the recent stock market, wonder if tomorrow's accident or diagnosis will wipe out everything they have ever saved. That is the reality of the uncertainty and instability of our health care system today. People are looking for stable coverage they can count on; if they get sick today, that they will be covered tomorrow. They can look, as well, for the kind of stable costs they can afford—even when they have lost a job—to make sure there is health insurance to protect their families. And they want to preserve their right to choose their doctor and hospital to give them the best care in this country.

The obvious question is, can we reach that goal? And the obvious answer is, only with the political will of this Senate, with Republicans working with Democrats. I hope we can do this. I hope we can find a bipartisan way to this solution.

President Obama has made it clear it is his highest priority—to improve health care for America and its citizens, and it is his highest priority when it comes to our deficit. A lot of people say: Well, if you are going to spend a trillion dollars on health care reform, think twice. Well, we should think twice because we are facing deficits and a national debt that has grown dramatically over the last 7 or 8 years.

But the fact is, untouched, our health care system over the next 10 years will cost us more than $30 trillion. If spending a half a trillion dollars over that period of time can change the system for the better, start bringing in practices that bring down overall costs, it is money well invested and money well spent.

First, we have to try to wring out of the system the fraud that goes on. All of us know what is happening here. There are some health care providers in America who are capitalizing on a system that rewards doctors and hospitals for piling on the procedures, for piling on the expensive pharmaceuticals and medical devices. There is little or no reward for good health outcomes. The reward for a physician and someone who is using our system today is to do more, spend more. Well, that should not be our goal. Our goal should be quality health care for everyone. It should not be a system of fee for service that rewards and incentivizes spending that does not result in good health care.

There are a lot of people who have come to the Senate in committee and otherwise to express their opinions about what will work and what will not. The Congressional Budget Office has been called on from time to time to

ask whether these health care reform bills will actually save money. Testimony about the status quo is obvious. If we continue the way we are going, it is going to be a bad outcome. We know if we do not change this current system, it will become so expensive the average family will not be able to afford to pay the premiums. If we do not change the abuses in health insurance, we are all vulnerable to preexisting conditions and new costs and discrimination against people based on their gender, where they live. That has to change.

We know there are ways to save money within our system. One of them relates to preventive care, wellness strategies. There is not enough of that today. A man by the name of Steve Burd is the CEO of Dominicks and Safeway, and he has a program for his management employees where he creates a financial incentive for them to take care of themselves and to get healthier. It is voluntary for those who want to participate. They come forward. They get examined. If they find they are overweight, they set a goal to reduce their weight. If they find their cholesterol is too high, they set a goal to reduce their cholesterol; the same thing with blood pressure, and the management of diabetes.

If they meet these goals, if they show they are changing their lifestyles—they quit smoking; they are getting healthier—they get a financial reward. For the business, the reward is lower health care premiums.

We need to have wellness strategies in America. Some of the problems we are facing are problems that will cost us dramatically in years to come. The incidence of diabetes among our children today is alarming. If it does not stop, if we will not deal with the issues of obesity and diabetes and other related issues, believe me, we cannot enact enough laws and put enough money into a health care system that does not deal with this.

We also have to realize the health records and medical records need to be put on computers so they can be exchanged between health care providers. These electronic records can reduce the number of mistakes that are made, improve the care that is given to individuals, and save us money.

We also need to take a look at chronic diseases—I mentioned diabetes—and make certain there is an incentive there for wellness and for preventive care before people reach terrible stages in that disease that costs dearly and can be compromising to their health and maybe even their life.

So if we can come together with a system of health care that provides stable coverage that you can count on, stable costs that you can afford, and quality that strives for excellence, and the kind of choice every American family wants, then the outcome of the meeting, not far from here, of these Senators will be one that America can cheer.

Fortunately, the President has invested his political capital in this effort. He has told all of us this is the most important single thing he is working on and wants to achieve. He is prepared to spend his time, obviously, and his political capital to achieve it. It is our job as elected officials to respond to this national need. For many of us this may be a once in a political lifetime opportunity to change health care in America for the better.

It is the job of those in government to consider its budgetary impact. But some of them are not charged with coming up with a solution. We have to look beyond the budget in some respects to the long-term benefit. The President has said we are going to pay for everything we do. But the long-term benefit, for example, of preventive care may be difficult to measure today. We know it is going to be an ultimate benefit to our country. Most of the savings in health care may not be reflected in the Federal budget. The savings will accrue to the people of this Nation, though, to give them the peace of mind they have health care they can count on that will be there when their family desperately needs it.

We have to make certain this is part of our charge here, and this is the time to do it. I hope the Senate Finance Committee, before we leave in about 10 days or 11 days, can produce a bill. And I hope the House of Representatives can pass one, and then, when we return, we will come to the floor of the Senate and work together in a bipartisan fashion to pass it. I am certain it will require compromise by all of us. I have my idea of what health care reform should look like, and I am sure others do as well. But in the spirit of good faith, we can come together and make a difference and provide the kind of health care reform and changes that will give people peace of mind across America—a stable and secure health care system that continues to make this great Nation on Earth a nation of healthy individuals and families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask my distinguished friend if he would yield for a minute to call up an amendment?

Mr. INOUYE. Please do so.

AMENDMENT NO. 1846 TO AMENDMENT NO. 1813

Mr. REID. Mr. President, there is an amendment at the desk, No. 1846. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. ENSIGN, proposes an amendment numbered 1846 to amendment No. 1813.

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

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

The amendment is as follows:

(Purpose: To modify provisions relating to the Department of the Interior)

Beginning on page 26, strike line 1 and all that follows through page 32, line 14, and insert the following:

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking ''(a)(1) Using'' and inserting the following:

''(a) ACTION BY SECRETARY.—

''(1) PROVISION OF FUNDS.—

''(A) IN GENERAL.—Using'';

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting ''or the National Fish and Wildlife Foundation'' after ''University of Nevada'';

(ii) in clause (i) (as so redesignated), by striking '', Nevada; and'' and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

''(I) under clause (i); and

''(II) in conjunction with willing landowners.''; and

(E) by adding at the end the following:

''(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

''(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

''(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

''(II) as soon as practicable after that date of enactment.

''(ii) REQUIREMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

''(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (1)(A)'' and all that follows through ''beneficial to—'' and inserting ''paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—''; and

(B) in subparagraph (A), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43

U.S.C. 2211 note; Public Law 107–171) is amended—

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

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

(3) by adding at the end the following:

''(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.''.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), and subject to subsection (b), $66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, $2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) $5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618; 104 Stat. 3289);

(C) $1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities; and

(D) $1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) $25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) $25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).

(iii) $1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) $10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) $5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) $200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

Mr. REID. Mr. President, we all know that the most courteous man in the entire Senate is Senator INOUYE, and I apologize for calling upon him for him to use his courtesy again on my behalf. I appreciate it very much.

(The remarks of Mr. INOUYE and Mr. AKAKA are printed in today's RECORD under ''Morning Business.'')

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. INOUYE. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1814

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending business be set aside to call up amendment No. 1814 which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1814 to amendment No. 1813.

The amendment is as follows:

(Purpose: To prohibit the use of funds to carry out any project or site-specific location identified in the committee report unless the project is specifically authorized or to carry out an unauthorized appropriation)

On page 68, between lines 15 and 16, insert the following:

SEC. ___. (a) None of the funds appropriated under this Act may be used to carry out—

(1) any project or site-specific location identified in the committee report accompanying this Act unless the project is specifically authorized; or

(2) an unauthorized appropriation.

(b)(1) In this section, the term ''unauthorized appropriation'' means a ''congressionally directed spending item'' (as defined in rule XLIV of the Standing Rules of the Senate)—

(A) that is not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(B) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(2) For purposes of paragraph (1), an appropriation is not specifically authorized if the appropriation is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that the appropriation applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for the person, program, project, entity, or jurisdiction.

Mr. MCCAIN. Mr. President, this amendment is very simple. It would prohibit funds from being spent on any of the hundreds of earmarks listed in the committee report that accompanies this bill—I emphasize, that are listed in the committee report, not part of the basic legislation. It would prohibit those funds from being spent on any of the hundreds of earmarks unless that project is specifically authorized.

As we all know, committee reports do not have the force of law. They are meant to serve as explanatory statements for what can often be complicated legislative bill text. Unfortunately, around here Appropriations Committee reports now are treated as

if they were law and are routinely loaded up with millions, if not billions, of dollars in unrequested, unauthorized, unnecessary, wasteful earmarks.

When Congress establishes its funding priorities, it should do so decisively, without cause for subjective interpretation or reference to material outside the bill passed by Congress and signed into law by the President. These funding priorities should have the binding force of law subject only to the President's veto power. Yet here we are again, with a committee report that contains 622 ''congressionally directed spending items''—that is a great name: congressionally directed spending items—totaling over $985 million. None of these projects were requested by the administration. Many of them were not authorized or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayer dollars, and they are in the bill for one reason and one reason only: because of the self-serving prerogatives of a few select Members of the Senate, almost all of whom serve on the Appropriations Committee. Sadly, these Members chose to serve their own interests over those of the American taxpayer.

Earlier this year, in response to criticism about the number of earmarks in the Omnibus appropriations bill, one of the Senators stood on the floor and proclaimed:

> Let me say this to all the chattering class that so much focuses on those little, tiny, yes, porky amendments: The American people don't really care.

If the American people don't really care, then on behalf of the American people, I suggest we remove some of the ''little, tiny, porky'' items that are listed in this report. Here are just a few:

There is $1 million for the Bayview Gas to Energy Project in Utah. My colleagues and people who pay attention to these processes will know that almost every one of these projects has a location. Again, usually they are located in the home State of a member of the Appropriations Committee. So $1 million for the Bayview Gas to Energy Project in Utah. I have never heard of the Bayview Gas to Energy Project. I have never heard a thing about it. I have never read about it. I am sure that maybe it is known in Utah, but I have no way of knowing whether it is a worthwhile project or not. The most important thing: Are there other gas to energy projects in other parts of the country? Maybe so. Maybe not. These are earmarked.

We have $500,000 for the Ben Franklin Technology Partners in Pennsylvania—the Ben Franklin Technology Partners in Pennsylvania. From the reading of that, I have not a clue, nor would anyone else know, what the Ben Franklin Technology Partners is all about.

We have $600,000 for biodiesel blending in Wisconsin; $1 million for the Black Hills State Heating and Cooling Plant in South Dakota; $250,000 for a gas heat pump cooperative training program in Nevada; $1.5 million for the genetic improvement of switchgrass, not in South Carolina but in Rhode Island; $1 million for a high-speed wind turbine noise model with suppression in Mississippi; $5 million for an offshore wind initiative in Maine; $2 million for the Algae Biofuels Research in Washington; $750,000 for the Algae to Ethanol Research and Evaluation in New Jersey; $1.2 million for the Alternative Energy School of the Future in Nevada—the Alternative Energy School of the Future. We have $6 million for the Hawaii Energy Sustainability Program, Hawaii; $6 million for the Hawaii Renewable Energy Development Venture, Hawaii; $2.25 million for the Montana Bioenergy Center of Excellence, Montana; $10 million for the Sustainable Energy Research Center in Mississippi.

My colleagues may get a little thread that runs through this: Mississippi, Nevada, South Dakota, Utah, et cetera—it goes on and on.

We have $10 million for the Sustainable Energy Research Center, Mississippi; $450,000 for the Vermont Energy Investment Corporation in Vermont; $1.2 million for the Hydrogen Fuel Dispensing Station, West Virginia; $1.25 million for the Long Term Environmental and Economic Impacts of the Development of a Coal Liquefaction Sector in China, West Virginia; $1 million for the Alaska Climate Center, Alaska; $5 million for the Computing Capability, North Dakota; $1 million for the Performance Assessment Institute in Nevada; $1 million for the New School Green Building in New York.

It goes on and on. There are 22 pages worth, and my colleagues might be interested at some of the innovative names and may be interested in trying to find out what those projects are. You won't find an explanation in the report.

So let me be clear on one point. I don't question the merits of these projects. There is no way to find out what the merits are. Many of them may be very worthy of Federal funds. If that is the case, one should wonder, if they are national priorities in desperate need of scarce Federal funds, why they haven't been authorized by a congressional committee. Why haven't we had a single hearing to talk about the desperate need for a hydrogen fuel dispensing station in West Virginia? If genetically improved switchgrass was such an imperative at this time of economic crisis, why was the funding not requested by the administration?

I just wish to point out again, contrary to popular belief, contrary to what members of the Appropriations Committee will continue to tell us, earmarking funds in an appropriations bill is not the way the Congress has operated historically.

It is similar to any other evil—it has grown, grown, and grown larger every time, just about. After various scandals, it has leveled off or decreased some, but after the scandal dies down, the earmarks return. Yes, 9,000 of them were in the Omnibus appropriations bill and, of course, the stimulus package as well.

So there was a time when earmarks were nonexistent, or at least very rare. Guess what. We didn't have $1.8 trillion worth of deficit for the year. I am proud to have served in the House with a man by the name of Congressman William Natcher, chairman of the House Appropriations Subcommittee on Labor, Health, and Human Services. He prevented earmarks in his committee. I am sorry there are not more William Natchers still in the Congress of the United States.

Citizens Against Government Waste has tracked the growth of earmarks since 1991. According to Citizens Against Government Waste, in 1991, there were 546 earmarks, totaling $3.1 billion. In 2008, there were 11,106 earmarks, totaling $17.2 billion. That is an increase of 337 percent in 17 years.

Obviously, it is not pleasant for my colleagues from the Appropriations Committee, and it is not particularly pleasant for some of my other colleagues, for me to come down here to, day after day, year after year, fight against these earmarks and porkbarrel projects. The fact is, they have bred corruption. It wasn't inadequate disclosure requirements that led Duke Cunningham to violate his oath of office and take $2.5 million in bribes in exchange for doling out $70 million to $80 million of taxpayers' funds to a defense contractor. It was his ability to freely earmark taxpayer funds without question.

So here we are with a $1.8 trillion deficit and 22 pages of earmarks, most of which have a State earmark next to them so there is no competition, there is no revealing of the details of the project and, meanwhile, we have places being raided by the FBI around the country due to the allegations that criminal activity has taken place, which can be traced back to this earmark porkbarreling process.

I don't expect to win this vote, but I intend to keep up this fight until such time as the American people rise and demand that we exercise some kind of fiscal discipline. I will tell my colleagues on the Appropriations Committee the reason why I think the chances are better and better, because they are having trouble staying in their homes, educating their kids, and the unemployment rate is now 9.5 percent and predicted to go higher.

The present President of the United States campaigned and said he would change the culture in Washington. One of my deep disappointments is that the President has not fulfilled his commitment to go line by line, item by item, in every appropriations bill and not allow this porkbarreling earmark practice to continue. The American people will not stand for it forever.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BENNETT. Senator DORGAN is temporarily away.

Mr. MCCAIN. Mr. President, do we have the yeas and nays?

The PRESIDING OFFICER. At the moment, no.

Mr. BENNETT. I am sure there will be a sufficient second when Senator DORGAN has returned.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I listened with interest to the statement by Senator MCCAIN. I rise with some responses to the comments he has made, which I hope will clarify the situation. Senator MCCAIN, the ranking member on the Armed Services Committee, serves with great distinction and has helped manage that bill on the floor. In the Defense authorization bill, which he helped manage, there are specific authorizations for every defense program, and there is a Defense authorization bill that passes every year.

If, indeed, we had a similar situation with respect to those items under the jurisdiction of this appropriations bill, I would be more supportive of the position Senator MCCAIN has taken with respect to the provisions of the bill. However, this is not a defense bill and not every department authorizes, each and every year, the same way the Department of Defense does.

Indeed, this is not the way Congress intended the Department of Energy to operate. When the Department of Energy was organized in 1977, making it one of the more recent departments, its organic statute provided broad authorities to support a diverse research and development mission with the goal of energy independence. This is not a project-based account and, therefore, it doesn't receive annual authorization.

Recently, there has been more attention on energy, which has resulted in two Energy bills in the past 4 years. But you need to go back 13 years, before the 2005 bill, to find another Energy bill passed by Congress. Obviously, the organic statute creating the Department anticipated that there would be an organic authorization for these items, and they would be handled in the appropriations bills. If we passed Senator MCCAIN's amendment, it would eliminate any discretion of this subcommittee or of the Congress itself, for that matter, to make changes in the Department of Energy's budget priorities for spending plans. The Appropriations Committee would, therefore, become a rubberstamp for the administration's budget. Since we do not pass something like the Defense authorization bill, and there is no corresponding authorization bill for the Department of Energy, we would simply take the President's proposal and pass the money to support it, and I do not believe that is acceptable.

Senator MCCAIN ran through a list of projects for which he had little or no patience because he said he did not understand them, and they struck him as being projects that possibly had questionable merit. I have a list of projects that were funded by the administration out of the blanket authority the Congress gave the Secretary in what we call the Stimulus Act. We passed the Stimulus Act without any specific earmarks. We simply said: Here is your money and you get to decide how it is spent. Congress will not intervene. I voted against the stimulus bill for a variety of reasons, but we now have the announcements from Secretary Chu as to the specifics of the wind program funding awards.

To quote Senator MCCAIN in his comments about the earmarks in this bill: ''It may be that every one of these projects is legitimate and every one of them has merit.'' But this is the way the administration hands out money compared to the way the Congress hands out money. The Mountain Institute, Inc., in Morgantown, WV, overcoming barriers to wind development in Appalachian coal country, $99,000; the West Virginia Division of Energy, in Charleston, WV, overcoming the challenges in West Virginia, $100,000; in Austin, TX, $118,000 to fund solutions for wind developers and bats; for the board of trustees of the University of Illinois in Champaign, IL, studying ''are flying wildlife attracted to, or do they avoid wind turbines?''; Kansas City University in Manhattan, KS, the environmental impact of wind power development on population biology on greater prairie chickens; Texas Tech University in Lubbock, TX, an assessment of lesser prairie chicken population distribution in relation to potential wind energy development; Western Ecosystems Technology, Inc., in Cheyenne, WY, $100,000 to study greater sage and sage grass telemetry for the Simpson Range Resource area; finally, in Kalamazoo, MI, the Western Michigan University receives $99,933 to study genetic approaches to understanding the population level impact of wind energy development on migratory bats.

These, as I say, may all be very worthwhile items. I don't think they are any more worthwhile items than the items we put in our bill. I say to those in support of the McCain amendment, if the McCain amendment passes, you take away from the Congress the right to determine how this money is spent and you turn it over to the President entirely and let him or his administration decide. It does not mean the money will be saved; it simply means the money will be spent in the way the administration wants it rather than in the way Members of Congress want it. The last time I read the Constitution, article I of the Constitution gives the power of the purse to the Congress and says Congress shall determine how much money shall be raised and how much money shall be spent, and that is what the Congress has done. It has given an organic statute to the Department of Energy, and then it allows the Congress, under that statute, to come up with the specifics of how the money is spent.

The Senator talked about report language not being binding in the bill. The bill, by legislative language, incorporates the specific projects in the report by reference. Therefore, it does become binding.

If we pass the amendment Senator MCCAIN has proposed, it would have a devastating impact on the Department's environmental cleanup requirements. These are cleanup programs that receive annual authorization for cleaning up sites and projects under the Defense Authorization Act. But it also has similar authorization on sites that are outside the Defense Department.

Included in this nondefense category are ongoing cleanups in the following places—and I will repeat that again: ongoing cleanups. These are not new starts or projects that have come out of nowhere; these are items that are going forward, that have been authorized by past Congresses, under the organic statute of the Department of Energy: Paducah, KY; Portsmouth, OH; Moab, UT; Oak Ridge National Laboratory, in Tennessee; Idaho National Laboratory, in Idaho; Brookhaven National Laboratory, in West Valley, NY; Santa Susana, in California; Hanford, WA; Argonne National Laboratory, in Illinois; Los Alamos National Laboratory, New Mexico.

If I might focus on the one in Moab, UT, this is a cleanup of a uranium site, where there was a uranium plant during the boom times, when we were mining uranium as rapidly as we could, processing that, and we left behind tailings that have been judged as being damaging. These tailings are very close to the Colorado River. Indeed, the Senator's own State of Arizona is downstream from this tailing site.

By appropriating this money in this bill in a manner that would be outlawed by the Senator's amendment, we are accelerating the cleanup process in this time of economic difficulty, adding more jobs, more activity, and, quite frankly, lower prices, as contractors are anxious to gain work and will bid lower than they would otherwise; it is the logical thing to do. It would be dropped from the bill if we proceeded with the Senator's amendment.

For these reasons, I think the Senator's amendment would be a mistake. I urge my colleagues to vote it down.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, Senator BENNETT and I have discussed the

McCain amendment. Senator MCCAIN has offered his amendment. I will speak briefly in opposition to the amendment. I believe Senator BENNETT also has spoken. We are prepared to have a vote at 6 o'clock. I ask unanimous consent the Senate proceed to a vote on the McCain amendment at 6 o'clock. I further ask consent that no second degrees be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, let me withhold for a moment.

I ask my unanimous consent request be considered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, in response to Senator MCCAIN's amendment, he has come to the floor to talk about legislative-directed spending. We have some disagreements on that subject. I respect the opinions of Senator MCCAIN on some of these issues. I disagree, however, with the proposition that somehow what is in a President's budget, that is the recommendation of a President in the President's budget, has any greater import than the recommendations of Senators about what kind of projects have merit.

The Constitution of this country provides that the President proposes and Congress disposes. The power of the purse is here. It is the Congress that raises the funds and it is the Congress that is responsible for the expenditure of those funds.

There has been a lot of discussion about ''earmarks.'' Congressionally directed spending is spending that has been dramatically reformed. We have substantially reduced the number of projects in this bill.

By the way, I indicated when I began discussing the bill that Senator BENNETT and I have brought to the floor, talking about the number of earmarks the President has requested, a very large number of earmarks are in the President's request about what he believes we should pursue with respect to projects and how they should be funded. We have agreed with him in most cases, disagreed in a few cases, and in those areas where we have disagreed, we have not funded that which the President has requested because we didn't think it appropriate to fund it. We have in other cases funded other proposals that have come to us from Senators that have, we believe, more merit.

I do not believe the executive branch always gets it right and the congressional branch or legislative branch never gets it right. I think somewhere between represents the best of what both can offer. That is why we have preserved a substantial majority of what President Obama in his budget to the Congress has requested.

If you look back in history you will see there are a good many examples of projects that started out as legislative-directed spending, or funding, that have had major national implications. In 1873, Congress appropriated funds for the Indian police to keep order and prohibit illegal liquor traffic on Indian reservations. That was through a congressional add-on or earmark. Only later, then, were Indian tribal police forces and court systems authorized and included in the President's budget. But it was Congress that initiated the law enforcement approach that appropriated funds for Indian police.

In 1883, the U.S. Navy began moving from wooden to steel ships. That came as a result of a decision by the Congress. The Congress said we want to move from wooden to steel ships. That was appropriated in the Naval Service Appropriations Act. It directed the Navy to construct two steel steam cruising vessels from funds appropriated but not required for repairing wooden ships.

In 1943, the National School Lunch Program was established through a $50 million earmark in the 1944 Agriculture Appropriations bill. Of course, that turns out to have been a wonderful idea. The school lunch program is a remarkable success.

In 1987, it was the Congress that earmarked funding to what was called gene mapping, which later became the Human Genome Project. That didn't come from some bureaucrat or somebody down in an executive agency who said, You know what we should do, let's begin mapping human genes. Instead, it came from here, in the Congress. In fact, former Senator Domenici had a lot to do with that. So Congress originated the Human Genome Project. Guess what. We now have the first owners manual for the human body. It is changing everything about medicine. That didn't come because somebody in the executive branch said let's do that. That came because someone on the floor of the Senate here said let's do this because it has merit.

These are only a few examples of things that represent substantial progress as a result of ideas that come from the Congress. Despite what you hear from opponents of that sort of thing, if you got rid of all of the ideas that came from the Congress about how to spend money in the Energy and Water bill, we would still be spending the same amount of money because what we spend in this subcommittee is up to the allocation given us by the Budget Committee. The Budget Committee says here is what is going to be spent. That decision is made by the Senate. Then an appropriation, called a 302(b) allocation, I should say, goes to this subcommittee and that is what we allocate. That is what we decide we will have to spend.

If we did not do that, then that money goes down to an agency and someone in the Federal agency says here is what we are going to spend it on. So eliminating all of the legislative-directed funding would not reduce the Federal budget deficit at all. I know that is claimed but it is simply not the case. It just is not the case.

Let me also say the issue of legislative-directed funding is something we have dramatically transformed. No. 1, we have cut the amount of legislative-directed funding requests in half. By requests I am talking about those that made it into the bill. We have cut it by half. We got rid of half of it because I think it went way too far, so we cut it back by 50 percent. Second, every single request has to now be publicly disclosed and every single piece of legislative-directed funding that is in this bill is described by who asked for it, how much it is, and what its purpose is.

As I indicated before, what we are doing in this bill is investing in improving this country's infrastructure, improving and investing in this country's energy future and putting people to work, doing things that will pay dividends for decades to come. That is what this subcommittee does. This is not some routine subcommittee, this is the subcommittee that funds the substantial amount of energy projects and research in this country that will have implications for decades.

This is the subcommittee that funds all of the water projects—the dams, the harbors, the navigation, all of those issues that are so important to this country's water development and water conservation. So this is not some routine kind of expenditure, this is an investment that will create substantial jobs in the future. It will transform our energy future, in my judgment.

I described earlier the importance of the national laboratories we fund, the science laboratories, the energy laboratories, the weapons laboratories that represent the repository of the most breathtaking, cutting-edge, world-class research in so many different areas. All of that is done in this subcommittee.

I am pleased to have spent time with Senator BENNETT. We Republicans and Democrats on this committee worked through a lot of requests, requests from President Obama, from his team, about how they want to fund a wide range of issues and requests from our colleagues.

I would say Secretary Chu had requested a number of research hubs he wanted to do, kind of a transformation in the Department of Energy. We decided to proceed with three of those hubs. It makes sense to us to begin to try moving down that road in a range of areas where you provide real focus on specific areas of energy and research into those areas.

If the McCain amendment were to be agreed to, my understanding is they would be considered not authorized and therefore not allowed. That doesn't make any sense to me. There has been, for a long period of time, general authorization for the programs in the Department of Energy. We routinely have

never authorized every year that which we are doing here. We fund programs that generally have been ongoing within the larger framework of the authorization of the Department of Energy.

I very much oppose the McCain amendment. I respect our colleague, Senator MCCAIN. He is a good legislator. We have come to disagreement on this subject. I hope my colleagues will join myself and Senator BENNETT in defeating the amendment.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment No. 1814.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—25

Barrasso	DeMint	Lugar
Bayh	Enzi	Martinez
Bunning	Feingold	McCain
Burr	Graham	McCaskill
Chambliss	Grassley	Risch
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	
Crapo	Kyl	

NAYS—72

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

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1814) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1862 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to set aside the pending amendment so I may call up an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Tennessee has made a unanimous consent request. The Senator from Tennessee has the floor.

Is there objection to the request?

Mr. DORGAN. Reserving the right to object, has the Senator provided copies of the amendment to our side?

Mr. ALEXANDER. I have provided it to the desk. I guess the answer is no, but I will be happy to do so.

Mr. DORGAN. If the Senator from Tennessee will visit with me just briefly, I object for the moment so I may take a look at the amendment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee still has the floor.

Mr. ALEXANDER. Madam President, if the manager of the bill is congenial with my idea of going ahead and talking about the amendment while he considers the terms, I will see that he has a copy.

Mr. DORGAN. Madam President, why don't we ask the Senator to proceed to discuss the amendment, and let's look at the language.

Mr. ALEXANDER. I thank the Senator from North Dakota for his courtesy, and I will ask that my staff get copies of the amendment to Senator DORGAN.

I am offering today the auto stock for every taxpayer amendment. This is an amendment I and a number of other Senators, including Senators BENNETT, KYL, and MCCONNELL, have introduced before. It basically would require the Treasury to distribute to all Americans who pay taxes on April 15 all of the government common stock in the new General Motors and Chrysler within 1 year following the date of emergence of General Motors and Chrysler from bankruptcy proceedings. In addition, General Motors, we are glad to say, has now emerged from bankruptcy proceedings, so the amendment becomes very timely.

The amendment would prohibit the Treasury from using any more TARP funds to bail out GM or Chrysler, and it would require that the Secretary of the Treasury and his designee have a fiduciary responsibility to the American taxpayer to maximize the return on their investment as long as the government holds stock in these companies.

This is the best way to get the auto companies out of the hands of Washington bureaucrats and politicians and into the hands of the American people in the marketplace where the companies belong.

There is a great deal of sentiment on the Democratic side as well as the Republican side about this. I know Senator NELSON of Nebraska had introduced legislation along the lines of finding a way to move the stock of auto companies out of the hands of government and into some other hands as quickly as possible, taking the very sensible notion that the job of the U.S. Government is not to operate automobile companies in the United States. And Senator THUNE, Senator CORKER, and Senator JOHANNS all have offered amendments to that effect.

I would like to suggest to my colleagues that this amendment, which I hope we have a chance to consider, is the most responsible way to take the taxpayers' investment in General Motors and Chrysler, maximize the return on the investment, get it out of Washington, DC, so we politicians are not tempted to meddle with it, and get it back out in the hands of the American people in the marketplace. It will create a sort of ''Green Bay Packers'' fan base for Chevrolets and whatever else General Motors decides to produce.

Most Americans know that in the National Football League there are a lot of teams who have a lot of loyalty, but the Green Bay Packers have more loyalty than most. One reason is that the fans own the team. In this case, the taxpayers would own General Motors and the taxpayers would own Chrysler or at least part of it. They would own 60 percent of General Motors and about 8 percent of Chrysler. That would give about 120 million Americans who pay taxes on April 15 a few shares in General Motors and Chrysler. And it might make them a little more interested in the next Chevrolet, and produce a little consumer interest.

That is not the best reason to do this. The most important reason to do this is that the American people, by overwhelming margins, understand what I think most of us understand: that the federal government has no business trying to run a car company. We do not know anything about running car companies. Yet, if we own it, we cannot keep our hands off of it. We have seen many examples of this on both sides of the aisle, I may say.

I started giving out car czar awards a few weeks ago. I gave the first one to the distinguished Congressman from Massachusetts who called the president of General Motors and said to him: Don't close a warehouse in my congressional district. And, lo and behold, the warehouse was not closed. Well, the Congressman said he was only doing what any Congressman would do about a warehouse in his district. I think he is right about that. But the problem is, the Congressman owns part of the company. He happens to be the chairman of the House bailout committee—the Financial Services Committee—in addition to that. So it creates a political incestuousness that we need to end.

Now, lest my colleagues on the other side think I am trying to pick on Democratic car czars, I had to give the second car czar award to myself because, lo and behold, General Motors came around visiting the delegations of Michigan, Indiana, and, yes, Tennessee to try to see where they might build a plant for small cars. Now, what was I to do, as a Senator from Tennessee and as the Governor who helped recruit Saturn to Spring Hill, TN, 25 years ago? I got with Senator CORKER, and we got with the Governor, and we had a meeting in my office, and we met with the General Motors executives, and we put our best case forward.

Of course, we own 60 percent of the company. I counted up that there are about 60 committees and subcommittees in the House and the Senate that conceivably could have jurisdiction over General Motors and Chrysler and could hold hearings about the color of their cars and why they are buying a battery for the Chevy Volt in South Korea when they could be buying it from Tennessee, or why they do not make a car that is this big or that big or that many miles per gallon. Or what about the dealers? That has been a matter of great concern in the Congress. There is legislation pending that would overrule whatever the management's decision on dealers is. You name it, we have a reason to meddle. And most of us have been meddling.

So what do we have here? We have these chief executives of major companies for which we have now paid almost $70 billion of taxpayers' money for 60 percent of the stock in General Motors and 8 percent in Chrysler. And what do these CEOs do? They are reduced to the status of some assistant secretary, driving their congressionally approved hybrid cars from Detroit to Washington to testify. They dare not fly in an airplane or we would want to know what kind of airplane they are flying in. So they come to Washington. They testify all day before the committee. Of course, they have to get prepared for that, which takes some time. Then they turn around and drive back home. My question is, How many cars did they design that day? How many cars did they build that day? How many cars did they sell that day while they are up here talking to all of their distinguished owners—Senators, Congressmen—all of us who are here in Washington, DC?

Now, we are well meaning, and they are well meaning. But my point is, the chief executives are never going to be able to succeed if we are constantly meddling in their business. So this amendment would make sure we move the ownership of stock from the government in Washington, DC, into the marketplace. Madam President, I see the manager of the bill. I would be glad to yield to him for a moment, if I could retain the floor.

Mr. DORGAN. Madam President, if Senator ALEXANDER would yield?

Mr. ALEXANDER. Madam President, I would like to be able to reclaim my time.

Mr. DORGAN. Yes, without the Senator losing his right to the floor. We think the way we would like to proceed is for the Senator from Tennessee to go ahead and offer his amendment and then finish his statement, after which we will go into a period of morning business, for not more than 10 minutes for each presentation. I believe Senator KAUFMAN has morning business.

So the point is, Senator BENNETT and I have discussed it, and we feel it appropriate for the Senator from Tennessee to offer the amendment at the end of his discussion, after which we will go into morning business.

Mr. ALEXANDER. Madam President, I thank the Senator for his courtesy. And I see the Senator from Delaware. I will take just a few more minutes, if I may, to explain the amendment.

So the reasons for doing this, to summarize, is that all of us seem to say—the President has said he does not want to micro-manage the auto companies. But if we own the companies, it is kind of hard for him not to do that. He fired the president of General Motors. His representatives are appointing the board. The President himself called the mayor of Detroit and seemed to get on the side of the issue of where the General Motors headquarters would be—in Warren, MI, or in Detroit. He has an Auto Task Force, whose business it is to pay a lot of attention to how these companies are running. There is a pay czar over in the White House whose job it is to check on the pay of certain executives in General Motors and Chrysler.

It is hard for me to see how General Motors and Chrysler—with all they have to do and the challenges they have ahead of it—how they are going to compete with Honda and Nissan and Toyota and Ford, which posted a big profit. If General Motors is spending a large percent of its time responding to meddlesome questions and directives by its majority owner, the U.S. Government.

I am not the only one who thinks that. According to the Nashville Tennessean, an AutoPacific survey reports that 81 percent of Americans polled ''agreed that the faster the government gets out of the automotive business, the better.''

Ninety-five percent disagreed ''that the government is a good overseer of corporations such as General Motors and Chrysler.'' Ninety-three percent disagreed ''that having the government in charge of (the two automakers) will result in cars and trucks that Americans will want to buy.'' According to a Rasmussen Poll done in June, 80 percent believe the government should sell its stake in the auto companies to private investors ''as soon as possible.'' According to the Wall Street Journal on June 18, 70 percent of those surveyed said ''they had concerns about federal interventions into the economy, including Mr. Obama's decision to take an ownership stake in General Motors Corp.''

But I do not think that is news to any of us. I think almost every Member of Congress understands that General Motors and Chrysler would be better off if we did not own them.

So that leaves the remaining question: What is the best way to get the stock from where it is in the government to where it needs to be, which is in the marketplace?

There have been a variety of good proposals made. I mentioned Senator NELSON's proposal, Senator CORKER's, and Senator THUNE's. But I would argue that a straight, simple stock dividend, which is what I am proposing, is the simplest and most effective way to accomplish this job. It is called a ''corporate spinoff,'' in corporate terms, or a spinout. It is a new entity formed by a split from a larger one.

It often happens with very large companies. It usually happens when a major company—in this case, the U.S. Government—has a subsidiary—in this case, General Motors and Chrysler—which has very little to do with the business of the major company. Well, surely operating a car company is not the main business of the U.S. Government, which has a lot on its plate, when we go from health care, to climate change, to energy, to the budget, et cetera.

Examples of corporate spinoffs are pretty familiar to us. Procter & Gamble did a spinoff with Clorox in 1969. In other words, Procter & Gamble owned Clorox. Procter & Gamble declared a stock dividend. It gave its shareholders shares in Clorox, and Clorox and Procter & Gamble were severed. Time Warner did a spinoff with Time Warner Cable in March 2009. Time Warner stockholders received a pro rata share of Time Warner Cable common share stock. That is the same idea I am proposing here today. Then PepsiCo did a spinoff with its restaurant business—KFC, Pizza Hut, and Taco Bell in 1997. This is also something familiar. PepsiCo shareholders each received 1 share in the new restaurant company for every 10 PepsiCo shares they held.

The idea of Americans owning stock is not a new idea in the United States. Fifty-one percent of families hold stocks in publicly traded companies directly or indirectly. And many big companies have many shareholders.

Several of us Congressmen and Senators were on a phone call with Fritz Henderson, the General Motors chief executive officer, several weeks ago. The question came up about, what is the government going to do with all this GM stock after the bankruptcy? Mr. Henderson made very clear that was not his decision, it was the Treasury's decision to make. But he said this is a ''very large amount'' of stock and that the orderly offering of those shares to establish a market might have to be ''managed down over a period of years.''

Well, if the government in Washington holds the shares of General Motors and Chrysler for a ''period of years,'' I cannot think of anything that will make it less likely that General

Motors will succeed because we will be meddling every single day, and GM will never have time to design, build, and make cars. Instead, the government could declare a stock dividend within the next few months, which should be relatively easy to do because we have the names and the accounts of the 120 million people who pay taxes on April 15. The principle here is: they paid for it, they might as well own it. So if the taxpayers own it, and that is good for them, and if getting rid of the stock from the government is good for the government and good for General Motors—just like creating a fan base of 120 million Americans who might be interested in the next Chevy, like Green Bay Packers fans are interested in the next quarterback—then, it seems to me this is a very wise idea.

I have talked with a number of corporate lawyers and bankruptcy lawyers and securities lawyers. I have discussed it with Governors. I have discussed it with financial officials. And I have talked about it with average Americans who are not happy about the fact that the government owns 60 percent of General Motors. They all think this stock distribution is a good idea.

I am afraid some of my colleagues think: Well, he is just making a point. He is just being facetious. I am not. We need to get rid of this stock. We almost all agree with that. It will take us years to do it if we sell it just in an orderly way over a period of time. The single best familiar way to get the stock out of the hands of the government and into the hands of the marketplace is a stock dividend. Give the stock to the people who have now paid almost $70 billion for it—the 120 million people who pay taxes on April 15—and let's get this economy moving again.

Not many weeks ago, a visiting European auto executive said to me, with a laugh, that he was in Washington, DC, which he referred to as ''the new American automotive capital: Washington, DC.'' Well, it would be a little humorous if it were not so sad. None of us like the fact that we are in the situation we are in. But to give General Motors and Chrysler a chance to succeed, let's get our auto companies out of the hands of Washington, DC, and back into the marketplace. And the sooner the better. The amendment I offer will achieve that purpose.

At this point, I wish to once again ask unanimous consent to set aside the pending amendment and call up my amendment No. 1862.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 1862 to amendment No. 1813.

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

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

The amendment is as follows:

(Purpose: To limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes)

On page 68, between lines 15 and 16, insert the following:

SEC. _____. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the ''Auto Stock for Every Taxpayer Act''.

(b) PROHIBITION ON FURTHER TARP FUNDS.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) FIDUCIARY DUTY TO SHAREHOLDERS.—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) CIVIL ACTIONS AUTHORIZED.—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''eligible taxpayer'' means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

Mr. ALEXANDER. Madam President, I believe that concludes my remarks and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask to speak as in morning business for 20 minutes.

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

Mr. KAUFMAN. I ask unanimous consent to be followed by Senator BROWN.

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

INVESTOR PROTECTION

Mr. KAUFMAN. Madam President, all Americans hope that the ''green shoots'' we have been seeing recently—evidence of the economy turning around—won't wither. One thing that will help make our recovery strong and sustainable is the return of investor confidence. That is why making certain our financial markets operate fairly and openly is so important.

Free and fair markets and democracy are America's two greatest pillars of strength. Our financial markets have long been the engine of American growth and the envy of the world. Efficient and free capital markets are essential to all of what makes America great: investment in private enterprise, the availability of capital to expand and grow our economy through innovation and new ideas, and the ability to save for retirement in hopes that investment will result in comfort for our later years. But we have seen what happens when you take the referees off the field, when we fail to have clear and fair rules for everyone. It is the job of our democratic government to set those rules and to keep the referees—our financial regulators—on the field.

I rise today because we continue to see that our financial markets simply do not operate on a level playing field for all investors. That is a threat to the credibility of our financial markets and, as a result, to our country's economic well-being.

We have an unfair playing field that leaves us with, in effect, two markets: one for powerful insiders and another for average investors; one market for huge volume, high-speed players who can take advantage of every loophole for profit, and another market for retail investors who must play by the rules and whose orders are filled without any special priority. This situation simply cannot continue. It is the national equivalent of ''separate and unequal.''

I offer my colleagues three examples of this two-tier system which undermines the fairness and efficiency of our financial markets. First, today the biggest players on Wall Street are using their automated, high-speed trading programs to engage in short selling of stocks. Informed observers believe organized ''bear raids''—short selling combined with coordinated ''misinformation'' campaigns—contributed to the demise of Lehman Brothers and Bear Stearns, key elements in the collapse of our financial markets last year. With the repeal of the uptick rule in 2007 and no substantial substitute in its place, the threat of such damaging manipulation is still with us.

Since March 3, I have spoken frequently about the urgent need for the SEC to restore the substance of the uptick rule. This rule required investors simply to pause and to wait for an uptick in price before continuing to short sell. Without such a rule in place, investors who own those stocks are more vulnerable to hedge fund bear raiders.

So far, the SEC has initiated rulemaking and conducted on April 8 a roundtable discussion among key experts on some kind of price test that could substantially replace the uptick rule in today's high-speed, high-tech markets. While that process has begun, we have yet to see it bear fruit.

Second, big market players can engage in naked short selling—selling stock for which they have no legal claim and for which they cannot deliver. Since my first speech on this subject in March, I have come to the floor several times and coauthored letters with my colleagues about the need for the SEC to end naked short selling. In that abusive practice, traders bet on shares losing value—shares they have not borrowed and in some cases never even intend to borrow—in time for settlement.

Yesterday, the SEC made permanent a temporary rule they had enacted last fall and proposed some new transparency measures, and the Commission announced plans for a roundtable discussion on September 30—2 months from now. The Commission will finally begin to discuss publicly the potential solutions that a bipartisan group of Senators and I have been urging: either a pre-borrow requirement or a centralized ''hard locate'' system. The Depository Trust and Clearing Corporation tells us it has the capacity and the willingness to implement that system but only if the SEC requires it through a rule.

That is some progress, but we need more urgency at the SEC to implement tougher rules that will stop naked short selling through an enforceable system. This is imperative, because the current ''reasonable belief'' standard is virtually unenforceable, even against those who engage in concerted action to manipulate prices downward.

Yesterday's announcement by the SEC admits that the rule they made permanent yesterday has only reduced fails to deliver by 57 percent. That leaves a lot of room for improvement. Why not have an enforceable system such as that proposed last week by seven Senators of both parties that could end naked short selling once and for all? I am hopeful we will soon see movement on this.

Third, we have the most recent revelation of so-called ''flash orders'' by high frequency traders. These allow exchange members who pay a fee to get a first look at share order flows before the general public. By viewing this buy and sell order information for milliseconds before it goes in the wider market, these investors gain an unfair advantage over the rest. Today I join Senator SCHUMER in urging the SEC to prohibit the use of these flash orders used in connection with optional display periods currently permitted by DirectEdge, Bats Exchange, and NASDAQ.

As the New York Stock Exchange complained to the SEC on May 28, selling flash orders for free provides:

> Non-public order information to a select class of market participants at the expense of a free and open market system.

To use a baseball metaphor, flash orders allow some batters to pay to see the catcher's signals to the pitcher while the rest of us don't see them. We have to make an informed judgment with a normal amount of risk. Markets that permit a privileged few to have special access to information cannot maintain their credibility.

I ask: Is this what is happening on Wall Street today? When millions of Americans have lost so much money in the stock market, do Wall Street actors continue to make record trading profits by exploiting loopholes using high-speed computers?

William Donaldson, former chairman of the SEC and the New York Stock Exchange, has said:

> This is where all the money is getting made . . . If an individual investor doesn't have the means to keep up, they're at a huge disadvantage.

As Senator SCHUMER wrote in his letter:

> If allowed to continue, these practices will undermine the confidence of orderly investors and drive them away from our capital markets.

America simply cannot afford this loss of integrity of its financial markets.

Amazingly, it is a loophole in current regulations that allows this unfair practice. This can and should be fixed immediately.

Flash orders, the uptick rule, and naked short selling are not just a list of complaints. I believe they are interconnected. They are interconnected by an unsupported faith in the religion of self-regulation and liquidity. That religion believes that no price is too high for deeper liquidity—maximizing the volume and frequency of a transaction—because it reveals the greatest amount of information about stock values. There is one more article of faith—that innovation by market players is always beneficial.

When the financial markets were decimalized and the uptick rule repealed, the SEC and leading market institutions claimed that the technology would lead to deeper liquidity and market efficiencies benefiting all investors. High-speed trading, sophisticated algorithms, and high volume short selling all have grown exponentially in recent years.

MIT, our Nation's greatest engineering school, sent 11 percent of its 2008 graduates to work on Wall Street. All this, some say, has led to deeper liquidity.

America was founded with a spirit of entrepreneurship and a celebration of economic innovation. There are so many things Wall Street does right, and historically Wall Street was built on a foundation of trust and credibility. But America was also born from the principle of equal opportunity. While we should keep encouraging the kind of commercial ingenuity that fuels the prosperity of financial markets, we must ensure that technology is not employed to advantage one small group over the rest. That is not what free market is about.

Indeed, there is a place in our markets for high-speed arbitrage functions, because they can and have narrowed bid-ask spreads and lowered the cost of trading for all. High-speed arbitrage also helps price discovery and keeps the prices of similar assets traded in different markets more closely aligned.

When it comes to flash orders, however, I think most investors, even those who trade regularly, are waking up very surprised to learn that these practices are even permitted, just as we were surprised last year to learn about the rampant extent of naked short selling. Many investors have been suspicious for years that insiders on Wall Street hold built-in advantages over average investors. Flash orders are a classic example of being taken aback not by what is illegal but by what is legally occurring directly under the nose of our financial regulators and leading market institutions.

Since I began speaking out against naked short selling, I have heard from some of the biggest companies in America that are concerned about the effects of naked short selling. But they do not want to speak out because they fear that any hint of vulnerability they admit even privately to public officials will leak out and make them the target of these predatory raiders.

I have also heard from investors around the country. They have complained that large broker-dealers are somehow permitted to trade ahead of most investors. These average and even sophisticated investors relate that in their experience they never seem to be able to execute trades at the best available published bid or asking price. They complain that large orders always seem to get a priority over their smaller orders. Until now, I never knew what to make of these claims.

In the New York Times this past Friday, on investor blogs for weeks now, and in a comment letter filed by the New York Stock Exchange on May 28, commentators have begun to explain how flash orders work to, quite literally, ''pick the pockets'' of the average investor. In essence, these traders get a very quick look at all pending orders in advance and through technology can trade ahead of these orders.

I ask unanimous consent that the Times article be printed in the RECORD.

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

[From the New York Times, July 24, 2009]

STOCK TRADERS FIND SPEED PAYS, IN MILLISECONDS

(By Charles Duhigg)

It is the hot new thing on Wall Street, a way for a handful of traders to master the stock market, peek at investors' orders and, critics say, even subtly manipulate share prices.

It is called high-frequency trading—and it is suddenly one of the most talked-about and mysterious forces in the markets.

Powerful computers, some housed right next to the machines that drive marketplaces like the New York Stock Exchange, enable high-frequency traders to transmit millions of orders at lightning speed and, their detractors contend, reap billions at everyone else's expense.

These systems are so fast they can outsmart or outrun other investors, humans and computers alike. And after growing in the shadows for years, they are generating lots of talk.

Nearly everyone on Wall Street is wondering how hedge funds and large banks like Goldman Sachs are making so much money so soon after the financial system nearly collapsed. High-frequency trading is one answer.

And when a former Goldman Sachs programmer was accused this month of stealing secret computer codes—software that a federal prosecutor said could ''manipulate markets in unfair ways''—it only added to the mystery. Goldman acknowledges that it profits from high-frequency trading, but disputes that it has an unfair advantage.

Yet high-frequency specialists clearly have an edge over typical traders, let alone ordinary investors. The Securities and Exchange Commission says it is examining certain aspects of the strategy.

''This is where all the money is getting made,'' said William H. Donaldson, former chairman and chief executive of the New York Stock Exchange and today an adviser to a big hedge fund. ''If an individual investor doesn't have the means to keep up, they're at a huge disadvantage.''

For most of Wall Street's history, stock trading was fairly straightforward: buyers and sellers gathered on exchange floors and dickered until they struck a deal. Then, in 1998, the Securities and Exchange Commission authorized electronic exchanges to compete with marketplaces like the New York Stock Exchange. The intent was to open markets to anyone with a desktop computer and a fresh idea.

But as new marketplaces have emerged, PCs have been unable to compete with Wall Street's computers. Powerful algorithms—''algos,'' in industry parlance—execute millions of orders a second and scan dozens of public and private marketplaces simultaneously. They can spot trends before other investors can blink, changing orders and strategies within milliseconds.

High-frequency traders often confound other investors by issuing and then canceling orders almost simultaneously. Loopholes in market rules give high-speed investors an early glance at how others are trading. And their computers can essentially bully slower investors into giving up profits—and then disappear before anyone even knows they were there.

High-frequency traders also benefit from competition among the various exchanges, which pay small fees that are often collected by the biggest and most active traders—typically a quarter of a cent per share to whoever arrives first. Those small payments, spread over millions of shares, help high-speed investors profit simply by trading enormous numbers of shares, even if they buy or sell at a modest loss.

''It's become a technological arms race, and what separates winners and losers is how fast they can move,'' said Joseph M. Mecane of NYSE Euronext, which operates the New York Stock Exchange. ''Markets need liquidity, and high-frequency traders provide opportunities for other investors to buy and sell.''

The rise of high-frequency trading helps explain why activity on the nation's stock exchanges has exploded. Average daily volume has soared by 164 percent since 2005, according to data from NYSE. Although precise figures are elusive, stock exchanges say that a handful of high-frequency traders now account for a more than half of all trades. To understand this high-speed world, consider what happened when slow-moving traders went up against high-frequency robots earlier this month, and ended up handing spoils to lightning-fast computers.

It was July 15, and Intel, the computer chip giant, had reporting robust earnings the night before. Some investors, smelling opportunity, set out to buy shares in the semiconductor company Broadcom. (Their activities were described by an investor at a major Wall Street firm who spoke on the condition of anonymity to protect his job.) The slower traders faced a quandary: If they sought to buy a large number of shares at once, they would tip their hand and risk driving up Broadcom's price. So, as is often the case on Wall Street, they divided their orders into dozens of small batches, hoping to cover their tracks. One second after the market opened, shares of Broadcom started changing hands at $26.20.

The slower traders began issuing buy orders. But rather than being shown to all potential sellers at the same time, some of those orders were most likely routed to a collection of high-frequency traders for just 30 milliseconds—0.03 seconds—in what are known as flash orders. While markets are supposed to ensure transparency by showing orders to everyone simultaneously, a loophole in regulations allows marketplaces like Nasdaq to show traders some orders ahead of everyone else in exchange for a fee.

In less than half a second, high-frequency traders gained a valuable insight: the hunger for Broadcom was growing. Their computers began buying up Broadcom shares and then reselling them to the slower investors at higher prices. The overall price of Broadcom began to rise.

Soon, thousands of orders began flooding the markets as high-frequency software went into high gear. Automatic programs began issuing and canceling tiny orders within milliseconds to determine how much the slower traders were willing to pay. The high-frequency computers quickly determined that some investors' upper limit was $26.40. The price shot to $26.39, and high-frequency programs began offering to sell hundreds of thousands of shares.

The result is that the slower-moving investors paid $1.4 million for about 56,000 shares, or $7,800 more than if they had been able to move as quickly as the high-frequency traders.

Multiply such trades across thousands of stocks a day, and the profits are substantial. High-frequency traders generated about $21 billion in profits last year, the Tabb Group, a research firm, estimates.

''You want to encourage innovation, and you want to reward companies that have invested in technology and ideas that make the markets more efficient,'' said Andrew M. Brooks, head of United States equity trading at T. Rowe Price, a mutual fund and investment company that often competes with and uses high-frequency techniques. ''But we're moving toward a two-tiered marketplace of the high-frequency arbitrage guys, and everyone else. People want to know they have a legitimate shot at getting a fair deal. Otherwise, the markets lose their integrity.''

Mr. KAUFMAN. Madam President, in America where all are created equal, Wall Street technology has permitted the powerful to exploit loopholes that make some investors now more equal than others.

The most basic principle of a free market system is that anyone can transact goods at prices based on a free and open market, not based on some kind of insider status. These flash order practices fly in the face of Regulation NMS, which the SEC issued to guarantee that trades are executed at the best price as soon as orders become available. With flash orders, there doesn't seem to be any guarantee of this anymore.

I call again for the SEC to act quickly to protect investors in four critical areas. First, we need to implement a rule that provides the substantive protections removed when the uptick rule was rescinded in 2007.

Second, the SEC must end naked short selling. No one should be able to short a stock unless they have located specified shares of stock and obtained a contractual claim to borrow the stock in time for delivery. The SEC's announcement yesterday of plans for more discussion does not accomplish this. We need concrete action soon by the SEC.

Third, the SEC must prohibit the use of flash orders. No one—no one—should be permitted to use information asymmetry that permits high-speed computer trading to have an advantage over average investors.

Finally, the SEC should establish disclosure and transparency equality. The disclosure requirements that apply to pooled funds worth greater than $100 million should apply uniformly to all, including hedge funds, for both long and short positions, and the level of transparency for order flows should be the same for all.

I truly believe our new SEC chairman is focused on these issues and she is making progress on a number of fronts. But it is the job of Congress to urge regulators to fix problems. SEC Chairman Schapiro inherited an SEC that had made many mistakes. I respect the fact that Chairman Schapiro is working hard every day to right a foundered ship. The other commissioners are joining her in that task.

In closing, I implore the SEC once again to act urgently to fulfill its core mission: protecting investors. The reason protecting investors is so important is that by doing so, the SEC ensures the credibility of the financial markets. If the SEC refuses to restore a level playing field to rebuild investor confidence in our market, then we in Congress will have to step in and do it ourselves.

Protecting investors is too important to the Nation, to the integrity of our financial markets, and to our economic recovery. I say again that legitimate capital markets and arbitrage functions have value, like legitimate short-selling has value. But exploiting an unequal playing field only skims our Nation's wealth. It doesn't create wealth or value, except for a privileged few. That harms the integrity of our financial markets and, by doing so, threatens the very foundation of our economic well-being.

As Americans, we must have faith in our institutions, both the markets and government, and we must believe that if we work hard and play by the rules, all will be treated equally. That is what is at stake. Our financial industry and capital markets can be a powerful engine for the American economy. But the SEC and Congress must work together to restore investor quality, integrity, and credibility of our financial markets.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator KAUFMAN for his bold advocacy on behalf of consumers and investors and for a better financial system.

Mr. KAUFMAN. I thank the Senator.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, last week I spoke on the Senate floor about the importance of the health care reform bill that passed the Senate in the Health, Education, Labor, and Pensions Committee.

I spoke about how the legislation would reduce costs for families and businesses, how it would protect consumer choice of doctors, hospitals, and insurance plans, and how it would assure health care stability and security for all Americans.

I spoke about how the bill's public option would increase competition in the insurance market, spurring private insurers to offer better premiums and better coverage.

I explained how the bill's insurance market reforms would prevent insurers from dodging and weaving to avoid paying claims—an experience most of us have had.

Today, I am here to talk about a provision in the HELP Committee bill that I am not proud of—a provision that none of us should be proud of. The committee adopted an amendment that would discourage medical innovation and perpetuate inflated prices for the medicines that millions of Americans need. This provision locks taxpayers into paying extraordinarily high prices for medicines covered by Medicaid and Medicare, covered by the VA system, and covered by the military's TRICARE system. The provision also means huge payments by corporations and small businesses that insure their employees, and the provision locks patients into paying astronomical out-of-pocket costs for medicines they cannot do without. The medicines I am talking about are known as biologics. They are medicines used to treat conditions such as multiple sclerosis, arthritis, Alzheimer's, diabetes, and cancer. Spending on brandname biologics is growing faster than spending on any other type of medicine.

All too often, the pricetag for this type of drug is simply too high for the patient who needs it. For instance, annual treatment for breast cancer with the brandname biologic drug Herceptin costs $48,000. Even if you are lucky enough to have health insurance and you are paying 20 percent copay, that is $9,600 a year. More than 192,000 American women will be diagnosed with breast cancer in 2009. How are they going to afford that kind of drug?

Annual treatment for rheumatoid arthritis with the brandname biologic called Remicade costs $20,000. Again, even if you are lucky enough to have insurance—pretty good insurance—you will probably have a copay of 20 percent, which is $4,000 a year. That is $80 every single week, in addition to all your other health care expenses, and maybe the fact that you don't have income because you are going through rheumatoid arthritis treatment. At least 1.3 million Americans suffer from rheumatoid arthritis.

Annual treatment for colon cancer with the brandname biologic Avastin costs $100,000. Again, if you are lucky enough to have good health insurance, and you are paying a 20 percent copay, that is $20,000. That is $400 a week just for your copay, on your drug, in order to deal with your colon cancer. This is far too expensive for many of the 112,000 men and women in America who are diagnosed with colon cancer each year.

The typical household income in Ohio, which is not too much different from the State of the Presiding Officer, Colorado, is $46,000 a year.

We are talking about a drug that costs $20,000, another drug that costs $48,000, and another drug that costs $100,000 a year, and you are trying to pay with an income of $46,000 a year? Even if you have good insurance, your copay alone will break the bank. You get the picture.

More than two decades ago, in response to consumer outrage over the traditional price of drugs, Congress passed the Drug Price Competition and Patent Restoration Act of 1984, known as the Hatch-Waxman Act. That act created a generic pathway for traditional medicines. Prior to that bill, the FDA had no approval process to get generic drugs, competitive drugs, similar drugs after they have gone off patent, identical drugs that can cure you just like brandname drugs can, but there was no allowance to bring those generic drugs to market.

A quarter century ago, Congress took care of that. We need a similar generic pathway for biologics. But legislation granting 12 years of ''exclusivity''—a better term is 12 years of ''monopoly''—protection, on top of the 20 years of patent protection—so these companies already have patents, and I understand sometimes several years of their patents are used up, and several years of the 20-year patents are used up during the approval process—maybe even 10 years. But on top of that, we are going to give them 12 years of monopoly protection, 12 years of exclusivity—the way we talk here—12 years of monopoly protection, the way that most people understand it. That gives a drug company a monopoly that no other drug in the market enjoys and no other product on the market enjoys.

What we have done is taken these drugs that cost $12,000 a year, $20,000 a year, $40,000 a year, or $100,000 a year, and set them in a different category to protect them—a protection that nobody else in our entire economic system of protection, monopoly protection, and nobody else in our economic system enjoys. These are drugs that save people's lives. These are treatments for people they cannot get any other way.

Why do we carve out monopoly protection for these drug companies, when we don't do it for any other kinds of drugs—so-called orphan drugs—or any other consumer product? Why do we do it? It could not be because the biotech companies are really good lobbyists, could it or because of the campaign contributions they make to my colleagues—it couldn't be that, could it? I don't know the explanation.

Americans are worried that their employer will drop their health care coverage because of the cost of biologics. A 12-year biologic monopoly balloons the cost of employee-sponsored health care. Consumers worry that they won't be able to afford individual coverage. You will see, in some cases, some employers totally ending their health care coverage overall—the insurance they have for employees—because of the cost of biologics. Imagine you are a company with 100 employees, and you are a generous employer and you pay your people pretty well, and you are doing OK in this economy—not great but you have insurance for everybody; and of these 100 employees you have, say 4 or 5 get really sick. Say one takes Herceptin and one takes Remicade and one takes another one of these drugs—say, the $100,000 drug, Avastin. Do you know what that employer is going to have to do because of the cost? They are probably going to have to end health care coverage for all of their

employees because they have three or four employees taking these drugs.

We must fight back for Kyl and his family from Franklin County in central Ohio. Kyl's sister nearly lost her house because of the costs of fighting a series of immune-related diseases. Kyl's father works 50 hours a week in a food service job, with no health care benefits. Yet he has diabetes and heart trouble. Kyl writes that his father had to stop taking medications because he cannot afford the cost.

We are asking them to wait 12 years so that biotech companies can make even more—give them 12 years of monopoly protection.

I want these companies to do well. That is why I support more NIH funding. A lot of these companies get started by using taxpayer dollars for their research. Taxpayer-funded research is a good thing. It means inventions. And biologics are wonderful. I want them to be profitable and to innovate and to have incentive to do that. But 12 years of extra monopoly protection that nobody else in our system has?

We must fight for Laura and her family, from Lake County, OH. She is an 80-year-old mother of two sons who have struggled with serious medical conditions. One son is a brain cancer survivor, who cannot afford medicine or health insurance. He cannot get it because of his preexisting condition. Her other son has battled years of illnesses, mainly rheumatoid arthritis. His existing insurance coverage doesn't cover Remicade, which is the drug I talked about earlier. Remicade costs $20,000 a year, about $2,000 a month. If you have some insurance, maybe you can get it for a little less. But this employer wouldn't cover the brandname drug. Laura writes that her sons' health care costs far exceed their ability to pay.

Remember that traditional medicines receive only 5 years of monopoly protection. I am not the only one on the floor who thinks 12 years of unchecked monopoly protection is an irresponsible and inefficient pathway to biologics. President Obama has recognized the need to create an approval process for generic biologics with 7 years of market exclusivity.

Consumer groups, patient safety advocates, insurance companies, labor unions, and medical professionals, and many companies, because they are paying the freight, want a safer and more efficient pathway to generic biologics. They suggest 5 years, as my legislation originally did.

Groups from AARP to Families USA, to the National Organization for Rare Disorders, to the Service Employees International Union, to Blue Cross/Blue Shield have called for 7 years or less of monopoly protection.

The FTC released a report which found that lengthy periods of exclusivity will actually harm patients, diminish innovation, and delay access to affordable generic biologic drugs.

That is the only argument these biologics have, as they spread campaign contributions around. They lobby the halls of Congress and have spent literally millions already, and it is only July of 2009, but they spend millions of dollars lobbying. The only argument they have is they need 12 years of monopoly protection because, otherwise, they are not going to innovate.

The FTC said if they have 12 years, they will get fat and lazy. They won't innovate for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, or 11 years, because why innovate if they are getting $20,000, or $48,000, or $100,000 a year for their drug? The FTC explodes the only argument they have.

Interestingly, the FTC study is the only study out there examining this that is not paid for by the industry. The industry studies say one thing; the study paid for by the government and taxpayers, which doesn't have a dog in this hunt, says something very different.

I find myself disagreeing with every issue from Medicare, to trade, to the Iraq war, to everything else. Even the Post today said:

> With a name like the Affordable Health Care Choices Act, you would think the Health, Education, Labor, and Pensions Committee this month would have made an effort to provide affordable health choices. But, instead, the bill includes a provision that would create a 12-year market exclusivity period [monopoly protection] for brand name biologic drugs. This would drive costs to consumers above even current levels [like the biotech companies aren't making enough with $100,000 dollars a year drugs] making the title little more than a mockery.

This is a very important issue. I hope when the health care reform bill comes to the floor, Congress will get involved on behalf of the Americans they serve, the patients and taxpayers, and on behalf of American business.

Let's hope Ohioans from Paulding to Preble, from Montgomery to Morrow, from Gallia to Guernsey—Ohioans suffering from MS, arthritis, Alzheimer's, cancer, diabetes, and Parkinson's—can afford these medicines. Let's hope Congress will shake off, will ignore the pleas from lobbyists and recognize a 12-year monopoly reserved exclusively for biologic manufacturers is more than a bonus—it is a boondoggle.

Let's hope that we in Congress take a stand for fiscal responsibility, for common sense, and for the Americans we serve by ratcheting down the 12-year monopoly sweetheart deal that the big drug companies are peddling.

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

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

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I wish to pay tribute to CDR Duane G. Wolfe, a sailor from my home State of California who paid the ultimate price in service to our country in Iraq.

Commander Wolfe, of Los Osos, CA, died on May 25, 2009, from injuries suffered when his convoy was hit by a roadside bomb southeast of Fallujah, Iraq.

He is the oldest Californian to have lost his life in either Iraq or Afghanistan to date, electing to continue to serve as a member of the U.S. military despite having the option to retire.

Commander Wolfe enlisted in the Navy in 1972 shortly after graduating high school and served on Active Duty for 5 years. In 1978, he joined the Navy Reserves, where he served until his death. He also worked for 24 years as a civilian employee at Vandenberg Air Force Base, rising to the position of civilian deputy commander for installation support for the 30th Mission Support Group.

As a member of the Navy Reserves, Commander Wolfe deployed to Iraq in December 2008 for a 6-month assignment. He served as the officer in charge of the U.S. Army Corps of Engineers Al Anbar Area Office, leading a team that oversaw nearly $300 million in construction projects including many that provide essential services to the Iraqi people. He was due to return home on July 10, 2009.

In addition to his military service, Commander Wolfe was a longtime deacon for the Los Osos Church of Christ where he taught Bible classes and occasionally filled in as a substitute preacher. He was a skilled lifelong athlete who loved golfing and playing basketball, and a talented mechanic, with a particular aptitude for both construction and car repair.

At the age of 19, Commander Wolfe met his wife Cindi, to whom he was married for 34 happy years. He and his wife have three children, Carrie, Katie and Evan, who remember their father for his kindness, warmth, and dedication to his family and country.

Commander Wolfe will be posthumously awarded the Bronze Star with ''V'' Device for Valor, the Purple Heart, the Navy Combat Action Ribbon, the National Defense Service Medal with Service Star, the Iraqi Campaign Medal, the Armed Forces Reserve Medal with ''M'' Device for Mobilization, and the Overseas Service Ribbon, commemorating his courage and extraordinary sacrifice in service to our country.

Nothing can fully account for the loss suffered by Commander Wolfe's family and all those who loved him.

But I hope they can take comfort in the knowledge that he will be forever honored and remembered by a grateful nation.

As we remember Commander Wolfe and honor his service to the United States, we are also reminded of the eight other Californians who have been killed in Iraq since April 21. This brings to 879 the number of servicemembers either from California or based in California that have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

SSgt Mark A. Wojciechowski, 25, of Cincinnati, OH, died April 30 while supporting combat operations in Al Anbar province Iraq. Staff Sergeant Wojciechowski was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt James R. McIlvaine, 26, of Olney, MD, died April 30 while supporting combat operations in Al Anbar province Iraq. Sergeant McIlvaine was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SPC Jake R. Velloza, 22, of Inverness, CA, died from wounds sustained after he was shot by enemy forces in Mosul, Iraq on May 2. Specialist Velloza was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX.

SPC Jeremiah P. McCleery, 24, of Portola, CA, died from wounds sustained after he was shot by enemy forces in Mosul, Iraq on May 2. Specialist McCleery was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX.

PVT Justin P. Hartford, 21, of Elmira, NY, died May 8 at Joint Base Balad, Iraq, of injuries sustained from a non-combat related incident. Private Hartford was assigned to the 699th Maintenance Company, Corps Support Battalion, 916th Support Brigade, Fort Irwin, CA.

MAJ Jason E. George, 38, of Tehachapi, CA, died May 21 near Baghdad, Iraq of wounds sustained when his unit was attacked by enemy forces using improvised explosive devices while on dismounted patrol. Major George was an Army Reservist assigned to the 252nd Combined Arms Battalion, Fayetteville, NC.

CPT Kafele H. Sims, 32, of Los Angeles, CA, died June 16 in Mosul, Iraq, of a non-combat related incident. Captain Sims was assigned to the 18th Engineer Brigade, Schwetzingen, Germany.

LCpl Brandon T. Lara, 20, of New Braunfels, TX, died July 19 while supporting combat operations in Anbar province, Iraq. Lance Corporal Lara was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

I would also like to pay tribute to the nine soldiers from CA who have died while serving our country in Operation Enduring Freedom since April 21.

SSG Esau I. De la Pena-Hernandez, 25, of La Puente, CA, died May 15 at Forward Operating Base Shank, Afghanistan, of wounds suffered when his patrol was attacked by enemy forces using small-arms fire in Chak, Afghanistan. Staff Sergeant De la Pena-Hernandez was assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Light Infantry, Fort Drum, NY.

1SG Blue C. Rowe, 33, of Summers, AR, died May 26 in Panjshir Province, Afghanistan, when an improvised explosive device detonated near his vehicle. First Sergeant Rowe was assigned to the 426th Civil Affairs Battalion, Upland, CA.

LCpl Joshua R. Whittle, 20, of Downey, CA, died June 6 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Whittle was assigned to 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI.

MAJ Rocco M. Barnes, 50, of Los Angeles, CA, died June 4 in Afghanistan of injuries sustained during a vehicle rollover. Major Barnes was a member of the Tactical Command Post, 40th Infantry Division, California Army National Guard, assigned as an individual augmentee to the 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force.

SPC Eduardo S. Silva, 25, of Greenfield, CA, died June 9 at Bagram Airfield, Afghanistan, of a non-combat related incident. Specialist Silva was assigned to the 563rd Aviation Support Battalion, 159th Combat Aviation Brigade, 101st Airborne Division, Air Assault, Fort Campbell, KY.

PFC Justin A. Casillas, 19, of Dunnigan, CA, died July 4 at Combat Outpost Zerok, Afghanistan, of wounds suffered when insurgents attacked his outpost using small arms and indirect fire. Private First Class Casillas was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK.

PFC Nicolas H. J. Gideon, 20, of Murrieta, CA, died July 6 at Forward Operating Base Salerno, Afghanistan, of injuries suffered earlier that day in Paktya, Afghanistan, when insurgents attacked his unit using small arms fire and rocket-propelled grenades. Private First Class Gideon was assigned to the 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team Airborne, 25th Infantry Division, Fort Richardson, AK.

LCpl Pedro A. Barbozaflores, 27, of Glendale, CA, died July 11 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Barbozaflores was assigned to 2nd Light Armored Reconnaissance Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

Sgt Michael W. Heede Jr., 22, of Delta, PA, died July 13 while supporting combat operations in Helmand province, Afghanistan. Sergeant Heede was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

DEFENSE AUTHORIZATION

Mr. BROWNBACK. Mr. President, I appreciate the assistance of the chairman and ranking member of the Committee on Armed Services last week in clearing an amendment I offered to the fiscal year 2010 National Defense Authorization Act dealing with irregular warfare aircraft. As the conference committee prepares to resolve the differences between the House and Senate versions of the NDAA, I want to provide in the RECORD some context for this provision.

Years of combat in Afghanistan and Iraq have shown that insurgents take refuge among regular civilians to complicate our ability to find them and increase the chances of civilian casualties that inflame local populations. We also have learned that fighting insurgencies requires an enormous amount of intelligence, surveillance and reconnaissance, ISR, data. Our highly advanced tactical aircraft can perform close air support, light strike, and ISR missions, but repeatedly using such fighters for these missions shortens their lifespan without ever employing their most advanced capabilities. It is like buying a laptop computer to use as a calculator.

Indeed, smaller, lighter planes designed for counterinsurgency missions can provide the firepower and intelligence data the warfighter needs at a fraction of the cost to purchase and operate bigger, faster aircraft. Moreover, such aircraft would allow us to provide ideal platforms to partner nations struggling to develop their own air forces and deal with local insurgencies.

Secretary Gates, the Chief of Staff of the Air Force, General Schwartz, and other officials from the Air Force, Navy, and special operations forces have commented recently that the Department of Defense needs to consider developing a light strike, light reconnaissance aircraft specifically designed for irregular warfare. And to their credit, the Air Force and Navy are beginning to explore the utility of such aircraft in detail.

I want to ensure, however, that the Department of Defense makes the best possible use of money Congress has already spent in this area. Over the past 2 fiscal years, Congress has appropriated $8.4 million to the Air National Guard for a project to demonstrate the capabilities of a light strike, light reconnaissance aircraft. In fact, the demonstrator aircraft in that project made its first flight yesterday and will demonstrate its capabilities over the course of the rest of this year. The knowledge gained in this demonstration program should be incorporated into the Air Force, Navy, and special

operations discussions of manned irregular warfare aircraft.

My amendment, then, simply declares it the sense of Congress that the Secretary of Defense should include the reserve components when establishing requirements for manned airborne irregular warfare platforms. Congress has led the way in examining the concept of a light attack, light reconnaissance aircraft. In this era of constrained defense budgets, it is vital to make every dollar count. I am pleased that in this amendment the Senate signaled the importance of reserve component work on this concept, and I hope that the language is retained in conference so the House can send a similar signal. It is increasingly clear that the Nation needs this capability, and the combined efforts of all components at the Defense Department will bring these aircraft to the warfighter sooner rather than later.

GROUND-BASED MIDCOURSE DEFENSE ELEMENT

Mr. BEGICH. Mr. President, there are some very important provisions in the Armed Services Committee bill, S. 1390, the National Defense Authorization Act for fiscal year 2010, regarding the Ground-based Midcourse Defense, GMD, element of the Ballistic Missile Defense System, BMDS. GMD is a system designed to protect the homeland against long-range missile threats. Would the chairman agree that GMD plays an important role in the architecture of the overall BMDS?

Mr. LEVIN. GMD is an important element of the overall Ballistic Missile Defense System. It is important that the GMD element be an operationally effective, cost-effective, affordable, reliable, suitable, and survivable system capable of defending the United States from the threat of long-range missile attacks from nations such as North Korea and Iran, and that adequate resources be available to achieve such capabilities.

Mr. BEGICH. Mr. President, Alaska plays a critical role in GMD. The majority of infrastructure currently required to support deployment of the GMD system is located at Fort Greely in Alaska. Recently, the Missile Defense Agency determined that in order to ensure the best infrastructure is available to support deployment of interceptors from Alaska in defense of the Nation, a seven-silo configuration in Missile Field 2 is warranted to replace older, less reliable, silos in Missile Field 1. In the Armed Services Committee report accompanying S. 1390, the committee expressed the view that, if the Department of Defense believes there is a benefit to completing the seven silos at Missile Field 2 during fiscal year 2010, the committee would look favorably upon a reprogramming request from the Secretary of Defense to provide the funds to complete the seven-silos in fiscal year 2010. Would the chairman agree that providing a seven silo capability in Missile Field 2 is beneficial to GMD in defense of the homeland?

Mr. LEVIN. I agree with my colleague from Alaska that Fort Greely plays an integral role in supporting the GMD element of Ballistic Missile Defense System, and will continue to do so in the future. Constructing Missile Field 2 in a seven-silo configuration to replace the older silos at Missile Field 1 will provide updated and more reliable infrastructure in support of GMD. If the Department of Defense believes there is a benefit to completing the seven silos in fiscal year 2010 and the Secretary submits a reprogramming request to do so, I believe the committee would look favorably upon such a request, although subject to evaluation of course. If the Department does not submit such a reprogramming request, I believe the Department will request the funds to complete construction of the seven-silos in fiscal year 2011.

Mr. BEGICH.: I thank the chairman for his response. Section 243 of S. 1390, the National Defense Authorization Act for fiscal year 2010, would require the Department of Defense to submit to Congress early next year two reports concerning the GMD element. Would the chairman agree that until the reports required in section 243 of S. 1390 are delivered to Congress the Department of Defense should not make any irreversible decision concerning operational silos in Missile Field 2 at Fort Greely, and that decommissioning of Missile Field 1 should not be completed until the seven-silos have been emplaced at Missile Field 2?

Mr. LEVIN. During consideration of S. 1390, the Senate adopted an amendment, offered by the Senator from Alaska, that would require the Secretary of Defense to ensure that Missile Field 1 does not complete decommissioning until seven-silos have been emplaced at Missile Field 2. It would also require the Secretary to ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 until 60 days after the reports required by section 243 are submitted to Congress.

Mr. BEGICH. I thank the chairman and appreciate his work on improving GMD and recognizing Alaska's infrastructure is necessary to support GMD in defense of the homeland now and in the future.

U.S.-CHINA STRATEGIC AND ECONOMIC DIALOGUE

Mr. DORGAN. Mr. President, the meeting of the U.S.-China Strategic and Economic Dialogue this week in Washington is an important opportunity. It is a chance to advance a comprehensive relationship between our two countries and to highlight the importance of fundamental rights to that relationship.

I am chairman of the Congressional-Executive Commission on China. The Commission examines human rights and rule of law developments in China. In recent years, I have witnessed human rights concerns being pushed to the margins of the U.S.-China relationship. This is due in part to China's growing financial, diplomatic and military strength. Sidelining our human rights concerns with China is a strategic mistake for the U.S.

The advancement of human rights concerns with China is more important to U.S. interests than ever. The reporting of the Commission I chair makes this crystal clear.

Press censorship in China makes it possible for toxic food and public health crises to spread globally.

The harassment of whistleblowers and the suppression of criticism and dissent remove internal checks against environmental damage that not only hurts ordinary Chinese citizens but has a global impact.

Abuses of low-wage labor compromise goods that come to the U.S. have harmed U.S. consumers, as well as Chinese consumers.

The government's control of mass media and the internet allow it to stoke nationalist anger against the United States in moments of crisis. This can be terribly dangerous.

Let there be no doubt—I have enormous respect for China. I respect the progress China has made by lifting hundreds of millions of people out of poverty. I admire its rich and remarkable culture and immensely talented people. But I firmly believe that its people should be free to speak their minds and practice their chosen faiths without fear.

The news is not all bad. There have been positive developments in recent years. The government has enshrined in its Constitution the state's responsibility to protect and promote human rights. The Congressional-Executive Commission on China has also reported on China's recent adoption of new labor protections, and the relaxing of restrictions on foreign journalists inside China. These and other gains were made partly as a result of sustained international pressure. The meeting of the Strategic Economic Dialogue presents another opportunity to press for more such gains.

But let us be clear: Nothing we ask of China regarding human rights is inconsistent with commitments to international standards to which China in principal already has agreed. So we are not necessarily looking just for more agreements. We are waiting for action. We are waiting for China's leaders to demonstrate true commitment, not just in words but in deeds, to prioritizing human rights, including worker rights, and the development of the rule of law in no lesser way than they have prioritized economic reform.

In closing, the Strategic and Economic Dialogue this week provides an opportunity to underline how advancing the welfare of citizens must not be separated from a demonstrated commitment to human rights and the rule

of law. To remain faithful to our pursuit of basic American values, we must seize that opportunity.

SERVICE OF BRETT NILSSON

Mr. HATCH. Mr. President, I wish to pay tribute to Mr. Brett Nilsson as he nears the completion of his service as the chairman of the Independent Insurance Agents & Brokers of America, IIABA.

If I may, let me just start by saying I am proud to count Brett as both a constituent and a friend. Indeed, it goes without saying that for close to 20 years Brett has been a very busy man and is someone who has been dedicated to both our Nation and to Utah through the service he has provided.

On the national level, Brett has served on IIABA's Communications and Finance Committees, the later of which, I might add, he chaired from 1999 to 2003. After his chairmanship of the association's Finance Committee, Brett was then elected to IIABA's Executive Committee in 2003 and then nominated as the association's chairman last September in 2008. In Utah, Brett spent a year serving as president of the Independent Insurance Agents of Utah from 1992 to 1993 and as the national board director from Utah for 9 years. All of this, of course, is in addition to his own personal career where he is the senior vice president for the Buckner Company in Ogden, UT.

Founded in 1896, IIABA is the Nation's oldest association of independent insurance agents and brokers. At last count the association represents an astounding network of more than 300,000 agents, brokers, and their employees. Throughout his tenure as chairman of the association, Brett has been the lead on a number of issues including health insurance reform and insurance regulatory reform. Additionally, Brett has worked assiduously to build the Trusted Choice brand and advance the association's InVEST Program, which is a school-to-work insurance program that partners with community college and high school educators to offer a practical and innovative program of study for students.

Above all, and perhaps most-importantly, Brett has been committed to his family, his business, and our community in Utah. He was a vice president of the Ogden Jaycees, he participated on several chamber of commerce committees, and he is a past president of the Ogden Golf and Country Club. He has served on a number of different insurance company agent advisory councils. He was awarded Utah's Agent of the Year, and Young Agent of the Year and, as if those recognitions were not enough, in 2001 he also received an IIABA Presidential Citation. All of this, however, has only served as icing on the cake when, in 2003, Brett received our State association's highest individual honor, the Burgener Award—a unique distinction awarded only five other times in the history of the association in Utah.

Today, Mr. President, I join with many Utahns and people from across the Nation in thanking Brett for his work with IIABA over the years and for his dedication to his professional career, our community, and our State. His efforts are greatly appreciated and have not gone unrecognized. For that, I wish him, his beautiful wife Nancy, and their four children and eight grandchildren the very best in their future endeavors, adventures, and service to others. I am certain they are looking forward to having a little more free time with grandpa, and I know we are all looking forward to next chapter of Brett's career.

ADDITIONAL STATEMENTS

HONORING THE SERVICE OF CLARENCE ''CAL'' W. MARSELLA

• Mr. BENNET. Mr. President, I wish to offer congratulations and gratitude to Clarence ''Cal'' W. Marsella on the occasion of his retirement as general manager of the Denver Regional Transportation District, RTD.

Under Cal's leadership, the Denver region has become a national model of how effective public transit service can improve the quality of life, environment, and energy efficiency of a region. Cal was able to bring local, State, and Federal officials together behind a shared vision for our region, build a transit system matched to our region's growth patterns, and help us all remain committed to preserving one of the Nation's most unique and precious environments. At the same time, he has been a national champion for the idea that mass transit is the key to our energy independence.

Cal Marsella was hired as RTD's general manager in August 1995. During his service, he oversaw the completion of three new light rail lines on time and on budget, including the T-REX light rail project that opened November 17, 2006. Reflecting his performance and the strong public trust in RTD, metro area voters in 2004 overwhelmingly approved the FasTracks transit expansion program for the entire eight-county metro area. This represents the largest transit-only voter approved program in the entire country. With Cal's skill, determination, and effort, progress on the FasTracks program has moved ahead swiftly, and construction is currently underway on the new West Corridor.

Mr. Marsella began his transportation career in the highway engineering division of the State of Connecticut Department of Transportation in 1974, armed with a masters' degree in public affairs and a bachelor of arts degree from the University of Connecticut. He now serves on the National Academy of Sciences Transportation Research Board and regularly guest lectures at the University of Denver and the University of Colorado master's degree programs in transportation and public administration. In recent years, Cal has received national honors commensurate with his leadership and achievements. He was selected by the American Public Transportation Association as the Outstanding Public Transportation Manager in 2006 and, under his management RTD, was selected as the Outstanding Transportation Agency in North America in both 2003 and 2008.

I congratulate and extend my sincere gratitude to Cal Marsella for his service to the Denver region and the State of Colorado. I wish him continued success and all good fortune in his work ahead.•

150TH ANNIVERSARY OF VERMILLION, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, I wish to recognize the 150th anniversary of the founding of one of South Dakota's great cities, Vermillion. Sitting atop a bluff on the Missouri River in the southeast corner of the State, Vermillion is the county seat for Clay County. With its growing economic development, strong workforce, and diverse demographics, Vermillion has an exceptional quality of life, and I am proud to call it my hometown.

Deriving its name from the Sioux word for ''red stream,'' Vermillion was founded in 1859 after first being visited by French fur traders. Just 3 years later in 1862 the University of South Dakota was founded, making it the State's oldest institution of higher education. After a harsh winter, the city of Vermillion faced what would later become known as the Great Flood of 1881. By the flood's end, over 100 buildings were destroyed, and transportation was stalled for months due to damage to railroads and bridges. The town's businesspeople quickly responded and rebuilt the town on top of the bluff. After relocating, the city continued to flourish with the advance of technological innovations at the turn of the century. In 1895, the Vermillion Milling Company received a franchise to operate an electric utility and provide electric lights. In 1902, Vermillion saw the installation of a city sewer system and steam powered automobiles on its streets. Throughout its rich and colorful history, Vermillion has continued to grow and prosper.

Today, Vermillion boasts a wide variety of educational, cultural, and recreational opportunities. It is home to many places of interest including the Shrine to Music Museum, founded in 1973. This national music museum is one of the greatest institutions of its kind in the world. The facility holds many instruments from renowned collections and has been recognized as ''A Landmark of American Music'' by the National Music Council. Additionally, the city's attractions include the Austin-Whittemore House, the Oscar Howe Gallery, the Dakota Dome, the W.H. Over Museum, Spirit Mound, and beautiful riverside trails.

Vermillion is celebrating its sesquicentennial with a variety of events including tours of the newly completed Vermillion City Hall, a community barbeque, school reunions and dances, a 5K Fun Run/Walk, an airshow, and a concert by Ratingen Youth Wind Orchestra from Vermillion's Sister City of Ratingen, Germany. These activities will serve as a reminder of the shared history of the community and bring the tight-knit people of Vermillion even closer together. Vermillion is holding a flag design contest to pay additional tribute to this historic milestone. The city has previously unveiled its official sesquicentennial logo, designed by Erin Helsa, a 2006 graduate of Vermillion High School.

As a native of Vermillion, I am pleased to publicly honor the achievements of this wonderful South Dakota community as they reach this juncture. I congratulate the citizens of Vermillion on their accomplishments over the last 150 years and look forward to seeing their future endeavors.●

ANNIVERSARY OF FARMERS STATE BANK IN HOSMER, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, with great honor, I wish to recognize the 90th anniversary of Farmers State Bank in Hosmer, SD.

After being chartered in 1919, Farmers State Bank opened its doors to the public on August 2, 1920. In the following years, Farmers State Bank was able to withstand the Great Depression and operate on a sound basis. In 1931, it consolidated with Hillsview State Bank and stayed under the Farmers State Bank name. John, Arthur, and Helen Haerter were among the bank's first stockholders and served as the first president, vice president, and cashier, respectively. Throughout its history, the bank has remained within the Haerter family. Today, the current members of the board of directors are Bruce Haerter, Joyce Haerter, John A. Haerter, Doris Haerter, and John Schwan.

After 90 years of growth, Farmers State Bank still embodies the entrepreneurial health of South Dakota and the spirit of community in our local lending institutions. I strongly commend all the Farmers State Bank's employees on their years of hard work and dedication, and I am very pleased that the institution and its people are being publicly honored and celebrated on this memorable occasion.●

RECOGNIZING DEBORAH WEINSTEIN

● Mr. ROCKEFELLER. Mr. President, I wish to recognize Deborah Weinstein, executive director of the Coalition on Human Needs, for her leadership and commitment to the needs of low-income and other vulnerable populations.

On July 29, the coalition will honor Ms. Weinstein for her extraordinary 30-plus years of advocacy work on a wide range of issues at both the State and Federal level. Throughout her distinguished career, Debbie Weinstein has been a tireless advocate for children, families, and those Americans most in need. She has been an architect of various coalitions, which is essential in promoting and enacting good public policy.

Over the years, I have been proud to work with Debbie and the Coalition on Human Needs on programs of mutual interest and concern like the earned income tax credit, child support enforcement, child nutrition, child care, and temporary assistance for needy families, TANF. The outreach and work of the coalition under Ms. Weinstein's strong leadership has played an important role in educating grassroots advocates and helping them convey their beliefs to policymakers on the Hill. It is an important role that has been done quite well for many years by Debbie Weinstein.

As executive director of the Coalition on Human Needs, Debbie has earned the respect and support of her colleagues. Recognition by ones peers is a strong endorsement indeed. It is my honor and privilege today to recognize Debbie Weinstein's compassion for the most vulnerable among us, and I thank her for that commitment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1376. An act to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes.

H.R. 2770. An act to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes.

H.R. 3155. An act to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes.

H.R. 3219. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1376. An act to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2770. An act to amend title 38, United States Code, to modify and update provisions of law relating to nonprofit research and education corporations, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3155. An act to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3219. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes; to the Committee on Veterans' Affairs.

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–2478. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dichlormid; Time Limited Pesticide Tolerances'' (FRL No. 8422–2) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2479. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethylne oxide adducts of 2,3,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles; Exemption from the Requirement of a Tolerance'' (FRL No. 8425–7) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2480. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpyroximate, Pesticide Tolerances'' (FRL No. 8420–6) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2481. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''N,N,N',N'',-Tetrakis-(2-

Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance'' (FRL No. 8429–3) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2482. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium-N-oleoyl-N-Methyl taurine; Exemption from the Requirement of a Tolerance'' (FRL No. 8426–8) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2483. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium monoalkyl and dialkyl (C6–C16) phenoxybenzendisulfonates and related acids; Exemption from the Requirement of a Tolerance'' (FRL No. 8421–7) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2484. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a Selected Acquisition Report relative to the Average Procurement Unit Cost for the E–2D Advanced Hawkeye program; to the Committee on Armed Services.

EC–2485. A communication from the Deputy Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2486. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations SHO—Rule 204—Rule to Make Permanent Temporary Rule that Enhances Close-out Requirements for all Equity Securities'' (RIN3235–AK22) received in the Office of the President of the Senate on July 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2487. A communication from the Regulatory Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital—Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program'' (RIN1557–AD25) received in the Office of the President of the Senate on July 27, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2488. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2489. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Government National Mortgage Association's (Ginnie Mae) commitment authority; to the Committee on Banking, Housing, and Urban Affairs.

EC–2490. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Department of Energy Acquisition Regulation: Technical Amendment; Final Rule'' (RIN1991–AB62) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Energy and Natural Resources.

EC–2491. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a legislative proposal relative to improving the way that the Nation raises the revenues needed to cover the non-Federal share of the capital costs of inland and intracoastal waterways projects; to the Committee on Environment and Public Works.

EC–2492. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the activities of the Economic Development Administration for fiscal year 2008; to the Committee on Environment and Public Works.

EC–2493. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Guidance on Technical Direction'' (FRL No. 8935–6) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC–2494. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans Alabama: Birmingham 1997 8-Hour Ozone Contingency Measures'' (FRL No. 8937–2) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC–2495. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Iowa; Update to Materials Incorporated by Reference'' (FRL No. 8933–5) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC–2496. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation Implementation of Air Quality Implementation Plans; Nebraska; Update to Materials Incorporated by Reference'' (FRL No. 8933–4) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC–2497. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District'' (FRL No. 8936–6) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Environment and Public Works.

EC–2498. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Attorney Advisor Program Sunset Date Extension'' (RIN0960–AH01) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Finance.

EC–2499. 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 ''Notification Requirement for Tax-Exempt Entities Not Currently Required to File'' (RIN1545–BG37) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Finance.

EC–2500. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Cargo Container and Road Vehicle Certification Pursuant to International Conventions: Designated Certifying Authorities'' (RIN1651–AA78) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Finance.

EC–2501. 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 for the export of defense articles, including technical data, and defense services for the manufacture of the S–70A Helicopter for Japan in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2502. 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 for the export of defense articles, including technical data, and defense services for the manufacture of T64 engine parts for end use by Japan in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2503. 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 export of defense articles in support of the transfer of title of one commercial communications satellite to Canada in the amount of $100,000,000; to the Committee on Foreign Relations.

EC–2504. 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 manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware for the manufacture of major and minor components of the J–85 Turbine Engine used in the F–5 for the Republic of Korea in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 81. A resolution supporting the goals and ideals of World Water Day.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Arturo A. Valenzuela, of the District of Columbia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

*Thomas Alfred Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Nominee: Thomas A. Shannon

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: Thomas: 0.
John: 0.
4. Parents: Thomas: 0.
Barbara: 0.
5. Grandparents: Deceased.
6. Brothers and Spouses: Paul & Holly Shannon: 0.
Terry Shannon: 0.
7. Sisters and Spouses: Suzanne Parot: 0.
Mark Parot: 0.

---

*Patricia A. Butenis, 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 Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: Patricia Butenis

Post: Sri Lanka

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Hafia Butenis, none; Charles P. Tutenis, deceased.
5. Grandparents: All Grandparents, deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: Linda and Nicola Vorsa, none; Donna and Andrews Mulraney, none.

---

*Charles Aaron Ray, 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 Zimbabwe.

Nominee: Charles A. Ray.

Post: Zimbabwe.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Gayle D. Ray, None; Spouse, Reuben Watson, None; Jason A. Ray, None; David E. Ray, None; Denise E. Ray, None; Spouse: Charles B. Wickersham, None.
4. Parents: Father: L.B. Holman: Deceased; Mother, Magnolia (Gardner) Alexander, Deceased.
5. Grandparents: Fraternal: Day Holman, Deceased; Mary Jackson, deceased; Maternal: Levi Gardner; deceased; Sally Young, deceased.
6. Brothers and Spouses: Mr. & Mrs. Thomas J. Holman, $150, Jan. 2008, Obama campaign; Mr. & Mrs. Wilton J. Holman; both deceased; Donald W. Alexander, None; Dennis R. Alexander, deceased; Michael D. Holman, None.
7. Sisters and Spouses: Billy M. Morant, deceased; Dorrie E. Alexander-Hill, None; Spouse, Banjamin Hill, none.

---

*Gayleatha Beatrice Brown, of New Jersey, 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 Burkina Faso.

Nominee: Gayleatha Beatrice Brown.

Post: U.S. Embassy, Burkina Faso.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: None.
2. Spouse: NA.
3. Children and Spouses: NA.
4. Parents: Nellie H. Brown: None.
5. Grandparents: None.
6. Brothers and Spouses: Curtis H. Brown: None.
7. Sisters and Spouses: None.

---

*Earl Michael Irving, of California, 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 Kingdom of Swaziland.

Nominee: Earl Michael Irving.

Post: Ambassador to Swaziland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Michael M. Irving: None; Zoe C.J. Irving: None.
4. Parents: Earl M. Irving (deceased), None; Julietta C. Irving, None.
5. Grandparents: Earl P. Irving (deceased), None; Florence Irving (decreased), None; Pedroo Coello (deceased), None; Emelina de Coello (deceased), None.
6. Brothers and Spouses: Dana D. Irving, None; Chonthicha Chaichana, None.
7. Sisters and Spouses: Lycette M. Irving, None; Kenneth Knott, None.

---

*Pamela Jo Howell Slutz, of Texas, 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 Burundi.

Nominee: Pamela Jo Howell Slutz.

Post: Ambassador/Chief of Mission (Burundi).

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Ronald J. Deutch, None.
3. Children and spouses: Daniel J. Deutch, None; Tammy Deutch, spouse, None; Shawn P. Deutch, None; Ana Castilo Deutch, spouse, None.
4. Parents: Robert F. Slutz, Jr., None; Rose V. Slutz, None; Parents-in-Law, Harry Deutch, None; Marjorie L. Deutch, None.
5. Grandparents, Deceased.
6. Brothers and Spouses: Robert F. Slutz, III, None; Christopher S.Y. Brighton, None; Avery Flinn Brighton, spouse, None.
7. Sisters and Spouses: Marjorie J.R.S. Davis, $60, 2004, RNC; $50, 2005, RNC; $150, 2006, RNC; $75, 2007, RNC; $30, 2008, RNC.
8. Sister-in-Law: Diana K. Dowell, None; Richard Dowell, spouses, None.

---

*Patricia Newton Moller, of Arkansas, 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 Guinea.

Nominee: Patricia N. Moller.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Gilbert Sperling, None.
3. Children and spouses: Gilbert Hanspeter Sperling, None; Noriyo Komachi, None; Christopher Estvan Sperling, $30, 09/08/2008, Obama for America; Stephanie Talett, $20.08, 09/10/2008, DNC; Renee Emiko Sperling, Jeffery Durkin.
4. Parents: Thelma Bell Newton, none; James Wilson Newton, deceased.
5. Grandparents: Katie Irvin Bell, deceased; William Hester Bell, deceased; Charles Henry Newton, deceased; Willie Elnora Blackman Newton, deceased.
6. Brothers and Spouses, none.
7. Sisters and Spouses: Nancy Newton Waldeck, none; Michael Waldeck, none.

---

*Jerry P. Lanier, of North Carolina, 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 Uganda.

Nominee: Jerry P. Lanier.

Post: Uganda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Catherine Kannenberg: $100, 6–20–2008, Barack Obama.
3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

---

*Alfonso E. Lenhardt, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Nominee: Alfonso E. Lenhardt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $500.00, 2008, Barack Obama.

2. Spouse: $200.00, 2008, Barack Obama.

3. Children and Spouses: William Crawley: $1200.00, 2008, Barack Obama; $1000.00, 2009, Corey Booker; $200.00, 2009, DeClazio; $100.00, 2008, Democratic Senatorial Committee; $100.00, 2008, Democratic Congressional Committee; $500.00, 2008, Ronald Rice, Jr.; $600.00, 2008, Carlos Gonzales; $400.00, 2008, Grace Spencer; $300.00, 2007, Deval Patrick; $150.00, 2007, Adrian Fenty; $250.00, 2007, Eldridge Hawkins.

Robin A. Lenhardt: $1500.00, 2008, Barack Obama; $1000.00, 2009, Corey Booker.

Tracey D. Duckett: None.

Olly C. Duckett II: None.

4. Parents: Mary Mackey—deceased; Alfonso E. Lenhardt—deceased.

5. Grandparents: Rosa Holmes (maternal)—deceased; Grandfather (maternal)—deceased; Grandfather (paternal)—deceased; Grandmother (paternal)—deceased.

6. Brothers and Spouses: Dorian J. Lenhardt, none; Gregory W. Lenhardt, none.

7. Sisters and Spouses: Michelle D. Mackey—deceased.

---

*Samuel Louis Kaplan, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Nominee: Samuel L. Kaplan

Post: Ambassador to the Kingdom of Morocco

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $250, 04/29/2005, Friends of Robert C. Byrd; $2,100, 03/04/2005, Klobuchar for Minnesota; $2,100, 06/15/2005, Klobuchar for Minnesota; $250, 12/07/2005, Earl Pomeroy for Congress; $150, 2005, Earl Pomeroy for Congress; $100, 2005, Colin Peterson for Congress; $1,000, 09/26/2005, Whitehouse for Senate; $375, 02/04/2005, American Health Care Association PAC; $375, 04/14/2005, American Health Care Association PAC; $375, 07/13/2005, American Health Care Association PAC; $875, 11/28/2005, American Health Care Association PAC; $2,000, 06/10/2006, Ellison for Congress; $500, 09/26/2006, Ellison for Congress; $500, 06/12/2006, Midwest Values PAC; $250, 03/29/2006, Marko for Congress; $1,000, 08/16/2006, McCollum for Congress; $100, 2006, Bernie Sanders for Congress; $200, 2006, Sierra Club PAC; $100, 2006, Colin Peterson for Congress; $500, 09/13/2006, Amy Klobuchar Victory Committee; $250, 05/23/2006, Earl Pomeroy for Congress; $240, 09/22/2006, Earl Pomeroy for Congress; $100, 05/09/2006, Coleen Rowley for Congress; $1,000,05/28/2006, Montanans for Tester; $500, 03/16/2006, Walz for Congress; $1,000, 06/21/2006, Walz for Congress; $2,000, 09/13/2006, Walz for Congress; $600, 10/23/2006, Walz for Congress; $1,050, 02/16/2006, Wetterling '06; $1,000, 10/11/2006, Wetterling '06; $375, 01/25/2006, American Health Care Association PAC; $875 04/10/2006, American Health Care Association PAC; $200, 09/20/2006, Minnesota DFL; $1,000, 09/25/2007, Terri Bonoff for Congress; $2,300, 05/25/2007, Ellison for Congress; $2,300, 09/12/2007, Al Franken for Senate; $250, 10/10/2007, Stephanie Herseth Sandlin for South Dakota; −$250,* 06/04/2007, Klobuchar for Minnesota; $500, 06/04/2007, Klobuchar for Minnesota; $500, 09/17/2007, Klobuchar for Minnesota; $1,000, 09/07/2007, McCollum for Congress; −$2300*, 05/07/2007, Obama for America; $4,600, 05/07/2007, Obama for America; −$4600*, 12/12/2007, Obama for America; $2,300, 12/12/2007, Obama for America; $4,600, 12/12/2007, Obama for America; $200, 2007, Colin Peterson for Congress; $2,300, 05/22/2007, Walz for Congress; $500, 03/22/2007, American Health Care Association PAC; $2,500, 04/16/2007, Minnesota DFL; $500, 06/08/2007, American Health Care Association PAC; $8,000, 10/19/2007, Democratic National Committee; $1,000, 12/21/2007, American Health Care Association PAC; $1,000, 03/31/2008, Terri Bonoff for Congress; −$1,000**, 04/21/2008, Terri Bonoff for Congress; $100, 2008, Clinton for President; $1,000, 10/27/2008, Hillary Clinton for President; $28,500, 06/30/2008, Obama Victory Fund; $500, 09/15/2008, Ellison for Congress; $200, 10/24/2008, Ellison for Congress; $1,000, 11/03/2008, Al Franken for Senate; $250, 06/20/2008, Paul Hodes for Congress; $250, 10/07/2008, Paul Hodes for Congress; $1,000, 06/02/2008, Klobuchar for Minnesota; $2,000, 10/07/2008, Friends of Mary Landreiu; $1,150, 05/12/2008, Friends of Senator Carl Levin; $1,500, 06/20/2008, Loebsack for Congress; $5,000, 2008, Obama Transition; $250, 07/22/2008, Friends of Jim Oberstar; $500, 01/17/2008, Orman for U.S. Senate; −$500**, 02/19/2008, Orman for U.S. Senate; $200, 06/09/2008, Peterson for Congress; $250, 01/27/2008, Steve Sarvi for Congress; $250, 07/25/2008, Steve Sarvi for Congress; $250, 09/19/2008, Steve Sarvi for Congress; $500, 07/24/2008, Jeanne Shaheen for Senate; $500, 04/15/2008, Tinklenberg for Congress; $1,000, 06/30/2008, Tinklenberg for Congress; $250, 09/04/2008, Tinklenberg for Congress; $1,000, 03/31/2008, Udall for Colorado; $1,000, 09/23/2008, Udall for Us All; $2,300 04/24/2008, Walz for Congress; $200, 2008, Steve Young for Congress; $500, 01/14/2008, American Health Care Association PAC; $500, 04/22/2008, American Health Care Association PAC; $1,000, 07/11/2008, American Health Care Association PAC; $500, 10/30/2008, Democratic Congressional Campaign Committee $2,500, 02/21/2008, Minnesota DFL; $500, 2009, Kennedy for Congress; $500, 2009, Whitehouse for Senate; $125, 2009, Act Blue; $125, 2009, Act Blue; $500, 2009, Klobuchar for Minnesota; $250, 2009, McCollum for Congress; $500, 1/26/2009, Tim Walz for Congress; $500, 1/26/2009, American Health Care Association PAC; $1,500, 4/27/2009, American Health Care Association PAC.

2. Spouse: $2,100, 03/04/2005, Klobuchar for Minnesota; $2,100, 06/15/2005, Klobuchar for Minnesota; $1,250, 03/23/2005, Minnesota DFL; $2,100, 08/23/2006, Ellison for Congress; $500, 09/26/2006, Ellison for Congress; $1,050 09/13/2006, Tim Walz for Congress; $1,050 02/16/2006, Wetterling '06; $2,300 05/25/2007, Ellison for Congress; $2,300 09/12/2007, Al Franken for Senate; $500, 11/30/2007, Klobuchar for Minnesota; $250, 06/04/2007, Klobuchar for Minnesota; $500, 09/17/2007, Klobuchar for Minnesota; $2,300 05/07/2007, Obama for America; $2,300 12/12/2007, Obama for America; $2,300, 05/22/2007, Tim Walz for Congress; $500, 09/15/2008, Ellison for Congress; $200, 10/24/2008, Ellison for Congress; $1,000, 12/02/2008, Klobuchar for Minnesota; $1,150, 05/12/2008, Friends of Senator Carl Levin; $500, 04/15/2008, Tinklenberg for Congress; $2,300, 04/24/2008, Tim Walz for Congress; $1,000, 09/18/2008, J Street PAC; $500, 2009, Kennedy for Congress; $500, 2009, Whitehouse for Senate; $500, 2009, Klobuchar for Minnesota; $250, 2009, McCollum for Congress; $500, 1/28/2009, Franken Recount Fund, $500, 1/28/2009, Franken for Senate; $500, 2/20/2009, Tim Walz for Congress.

3. Children and Spouses: Rick and Sonia Chessen (Step-son and Daughter-in-Law): $3,000.00, 2008, Obama for America; $500.00, 2008, Obama Victory Fund.

Jill Chessen (Step-daughter): $1,100.00, 2008, Obama for America; $75.00, 2008, Dellinger for Lt. Governor (NC).

Kerri and Mark Lehmann (Step-daughter and son-in-law: $100, 2006, Harris for S.F. District Attorney; $250, 2006, Ma for CA State Assembly; $1,000, 2008, Obama for America.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Gloria Chernin: My sister, Gloria Chernin, does not believe that she has made any political contributions in the last five years, but it is possible that she made a small (less than $100) contribution at a garage sale or community gathering and does not remember it.

---

*James B. Smith, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Nominee: James B. Smith.

Post: Ambassador to Saudi Arabia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $1000, 06/15/2007, Barack Obama, Primary; $1300, 03/02/2008, Barack Obama, Primary; $1000, 03/24/2008, Barack Obama, General; $500, 09/23/2008, Scott Allen for in kind donation for Veterans for Obama posters; $2367.04, 2008 Monthly Contributions Raytheon PAC; $773.84, 2007 Monthly Contributions Raytheon PAC; $100, 01/08/2007, Democratic National Committee; $1050, 2006 Monthly Contributions Raytheon PAC; $250, Jun 2006, Leahy for U.S. Senate; $994.85, 2005 Monthly Contributions Raytheon PAC; $250, 05/24/2005, Leahy for U.S. Senate; $250, 04/12/2004, John Kerry for President.

2. Spouse: Janet Breslin-Smith: $250, 05/23/2009, Leahy for U.S. Senate; $250, 06/15/2008, Green Mountain PAC; $500, 10/08/2008, Jeanne Shaheen; $250, 06/14/2007, Leahy for U.S. Senate; $1000, 3/29/2007, Obama for America.

3. Children and Spouses: John W. Smith: None; Cathleen A. Breslin: None; Robin A. Smith: None; Jessica Smith: None; Glenna C. Breslin: None.

4. Parents: William C. Smith—deceased; Katheryne S. Smith—deceased; John A. Hoel—deceased; Priscilla M. Hoel—deceased.

5. Grandparents: Louise B. Smith—deceased; William C. Smith—deceased; Thomas J. Stephenson—deceased; Ruby E. Stephenson—deceased; John Armbruster—deceased; Eleanor Armbruster—deceased; Marguerite Farrell—deceased; James Farrell—deceased.

6. Brothers and Spouses: Thomas C. Smith, none; John B. Smith, none; Mary B. Smith, none; Henry A. Smith, none; Marion C. Smith, none; Chandra Smith, none.

7. Sisters and Spouses: Harriet O. Smith, none; George Aneschewitz, none.

---

*Miguel Humberto Diaz, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Miguel H. Diaz.

Post: Chief of Staff to the Holy See.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee.

1. Self: $1000, 09/30/2008, Barack Obama; $75, 09/04/2008, Barack Obama; $100, 10/05/2008, Minnesota DFL; $200, 01/15/2009, Minnesota DFL.

2. Spouse: Marian K. Diaz, none.

3. Children and Spouses: Joshua M. Diaz, None; Ana I. Diaz, none; Emmanuel J. Diaz, None; Miguel D. Diaz, None.

4. Parents: Felix H. Diaz, none; Silvia I. Diaz, none.

5. Grandparents: Argelia Capote, deceased; Joe Colet, deceased; Eustaquia Naranjo, deceased; Vicente Diaz, deceased.

6. Brothers and Spouses: Jorge M. Diaz, none.

---

*Fay Hartog-Levin, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee: Fay Hartog-Levin

Post: Ambassador to the Netherlands.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Date, Donee, Amount:

Self: 2005—1/03/2005, Schakowsky for Congress, $1,000; 1/10/2005, Maria Cantwell, $1,000; 3/20/2005, Hopefund, $5,000; 3/25/2005, J. Jackson Jr., $250; 4/04/2005, Danny Davis, $1,000; 5/21/2005, Melissa Bean, $1,000; 6/27/2005, DCCC, $5,000; 9/20/2005, Schakowsky, $2,200; 11/01/2005, Baron Hill, $1,000; 11/29/2005, Nick Lampson, $2,500; 11/30/2005, Maria Cantwell, $1,000.

2006—2/01/2006, Tammy Duckworth, $1,000; 2/03/2006, Dan Seals, $1,000; 2/05/2006, Danny Davis, $250; 2/08/2006, McCaskill, $250; 2/26/2006, Progressive Choices, $2,000; 3/31/2006, Debbie Stabenow, $2,000; 5/09/2006, DCCC $10,000; 6/05/2006, Conyers for Congress, $250; 6/12/2006, DSCC $15,000; 7/11/2006, Durbin, $150; 7/26/2006, Dan Seals, $2,100; 8/04/2006, Harold Ford for TN, $1,000; 8/08/2006, Whitehouse for Senate, $2,000; 8/26/2006, Melissa Bean, $1,000; 10/01/2006, Amy Klobuchar, $1,000; 10/31/2006, DCCC, $5,000; 10/31/2006, ACT BLUE DEMS, $2,100; 11/28/2006, Durbin, $2,100; 12/07/2006, DSCC, $1,257.

2007—1/15/2007, Carl Levin, $2,100; 1/26/2007, Obama Exploratory, $2,100; 3/22/2007, Durbin, $2,350; 3/22/2007, Carl Levin, $2,500; 4/27/2007, Obama for America, $200; 5/01/2007, Schakowsky, $2,500; 5/8/2007, Stabenow for US Senate, $2,300; 6/11/2007, Dan Seals, $2,300; 6/18/2007, Progressive Choices PAC, $1,000; 6/19/2007, Obama for America, $2,300; 8/28/2007, DSCC, $1,000; 9/30/2007, Dan Seals, $500; 10/29/2007, DSCC, $5,000; 12/10/2007, Progressive Choices PAC, $1,000; 12/12/2007, Colorado-Maine JT Committee (Allen/ Udall), $2,000; 12/31/2007, Dan Seals, $2,300.

2008—1/08/2008, Dan Seals, ($500) reattributed to Daniel Levin (spouse); 2/20/2008, Scott Harper, $500; 2/20/2008, Bill Foster, $500; 3/20/2008, Levin For Congress, $2,300; 4/22/2008, NARAL, $250; 4/22/2008, Jan Schakowsky, $2,100; 6/10/2008, Mark Schauer, $1,000; 6/10/2008, Bill Foster, $1,000; 6/30/2008, Jill Morgenthaler, $1,000; 6/30/2008, Obama Victory Fund $28,500; 7/21/2008, Danny Davis, $1,000; 9/05/2008, DCCC, $2,500; 9/22/2008, Debbie Halvorson, $1,200; 9/22/2008, Bill Foster, $1,200; 10/27/2008, The Committee for Change $10,000; 12/31/2008, ACT BLUE, $2,500.

DEL Political Contributions (spouse): 3/10/2006, ActBlue Donation to Dems—Dan Seals, $2,100; 3/19/2008, ActBlue Donation to Dems—Dan Seals, $1,800; 3/31/2008, ActBlue Donation to Dems—Ann Kirkpatrick, $1,000; 4/1/2008, Adler for Congress—2008 Contribution, $1,000; 4/17/2006, Akaka For Senate—2006 Contribution, $1,000; 4/17/2008, Al Franken For Senate—2008 Contribution, $2,000; 4/1/2008, Berkowitz for Congress—2008 Contribution, $1,000; 10/28/2005, Bill Nelson For US Senate—2005 Contribution, $1,000; 6/14/2006, Bill Nelson For US Senate—2006 Contribution, $1,000; 7/26/2005, Bob Casey For Pennsylvania—2005 Contribution, $2,000; 4/5/2006, Bob Casey For Pennsylvania Committee—2006 Contribution, $1,000; 5/12/2006, Bob Casey For Pennsylvania Committee—2006 Contribution, $1,100; 1/14/2005, Cantwell 2006—2004 Contribution, $2,000; 7/29/2008, Citizens For Robert Abboud, Jr.—2008 Contribution, $500; 12/12/2007, Colorado Maine Senate(Allen/Udall)—2007 Contribution, $2,000; 3/13/2006, Congresswoman Melissa Bean—2006 Contribution, $1,000; 6/7/2007, Dan Seals For Congress—2007 Contribution, $2,300; 1/18/2008, Dan Seals for Congress—2008 Contribution, $500 Redesignated; 3/08/08 Dan Seals For Congress—2008 Contribution, $1,800; 2/14/2005, Democratic Congressional Campaign Committee—2005 Contribution, $15,000; 6/28/2005, Democratic Congressional Campaign Committee—2005 Contribution, $2,500; 3/21/2007, Democratic Congressional Campaign Committee—2007 Contribution, $15,000.

2/17/2005, Democratic Senatorial Campaign Committee—2005 Contribution, $15,000; 6/14/2005, Democratic Senatorial Campaign Committee—2005 Contribution, $11,700; 2/23/2006, Democratic Senatorial Campaign Committee—2006 Contribution, $12,200; 3/8/2007, Democratic Senatorial Campaign Committee—2007 Contribution, $28,500; 5/14/2008, Democratic Senatorial Campaign Committee—2008 Contribution, $22,000; 11/28/2006, Deposit—DSCC overcontribution refunded, −$3,150; 1/20/2006, Duckworth For Congress—2006 Contribution, $2,000; 8/5/2008, East Bank Club—7/21/08 Danny Davis event—in-kind contribution, $706; 6/28/2006, Ellsworth For Congress—2006 Contribution, $2,000; 10/17/2005, Ford For Tennessee—2005 Contribution—Congressman Harold Ford, $2,000; 8/10/2005, friends of Dick Durbin—2005 Contribution, $250; 9/9/2005, friends of Dick Durbin—2005 Contribution, $2,000; 1/3/2007, friends of Dick Durbin—2007 Contribution, $2,000; 5/2/2007, Friends Of Jay Rockefeller—2007 Contribution, $500; 3/30/2005, Friends of Kent Conrad—2005 Contribution, $2,000; 8/5/2008, Friends Of Mary Landrieu—2008 Contributions, $1,000; 5/8/2007, Friends Of Patrick Kennedy—2007 Contribution, $1,000; 9/23/2005, Friends Of Robert C. Byrd—2005 Contribution, $1,000; 1/9/2007, Friends of Senator Carl Levin—2007 Contribution, $2,100; 3/14/2007, Friends of Senator Carl Levin, $200 for Primary, $2300 for General Election, $2,500; 4/5/2007, Friends Of Senator Dick Durbin, $350; 2/17/2005, Hopefund—2005 Contribution, $5,000; 2/22/2008, Jeff Merkley For Oregon—2008 Contribution, $1,000; 9/23/2005, Kathleen Sebelius Committee—2005 Contribution, $1,000; 3/28/2005, Kennedy For Senate—2006—2005 Contribution—Fay & Daniel Levin, $2,000; 8/4/2005, Lampson For Congress—2005 Contribution, $1,000; 11/30/2005, Lampson Victory 2006—Contribution, $5,500; 4/17/2006, Lautenberg 20 Years Committee—2006 Contribution, $1,000.

3/20/2008, Levin For Congress—2008 Contributions, $2,300; 6/28/2005, Levin For Congress—2005 Contribution, $4,000; 4/1/2008, Maffei for Congress—2008 Contribution, $1,000; 10/2/2006, McCaskill For Missouri—2006 Contribution, $2,000; 6/3/2008, NJDC—2008 Contribution, $1,000; 1/26/2007, Obama Exploratory Committee, $2,100; 6/12/2007, Obama for America—2007 Contribution, $200; 6/19/2007, Obama for America—2007 Contribution, $2,300; 6/29/2005, Paul Hackett For Congress—2005 Contribution, $1,000; 7/29/2008, Peters For Congress, $250; 2/22/2008, Powers For Congress—2008 Contribution, $500; 12/13/2007, Rockefeller For Senate—2007 Contribution, $500; 9/29/2005, Schakowsky For Congress—2005 Contribution, $2,200; 3/10/2006, Schakowsky for Congress—2006 Contribution, $2,000; 12/11/2007, Schakowsky for Congress—2007 Contribution, $2,300; 10/27/2006, Senate Democratic Fund—funding for Andy Levin's senate race, $25,000; 5/8/2007, Stabenow for US Senate—2008 Contribution, $2,300; 5/25/2005, Stabenow for US Senate—Max-out 2006 Contribution, $200; 8/16/2007, Swett For Senate—2007 Contribution, $1,000; 4/21/2008, Udall For Colorado, Inc.—2008 Contribution, $1,000; 5/4/2006, Whitehouse '06—2006 Contribution—Sheldon Whitehouse, $1,000.

Children and Spouses: Alyssa J. Rapp (daughter): CY2005 Political Contributions—3/17/2005, Schakowsky for Congress, $1,000.00; 11/7/2005, Nancy Pelosi for Congress, $2,100.00.

CY2006 Political Contributions—1/23/2006, Schakowsky for Congress, $1,100.00; 6/30/2006, Dan Seals for Congress, $1,000.00; 7/14/2006, Planned Parenthood PAC, $750.00; 8/15/2006, Midwest Values PAC, $750.00; 8/25/2006, McCaskill for Senate, $1,000.00; 9/8/2006, Friends of Andy Levin, $1,000.00; 10/3/2006, McCaskill for Senate, $1,000.00; 10/16/2006, Big Sky Victory Fund (for Jon Tester), $500.00; 10/16/2006, Harold Ford for U.S. Senate, $500.00; 10/27/2006, Illinois Victory 2006 (DCCC, Melissa Bean, Tammy Duckworth), $25,000.00.

CY2007 Political Contributions—1/10/2007, Schakowsky for Congress, $1,250.00; 1/16/2007, Obama for America, $2,300.00; 3/15/2007, Al Franken for Senate, $500.00; 3/28/2007, Friends of Dick Durbin, $4,600.00; 3/29/2007, Friends of Senator Carl Levin, $4,600.00; 5/31/2007, Al Franken for Senate, $500.00; 6/17/2007, Mark Udall for Colorado (Senate), $500.00; 6/30/2007, Obama for America, $2,300.00; 6/30/2007, Schakowsky for Congress, $300.00; 8/20/2007, Friends of Jay Rockefeller, $1,315.00.

CY2008 Political Contributions—4/9/2008, Schakowsky for Congress, $1,500.00.

Jeffrey J. Rapp (Son): CY2005 Political Contributions—1/12/2005, Schakowsky for Congress, $1,500.00; 6/28/2005, Schakowsky for CongresS, $200.00.

CY2006 Political Contributions—6/24/2008, Schauer for Congress, $1,000.00; 7/31/2006, Schakowsky for Congress, $300.00; 10/6/2006, Dan Seals for Congress, $300.00; 10/16/2006, Harold Ford Jr for TN, $1,000.00; 10/17/2006, Claire McCaskill for Missouri, $1,000.00; 5/3/2006, Schakowsky for Congress, $1,500.00.

CY2007 Political Contributions—4/2/2007, Friends of Carl Levin, $4,600.00; 3/23/2007, Friends of Dick Durbin, $4,600.00; 1/16/2007, Obama for America, $2,100.00; 4/27/2007, Obama for America, $200.00; 7/23/2007, Schakowsky for Congress, $300.00; 12/19/2007, Obama for America, $2,300.00.

CY2008 Political Contributions—4/4 2008, Daniel Biss for State Representative, $200.00; 6/24/2008, Schauer for Congress, $1,000.00; 3/19/2008, Dan Seals for Congress, $2,300.00; 7/18/2008, Schakowsky for Congress, $300.00.

Parents: Joseph J. Hartog and Ada F. Hartog—deceased.

Grandparents: Alfred and Frederika Menko—deceased; Isaac and Lea Hartog—deceased.

Brothers and Spouses: John Hartog (brother): 3/08, Obama for America, $4,300; 5/06, Filson for Congress, $1,000.

Margaret Hand (sister in law): 3/08, Obama for America, $4,600.

Sisters and Spouses: Annemarie DeLeeuw-Hartog (sister): 7/08, Obama for America, $2,000.

Jan Hendrek DeLeeuw: None.

Elzelien Hartog (sister): 12/07, Obama for America, $4,600; 8/08, Obama Victory Fund, $2,000.

---

*Stephen J. Rapp, of Iowa, to be Ambassador at Large for War Crimes Issues.

Nominee: Stephen J. Rapp.

Post: Ambassador at Large for War Crimes Issues.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self None.

2. Spouse: Donna J. (Dolly) Maier: $250, October 2008, Barack Obama for U.S. President; $100, October 2008, John Miller for County Supervisor (Black Hawk County, Iowa); $100, September 2008, Bruce Braley for U.S. Congress (Iowa—CD1); $50, September 2008, Jeff

Danielson for State Senate, (Iowa—SD10); $500, October 2006, Bruce Braley for U.S. Congress, (Iowa—CD1); $50, August 2005, Barbara Boxer, PAC for Change, (California—U.S. Senate).

3. Children and Spouses: Alexander: none; Stephanie J. Rapp: none.

4. Parents: Beverly Rapp, none; Spurgeon Rapp, none.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Julie Lewis and Brian Lewis, none.

---

*Donald Henry Gips, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Nominee: Donald H Gips.

Post: Ambassador to South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, done:

1. Self: $500.00, 2004, Ben Nelson U.S. Senate; $1,000.00, 2004, Udall for Congress; $200.00, 2004, Mello For Regent; $25.00, 2004, Elect Brandon Schaffer; $1,000.00, 2004, Salazar for Senate; $2,000.00, 2004, Obama for Illinois; $250.00, 2005, Udall for Congress; $5,000.00, 2005 Hopefund; $1,265.00, 2005/2006, Level 3 PAC; $1,000.00, 2006, Perlmutter 2006; $100.00, 2006, Deval Patrick Committee; $1,000.00, 2006, Bill Ritter For Governor; $1,000.00, 2006, Bill Ritter For Governor; $1,000, 2006, Udall For Congress; $5,000.00, 2006, Forward Together Pac; $250.00, 2006, Kennedy For Teasurer; $250.00, 2006, Obrien For Attorney General; $2,100.00, 2006, Perlmutter for Congress; $100.00, 2006, Kennedy For Treasurer; $2,100.00, 2007, Obama Exploratory Comm; $2,300.00, 2007, Perlmutter 2006; $2,500.00, 2007, Obama For America; $2,300.00, 2007, Shafroth For Congress; $4,600.00, 2007, Udall for Congress; $500.00, 2007, Theresa Pena for DPSB; $500.00, 2007, Bruce Hoyt for DPS; $50.00, 2007, Markey For Congress; $500, 2007, Loesbuck for Congress; $500, 2007, ActBlue PAC; $150.00, 2008, Rollie Heath for St Senate; $2,300.00, 2008, Hillary Clinton For President; $3,000.00, 2008, DNC-Obama Victory Fund; $460, 2008, Level 3 PAC.

2. Spouse: Liz Berry: $2,300.00, 2007 Shafroth For Congress; $2,100.00, 2007, Obama Exploratory Committee; $2,500.00, 2007, Obama For America; $2,300.00, 2008, Udall For Colorado; $230.00, 2008, Hillary Clinton For President.

3. Children and Spouses: Sam Gips, none; Peter Gips, none; Ben Gips, none.

4. Parents: Walter Gips—deceased; Ann Gips: $2,300, 2007, Obama for America; $2,300, 2008, Obama for America; $230, 2008, H. Clinton for President; $100, 2005, Stender for Congress; $50, 2005, Emily's List; $100, 2005, Cantell for Senate; $100, 2005, Bean for Congress; $100, 2006, Rush Holt for Congress; $100, 2006, Giffords for Congress; $100, 2006, Wetterling for Congress; $50, 2006, Emily's List; $50, 2007, Emily's List; $100, 2008, Dem Sen Camp Comm; $100, 2008, Shaheen for Senate; $100, 2008, Burner for Congress; $100, 2008, Emily's List; $25, 2009, Emily's List.

5. Grandparents: Albert and Claire Arenberg—deceased; Walter and Louise Gips—deceased.

6. Brothers and Spouses: Rob Gips: $1,000.00, 2004, Kerry for President; $345.00, 2004, America Coming Together; $500.00, 2004, America Coming Together; $5,000.00, 2004, Maine Dem State Committee; $500, 2006, Maine Dem State Committee; $500.00, 2006, Stabenow for Senate; $2,300.00, 2007, Obama for America; $250.00, 2007, Pingree for Congress; $500.00, 2008, Pingree for Congress; $500.00, 2008, Tom Allen for Senate; $500, 2008, Tom Allen for Senate; $2,000.00, 2008, Obama Victory Fund; $3,000, 2008, Obama Victory Fund; $2,000.00, 2008, Obama for America; $300.00, 2008, Obama for America; $2,700.00, 2008, DNC Victory Fund.

Karen Harris (sister in law): $1,000.00, 2004, John Kerry for President; $2,300.00, 2007, Obama for America; $250.00, 2008, Tom Allen for U.S. Senate; $500.00, 2008, Tom Allen for U.S. Senate; $240.00, 2008, Tom Allen for U.S. Senate; $500.00, 2008, Tom Allen for U.S. Senate; $500.00, 2008, Pingree for Congress; $1,000.00, 2008, Maine Democratic State Committee; $250.00, 2008, Maine Democratic State Committee.

Terry Gips (brother): $265, 2004, America Coming Together; $100.00, 2004, Kucinich for President; $100.00, 2006, Ellison for Congress; $100.00, 2006, Klobuchar for Senate; $100.00, 2006, Wetterling for Congress; $50.00, 2007, Obama for America; $100.00, 2006, Minnesota for Attorney General; $300.00, 2008, Minnesota Senate Victory; $100.00, 2008, Bonoff for Congress; $100.00, 2008, Tinkleburg for Congress; $50.00, 2008, Obama for America; $100.00, 2008, Democratic Farmer Labor Party; miscellaneous small donations of $100 or less to Move On, Conservation Minnesota, Sierra Club.

7. Sisters and Spouses: Ellen and Peter Nee (sister and brother-in-law): $75, 2008, Obama for America.

By Mr. LEAHY for the Committee on the Judiciary.

Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.

A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy.

Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

Cranston J. Mitchell, of Virginia, to be a Commissioner of the United States Parole Commission for a term of six years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. MARTINEZ):

S. 1521. A bill to amend titles XVIII and XIX of the Social Security Act to require provider payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions; to the Committee on Finance.

By Mr. VITTER:

S. 1522. A bill to amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself and Mr. REED):

S. 1523. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CORKER, Mr. RISCH, and Mr. CARDIN):

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB):

S. 1525. A bill to amend the Act of May 29, 1930 (Chapter 354; 46 Stat. 482; commonly known as the Capper-Cramton Act), to authorize a grant program to preserve resources in the National Capital region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1526. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

S. 1527. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 1528. A bill to establish a Foreign Intelligence and Information Commission and for other purposes; to the Select Committee on Intelligence .

By Mr. REID (for Mr. BYRD):

S. 1529. A bill to prohibit the President, Vice President, or any other executive branch official from knowingly and willfully misleading the Congress of the United States for purposes of gaining support for the use of force by the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER):

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself and Mr. AKAKA):

S. Res. 225. A resolution recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State; considered and agreed to.

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

S. Con. Res. 37. A concurrent resolution supporting the goals and ideals of senior caregiving and affordability; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 229

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. SNOWE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 384

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WEBB) 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. 456

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 510

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 575

At the request of Mr. CARPER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 575, a bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) 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. 634

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 848

At the request of Mrs. MCCASKILL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 848, a bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes.

S. 850

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 866

At the request of Mr. REED, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 866, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1243

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1243, a bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt.

S. 1301

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors 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. 1344

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1388

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of 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.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1507

At the request of Mr. CARPER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1507, a bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes.

S.J. RES. 16

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 195

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 195, a resolution recognizing Bishop Museum, the Nation's premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1701

At the request of Mr. JOHANNS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 1701 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. REED):

S. 1523. A Bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I join my colleague, Senator BURR, in reintroducing the Services for Ending Long-Term Homelessness Act, SELHA.

It is estimated that between 2.5 and 3.5 million Americans experience a period of homelessness in a given year. With the current economy, with more Americans losing their jobs and their homes, it is likely that the total has risen. While the majority of these individuals will only be homeless for a brief period of time, a growing segment is experiencing prolonged periods of homelessness. Roughly 124,000 Americans fall under the category of chronically homeless. In my state of Rhode Island, approximately ten percent of homeless individuals cycle in and out of homelessness.

In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report that defined the issues and challenges facing the chronically homeless and developed a comprehensive approach to bringing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

The same year, the New Freedom Commission on Mental Health also recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. Affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

Since the Commission made the recommendations, approximately 60,000 units of permanent supportive housing have been developed and currently another 30,000 are under development. Numerous studies conducted by cities and states across the country demonstrate that supportive housing can save local governments between $15,000 and $30,000 that would otherwise be spent in publicly funded shelters, hospitals—including VA hospitals—and prisons. The savings nearly pays for the cost of supportive housing and the outcome is much different; indeed it is much improved. Permanent supportive housing results in better mental and physical health, employment, greater income, fewer arrests, better progress toward recovery, self sufficiency, and less homelessness.

However, funding for supportive services to complement these housing efforts continues to be an issue. The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness through improved service delivery and coordination across federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration, SAMHSA, to coordinate its Federal efforts with the Department of Housing and Urban Development, other Federal departments that provide supportive housing, and various agencies within HHS that provide supportive services.

This bipartisan measure is designed to help improve coordination and ensure access to the range of supportive services that the growing number of chronically homeless Americans need to get back on their feet. Our bill brings together permanent supportive housing and services, the essential tools to enable these individuals to begin to take the steps necessary to once again become productive and active members of our communities.

I look forward to working with my colleagues toward passage of this legislation.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. MENENDEZ, Mr. CORKER, Mr. RISCH, and Mr. CARDIN):

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, for the past 6 months, the administration has been busy laying the groundwork for a new development agenda.

First, the President issued a bold 2010 international affairs budget that significantly increases funding for vital programs in Pakistan and Afghanistan, begins to rebuild our diplomatic and development capacity, and renews our commitment to essential programs from education to HIV/AIDS and hunger.

Then, earlier this month, President Obama and other G8 leaders announced a $20 billion food security partnership to provide small farmers in poor countries with the seeds, fertilizers, and equipment they need to break a decades-long cycle of hunger, malnutrition and dependency. Finally, the State Department unveiled plans for a ''Quadrennial Diplomacy and Development Review,'' a comprehensive assessment designed to improve policy, strategy, and planning at the State Department.

While we are still awaiting a nominee to head the U.S. Agency for International Development I am confident that a name will soon be forthcoming.

These are welcome changes that demonstrate this Administration's commitment to a vigorous reform process and a bold development plan. Congress will be a strong partner in those efforts—providing the resources, legislation, and authorities to ensure that our development programs are funded and designed to meet our priorities.

While there is some debate on what form foreign aid reform should take, there is a broad consensus in the development community about why reform matters.

Experts agree that the strength of our development programs is directly linked to success or failure in frontline states like Afghanistan and Pakistan.

They agree that USAID is more critical to achieving our foreign policy objectives than ever before—yet it lacks the tools, capacity and expertise to fulfill its mission.

They agree that too often decision-makers lack basic information about the actual impact of our development programs.

They also agree that excessive bureaucracy and regulations and fragmented coordination are hampering our efforts to swiftly and effectively deliver assistance.

And they agree that even as we plan for broad, fundamental reform, there are many steps we can take in the interim to dramatically improve the effectiveness of our foreign aid efforts.

We assembled a small bipartisan Senate working group to formulate legislation that makes short-term improvements while setting the stage for longer-term reform. Senators LUGAR, MENENDEZ, CORKER and I have been developing initial reform legislation that we believe goes a long way towards improving our short-term capacity to deliver foreign aid in a more accountable, thoughtful and strategic manner.

One provision in the bill that we believe is particularly important establishes an independent evaluation group, based in the executive branch, to measure and evaluate the impact and results of all U.S. foreign aid programs, across all departments and agencies. This new institution—the Council on Research and Evaluation of Foreign Assistance—can address a fundamental knowledge gap in our foreign aid programs—quite simply, it will help us understand which programs work, which do not, and why.

I want to emphasize, this legislation only represents the first step in a longer reform process. But we believe it sends an important bipartisan signal that foreign aid reform will be a priority for this committee in the years ahead. I am pleased that Senators RISCH and Cardin will join as original cosponsors to the bill.

When John F. Kennedy spoke at the founding of USAID, in 1961, he articulated a basic truth about our foreign policy. We cannot escape our moral obligation to be a wise leader in the community of free nations. Kennedy warned that—''To fail to meet those obligations now would be disastrous; and, in the long run, more expensive. For widespread poverty and chaos lead to a collapse of existing political and social structures which would inevitably invite the advance of totalitarianism into every weak and unstable area. Thus our own security would be endangered and our prosperity imperiled.''

Just substitute violent extremism for totalitarianism and the quote is as accurate today as it was then. Just as we did in Marshall's time and Kennedy's time, America today has a chance to return to a foreign policy that is not just seen by people everywhere, but felt and lived, one that translates our promises into real value and real progress on the ground—one that improves people's daily lives, inspires them, and earns their respect.

The good news is that, as we rebuild our civilian institutions, there will so many chances to lead in the process. We are living in a moment of volatility, but also—emphatically—a moment of possibility.

Infant mortality rates dropped by 27 percent worldwide since 1990. By 2015, let us cut under-five mortality by 2/3. Life expectancy is eight years higher than it was in 1990—but we can do better by cutting hunger and poverty in half and reversing the spread of HIV/AIDs, malaria and other major diseases. Primary school enrollment has increased by 10 percent—it is time we made it universal. While we are at it, let us eliminate gender disparity in education once and for all.

History teaches us that America is safest and strongest when we understand that our security will not be protected by military means alone. It must be protected as well by our generosity, by our example, by powerful outreach, and by instilling a palpable sense in the people of the world that we understand—and share their destiny. That has always inspired people, and it always will. It undercuts our enemies, it empowers our friends—and it keeps us safer.

Mr. LUGAR. Mr. President, I am pleased to join my colleague, Senator JOHN KERRY, in introducing the Foreign Assistance Revitalization and Accountability Act of 2009. Our colleagues, Senators CORKER, MENENDEZ, RISCH, and CARDIN, join us in this effort as original cosponsors.

The role of foreign assistance in achieving U.S. foreign policy objectives has come into sharper focus since 2001. President Bush elevated development as a third pillar of the U.S. National Security Strategy. President Obama pledged to double foreign assistance, and announced new initiatives on global food security and health. Secretary Clinton announced a quadrennial review of diplomacy and development. These initiatives are likely to have far reaching implications for foreign assistance policy and organization.

For development to play its full role in our national security structure, the U.S. Agency for International Development, USAID, must be a strong agency with the resources to accomplish the missions we give it. Earlier this month, Secretary Clinton stated: ''I want USAID to be seen as the premier development agency in the world, both governmental and NGO. I want people coming here to consult with us about the best way to do anything having to do with development.'' I share the sentiments expressed by Secretary Clinton, and I have confidence in the extraordinary development expertise housed at USAID.

But during the last two decades, decision-makers have not made it easy for USAID to perform its vital function. Even as we have rediscovered the importance of foreign assistance, we find ourselves with a frail foundation to support a robust development strategy. We have increased funds for development and elevated its priority, while allowing USAID to atrophy. Many new programs have been located outside USAID with roughly two dozen departments and agencies having taken over some aspects of foreign assistance, including the Department of Defense. Each of these agencies naturally considers itself the lead agency in its sector, provoking competition among agencies rather than coordination and coherence. We do not really know whether these programs are complementary or working at cross-purposes.

USAID's staffing and expertise have declined markedly since the 1980s. There are only five engineers left; 23 education officers are tasked with overseeing different programs in 84 countries. Decisions to reorganize in pursuit of better coordination between the Department of State and USAID resulted in the latter's loss of evaluation, budget, and policy capacity. Much of the work of running America's development programs is now farmed out to private contractors.

I believe the starting point for any future design of our assistance programs and organization should not be the status quo, but rather the period in which we had a well-functioning and well-resourced aid agency. To be a full partner in support of foreign policy objectives, USAID must have the capacity to participate in policy, planning, and budgeting. The migration of these functions to the State Department has fed the impression that an independent aid agency no longer exists.

It the administration pursues the goal of doubling foreign assistance over time, it is crucial that Congress has confidence that these funds will be used efficiently. USAID must have the capacity to evaluate programs and disseminate information about best practices and methods and it must have a central role in development policy decisions.

The legislation that we introduce today promotes capacity, accountability, and transparency in U.S. foreign assistance programs. It has received strong initial support from outside groups led by the Modernizing Foreign Assistance Network. There are three deficiencies we are trying to address.

First, the evaluation of assistance programs and the dissemination of knowledge have deteriorated in the last couple of decades. While USAID was a respected voice in this regard during the 1980s, its evaluation capacity has been allowed to wither. The bill strengthens USAID's monitoring and

evaluation capacity with the creation of an internal evaluation and knowledge center. The bill also re-establishes a policy and planning bureau. It is crucial that USAID be able to fully partner with the State Department in decisions relating to development.

Second, U.S. foreign assistance programs are littered among some two dozen agencies with little or no coordination. We do not have adequate knowledge of whether programs are complementary or working at cross-purposes. The bill requires all government agencies with a foreign assistance role to make information about its activities publicly available in a timely fashion. It designates the USAID Mission Director as responsible for coordinating all development and humanitarian assistance in-country. It creates an independent evaluation and research organization that can analyze and evaluate foreign assistance programs across government.

Third, staffing and expertise at USAID have declined since the early 1990s, even as funding for foreign assistance programs has increased. This decline in capacity has resulted in other agencies stepping in to fill the gap. While Congress has begun to provide the necessary resources to rebuild this capacity, the agency does not have a human resources strategy to guide hiring and deployment decisions. The bill would require such a strategy and a high-level task force to advise on critical personnel issues. The bill also encourages increased training and inter-agency rotations to build expertise and effectiveness.

It is especially important that Congress weigh in on this issue because the Administration has yet to appoint a USAID Administrator or fill any confirmable positions in the agency. Without an Administrator in place, USAID is likely to have less of a role in the current State Department review than it should have. The State Department review process should include strong voices advocating for an independent aid agency.

Both Congress and the State Department should be offering proposals on how to improve development assistance. Our legislation does not rule out any options that the State Department may propose as a result of its review. But ultimately, Congress will have to make decisions on resources for development programs. Given budget constraints, it is essential that Congress has confidence in how development resources are spent. Building capacity at USAID will be an important part of this calculation.

The issues that we face today—from chronic poverty and hunger to violent acts of terrorism—require that we work seamlessly toward identifiable goals. I look forward to working with colleagues to improve and support the development mission that benefits our long-term security.

Mr. MENENDEZ. Mr. President, I am pleased to introduce today, with my colleagues Senators KERRY, LUGAR, and CORKER, legislation that will help strengthen the foreign assistance efforts of the United States. We have put together a piece of legislation that helps move our collective foreign assistance efforts in the right direction.

I am pleased that we have worked very closely and in a bipartisan fashion on this legislation and I want to thank my colleagues for their work. Foreign assistance is something that is of great interest to many members of the Foreign Relations Committee. While we may disagree on the overall resources that should be devoted to development assistance, I think we all agree that the resources we do provide should be used in the best way possible.

I also want to thank the broader community of people who have been supportive of these efforts for years. I cannot tell you how many letters from people in New Jersey and from around the country I have received on these issues. These individuals, and the groups who help advocate for these issues are an important voice in the process.

President Obama has pledged to double foreign assistance by 2012. In this context, it is now more important than ever for the Congress to know which U.S. Government programs are the best investments. Right now, we have too little evidence that is objective and independent about which U.S. Government Agencies should have their budgets increased and which should be held constant or decreased. This legislation will help provide a more objective basis for this kind of decisionmaking. It will help both the Congress and the administration to make smarter, more analytical decisions about which agencies should carry out what programs, and help build more rigorous analysis across U.S. Government programs that may be working on similar issues.

Foreign assistance is not just an issue of morality or an issue that is driven by a sense of doing what is right for the most disenfranchised around the world—these issues are directly in our national interests and our national security interests. Every time we provide credit to a farmer who is displaced or training to a woman who wants to run a business out of her home, we are making inroads to the bread and butter issues that people care about. When we provide an effective alternative to illicit economic activity, we are dealing a blow against drugs coming to the streets of New Jersey, and helping to build the institutions around the world that will provide the framework for stable and prosperous societies. We all want to live in a community where we can walk freely without fear of persecution, and without fear of our personal safety. No matter where you come from, these are a basic set of principles that resonate with all of us.

Congress needs to see results, the American people need to see results, and so do the millions of people around the world whose lives literally depend on our ability to carry out these programs in the smartest way possible. This is why we have included an independent monitoring mechanism to evaluate the impact of our foreign assistance programs. It's one thing to say that we handed out 500 textbooks or trained 200 teachers, but it's far different to say that we improved the aptitude of school children and that these improvements help connect them to meaningful employment, which raised their household income, which allowed them to eat better, access medical services, and so on . . . it's the difference between outputs and outcomes that we are trying to get at with the independent evaluation unit, as outlined in the legislation we are introducing today.

I have long believed that foreign assistance is a critical part of our overall engagement overseas and I have been a consistent advocate of stepping up our efforts in this area. In recent years, I have focused on building up the United States Agency for International Development, USAID, from the inside out—I have called for building-up the staff of USAID in a coherent and strategic manner—this bill will help do that.

Now that USAID is working alongside the Department of Defense in places like Iraq and Afghanistan, and immersed in complex situations like those in Pakistan, Sudan, or Sri Lanka, we need an agency that is nimble, responsive, and ahead of the curve. From staffing, resources, and training, our development tools need to be, at the very least at par, if not ahead of our diplomatic and defense efforts.

One way to start us along this path is to focus on USAID's leadership. It needs credible and high-profile leadership that can work in partnership with the Congress, the Department of State, the Department of Defense, and the National Security Council. The ''development voice'' in our Government needs to be a ''heavyweight voice'' that commands respect both in Washington and around the world.

I believe USAID needs to take back resources and programs that have slowly been moved over to the Department of Defense. Having the Department of State or the Department of Defense control development strategy and resources, with USAID simply serving as an implementing agency, has caused confusion and ambiguity. We ask our military to plan and execute a lot of missions; development should not be one of them. Civilian resources should be appropriated to civilian agencies.

Staff at USAID needs to be rebuilt—not just with more people, but we need to make sure we have the right people and make sure we are attracting and retaining the best possible candidates. This bill will help us get there with the comprehensive human resource strategy that is mandated for human resources. We need to build up our foreign assistance programs not just where they used to be, but to where they need to be.

I look forward to continuing our work on these programs. This legislation is a start, but there is much more work to be done. Let me be clear—this bill, combined with additional resources is not going to fix everything—foreign assistance has its limits. However, I believe we have not yet approached this limit. More resources, and better-spent resources, combined with active diplomatic and economic engagement will help build the institutions that will create more stable political, social, and economic systems.

Only until we recognize that the success of those systems is deeply connected to the success of our own, will we begin to adequately address the joint challenges that threaten our national security, our economy, our way of life.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1526. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the No Firearms for Foreign Felons Act of 2009. This bill would close a loophole that currently exists in law, by ensuring that people convicted of foreign felonies and crimes involving domestic violence cannot possess firearms. I imagine that most Americans may be surprised—as I was—to learn that foreign felons actually have greater gun rights than American citizens convicted of felonies and crimes of domestic violence in our own courts.

In 1968, Congress passed the landmark Gun Control Act, ensuring that it was illegal for felons to possess firearms. I have been working since 1994 to build upon that legacy and protect American families from senseless gun violence.

Unfortunately, in 2005 the Supreme Court created a gaping loophole in this longstanding felon-in-possession law. In the case of Small v. United States, a majority of the Court held that foreign felony is not a bar to gun possession when those felons come to the U.S.

At the time, the Supreme Court was very much aware that its ruling could lead to unintended consequences. Justice Clarence Thomas noted in his dissent, ''the majority's interpretation permits those convicted overseas of murder, rape, assault, kidnapping, terrorism and other dangerous crimes to possess firearms freely in the United States.''

The majority of the Court identified a fundamental flaw in the Gun Control Act of 1968. Simply put, Congress was not clear enough. Although the law states that a person convicted of a felony ''in any court'' could not possess a firearm, the Court said that the phrase, ''any court,'' applied only to American courts.

The federal felon-in-possession laws outlined in the Gun Control Act of 1968 has been applied to foreign felons from 1968 until the Small decision in 2005. However, the Court found these arguments unpersuasive.

In their dissent, Justices Thomas, Scalia and Kennedy accused the majority of creating a novel legal construction that would ''wreak havoc'' with established rules of extraterritorial construction. But whatever we may think of the Court's legal analysis, there is no doubt that the Small decision is now the law of the land.

We must now make every effort to close this dangerous loophole and the only way to do that is to pass the No Firearms for Foreign Fellons Act of 2009. The bill I am introducing today would do just that. Under this bill, the Gun Control Act of 1968 is amended to ensure that convictions in foreign courts are included. Similar changes would be made in other sections of the Gun Control Act, where there are references to ''state offenses'' or ''offenses under state law''—the bill would expand these terms to include convictions for felony offenses committed abroad.

In other words, the bill would make it clear that if someone is convicted in a foreign court of an offense that would have disqualified him from possessing a firearm in the U.S. the same laws relating to gun possession would be applied.

As introduced, the only exception would involve a conviction in a foreign court that was invalid. In that specific situation, this bill would allow a person convicted in a foreign court to challenge its validity. Under the bill, a foreign conviction will not constitute a ''conviction'' for purposes of the felon-in-possession laws, if the foreign conviction either: resulted from a denial of fundamental fairness that would violate due process if committed in the United States, or, if the conduct on which the foreign conviction was based would be legal if committed in the U.S.

I expect that these circumstances will be fairly rare, but the bill does take them into account, and will provide a complete defense to anyone with an invalid foreign conviction under these specific circumstances.

The need for action is clear. In 2001, U.S. law enforcement outfitted in bullet proof vests raided the New York City hotel room of Rohan Ingram. Ingram was found with 13 different firearms, had an extensive criminal background, including at least 18 convictions for crimes such as assault and use of deadly weapon. He was known to law enforcement as ''armed and dangerous'' and they rightfully took all of the necessary precautions to protect themselves. However, because all of his crimes had occurred in Canada, his felon-in-possession of a firearm charge was eventually thrown out of court. This is a direct result of the Supreme Court case and illustrates a very dangerous loophole in our criminal justice system.

What we need to do as an institution is clear. We cannot keep in place a policy that allows felons convicted overseas to possess firearms. It simply makes no sense. In a country filled with senseless gun violence, we cannot continue to give foreign-convicted murderers, rapists and even terrorists an unlimited right to buy firearms and U.S. assault weapons in the U.S. 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 RECORDD, as follows:

S. 1526

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 ''No Firearms for Foreign Felons Act of 2009''.

SEC. 2. DEFINITIONS.

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'any court' includes any Federal, State, or foreign court.''.

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(2) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

SEC. 3. PENALTIES.

Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

By Mr. UDALL, of New Mexico.

S. 1527. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Unsafe Meat and Poultry Recall Act, to grant the Secretary of Agriculture the authority to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe.

Sadly, and in some cases tragically, in recent years recalls of unsafe food products has seemingly become a regular occurrence in our Nation. Last week, a Denver-based grocery chain recalled 466,236 pounds of ground beef products that were distributed to stores in Colorado, Kansas, Missouri, Nebraska, Utah, Wyoming, and my State of New Mexico. The tainted meat is blamed for fourteen cases of salmonella and 6 hospitalizations.

Last year, the USDA requested a recall of 143 million pounds of beef from a slaughterhouse that was being investigated for unsafe practices. In this instance, like most, the recalled beef had been distributed throughout the country, including to my state of New Mexico where the U.S. Department of Agriculture's Commodity Foods Program had sent 3,000 cases of the questionable beef to the state's Human Services Department to be distributed to school lunch programs. Luckily, most of the beef was found before it was served, but putting New Mexico's children at such a risk is clearly unacceptable.

The number of people affected annually from ingesting tainted meat and poultry products illuminates this proposition: 5,000 people die from foodborne illnesses each year; nearly 76 million people get sick annually from eating tainted food, of these individuals, 325,000 require hospitalization.

Shockingly, the USDA does not have the authority to issue mandatory recalls of tainted meat and poultry products. Complying with agency recalls, therefore, is at the industry's discretion. The meat industry says that it has never failed to cooperate with a recall request from the USDA, rendering mandatory recalls of tainted meat unnecessary. However, when the USDA asks for a recall, a negotiation process ensues between the agency and the industry. Meanwhile, thousands of people are at risk of eating the potentially harmful meat in the marketplace during the ongoing negotiations.

It is the responsibility of the USDA to see that the poultry and meatpacking industry produces only safe meat products. It is the right of American consumers to feel safe purchasing the meat sold in their grocery stores. And it is the right of our cattle producers to know that the beef they produce is being handled properly and sent into the market safely.

My bill would finally give the Secretary of Agriculture the power to ensure that the meat in our Nation's markets is clean and safe.

By Mr. FEINGOLD:

S. 1528. A bill to establish a Foreign Intelligence and Information Commission and for other purposes; to the Select Committee on Intelligence.

Mr. FEINGOLD. Mr. President, the legislation I am introducing today would establish an independent, bipartisan Foreign Intelligence and Information Commission to significantly reform and improve our intelligence capabilities. On July 16, the bill was approved, on a bipartisan basis, by the Senate Intelligence Committee as an amendment to the Fiscal Year 2010 Intelligence Authorization bill. The bill is similar to the one I introduced in the last Congress with Senator Hagel, which also had bipartisan support in the Intelligence Committee, and it is my hope and expectation that it will soon become law. The New York Times has also expressed its support for the commission.

The work of this commission is critical to our national security. For years, our intelligence officials have acknowledged that we lack adequate coverage around the world and that we have gaps in our ability to anticipate threats and crises before they emerge. The 2006 Annual Report of the Intelligence Community described how current crises divert resources from emerging and strategic issues. In 2007, the Deputy Director of National Intelligence for Collection testified that we need to ''pay attention to places that we are not.'' In 2008, the DNI testified that current crisis support ''takes a disproportionate share'' of intelligence resources over emerging and strategic issues. Earlier this year, during his confirmation process, the current CIA Director expressed his concern about the broad set of issues to which insufficient resources are being devoted. The problem, in other words, is not new, nor is it unique to any administration. It is systematic and it results from structural problems in how we develop priorities and allocate resources.

These structural problems afflict the Intelligence Community, but they are also much broader. Around the world, information our government needs to inform our foreign policy and protect our country is obtained openly by State Department officials. Yet there is no interagency strategy that integrates the capabilities of our diplomats and other embassy personnel with the activities of our clandestine collectors. The result is big gaps in what we know about the world—gaps that don't necessarily require more spying.

This information pertains to instability and civil conflict, threats to democratic institutions, human rights abuses and corruption, and whether we can count on the support of a country for our policies. This information is also directly related to the threat from al Qaeda, its affiliates and other terrorist organizations. The 9/11 Commission recommended that our government identify and prioritize actual or potential terrorist sanctuaries. Yet, as the Director of the National Counterterrorism Center testified to the Senate Intelligence Committee, ''much of the information about the instability that can lead to safe havens or ideological radicalization comes not from covert collection but from open collection, best done by Foreign Service Officers.'' The solution, then, is to ensure that, if State Department or other U.S. officials are best suited to gather this kind of critical information, they have the capabilities and resources to do so.

At the core of the commission's mandate is the need for an interagency strategy that asks and answers four key questions: ''What is it that the U.S. Government needs to know?'' ''How do we best anticipate threats and crises around the world, before they emerge?'' ''Who in our government, within and outside of the Intelligence Community, is best equipped to get this information, report on it, and analyze it?'' ''And how do we develop missions and provide resources so that we are using all of our capabilities on behalf of our national security?'' The commission will provide recommendations on how the government can and should develop this strategy and whether new legislation is needed to clarify the authority of existing executive branch entities or create a new one. And it will provide recommendations on how to ensure that the budget process reflects the best and most efficient means to collect, report on and analyze intelligence and information, rather than the influence of individual bureaucracies.

The reform recommendations made by this commission will provide a critical and welcome boost to everyone, in the executive branch and in Congress, responsible for defending our national security. The Intelligence Community, as its own leadership has attested, needs guidance if it is to reprioritize global coverage and long-term threats. It also needs help in areas that need not be its top priorities: if State Department or other U.S. officials outside the Intelligence Community are best equipped to obtain certain information and are given sufficient resources, the IC can focus on areas where clandestine collection is most needed. The State Department will benefit from an interagency process that recognizes the critical reporting capabilities of the diplomatic service and allocates resources accordingly. The President will be provided with recommendations on interagency reforms that extend beyond the purview of any one department or agency.

Implementation of the commission's recommendations will allow the congressional intelligence and foreign relations committees to conduct oversight of the Intelligence Community and the State Department in the context of a clearly defined strategy. The

budget committees and the appropriators as well as authorizers will have an interagency strategy that explains the rationale for the President's budget request. Congress as a whole will be provided recommendations on whether new legislation is needed to reform the process.

This is not just a step toward good governance. It will ensure that taxpayer dollars are used more efficiently and effectively. Most of all, it will make us safer. This bill is not partisan, and it has nothing to do with who is in the White House. The commission will not investigate anyone, nor cast blame for long-standing structural problems. It seeks only to identify the reforms still needed and to provide recommendations, to the executive branch and to Congress, on how to achieve them.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WEBB, and Mr. WARNER):

S.J. Res. 19. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; considered and passed.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18–0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

''(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

''(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: 'I, , hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.' ''.

(2) Subsection (a) of section 9 is amended to read as follows:

''(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.''.

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

''(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.''.

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

''(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110–432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

''(2) For the purposes of this paragraph (d), a 'dedicated funding source' means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110–432 for payments to the Authority.''.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 225—RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF HAWAII INTO THE UNION AS THE 50TH STATE

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

S. RES. 225

Whereas August 21, 2009, marks the 50th anniversary of Proclamation 3309, signed by Dwight D. Eisenhower, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act (Public Law 86–3; 73 Stat. 4), enacted into law on March 18, 1959;

Whereas Hawaii is a place like no other, with people like no other, and bridges mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii contributed to a more diverse Congress by electing—

(1) the first Native Hawaiian member of Congress, Prince Jonah Kuhio Kalaniana'ole;
(2) the first Asian-American Senator, Hiram Fong;
(3) the first woman of color elected to Congress, Patsy T. Mink;
(4) the first Native Hawaiian to serve in the Senate, Daniel Kahikina Akaka; and
(5) the first Japanese American to serve in the Senate, Daniel Ken Inouye;

Whereas Hawaii is an example to the rest of the world of unity and positive race relations;

Whereas Pearl Harbor is a strategic United States military base in the Pacific and became a national historic site after the December 7, 1941, surprise aerial attack by Japan that thrust the United States into World War II;

Whereas Hawaii is home to ¼ of the endangered species in the United States;

Whereas Hawaii has 8 national parks, which preserve volcanoes, complex ecosystems, a colony for victims of Hansen's disease, and other sites of historical and cultural significance;

Whereas Kilauea ranks among the most active volcanoes on Earth;

Whereas President George W. Bush nominated the Papahanaumokuakea Marine National Monument to the United Nations Educational, Scientific and Cultural Organization World Heritage Centre for consideration for the World Heritage List;

Whereas Hawaii has produced musical legends ranging from traditional favorites such as Alfred Apaka, Don Ho, and Genoa Keawe, to Hawaii renaissance performers such as Eddie Kamae, Raymond Kane, Gabby Pahinui, Israel Kamakawiwo'ole, the Brothers Cazimero, and the Beamer Brothers, to contemporary stars such as Keali'i Reichel, Ledward Kaapana, Jake Shimabukuro, and Raiatea Helm;

Whereas Hawaii is culturally rich because the Hawaiian culture has been protected through Hawaiian language immersion schools, hula competitions such as the Merrie Monarch Festival, canoeing voyages undertaken by vessels such as the *Hokule'a*, and the continuing historic preservation of Hawaiian traditions;

Whereas the Hawaii Statehood Commission held a Joint Session of the Hawaii State Legislature in honor of statehood and will celebrate the milestone with a public discussion and the arrival of the USS *Hawaii*; and

Whereas for all of these reasons Hawaii is a truly unique State: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

SENATE CONCURRENT RESOLUTION 37—SUPPORTING THE GOALS AND IDEALS OF SENIOR CAREGIVING AND AFFORDABILITY

Mr. JOHANNS (for himself and Mr. CASEY) submitted the following concurrent resolution; which was considered to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 37

Whereas 8,000 people in the United States turn 60 years old every day;

Whereas an estimated 35,900,000 people, 12.4 percent of the population, are 65 years of age and older;

Whereas the United States population age 65 and older is expected to more than double in the next 50 years to 86,700,000 in 2050;

Whereas the 85 and older population is projected to reach 9,600,000 in 2030, and double again to 20,900,000 in 2050;

Whereas it is estimated that 4,500,000 people in the United States have Alzheimer's disease today;

Whereas it is estimated that number will increase to between 11,300,000 and 16,000,000 by 2050;

Whereas 70 percent of people with Alzheimer's disease and other dementias live at home, and these individuals are examples of individuals who need assistance in the home with activities of daily living;

Whereas more than 25 percent of all seniors need some level of assistance with activities of daily living;

Whereas so as to address the surging population of seniors who have significant needs for in-home care, the field of senior caregiving will continue to grow;

Whereas there are an estimated 44,000,000 adults in the United States providing care to adult relatives or friends and an estimated 725,000 nonfamily private paid senior caregivers;

Whereas both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes;

Whereas the Department of Labor estimated that paid caregivers for the year 2006 worked a total of 835,000,000 hours, and the projected hours of paid senior caregivers are estimated to increase to 4,350,000,000 hours by 2025; and

Whereas the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in Federal and State governments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes caregiving as a profession;
(2) supports the private home care industry and the efforts of family caregivers throughout the United States by encouraging individuals to provide care to family, friends, and neighbors;
(3) encourages alternatives to make caregiving for seniors even more accessible and affordable through reviews of Federal policies that relate to caregiving for seniors;
(4) supports current Federal programs that address the accessibility and affordability needs of seniors and their family caregivers; and
(5) encourages the Secretary of Health and Human Services to continue working to educate people in the United States on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

Mr. JOHANNS. Mr. President, I rise today to recognize the importance of the senior caregiving community. In the U.S., over 36 million people are 65 years of age or older, which is approximately 12 percent of the population. That number is expected to double by the year 2025 as the baby-boomers fully enter their golden years.

Thus, while senior caregivers are playing an important role now, this profession will be even more important in the future. The people who provide care to millions of seniors across this country provide a great service not only to these individuals, but also to their families and our communities, as a whole.

It is estimated that 25 percent of all seniors need some level of assistance to complete their daily activities. Senior companions provide a wide-range of services, such as medication reminders, housekeeping, meal preparation, travel assistance, and general companionship. These services enable seniors to stay in their own homes and stay engaged in their communities—which can make all the difference in the world when it comes to their happiness.

I have talked to seniors who are helped by caregivers and they use words like guardian angel and lifesaver to describe them. Senior caregiver services are a much preferred alternative for seniors who desire to maintain their independence. They also offer families peace of mind, knowing their loved one is being taken care of in a safe and affordable manner.

The senior caregiving profession is part of the solution to the challenges our country faces as we continue to age. Currently, an estimated 44 million adults in this country provide care to adult relatives or friends, and an estimated 725,000 non-family, privately-paid individuals are senior caregivers. The caregiving profession will continue to grow in prominence and demand as the senior population rises.

That is why I am happy to introduce a resolution with my colleague, Senator CASEY, to honor senior caregivers and the private home care industry. We salute those who provide such quality care for so many Americans. It also encourages individuals to reach out and provide these services to their family, friends, and neighbors.

We need to examine federal policy alternatives to make caregiving for seniors more accessible and more affordable for families. If we can keep seniors in their homes, instead of nursing facilities, we accomplish a number of goals. We preserve the independence and dignity of our seniors. That alone is significant. But, it also saves money in a health care system facing skyrocketing costs and soon-to-be insolvent programs.

This resolution encourages the Secretary of Health and Human Services to continue working to educate aging Americans about the assistance options available for seniors. Senior caregivers are doing a great service to this country and I commend them for it.

It is an indisputable fact that we will all grow old, thus this issue will sooner or later affect every American. Therefore, it is important to have access to quality, affordable caregiving services in every community. Caregiving is a profession that will continue to grow in prominence and need as the senior population rises. Again, I thank the senior caregivers for their service to Americans throughout this nation, and I am pleased to offer this resolution on their behalf.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1842. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table.

SA 1843. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1844. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1845. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1846. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1847. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1848. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1849. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1850. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1851. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1852. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1853. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1854. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1855. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1856. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1857. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1858. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1859. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1860. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1861. Mr. REED (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1862. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1863. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1864. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3183, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1842. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 13 and 14, insert the following:

SEC. ____. Section 805(a)(2) of Public Law 106-541 (114 Stat. 2704) is amended by striking ''2010'' each place it appears and inserting ''2013''.

SA 1843. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. Section 3 of the Act of August 18, 1941 (55 Stat. 642; 121 Stat. 1109) is amended, in the matter under the heading ''LOWER MISSISSIPPI RIVER'', in subsection (a), in the second sentence—

(1) by striking ''the first section'' and inserting ''sections 1 and 6''; and

(2) by inserting ''and any subsequent Act,'' before ''shall remain as''.

SA 1844. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the proviso starting on line 7 and continuing through the colon on line 16 and insert the following in lieu thereof:

Provided further, That the Chief of Engineers is directed to use $1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008:

SA 1845. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. __. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end of the Title, the following new section 411:

''Section 411.—Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: *Provided*, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further*, That funds set aside under this section shall remain available for obligation until September 30, 2012.''

SA 1846. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Beginning on page 26, strike line 1 and all that follows through page 32, line 14, and insert the following:

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking ''(a)(1) Using'' and inserting the following:

''(a) ACTION BY SECRETARY.—

''(1) PROVISION OF FUNDS.—

''(A) IN GENERAL.—Using'';

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting ''or the National Fish and Wildlife Foundation'' after ''University of Nevada'';

(ii) in clause (i) (as so redesignated), by striking '', Nevada; and'' and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

''(I) under clause (i); and

''(II) in conjunction with willing landowners.''; and

(E) by adding at the end the following:

''(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

''(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

''(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

''(II) as soon as practicable after that date of enactment.

''(ii) REQUIREMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

''(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (1)(A)'' and all that follows through ''beneficial to—'' and inserting ''paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—''; and

(B) in subparagraph (A), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

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

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

(3) by adding at the end the following:

''(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.''.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), and subject to subsection (b), $66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, $2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) $5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618; 104 Stat. 3289);

(C) $1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities; and

(D) $1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) $25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) $25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).

(iii) $1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) $10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) $5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) $200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SA 1847. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. PERMANENT PROTECTION SYSTEM IN NEW ORLEANS, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means the project for permanent pumps and canal modifications that is—

(A) authorized by the matter under the heading ''GENERAL PROJECTS'' in section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279); and

(iii) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2349).

(2) REPORT.—The term ''report'' means the report—

(A) entitled ''Report to Congress for Public Law 110–252, 17th Street, Orleans Avenue and London Avenue Canals Permanent Protection System, Hurricane Protection System, New Orleans, Louisiana'';

(B) prepared by the Secretary;

(C) dated September 26, 2008; and

(D) revised in December 2008.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term ''State'' means the State of Louisiana.

(b) PROJECT MODIFICATION.—The project is further modified to direct the Secretary—

(1) to construct a pump station and optimized diversion from the 2,500-acre area known as ''Hoey's Basin'' to the Mississippi River to help reduce storm water flow into the 17th Street canal;

(2) to construct an optimized diversion through the Florida Avenue canal for discharging water into the Inner Harbor Navigation Canal;

(3) to construct new, permanent pump stations at or near the lakefront on the 17th Street, Orleans Avenue, and London Avenue canals to provide for future flow capacity;

(4) to deepen, widen within each right-of-way in existence as of the date of enactment of this Act, and line the bottom and side slopes of the 17th Street, Orleans Avenue, and London Avenue canals to allow for a gravity flow of storm water to the pump stations at the lakefront;

(5) to modify or replace bridges that are located in close proximity or adjacent to the 17th Street, Orleans Avenue, and London Avenue canals;

(6) to the extent the Secretary determines the action to be consistent with the safe operation of the project, to remove the levees and floodwalls in existence as of the date of enactment of this Act that line each side of the canals described in paragraph (5) down to the surrounding ground grade;

(7) to decommission or bypass the interior pump stations of the Sewerage and Water Board of New Orleans that are located at each canal described in paragraph (5) to maintain the water surface differential across the existing pumping stations until all systems and features are in place to allow for a fully functional system at a lowered canal water surface elevation; and

(8) to decommission and remove the interim control structures that are located at each canal described in paragraph (5).

(c) IMPLEMENTATION REQUIREMENTS.—

(1) DUTIES OF SECRETARY.—In carrying out subsection (b), the Secretary shall—

(A) provide for any investigation, design, and construction sequencing in a manner consistent with the options identified as ''Option 2'' and ''Option 2a'', as described in the report; and

(B) notwithstanding any other provision of law, use continuing contracts and other agreements to the extent that the contracts or other agreements would enable the Secretary to carry out subsection (b) in a shorter period of time than without the use of the contracts or other agreements.

(2) FUNDING.—

(A) IN GENERAL.—In carrying out subsection (b), the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in—

(i) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454); and

(ii) the second undesignated paragraph under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2349).

(B) EMERGENCY DESIGNATIONS.—Each amount referred to in subparagraph (A) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(3) NON-FEDERAL SHARE; LIABILITY OF STATE.—As a condition for the Secretary to initiate the conduct of the project, the State shall enter into an agreement with the Secretary under which the State shall agree—

(A) to pay 100 percent of the costs arising from the operation, maintenance, repair, replacement, and rehabilitation of each completed component of the project; and

(B) to hold the United States harmless from any claim or damage that may arise from carrying out the project except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

SA 1848. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: '': *Provided further*, That an additional $100,000,000 shall be used to make grants for energy efficiency improvement and energy sustainability under subsections (c) and (d) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1): *Provided further*, That the amount made available for the Nuclear Power 2010 initiative in the matter under the heading 'NUCLEAR ENERGY' shall be reduced by $100,000,000''.

SA 1849. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: '': *Provided further*, That an additional $15,000,000 shall be used to make technical assistance grants under section 399A(b) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(b)): *Provided further*, That the amount made available for the Strategic Petroleum Reserve in the matter under the heading 'STRATEGIC PETROLUEM RESERVE' shall be reduced by $15,000,000''.

SA 1850. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 24 and 25, strike ''$170,000,000, to remain available until expended'' and insert ''$164,500,000, to remain available until expended, of which no funds shall be used for the feasibility study for the Missouri River in the States of North Dakota, Montana, South Dakota, Nebraska, Iowa, Kansas, and Missouri, as identified in the committee report accompanying this Act''.

SA 1851. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. (a) The Federal share of the cost of the project for navigation, Rhodes Point, Smith Island, Maryland, carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be $7,000,000.

(b) The non-Federal interest for the project described in subsection (a) may provide the remaining share of the total cost of the project through work-in-kind, for which the non-Federal interest shall receive credit towards the share of the project costs of the non-Federal interest, except that the credit may not exceed the actual and reasonable costs of the materials or services provided by the non-Federal interest, as determined by the Secretary of the Army.

SA 1852. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. TEN MILE CREEK WATER PRESERVE AREA.

Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking ''subclause (II)'' and inserting ''subclauses (II) and (III)''; and

(2) by adding at the end the following:

''(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed $25,000,000 by an amount equal to not more than $3,500,000, which shall be used to pay the Federal share of the cost of—

''(aa) the completion of a post authorization change report; and

''(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.''.

SA 1853. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 20, strike ''basis.'' and insert ''basis: *Provided further*, That funds made available for the Milk River/St. Mary Diversion Rehabilitation Project in the State of Montana shall be expended by the Commissioner of Reclamation on a nonreimbursable basis.''

SA 1854. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr.

DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, lines 23 and 24, strike ''until expended'' and insert the following:

until expended: *Provided*, That, not later than 30 days after the date of enactment of this Act, the President shall certify that the Yucca Mountain site has been selected as, and remains, the site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel in accordance with section 160 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172): *Provided further*, That if the President fails to make the certification, $98,400,000 shall be made available to the States that store defense-related nuclear waste (which is to be transferred to the Yucca Mountain site), to be used by each State to help offset the loss in community investments that results from the continued storage of defense-related nuclear waste in the State and to help mitigate the public health risks that result from the continued storage of the defense-related nuclear waste in the State

---

SA 1855. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AGENCY ADMINISTRATIVE EXPENSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term ''agency''—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SA 1856. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. With respect to the project for ecosystem restoration at Liberty State Park, New Jersey, authorized for construction by section 1001(31) of the Water Resources Development Act of 2007 (121 Stat. 1054), the value of any work performed in furtherance of the recommended plan by the non-Federal sponsor in advance of the execution of a project partnership agreement shall, if the project partnership agreement is executed, be credited against the cash contribution required by the non-Federal sponsor.

SA 1857. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, insert the following:

SEC. ____. It is the sense of the Senate that the Senate intends to fund the Energy Efficiency and Conservation Block Grant Program established under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.) through the regular appropriations process after the majority of funds allocated to the Program under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) have been expended.

SA 1858. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. (a) In carrying out the construction of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053), the Secretary of the Army (referred to in this section as the ''Secretary'') shall—

(1) give priority to each element of the project that provides hurricane and storm damage reduction benefits to the most populated areas;

(2) consider, and if appropriate design, build, and use, adaptive management techniques and other execution techniques to expedite the completion of the works;

(3) to the maximum extent practicable, implement the project in a manner compatible with the long-term restoration of coastal wetlands, including the beneficial capture and reuse of precipitation runoff as a part of the restoration;

(4) after the completion of any portion of the project, determine and make publicly available a calculation of the residual risk of—

(A) hurricane and storm damage; and

(B) the loss of human life and human safety; and

(5) immediately initiate the design of the Houma Navigation Canal Lock.

(b) The non-Federal interest for the project described in subsection (a) may initiate—

(1) the construction of any authorized portion of the project; and

(2) efforts to provide interim protection for any portion of the project area.

(c) In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), the Secretary shall credit towards the non-Federal share of the cost of the project, or provide reimbursement for the cost of design and construction, work carried out by the non-Federal interest if the Secretary determines that the work—

(1) is integral to the project; or

(2) would provide interim protection for the project area.

(d) The Secretary shall allocate the amount to be credited under subsection (c) towards the non-Federal share of the cost of the project, or each element of the project, as requested by the non-Federal interest.

SA 1859. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 13 and 14, insert the following:

SEC. ____. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4711) is amended by striking ''countries'' and inserting ''counties''.

''(b) During a two-year period beginning on date of enactment of this Act, any approval of a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102–575 (106 Stat. 4709), if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and (2) is completed by September 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

SA 1860. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 25, strike ''expended.'' and insert the following:

expended, of which $600,000 shall be made available to the Secretary of the Army, acting through the Chief of Engineers, to initiate a study for the deepening and widening of the Port of Gulfport.

SA 1861. Mr. REED (for himself and Ms. SNOWE) submitted an amendment

intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: ": *Provided further*, That none of the funds made available under this Act may be used to carry out a pilot project to demonstrate energy savings through the use of improved insulating and sealing in homes built prior to 1980: *Provided further*, That, not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the plan of the Department of Energy for carrying out the Weatherization Assistance Program, including strategies to sustain the number of low-income units weatherized at levels comparable to the number of units weatherized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)".

SA 1862. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. _____. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the "Auto Stock for Every Taxpayer Act".

(b) PROHIBITION ON FURTHER TARP FUNDS.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) FIDUCIARY DUTY TO SHAREHOLDERS.—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) CIVIL ACTIONS AUTHORIZED.—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) DEFINITIONS.—As used in this section—

(1) the term "designated automobile manufacturer" means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term "eligible taxpayer" means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term "Secretary" means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms "director", "issuer", "securities", and "securities laws" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1863. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1 ____. Funding for the construction of the Chickamauga Lock and Dam shall be exempt from any requirement that limits the source of the funds made available for the construction of the Chickamauga Lock and Dam to funds made available out of the Inland Waterways Trust Fund.

SA 1864. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

The National Renewable Energy Laboratory has determined the need to evolve a more comprehensive physical understanding of the casual relationships between atmospheric inflow phenomena and wind farm interaction and has identified the need to better understand the relationship as the key remaining science issue before new technology and microclimatology could be addressed.

Of the $85,000,000 provided for wind energy under Energy Efficiency and Renewable Energy account, $8 million shall be directed to the National Wind Resource Center for turbine and equipment purchase specifically for the purpose of operations research, turbine to turbine wake interaction, and the need to provide a demonstration platform for new turbine technology accelerating acceptance and adoption by the commercial industry.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 30, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to examine the increase of gang activity in Indian country.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. 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 July 28, 2009 at 9:30 a.m. to conduct a hearing entitled "Regulatory Modernization: Perspectives on Insurance."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 28, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 2:15 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to

meet during the session of the Senate on Tuesday, July 28, 2009, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 28, 2009, at 10 a.m., in SH–216 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate on July 28, 2009, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office building, to conduct a hearing entitled ''Prosecuting Terrorists: Civilian and Military Trials for GTMO and Beyond.'' The witness list is attached.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 28, 2009, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, on behalf of Senator TESTER, I ask unanimous consent that his science fellow, David Szymanski, be given floor privileges during the consideration of H.R. 3183, the Energy and Water appropriations bill.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, David Toepen, be granted the privilege of the floor for today's deliberations.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that T.J. Kim of Senator VOINOVICH's staff be granted floor privileges for the duration of the Senate's consideration of H.R. 3183.

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

RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE ENTRY OF HAWAII INTO THE UNION AS THE 50TH STATE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 225, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 225) recognizing and celebrating the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

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

Mr. INOUYE. 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 any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas August 21, 2009, marks the 50th anniversary of Proclamation 3309, signed by Dwight D. Eisenhower, which admitted Hawaii into the Union in compliance with the Hawaii Admission Act (Public Law 86–3; 73 Stat. 4), enacted into law on March 18, 1959;

Whereas Hawaii is a place like no other, with people like no other, and bridges mainland United States to the Asia-Pacific region;

Whereas the 44th President of the United States, Barack Obama, was born in Hawaii on August 4, 1961;

Whereas Hawaii contributed to a more diverse Congress by electing—

(1) the first Native Hawaiian member of Congress, Prince Jonah Kuhio Kalaniana'ole;

(2) the first Asian-American Senator, Hiram Fong;

(3) the first woman of color elected to Congress, Patsy T. Mink;

(4) the first Native Hawaiian to serve in the Senate, Daniel Kahikina Akaka; and

(5) the first Japanese American to serve in the Senate, Daniel Ken Inouye;

Whereas Hawaii is an example to the rest of the world of unity and positive race relations;

Whereas Pearl Harbor is a strategic United States military base in the Pacific and became a national historic site after the December 7, 1941, surprise aerial attack by Japan that thrust the United States into World War II;

Whereas Hawaii is home to ¼ of the endangered species in the United States;

Whereas Hawaii has 8 national parks, which preserve volcanoes, complex ecosystems, a colony for victims of Hansen's disease, and other sites of historical and cultural significance;

Whereas Kilauea ranks among the most active volcanoes on Earth;

Whereas President George W. Bush nominated the Papahanaumokuakea Marine National Monument to the United Nations Educational, Scientific and Cultural Organization World Heritage Centre for consideration for the World Heritage List;

Whereas Hawaii has produced musical legends ranging from traditional favorites such as Alfred Apaka, Don Ho, and Genoa Keawe, to Hawaii renaissance performers such as Eddie Kamae, Raymond Kane, Gabby Pahinui, Israel Kamakawiwo'ole, the Brothers Cazimero, and the Beamer Brothers, to contemporary stars such as Keali'i Reichel, Ledward Kaapana, Jake Shimabukuro, and Raiatea Helm;

Whereas Hawaii is culturally rich because the Hawaiian culture has been protected through Hawaiian language immersion schools, hula competitions such as the Merrie Monarch Festival, canoeing voyages undertaken by vessels such as the *Hokule'a*, and the continuing historic preservation of Hawaiian traditions;

Whereas the Hawaii Statehood Commission held a Joint Session of the Hawaii State Legislature in honor of statehood and will celebrate the milestone with a public discussion and the arrival of the USS *Hawaii*; and

Whereas for all of these reasons Hawaii is a truly unique State: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the 50th anniversary of the entry of Hawaii into the Union as the 50th State.

Mr. INOUYE. Mr. President, 50 years ago next month, the 85th Congress of the United States voted to allow a tiny island archipelago made up of people of every race and creed and situated in the middle of the Pacific Ocean entry into the Union.

August 21, 2009, marks the 50th anniversary of the execution of Proclamation 3309, signed by President Dwight David Eisenhower, which admitted Hawaii into the Union as the 50th State.

On a personal note, 50 years ago today, I was elected by the people of Hawaii to serve as the first Member of the House of Representatives from the State of Hawaii. It is a moment I shall never forget. And on August 25, 1959, I had the great honor and privilege of standing behind the great President of the United States, Dwight David Eisenhower, when he signed Proclamation 3309.

The territory of Hawaii was annexed to the United States in 1898 by a joint resolution of Congress based on a treaty signed with the Hawaiian government. For many years thereafter, many delegations of Congressmen and Senators visited the territory of Hawaii to consider the pleas submitted by generations of our people requesting statehood. Finally, during the 85th Congress in 1959, members of the Committee on Interior and Insular Affairs and the Subcommittee on Territorial and Insular Affairs, led by Congressman Leo W. O'Brien, visited the territory of Hawaii to make an inquiry into granting it statehood. The members of the committee met with local leaders and government officials in Hawaii and noted that the islands of Hawaii formed a unique and successful racial melting pot and claimed that if the rest of the Nation could mix as well, our democracy would be advanced by a century.

The State of Hawaii has been a rich cultural addition to the United States, thanks to the ancient culture of Native Hawaiians, the diverse multiracial society created by generations of Asian and European immigrants, and the stunning natural beauty of our tropical climate. Hawaii has produced the first Chinese and Japanese American Members of Congress, the first woman of color in Congress, and the first Native Hawaiian in the Senate. The Honorable Barack Obama, the first African-American President of the United States, was born and raised in Honolulu, HI.

Hawaii is much more than hula dancing, lovely beaches, and beautiful

weather. For example, 300 years ago, before Christopher Columbus crossed the Atlantic Ocean in search of India, Polynesians boarded double-hulled canoes and sailed north seeking a place called Havaiki. These ancient voyagers found Havaiki and settled there and slowly built their society and government. A kingdom emerged and a monarchy grew to gain the respect of nations around the world. The kingdom of Hawaii entered into treaties with the United Kingdom, France, Japan, and the United States. That kingdom was overthrown with the assistance of the U.S. military forces. But the Congress of the United States, realizing that the takeover was not done in a democratic fashion, recently issued an official apology to the people of Hawaii. It takes a great country like America to admit its wrongs.

Hawaii's location in the middle of the Pacific between the U.S. mainland and the nations of Asia has made it a major center of military defense for the United States. Pearl Harbor serves as a critical naval outpost, allowing our fleet to connect to the United States, Asia, and other Pacific nations. So critical is Pearl Harbor's location to our national defense that it was targeted by our enemies at the beginning of World War II. The bombing of Pearl Harbor on December 7, 1941, brought the United States into World War II and revealed the loyalty the people of Hawaii had for the United States and the sacrifices they were willing to make for their country. Thousands upon thousands of young men from Hawaii volunteered to serve in the U.S. Army during World War II. Senator DAN AKAKA and I were two of the volunteers.

Nearly 8 billion visitors from around the world each year are drawn to Hawaii's breathtaking beaches, scenic sites, and unique culture. Hawaii is home to one-fourth of the endangered species in the United States. We have eight national parks, including the Hawaii Volcanoes National Park, which is the home to Kilauea, the most active volcano on Earth. Hawaii has truly added to the diversity and richness of the United States—culturally, racially, ecologically, and geographically.

Today, the Congress of the United States celebrates Hawaii as the 50th State to enter the Union.

Mr. AKAKA. Mr. President, I rise to speak on the resolution offered by my colleague and dear friend, Senator INOUYE, and passed by this body. It is a resolution honoring the historic milestone of Hawaii's 50th anniversary of statehood.

In the center of the Pacific on islands rising from the bottom of the ocean, Hawaii joined our great and diverse Nation as its 50th State 50 years ago. Similar to the 49 States that came before it, Hawaii has something unique to share with the world.

Everyone who is born in Hawaii or comes to Hawaii embraces the aloha spirit as a value and way of life. The aloha spirit is good for the United States and it is good for the world.

I was a teacher at Kamehameha Schools when Congress voted to make Hawaii the 50th State in March of 1959. Fire crackers and sirens went off across the island of Oahu in celebration. The bells at historic Kawaihao Church started to ring and hundreds of people gathered there.

The next day, the newspaper headlines hailed the good news. My brother, Rev. Dr. Abraham Akaka, who was minister at Kawaihao Church, delivered the sermon. Brother Abe named Hawaii ''The Aloha State,'' and 50 years later we still call it that.

I would like to quote a few words my brother said on that historic day in March of 1959:

> Aloha consists of this new attitude of heart, above negativism, above legalism. It is the unconditional desire to promote the true good of other people in a friendly spirit, out of a sense of kinship. Aloha seeks to do good, with no conditions attached. We do not do good only to those who do good to us. One of the sweetest things about the love of God, about Aloha, is that it welcomes the stranger and seeks his good. A person who has the spirit of Aloha loves even when the love is not returned. And such is the love of God.

This is the meaning of aloha, Hawaii's gift to the cultural fabric of the United States and the world.

While we celebrate this landmark anniversary next month, we must remember that the privileges of statehood came with obligations. Hawaii and the United States have a sacred trust relationship with the indigenous people of Hawaii that still remains to be fulfilled.

In admitting Hawaii as the 50th State, Congress and the people of Hawaii have recognized the importance of addressing the needs of Native Hawaiians and preservation of their culture and traditions. I am proud to continue this legacy as we move forward with that promise.

I congratulate Hawaii and its people on 50 years of statehood. I am proud to represent this great State in the Senate.

MIAMI DADE COLLEGE LAND CONVEYANCE ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 838 and the Senate proceed to its immediate consideration.

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 (H.R. 838) to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 838) was ordered to a third reading, was read the third time, and passed.

AMENDMENTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 19, introduced earlier today.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. CARDIN. Mr. President, today the Senate will adopt the final measure required to authorize $3 billion in dedicated Fcderal and local funding for the Washington, DC, regional Metrorail system. Today, the Senate will give its consent and approval to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

This compact amendment, jointly agreed to by Maryland, Virginia and DC, makes the changes required by Federal legislation enacted last year which authorizes capital and preventive maintenance projects for the Washington Metro system.

A joint resolution of Congress is needed to authorize any changes in interstate compacts. This resolution which I introduced today with my colleagues, Senators MIKULSKI, WEBB and WARNER, simply provides that necessary congressional consent.

The National Capital Transportation Amendments Act, often referred to as the Metro funding bill, was included as title VI of Division B of PL 110–432, legislation requiring significant improvement to rail safety nationally. The Metro funding bill authorizes $1.5 billion over 10 years for capital and preventive maintenance of the Metro system. It prohibits these funds from being used for system expansion, which requires separate authorization.

The Metro funding bill includes three provisions requiring changes to the regional compact that governs the system. First, it requires an expansion of the governing board to include two Federal members with voting rights. Second, it requires that the non-Federal jurisdictions provide dedicated

funding to match, dollar for dollar, Federal funds. Finally, the legislation requires a change in the governing compact to establish an Office of Inspector General for the system.

The jurisdictions acted with great speed, enacting,these changes to the compact during their legislative sessions this spring. On June 17th they jointly sent a letter to Chairman LEAHY and Ranking Member SESSIONS requesting the Congress's consent to the changes that the jurisdictions have approved.

Today we will provide our consent to these compact amendments and in so doing we have adopted the final measure required to authorize $3 billion in dedicated Federal and local funding for the Washington, DC, regional Metrorail system.

Earlier today, I spoke on the Senate floor about the horrible tragedy that claimed nine lives on the Metrorail system. I offered my condolences to those who lost loved ones. I also took note of the unique Federal responsibility we have for the Metro system, which is really America's subway. During rush hour, more than 40 percent of Metro riders are Federal employees.

Today we mourn those lost in a tragic accident. But we must do more than extend our sympathy. We must also act. That is why I am proud to have offered the resolution adopted by the Senate today, and why I will continue to fight to ensure that this body is doing everything it can so that a similar tragedy is never repeated.

Mr. BROWN. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (S. J. Res. 19) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 19

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18–0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

''(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

''(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: 'I, hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.' ''.

(2) Subsection (a) of section 9 is amended to read as follows:

''(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.''.

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

''(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.''.

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

''(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110–432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

''(2) For the purposes of this paragraph (d), a 'dedicated funding source' means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110–432 for payments to the Authority.''.

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

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.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 2010—CONTINUED

Mr. REID. Mr. President, I ask unanimous consent that the Chair report the legislation we are now working on.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion that is already at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan substitute amendment No. 1813 to H.R. 3183, the Energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

CLOTURE MOTION

Mr. REID. Mr. President, I have another cloture motion at the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 3183, the energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

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

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

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Governors' Representatives on Colorado River Operations related to language included in the report to accompany the House Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183.

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

GOVERNOR'S REPRESENTATIVES ON COLORADO RIVER OPERATIONS: STATES OF ARIZONA, CALIFORNIA, COLORADO, NEVADA, NEW MEXICO, UTAH AND WYOMING,

July 27, 2009.

Hon. HARRY REID,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: the undersigned Governor's Representatives on Colorado River Operations (States) are writing to express our serious concerns about recommendations contained in the committee report on H.R. 3183, the FY 2010 Energy and Water Development Appropriations Bill, relating to operations of Glen Canyon Dam on the Colorado River. The relevant language in the committee report on H.R. 3183, states:

''Glen Canyon Dam. The Committee continues to support the goals of the Grand Canyon Protection Act (GCPA) and the resulting duties placed upon the Bureau of Reclamation. However, the Committee is concerned that many of the procedural requirements in the GCPA and Charter for the Glen Canyon Dam Adaptive Management Work Group are being disregarded. The result appears to be that Federal responsibilities have been neglected and public transparency compromised. Specifically, the Committee strongly encourages that the Bureau of Reclamation, in cooperation and concurrence with the National Park Service, revisit the Operating Criteria for Glen Canyon Dam. The five-year review required by the Operating Criteria should be an open public process consistent with the GCPA and 1997 Operating Criteria requirements (62 FR 9447–9448).''

The Glen Canyon Adaptive Management Work Group (AMWG) is a the federal advisory committee that includes 26 representatives from multiple federal agencies, the Colorado River Basin States, tribes, recreation interests, power customers and environmental organizations. It was authorized in the Grand Canyon Protection Act of 1992 to provide the Secretary of the Interior advice and recommendations relative to the operation of Glen Canyon Dam. The States continue to support the AMWG collaborative stakeholder process and are also supportive of the Bureau of Reclamation's reporting on Glen Canyon Dam operations consistent with the Grand Canyon Protection Act and the Colorado River Basin Project Act of 1968.

However, the States strongly disagree with the assertion in the committee report that ''federal responsibilities have been neglected and public transparency compromised'' and strongly oppose giving the National Park Service an elevated role in the AMWG or a new role in determining the operations at or Operating Criteria for Glen Canyon Dam.

Under existing law, the Bureau of Reclamation is the lead agency in establishing and reviewing the Operating Criteria for Glen Canyon Dam and developing the Annual Operating Plan. The language contained in the committee report would create a grave imbalance among the stakeholders by requiring the ''concurrence'' of the National Park Service relative to Glen Canyon Dam operations and effectively give this single purpose federal agency veto authority over the operation of a facility that is critical to maintaining a stable and dependable water supply for over 30 million people in the western United States. The States are concerned that the Committee's recommendations may have been based on less than complete information and believe that significant changes in the responsibilities of federal agencies with regard to dam operations on the Colorado River, such as those proposed in the committee report, should not be made without a full discussion among stakeholders and affected agencies.

Finally, as you may not know, a number of issues relating to the Grand Canyon Protection Act and the operations of Glen Canyon Dam are currently the subject of litigation. For this additional reason, the States do not believe it is appropriate for Congress to make recommendations for changes in the process and roles of the federal agencies with respect to Colorado River water management at this time and through this mechanism.

We urge you to work to ensure that the recommendations in the committee report on H.R. 3183 do not become part of the final House/Senate report on the FY 2010 Energy and Water Development Appropriations Bill.

Sincerely,

HERBERT R. GUENTHER,
Director, Arizona Department of Water Resources.

DANA B. FISHER, JR.,
Chairman, Colorado River Board of California.

JENNIFER GIMBEL,
Director, Colorado Water Conservation Board.

PATRICIA MULROY,
General Manager, Southern Nevada Water Authority.

GEORGE CAAN,
Director, Colorado River Commission of Nevada.

JOHN D'ANTONIO,
Secretary, New Mexico Interstate Stream Commission.

DENNIS STRONG,
Director, Utah Division of Water Resources, Utah Interstate Stream Commissioner.

PATRICK TYRRELL,
State Engineer, State of Wyoming.

The following Colorado River contractors and utilities endorse the position of the Governor's Representatives on Colorado River Operations stated in this letter: City of Aurora; Central Arizona Water Conservation District; Coachella Valley Water District; Colorado River Water Conservation District; Colorado Springs Utilities; Denver Water; City of Grand Junction; Metropolitan Water District of Southern California; Northern Colorado Water Conservancy District; Board of Water Works of Pueblo, CO; Southeastern Colorado Water Conservancy District; Southwestern Water Conservation District; and Upper Colorado River Commission.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring of S. 1436, Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides $33.8 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $19.8 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $43.2 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and for outlays.

The Senate-reported bill includes several provisions that make changes in mandatory programs that result in

an increase in direct spending in years following the budget year, 2011 to 2019. Each of these provisions is subject to a point of order established by section 314 of the 2009 budget resolution. The bill is not subject to any other budget points of order.

I ask unanimous consent to have the table displaying the Budget Committee scoring of the bill printed in the RECORD.

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

S. 1436, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	Defense	General Purpose	Total
Senate-Reported Bill:			
Budget Authority	16,886	16,864	33,750
Outlays	18,571	24,630	43,201
Senate 302(b) Allocation:			
Budget Authority	.....	.....	33,750
Outlays	.....	.....	43,201
House-Passed Bill:			
Budget Authority	16,367	16,931	33,298
Outlays	18,219	24,508	42,727
President's Request:			
Budget Authority	16,563	17,830	34,393
Outlays	18,353	24,124	42,477
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority	.....	.....	0
Outlays	.....	.....	0
House-Passed Bill:			
Budget Authority	519	−67	452
Outlays	352	122	474
President's Request:			
Budget Authority	323	−966	−643
Outlays	218	506	724

MORNING BUSINESS

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

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

ORDERS FOR WEDNESDAY, JULY 29, 2009

Mr. REID. Mr. President, I ask consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, July 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act.

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

PROGRAM

Mr. REID. Mr. President, earlier tonight I filed cloture on the Dorgan substitute amendment and the Energy and Water Appropriations bill, and under rule XXII, that means first-degree amendments must be filed at the desk prior to 1 p.m. tomorrow.

For the information of the Senate, it is my intention to turn to the Agriculture appropriations bill upon the completion of the Energy and Water bill. I have said there are certain things we have to get done before we leave. I hope we do not have to have this cloture vote on Thursday. I hope we can get to the bill and move to the Agriculture appropriations bill. If not, then we are going to have to work through the weekend because there are certain things—it is not a very long list—we have to do before we leave.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. 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 7:33 p.m., adjourned until Wednesday, July 29, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL ENERGY REGULATORY COMMISSION

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2014. (REAPPOINTMENT)

DEPARTMENT OF STATE

MARY JO WILLS, OF THE DISTRICT OF COLUMBIA, 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 MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DEPARTMENT OF HOMELAND SECURITY

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE GREGORY B. CADE, RESIGNED.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

DAVID S. FERRIERO, OF NORTH CAROLINA, TO BE ARCHIVIST OF THE UNITED STATES, VICE ALLEN WEINSTEIN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROBERT J. SCHULTZ

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ANDREA J. FULLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

PETER H. GUEVARA

To be major

JEAN R. ELYSEE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAMES BANE
KENNETH F. HILL
DIANE INDYK
JONATHAN KIEV
JOHN L. MCDONOUGH

To be major

PRASAD LAKSHMINARASIMHIAH
DAVID L. SILVERMAN
BENOIT D. TANO