



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, FRIDAY, JULY 31, 2009

No. 118

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Our Father God, author of liberty, who has made and preserved us as a nation, bless today our lawmakers who are called to serve the Republic by bringing order out of chaos and peace out of strife. May they lift the shield of their integrity against the enemies of justice and truth at this time when the world's hopes depend on character. Lord, guide them with Your providence until this Nation shall gleam undimmed by tears of want and woe. Make our lawmakers worthy of the sacrifices of those who, day by day, give their all to keep us free. Help them to forgive and forget any memories of strained relationships or debilitating differences.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2009.

To the Senate:

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

appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER 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, if any, the Senate will resume consideration of the Agriculture appropriations bill. There will be no rollcall votes during today's session. However, the two managers, Senator KOHL and Senator BROWNBACK, will inform all Members that they will accept amendments, and people who have amendments should be ready to offer them today or on Monday.

MEASURE PLACED ON THE CALENDAR—S. 1552

Mr. REID. Mr. President, S. 1552 is at the desk and it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1552) to reauthorize the DC opportunity scholarship program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, I have a cloture motion at the desk, but before

it is read, we need to have the bill reported.

RESERVATION OF LEADER TIME

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2997, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Kohl/Brownback amendment No. 1908, in the nature of a substitute.

Kohl (for Tester) amendment No. 2230 (to amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program.

CLOTURE MOTION

Mr. REID. Mr. President, I would now ask that the cloture motion which is at the desk on the substitute amendment be stated.

The ACTING PRESIDENT pro tempore. 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 debate on the substitute amendment No. 1908 to H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

John D. Rockefeller, IV, Tom Udall,
Mark L. Pryor, Edward E. Kaufman,

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



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Blanche L. Lincoln, Kent Conrad, Kay R. Hagan, Mark Begich, Byron L. Dorgan, Max Baucus, Ben Nelson, Herb Kohl, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Charles E. Schumer.

CLOTURE MOTION

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

The ACTING PRESIDENT pro tempore. 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 debate on H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

John D. Rockefeller, IV, Tom Udall, Mark L. Pryor, Edward E. Kaufman, Blanche L. Lincoln, Kent Conrad, Kay R. Hagan, Mark Begich, Byron L. Dorgan, Max Baucus, Ben Nelson, Herb Kohl, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Jon Tester, Charles E. Schumer.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the substitute amendment occur at 5:30 p.m. on Monday, August 3; that if cloture is invoked, postcloture time be considered to have begun as if cloture had been invoked at 11 a.m.; further, that the mandatory quorums required be waived, and that first-degree amendments be filed at the desk by 3:30 p.m. on Monday.

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

The Senator from Wisconsin.

Mr. KOHL. Mr. President, as we wait for Members to come forward with amendments, I wish to talk about something that is happening down at the USDA right now. This morning, Secretary Vilsack is announcing changes to the Dairy Product Price Support Program. I wish to commend him for his diligence and his willingness to keep pushing on this.

Wisconsin is home to more dairy farms than any other State in the Union. We produce 2.1 billion pounds of milk each month. About half the State's \$51 billion agriculture economy is directly tied to dairy. So when the dairy sector hurts, Wisconsin hurts. And I will say in no uncertain terms that the pain in dairy across America is very acute right now.

From January through April, the price of milk paid to dairy farmers has been about \$4.80 per hundredweight below the cost of production. Dairy producers have lost \$3.9 billion in equity in 5 months. At risk is the long-term stability of the industry, the Nation's milk production infrastructure, and thousands of rural communities.

With Senator LEAHY and a number of our colleagues, we have pushed to confront these challenges. In the last farm bill, we extended the basic safety net

for dairy producers, and we strengthened it with something called a "feed cost adjuster." In the economic recovery bill we added credit to help producers survive.

At the same time, the Secretary has worked to boost exports and provide more dairy products for nutrition programs. All of these are critical steps. Together they reflect, literally, a billion-dollar effort to address a crisis that has hurt dairy producers in every corner of the country.

But over the past several weeks, in hearings and letters—and personal consultations I have been a part of—there is a growing appreciation that more needs to be done. Today the Secretary is taking the next step. For August through October, he is adjusting the Dairy Product Price Support Program in a way that will yield an estimated \$243 million in revenue increases for dairy producers.

I commend our Secretary of Agriculture for working with intensity and persistence. I commend our President for appointing a Secretary of Agriculture who works with intensity and persistence. And I want to reassure dairy farmers all across America that, although we do not have all the answers, we are committed to pressing forward on their behalf.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I urge my colleagues, particularly on my side of the aisle, to get their amendments and bring them forward, bring them forward this morning. It would be my hope we could get this bill done on Monday, early evening, so we can move to the Sotomayor discussion and debate on the floor. I think most Members want to speak about Sotomayor, so it is going to take a lot of time next week, being the last week before we go on break. I hope we could start that as fast as possible and we could move through this bill expeditiously.

We worked very closely with the majority. I think we have a good bill. It certainly is not perfect; no bill is. But it is one for which we have done a lot of work, and I do not see the issues outstanding here to the degree that I think it would merit us putting off the discussion and debate on Sotomayor. So I am hopeful we can get those amendments coming forward.

AMENDMENT NO. 2229 TO AMENDMENT NO. 1908

Mr. President, I have discussed with the majority about bringing up an amendment to deal with the issue of neglected and rare diseases. The FDA funding is in this bill, and we have negotiated an amendment with the proper authorizing committee. So with that, I ask unanimous consent to set aside the pending amendment, to call up amendment No. 2229, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2229 to amendment No. 1908.

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

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

The amendment is as follows:

(Purpose: To establish within the Food and Drug Administration 2 review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world)

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further*, That for the purposes of this section the term "neglected disease of the developing world" means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the enactment of this Act, a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

Mr. BROWNBACK. Mr. President and colleagues, this amendment goes at a critical problem in the world and one

we hold the key to answering. There is a lot of work that needs to be done on disease treatment and drug development. Unfortunately, what we have seen taking place is that the cost of developing a pharmaceutical product to treat particular diseases continues to go up and up and up into, in some cases, billions of dollars to develop a particular drug for a treatment for individuals.

When you are looking at disease categories, now that we are getting into finer and finer groups, you may have a group of, say, 50,000 people who have a particular disease, or for a neglected disease that is in a Third World country, you can have millions, even more than that, who are affected by a disease, but there is not a large marketplace to support the research that is necessary to develop a cure.

What we have put forward in this amendment is a review process to try to establish a new system for neglected and rare diseases so that drug delivery can proceed, and it can proceed on an expedited basis and reduce the cost of doing it, so we can start to develop drug treatments for rare diseases and neglected diseases that happen in poorer parts of the world where the economy does not support that level of research.

The amendment establishes two review groups within the Food and Drug Administration that would recommend solutions for the prevention, diagnosis, and treatment of both rare diseases and neglected diseases of the developing world.

According to the World Health Organization, more than 1 billion people—nearly one of every six people worldwide—are affected by at least one neglected disease. We have a billion people who are in this category of having a disease for which there is little to no research being done.

Examples of well-known neglected diseases include malaria, tuberculosis, and cholera. Africa certainly bears the brunt of this, as nearly 90 percent of the world's neglected diseases afflict people in this continent.

While this is the target category, it is my hope that what this will lead to is us developing systems and ways where we can reduce the cost and the time for drug delivery and development so we can use that in this country. We can use that on rare diseases where you do not have the population pool to support as much of the research.

Neglected diseases claim roughly 500,000 lives each year. They disproportionately affect very low-income populations in developing countries. Unfortunately, less than 1 percent of the roughly 1,400 drugs registered between 1975 and 1999 treated such diseases—1 percent of them.

Streamlining the FDA review process to treat these diseases is not only in our country's national interest, but it is consistent with our longstanding tradition of caring for those who are less fortunate around the world.

I might point out that as to the public opinion standing of the United States, the continent where we have the highest public opinion standing of the population is not even North America, it is Africa, where we are helping people with the PEPFAR program, with malaria, with food, and people like you if you are helping them stay alive. This continues in that, so it is good foreign policy as well and also helps us in drug delivery and development for our rare diseases.

This amendment also addresses rare diseases or those diseases for which little market exists since so few patients are affected. If this happens to be a person in your family, you do not care how many people are affected, you are affected, and you want somebody to be developing cures for it. Rare diseases can be especially lethal since few treatments may exist for individual patients and time is not on their side.

For these reasons, I strongly urge my colleagues to support this amendment No. 2229, which would allow experts to identify ways we can improve the Food and Drug Administration's ability to review treatments for rare and neglected diseases.

We worked carefully on this proposal with a number of individuals, including Dr. Francis Collins, who is nominated to be the head of NIH and who had the Human Genome Project, one of the great scientific breakthroughs of the last 25 years; as well as with former FDA officials and a number of people interested and concerned about what is taking place here; about the expanded cost of developing drugs and the smaller economic category that they have to hit in. I think this is in the best traditions of the United States and is very helpful to us as a country to address.

I and my colleagues have traveled to some of the Third World areas. We know malaria hits 60 percent of the children in Sub-Saharan Africa—60 percent. Tuberculosis as well is rampant. We have other diseases that we haven't thought of here for a long time—sleeping sickness, river blindness—that affect a large cross-section of individuals with little to no effort going into it. To the degree we can help will be a massive good that we do. It is my fundamental belief that we are blessed to be a blessing, and this country has been blessed. We certainly have our difficulties; no question about that, but here is an area where we can help and it helps us too.

I hope my colleagues will see fit to support this amendment. I will ask at the proper time that it be supported and that we vote on it.

I yield the floor.

Mr. KOHL. Mr. President, as we said before this morning, we intend to complete action on this bill Monday. We are here today to work with Senators if they have amendments. We need to move this bill along so we can complete all our work as we know we wish to do before the August recess. So if any Senators have amendments to the

bill, they should come to the floor so they can be offered, debated, and considered.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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.

Mr. BROWNBACK. Mr. President, while we are waiting on Members to come and present their amendments, I want to talk about something associated with agriculture in my State. It is an issue that will probably come up after the August break, and that is energy legislation. Energy, in our State, is inextricably linked to agriculture, where it is a big energy-using industry but also one that derives a lot of income for agriculture.

The industry itself moved from a food and fiber industry to a food, fiber, and fuels industry, with ethanol and biodiesel and increasingly—this is a bit of a sidebar but a connection—wind energy. Wind energy, in many of the rural areas of our State, is providing income to those regions.

I want to talk about the energy policy of this country, particularly as it is associated with agriculture. We need to look at the agricultural industry and what it can produce for a domestic fuel need. I am hopeful we can, over time, up the ethanol standard from 10 percent to a higher mixed blend. I would like to see us get to 15, 20 percent in the current vehicle fleet. I think this is doable and the technology is there and it is not harmful to anybody or any of the automobiles in the automobile industry.

A number of us signed a letter asking that fuel blend be upped and also that the refineries be held harmless in any up mixture of blending that might be considered. A number of refineries are sensitive about the MTBE problem, when they were pushed by Congress to put in MTBE, and later were held responsible for difficulties associated with that. I think we ought to hold the refinery industry harmless but allow the mixture to go up from 10 percent.

In my State, a number of ethanol plants have been built. They are cost effective and they continue to operate well. It is a dual-commodity business, where we are looking at the commodity price of oil and the commodity price of corn. We can do very well financially, but if they move against us, we can do poorly. We have the capacity to move the blend up to the 15 or 20 percent level.

It is my hope that down the road that will be something of consideration. That has been a big piece of the agricultural policy in this country—something that has been supported in the Agriculture appropriations bill, to increase research on ethanol and make

the next generation out of cellulose or make everything a cellulosic stream, along with a grain stream of ethanol in the same ethanol plant, so we can mix those methods of making ethanol. That is an important endeavor that we can do.

On the Energy bill, there is a renewable energy standard put in it and not the cap-and-trade bill. I urge my colleagues, let's work on renewable energy where we can get good, strong bipartisan support and not a cap-and-trade system where it is going to hurt a number of States that are high energy using and producing States—particularly like my own State or others in the Midwest that are very dependent upon energy. This is a major tax on us. It taxes our electrical production that is coal based. Our State is in the 60 to 70 percent electric production. If we are taxing that, we are taxing people's utility bills. If we go with a renewable energy standard, we can seed and develop the growth of the wind energy business throughout a lot of the country, or biomass, which is helpful to agriculture, and not raise utility rates and not do it by taxing and regulating but, rather, by innovation and investment.

Earlier this week, I met with a number of people from the wind energy business, and they were saying we have had a good run, but it is not going very well now with this economy and without a renewable energy standard. The one we put forward in the Energy Committee has a 15-percent renewable energy standard; 4 percent of that can be met by conservation and 11 percent by renewable production, biomass, wind, and even things such as algae biofuel production, which is very much in the experimental stage, but it is a developing technology.

If we can consider that and do the renewable energy standard portfolio, separate and distinct, and not blend it with cap and trade, I think we can come forward with a good, bipartisan bill that moves us forward off of our energy reliance on foreign fuels and into a cleaner environment. The tax and regulatory structure of a cap-and-trade system would be very harmful on a State such as mine.

Senator BINGAMAN chairs the Energy Committee. He did a markup over a period of 4 weeks that was one of the most impressive markups I have seen, where he worked with everybody to get this bill together on a renewable energy standard. We came out with a bipartisan energy bill on a renewable energy standard. Not everybody got what they wanted; nobody ever does, but it was bipartisan, and it wasn't a cap-and-trade bill, which really sends the bells off for a lot of high energy using States. That is doable, and it is what we ought to do rather than what the House did on cap-and-trade legislation, which passed by the thinnest of margins.

It was basically done completely on Democratic votes, without Republican

votes; whereas, the renewable energy standard we passed had a mixture of Republican and Democratic votes and even some Democrats voted against the bill in committee. It is a bipartisan process and one that we can move forward with—not to mention other things.

I just met with a refinery group doing petroleum products—pavement and other things—in the United States. They look to get hit with cap-and-trade legislation—to the point they will be driven out of business. But we are still going to need asphalt in this country.

They are saying: Do you know where it is going to come from? It will come from China and India; they will make the asphalt. Big plants are being planned and built there in anticipation that we will do cap-and-trade legislation and they won't. Their CO₂ emissions are not counted and ours will be and they will sell us the product. That completely defeats the purpose of any type of CO₂ mitigation—just driving the industry overseas. It is going to be more polluting there than here, and the CO₂ emissions that go into the atmosphere affect everybody. It is a bad idea for us to cause that to happen in our own legislation.

Industries are planning on doing that now, just building and moving the industries to China and importing the products back to the United States. That hurts us. That hurts our people, our job formation, and it doesn't help the environment. We have another way. We have a way, through this renewable energy standard, that can actually work.

I ask, as we consider the Agriculture bill and others, that we keep an eye on energy because it is one of the key cost drivers within the industry. It is also one of the key possibilities for us to grow it in the future and grow it for our country. That is why we put some provisions in this Agriculture appropriations bill that are supporting the energy industry in agriculture. But personally—and I know others have different opinions on this—I ask that we don't then hurt it with legislation later on that is not complementary toward it.

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

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

DR. ROBERT KELEHER

Mr. BROWNBACK. Mr. President, while we have time waiting to clear some amendments, I am also ranking member on the Joint Economic Committee. Today is the last day serving on that committee staff of Dr. Robert Keleher. I rise to recognize him briefly.

He is retiring after many years of valuable service in the Congress. Congressman Jim Saxton, when he was chairman, persuaded Bob to join the committee staff back in 1996, as chief macroeconomist after an already distinguished career. Bob's insightful mind, high standard, and extensive knowledge of economics made him a critical component of the staff for many years.

Before joining the committee staff, Bob's career, including serving as the senior macroeconomist of President Reagan's Council of Economic Advisers in 1985 and 1986, The head of Macro and International Economics at the Federal Reserve Bank of Atlanta, and as a special monetary and economic adviser to the Federal Reserve Board of Governors Vice Chairman Manuel Johnson. I think under anybody's standard, that is a very successful career as an economist.

Bob's contribution to the committee was broad based and valuable. In particular, his early and prolific work on the issue of inflation targeting represents almost the entire body of congressional analysis in this area from 1997 to 2006.

During his career, Bob also conducted research applying the classical principles of economics to tax policy. His research emphasized the important effects that marginal tax rates have on economic behavior, in particular the positive effects that reducing personal marginal rates have on creating incentives for healthy economic growth. We would be wise to take Bob's research findings to heart.

Yet a person's work career is not the only thing that defines him. Bob's work was first rate, relevant, and valuable to members of the committee. But Bob's character as a man, his judgment, and integrity only add to the reasons he will be missed.

Mr. President, I know my colleagues on the committee, from both the Senate and the House, join me in extending a heartfelt thanks to Bob for his years of service and in congratulating him upon his retirement.

Thank you, Bob. We wish you and your family the best. You have earned it. Godspeed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. 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.

AMENDMENTS NOS. 2234, 2225, AND 2226 TO AMENDMENT NO. 1908

Mr. KOHL. Mr. President, I ask unanimous consent to set aside the pending amendment to call up the following amendments which are at the desk: Leahy No. 2234, Murray No. 2225, and Bill Nelson of Florida No. 2226.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes amendments en bloc numbered 2234, 2225, and 2226 to amendment No. 1908.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2234

(Purpose: To provide funding for the Office of Inspector General to conduct inspections of the national organic program)

On page 8, line 2, before the period, insert the following: “: *Provided*, That of the amount made available for the Office of Inspector General to conduct investigations such sums as are necessary shall be made available for the inspection of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)”.

AMENDMENT NO. 2225

(Purpose: To allow State and local governments to participate in the conservation reserve program)

On page 85, between lines 16 and 17, insert the following:

SEC. 7. Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

AMENDMENT NO. 2226

(Purpose: To prohibit funds made available under this Act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination)

On page 85, between lines 16 and 17, insert the following:

SEC. 745. No agency or department of the United States may use funds made available under this Act to enforce a travel or conference policy that prohibits an event from being held in a certain location based on a perception that the location is a resort or vacation destination.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. 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.

AMENDMENT NO. 2234

Mr. KOHL. Mr. President, the Leahy amendment No. 2234 has been approved on both sides, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2234) was agreed to.

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

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

The motion to lay on the table was agreed to.

BOVINE TUBERCULOSIS

Ms. KLOBUCHAR. Mr. President, I seek to clarify with the chairman an effort across two States to address the growing issue of bovine tuberculosis.

I have asked the subcommittee to provide funds for a joint effort between the University of Minnesota and Michigan State University in support of research to prevent the spread of bovine tuberculosis and ultimately eradicate the disease from cattle, deer, and other wildlife. My colleagues from Michigan and I understand the negative economic impacts bovine tuberculosis impose on our States’ agricultural industries. In fact, agriculture is the second largest industry in both States, and this research is key to protecting our economies.

However, it is my understanding that this research effort may have been mistakenly associated with Michigan’s ongoing eradication efforts.

Mr. KOHL. I thank the Senator from Minnesota for bringing to my attention this issue. I understand the importance of the joint research effort on bovine tuberculosis taking place at the University of Minnesota and Michigan State University.

I will work with Senator KLOBUCHAR to ensure that the bovine tuberculosis joint university research program is addressed as the fiscal year 2010 Agriculture appropriations bill moves through the legislative process.

Ms. KLOBUCHAR. Mr. President, I congratulate the chairman for crafting a strong fiscal year 2010 Agriculture appropriations bill and thank him for his efforts to assist me on this important initiative.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD, the Budget Committee’s official scoring of S. 1406, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$23.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$17.7 billion. When outlays from prior-year budget authority are taken into account, non-emergency discretionary outlays for the bill will total \$24.9 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and for outlays.

The bill is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1406, Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

General purpose

Senate-Reported Bill:	
Budget Authority	23,050
Outlays	24,886
Senate 302(b) Allocation:	
Budget Authority	23,050
Outlays	24,886
House-Passed Bill:	
Budget Authority	22,900
Outlays	24,686
President’s Request:	
Budget Authority	22,819
Outlays	24,743
Senate-Reported Bill Compared To:	
Senate 302(b) allocation:	
Budget Authority	—
Outlays	—
House-Passed Bill:	
Budget Authority	150
Outlays	200
President’s Request:	
Budget Authority	231
Outlays	143

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P. 1102).

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. 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.

MORNING BUSINESS

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise today to address a topic we have been debating for many weeks and months but especially the last couple of weeks, and that is health care. We have spent a good deal of time in Washington talking about the details of various provisions, the different ideas that have been introduced in bills and through the work of the committee.

I happen to be a member of the Health, Education, Labor, and Pensions Committee, known by the acronym “HELP.” In our committee, we

spent about 60 hours in hearings and 25 hours or so in discussions with our Democratic and Republican colleagues, working through some ideas. We accepted about 160 Republican amendments before our bill came out of committee. As you might know, the vote in committee was 13 Democrats voted for it, 10 Republicans voted against it. But despite that divide in the vote, there was a good exchange on important issues.

Mr. President, you know as well as I do some of the issues with which we are wrestling. We want to try to provide the President a bill that, first of all, in a general sense, provides stability—stability with regard to cost, lowering the cost and also controlling cost, and stability with regard to choices. I believe what we are going to send to the President this fall will allow people to keep the health care they want to keep if they like what they have and are happy with it. But if you don't have any health care or you have a plan that costs too much or is of poor quality, you can choose another option. I hope the options will be both private plans and a public option, but that is a point of contention we will be talking a lot about as well.

Finally, we want to make sure there is quality, at long last that we reach a point where we are introducing quality measures into our health care system. Theories and proposals and strategies have been talked about too much and not enacted or put into the law. There are a lot of good examples by private companies across the country that have wellness policies, that invest in keeping people healthy so they do not have to spend money from our health care system treating a disease—getting out ahead of a problem, so to speak. And there is prevention, with all kinds of ways to save lives, to improve quality, and to save money as well.

I wanted to walk through some provisions in some detail, not to take too much time because I know we are at the end of our week.

First is the fundamental urgency of where we are now. I believe we cannot wait. We have talked this issue to death for the last 15 years especially, since the early 1990s. But even if you look at it beyond that, for about 60 years or so since President Truman introduced this idea of doing something substantial on health care, we have talked about it. The time for action is now. In my judgment, this is no longer just a nice thing to do. It is a necessity for our economy. We cannot even begin to imagine a strong economy over the next decade or longer without health care reform. More American families are unable to get the coverage they need. So where we are now, the status quo, is not just unacceptable, it is economically unsustainable as we debate this issue today.

Let me go to the second chart with that same concept about it being unsustainable, the status quo, staying on the road we are on. Premiums have

doubled over the last 9 years, three times faster than wages. If we do nothing in the next 30 years, a third of our economy will be spent on health care. That is unsustainable. Health care spending will increase from \$2.5 trillion to \$7 trillion in the period between now and 2025.

This might be the most stunning set of numbers of all. Every week, 44,230 people lose their health insurance. We cannot say that enough. We cannot repeat that number enough. How can we build an economy, how can we be a successful, vibrant, growing economy when every single week 44,230 people lose their health insurance? We could chart this just from the time our committee voted the bill out of committee a couple weeks ago in the HELP Committee. Every week since then, more than 44,000 are losing their health insurance.

This is a Pennsylvania number, roughly a 3-year number. From January 2008 to December 2010, the projection is that 178,520 people will lose their coverage. For our State, the Commonwealth of Pennsylvania, that is unsustainable. We cannot grow an economy with those numbers.

Without reform—this is a State of Pennsylvania number—family coverage would cost \$26,679 in 2016, consuming 51.7 percent of projected Pennsylvania family median income. I don't know of any family in America, even a very wealthy family, who can pay half their income to health care, certainly not a middle-income family. But that is the road we are on. That is going to happen if we stay where we are and stay with the status quo. And that is 7 years away, that is not 25 or 30 or 50 years. In 7 years, staying on the road we are on means the average family in Pennsylvania is going to have to pay more than half their income to health care. To say that is unsustainable is something that is an assertion of an understatement by a mile.

Here are some of the themes I talked about before—stable costs, secure choices, and quality care. These are some of the themes we have to keep mentioning.

On the lower cost issue, preventing illness and disease, as I said before, does have a cost implication. It is not all the savings, but we know from research and experience that we will have savings.

Uncompensated care. This is a factor we can consider today. People think: I have health care. There are uninsured people out there, maybe 50 million people uninsured. Someone who has health care might think: I wish they could get coverage, but I am afraid if they get coverage, I am going to be paying more. That is a lot of the debate. But what we fail to realize sometimes in the debate is people are paying right now for the uninsured. Having uninsured Americans is not free. We all pay for that, and by one estimate, \$1,000 per year for every American who has health insurance.

One of the things we are trying to do in this legislation is to cover 97 percent, or one bill might have it at 95 percent, but above 90 percent of Americans is the goal for coverage.

I go to the next chart on reducing waste, fraud, and abuse. One estimate is we could save \$60 billion per year. Some say that is an estimate and that is just what one group said. Let's say it is wrong. Let's say it is not quite \$60 billion. What if it is off by a little? What if it is \$40 billion? That is still a lot of savings. What if it is \$30 billion? What if they are way off? That is a lot of savings every year. But we are not doing that today, preventing that kind of fraud, waste, and abuse.

Capping out-of-pocket limits. Even when they have the benefit of health care delivery, the out-of-pocket costs keep going up and up. So many small businesses worry about this when they are forced, if they want to employ people, to pay more and more, and forcing people to pay more out of their own pockets.

Small businesses and individuals join purchasing pools for lower rates. The reason that is important is because all the desks in this Chamber—every one of us has health care, really good health care, if you are a Federal employee. Thank goodness. I am blessed by that health care. My wife and my four daughters and I all benefit from that, just like every Member of the Senate and every Member of the House and everyone who works in the Federal Government. That is good. Guess what. The reason we have health care and choice of lots of options and plans is because we pool all those people, millions of Americans who happen to be connected in some way to the Federal Government pool. They are in one pool, and that keeps costs down. Why is that good enough for Senators and Congressmen, why is that available to them but small businesses don't have the same plan or the same option available to them? I think every small business in America should have the benefit—the cost-reduction benefit, at a minimum—that comes from pooling their resources and their individuals. That is part of the reform we are talking about. It is not a concept, it is in the bill. And that is important to emphasize.

Finally, if you like what you have, you can keep it. I said that earlier. We should keep saying that because it is important.

Ensuring coverage even when families move, lose a job, or have an illness—why in America, if we can figure out so many complicated things, can't we guarantee when someone loses their job they will not lose their health care? It does not make sense that we have accepted that, tolerated that inequity for so long.

“Gateway” is a word about which we have been hearing a lot. What does that mean? It is really a marketplace. It allows people to go to a Web site and find out what they want in their health

care plan, not having to read hundreds of pages of fine print that the best lawyers in America sometimes do not understand.

A marketplace is a gateway that allows families and businesses to compare rates, benefits, plans, both private and, we hope—we hope—a public option. Why can you go online and learn about a car or some other major purchase in your life and you can't do the same thing for health care? It is ridiculous, in a word. That is what this would allow—giving people the ability to do just that, just as they do for every other major purchase in their life.

Secure choices is important. Individuals will have their choice of doctors and individualized care. Government and insurance will not interfere in the doctor-patient treatment decisions. I know there is a lot of talk about government getting in the middle. It is just not true, and people know it is not true. We have to make sure people understand that is a fundamental building block of what we are talking about. We want people to be empowered, we want them to have more choices, and we want them to have the choice of both the public option and private plans as well.

I am almost done, Mr. President. My colleague from Arizona is here, and I want to make sure he has his time on Friday to speak.

This is bill language. Sometimes we talk about concepts, and the American people never get to the point of seeing in front of them language from a bill that is actually understandable and is focused on the real problem.

One of the biggest problems people in our State and a lot of States run up against is a preexisting condition prevents them from getting treatment. It is unbelievable that we have tolerated that for so long as well. Why can't we say we are going to pass a law that at long last says a preexisting condition will not prevent you, your son, daughter, spouse, or loved one from getting the care they deserve? We should not have to do it. Insurance companies have forced us to legislate, to make this the law.

Here is the language. It is not complicated. It is not mysterious. It is not lawyer language:

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion . . .

Let me read that again:

. . . may not impose any preexisting condition exclusion with respect to such plan or coverage.

That is in the bill. It is not a fuzzy concept, it is very specific.

One of the reasons I and so many others are saying we cannot stay on the path we are on, we cannot accept again and again the status quo, is because of that—because the status quo means “may not impose any preexisting condition exclusion” does not become part of the law and we have to continue to deal with the horrific and inexcusable

nightmare of a preexisting condition preventing someone in America, someone who might be very sick in America, from getting treatment, from getting the benefit of health care they ought to have a right to expect.

So when we pass this bill, we have to make sure people understand that is in the bill, and that is very specific and it is very pointed and focused on a real problem for families.

Finally, children. One of the goals here, obviously, is to make sure that no child, especially poor children and those with special needs, is worse off as a result of this bill. Children are different from adults. They can't be treated the same way. They need strategies and treatments that adults don't have. They have different health care needs. It is critical that children, especially those who are disadvantaged, who happen to be poor, who have special needs, get the highest quality care, which they deserve. That is why I have a resolution as part of that which I have introduced.

Finally, with regard to children—no child worse off. Because we want them to grow into healthy and productive adults, they need to get the highest quality care throughout their childhood. We want them to get from this picture in a crib to that picture getting a diploma. So we want them to have the kind of quality health care that will allow us to prevent disease and illness in a child early enough which will allow them to lead a productive life and get ready to contribute to our great economy and to our great country.

There is a lot to do. There is still more work to do, but we need to continue to talk about what is in these bills and to have a vigorous debate. We are a long way from getting this done, but I believe we are on the right track. I believe it is not only important, but unless we do this, I think we are heading down a path that is unsustainable for our economy, for our country, and especially for our families.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HOUSE DEFENSE BILL AND EARMARKS

Mr. McCAIN. Mr. President, I rise to talk for a few minutes about the actions taken by the House of Representatives yesterday when they passed the Defense appropriations bill. It is not a small piece of legislation. It provides \$636 billion for defense, and it avoided one veto fight by stripping out funding for advanced procurement of the F-22 fighter jet, but it chose to ignore veto

threats over funding for an alternative engine for the F-35 Joint Strike Fighter and the VH-71—incredibly, the VH-71 Presidential helicopter. The House bill provides \$560 million to continue pursuing an alternative engine and \$485 million for continuation of the VH-71 helicopter. The VH-71 helicopter is the Presidential helicopter, which Secretary Gates has, I think very accurately, derided as one of the most outrageous examples of overspending for any system the Defense Department has ever acquired. The bill also provides \$674 million for three C-17 cargo aircraft, not requested in the administration's budget. It has been determined time after time that there is no need for additional C-17 aircraft.

So what did they do in return for continuation of things like a Presidential helicopter that costs more than a 747 and all of these other porkbarrel projects? Well, the House bill reduces funding by \$1.9 billion for our request for MRAPs—for MRAPs, the vehicles that are protecting young men and women who are fighting in Iraq and Afghanistan. They reduce the number from what the administration thinks we need—5,244—to 2,000. It is remarkable.

But what I really wanted to talk about for a minute is the 1,100 earmarks totaling \$2.8 billion. Of those, 540, totaling \$1.3 billion, are slated to go to specific private companies without competition. Remarkable—\$1.3 billion. You know, the bill may have language saying funding should be competed, but in reality it is not the case when a specific company is identified in report language.

Also incredibly, there are 70 earmarks in the bill for former clients of the PMA Group—the people whose offices have been raided and shut down. It is currently under investigation by both the Justice Department and the House ethics committee.

Concerning earmark reform, President Obama said:

Earmarks must have a legitimate and worthy public purpose. Earmarks that Members do seek must be aired on those Members' web sites in advance, so the public and press can examine them and judge their merits for themselves. Each earmark must be open to scrutiny at public hearings, where Members will have to justify their expense to the taxpayer.

None of that has happened. The earmarks in the House fail woefully in meeting scrutiny at public hearings. As Representative JEFF FLAKE—a man of great courage and of incredible integrity—so rightfully pointed out when he addressed the earmarks in the bill:

These earmarks receive scant scrutiny by the House Appropriations Committee. The committee's markup of the bill lasted all of 18 minutes. Given the way this bill has been earmarked, you'd never know that serious ethical questions have been raised about this process. Simply put, Members of Congress should not have the ability to award no-bid contracts. Even worse, many times the recipients of these earmarks are campaign contributors. The practice has created an ethical cloud over Congress, and it needs to end.

Congressman FLAKE talked about the ethical cloud over Congress. We know about PMA. Every day, there is a new story about one of these earmarks. I would like to cite two quick examples.

Mr. President, I ask unanimous consent to have printed in the RECORD an article headlined "nextgov," entitled "Software company won earmarked funds for work on military health records," and the other article from Politico entitled "Exclusive: Earmark critic steered cash to blimp research."

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

[From NextGov, July 29, 2009]

SOFTWARE COMPANY WON EARMARKED FUNDS FOR WORK ON MILITARY HEALTH RECORDS

(By Bob Brewin)

Adara Networks, the company that is the subject of a Defense Department employee's allegations that it received important software code in advance of winning a sole-source contract to provide hardware and software for a new military electronic health record system, has only between 20 and 50 employees and revenues of \$8 million a year, according to online records. But the company has powerful friends in Washington.

Sen. Thad Cochran, R-Miss., inserted earmarks in the fiscal 2008 and 2009 Defense appropriations measures funding work by Adara on Defense health record systems. He also has a pending earmark for Adara in the 2010 Defense appropriations bill.

According to the Center for Responsive Politics, Adara has paid \$240,000 in lobbying fees to Gage LLC, a consulting and government affairs firm whose partners include former Sen. Conrad Burns, R-Mont. The firm is headed by Burns' former chief of staff, Leo A. Giacometto.

The bulk of the fees, \$160,000, went to Gage last year, making Adara one of the company's biggest sources of revenue in 2008. The Adara lobbying tab from Gage last year matched the fee paid to the lobbying firm by VeriSign, an Internet security company that had revenues of \$255 million in the first quarter of this year.

According to a database of federal contract awards, Adara won Defense contracts valued at \$7.2 million in 2007 and \$13.7 million in 2008.

Cochran's earmarks steered \$4 million to Adara last year for work on what was described as a "next-generation networking electronic medical records project" and \$1.1 million in 2009 for the Strategic/Tactical Resource Interoperability Kinetic Environment (STRIKE) project. Cochran has sought \$10 million in Adara funding for the STRIKE project in the 2010 Defense appropriations bill, which is pending in the Senate.

The STRIKE project, according to Cochran's office, is designed to help the Defense Department solve problems of interoperability, scalability, performance and security in its medical information technology systems.

Internal Military Health System briefings show that Adara's NPX routers, which the company says are capable of moving data around faster than rival products, sit at the heart of the new Military Health System electronic record architecture. The routers serve as a bridge between Defense's AHLTA electronic health record system, the Clinical Data Repository that stores more than 9 million military health records, and VA's electronic health record system.

An internal e-mail NextGov obtained shows that the Military Health System tapped Adara to provide software as well as

hardware for a new enterprise architecture, including a means of exchanging data and a graphical user interface to view medical records.

In that e-mail, Maj. Frank Tucker, chief of product development for the Defense Health Information Management System at MHS, charged he was directed to provide Adara with software source code and documentation, which he viewed as unethical, because this would give the company a leg-up in any competition.

Tucker alleged Adara was awarded a sole-source contract by the Military Health System, but did not specify the contract's value.

Adara has not returned calls seeking comment from NextGov for the past three days. Cochran's office did not respond to a request for comment placed Wednesday.

[From Politico, July 30, 2009]

EXCLUSIVE: EARMARK CRITIC STEERED CASH TO BLIMP RESEARCH

(By John Bresnahan)

Rep. Pete Sessions—the chief of the Republicans' campaign arm in the House—says on his website that earmarks have become "a symbol of a broken Washington to the American people."

Yet in 2008, Sessions himself steered a \$1.6 million earmark for dirigible research to an Illinois company whose president acknowledges having no experience in government contracting, let alone in building blimps.

What the company did have: the help of Adrian Plesha, a former Sessions aide with a criminal record who has made more than \$446,000 lobbying on its behalf.

Sessions spokeswoman Emily Davis defends the airship project as a worthwhile use of federal funds and says it could eventually lead to thousands of new jobs in Sessions's Dallas-area district.

But the company that received the earmarked funds, Jim G. Ferguson & Associates, is based in the suburbs of Chicago, with another office in San Antonio—nearly 300 miles from Dallas. And while Sessions used a Dallas address for the company when he submitted his earmark request to the House Appropriations Committee last year, one of the two men who control the company says that address is merely the home of one of his close friends.

Jim G. Ferguson IV—the younger half of the father-son team behind Jim G. Ferguson & Associates—told POLITICO that he and his father are trying to build an airship with a "high fineness ratio" that can be used in both military and civilian applications.

Fineness ratio is the technical term for the relationship between an airship's length and its diameter; the higher the fineness ratio, the longer and more slender the airship is. A blimp with a very high fineness ratio could fly faster and be able to stay aloft longer—the holy grail for airship designers during the past century.

Yet Ferguson acknowledged that neither he nor his father has a background in the defense or aviation industries, nor any engineering or research expertise.

A search of publicly available records shows no history of the Fergusons ever being involved with the airship industry other than their attendance at a February 2005 Pentagon conference on the subject.

Jim G. Ferguson IV said in an interview that he and his father "were business people" and had acquired the patents for building an advanced airship prototype. He said that the two men are playing a supervisory role in the project and "have obtained world-class experts to work for us."

According to a statement that Sessions included in the Congressional Record last September, slightly more than half of the \$1.6

million earmark was to go toward research and engineering costs. The remainder was for overhead and administrative costs.

"This particular project is focused on study and analysis of the high fineness ratio multimission airship for implementation and deployment in support of the persistent [Defense Department] wide shortfall in intelligence, surveillance and reconnaissance capability," Ferguson said in a statement.

The elder Ferguson declined to talk with POLITICO. His son would not provide details on his professional career but did say that he first came to Washington in 1991 to work in the Transportation Department under Secretary Samuel Skinner. He then did advance work for the White House when Skinner became White House chief of staff under President George H. W. Bush.

On Federal Election Commission forms, Ferguson's occupation has been listed at various times as lobbyist, rancher or self-employed investor. When asked about his activities since the first Bush administration, Ferguson said he was "just working, doing a bunch of different stuff."

He has also donated money to Sessions and other Republicans. FEC records show that Ferguson contributed \$5,000 to Sessions's leadership PAC in October 2007. Overall, Ferguson and his father have given \$18,500 to GOP lawmakers over the past six years.

Ferguson declined to describe his relationship with Plesha.

"I've known him for a long time," Ferguson said. "As you know, [Washington] is a small town."

Likewise, Plesha would not comment about his work with the Fergusons or about any interactions he may have had with Sessions or his office concerning the earmark.

"As a policy, I never discuss anything regarding my clients other than what is already publicly available or required to be disclosed by law—especially for a client such as this where their technology is very much sought after by the larger defense and corporate shipping firms," Plesha said in a statement provided to POLITICO.

In 1997—before going to work for Sessions—Plesha was arrested for illegal possession of a handgun in Washington, after he shot a man who was burglarizing his apartment, according to court documents. Plesha claimed he had acted in self-defense, but the burglar said Plesha shot him three times in the back as he was running away. Plesha pled guilty to the handgun charge, was sentenced to 18 months' probation and ordered to do 120 hours of community service.

Within a year, he was working as a campaign manager for Republican House candidate Charles Ball, who was running against then-Rep. Ellen Tauscher (D-Calif.).

In that campaign, the FEC has said that Plesha created a fake Democratic committee to attack Tauscher. The FEC said the committee sent out 40,000 letters and made 10,000 phone calls to Democratic voters in Tauscher's district just prior to the 1998 midterm elections suggesting that Democratic Rep. George Miller was opposing Tauscher's reelection.

But Miller was, in fact, backing Tauscher. The FEC launched an investigation. And in a 2004 news release, the FEC said that Plesha had not only "authorized and distributed the fabricated letters and calls" but also "knowingly made false statements to the FEC" about them, "denying involvement in or knowledge of this scheme."

According to the FEC and court documents, Plesha pled guilty to lying to investigators in the case. He was fined \$5,000, placed on three years' probation and ordered to do an additional 160 hours of community service, according to federal court documents. He also entered into a "conciliation

agreement," under which he was to pay a \$60,000 civil penalty, the FEC said.

Lobbying disclosure records show that, beginning in November 2005, Ferguson and Plesha lobbied on behalf of Sphere Communications, a division of NEC Corp., the Japanese telecommunications giant. Plesha also worked for a time for a San Francisco-based defense contractor whose employees, FEC records show, had contributed heavily to Sessions and his PAC.

By 2006, lobbying disclosure forms show that Plesha was working for the Fergusons. The records show that he collected \$51,400 in fees from the Fergusons during the last six months of 2006; nearly \$292,000 more in 2007; and \$64,500 in 2008.

The records show that the Fergusons are, by far, Plesha's most lucrative lobbying clients.

Sessions's office said Plesha wasn't given any special access to his former boss.

"His role is clear: He and his client presented a position (i.e., briefing) to the congressman and his staff," said a Sessions aide. "As with any project request, Congressman Sessions evaluates the merits of the project and accordingly makes a decision to either support or decline the request. Based on the project's represented merits, . . . Sessions decided to submit the request to the Appropriations Committee for its review and determination."

And the Texas Republican still believes in the project, his staff said.

"Based on briefings that Congressman Sessions and his staff have received, projected applications of the technology include military surveillance, fuel-efficient military cargo transportation (especially into areas without adequate infrastructure) and missile defense," Davis, the congressman's spokeswoman, said in a statement.

Davis also noted that Sessions has supported a moratorium on all earmarks since the start of the 111th Congress, after the earmark for the Fergusons was approved.

Mr. MCCAIN. Quoting from the first article:

Adara Networks, the company that is the subject of a Defense Department employee's allegations that it received important software code in advance of winning the sole-source contract to provide hardware and software for a new military electronic health record system, has only between 20 and 50 employees and revenues of \$8 million a year. But the company has powerful friends in Washington. Senator Thad Cochran . . . inserted earmarks in the fiscal 2008 and 2009 Defense appropriations measures funding work by Adara on Defense health record systems. He also has a pending earmark for Adara in the 2010 Defense appropriations bill.

According to the Center for Responsive Politics, Adara has paid \$240,000 in lobbying fees to Gage LLC, a consulting and government affairs firm whose partners include former Senator CONRAD Burns, R-Montana. The firm is headed by Burns' former Chief of Staff, Leo A. Giacometto. The bulk of the fees, \$160,000, went to Gage last year, making Adara one of the company's biggest sources of revenue in 2008. The Adara lobbying tab from Gage last year matched the fee paid to the lobbying firm by VeriSign, an Internet security company that had revenues of \$255 million in the first quarter of this year.

According to a database of Federal contract awards, Adara won defense contracts valued at \$7.2 million in 2007 and \$13.7 million in 2008. Cochran's earmarks steered \$4 million to Adara last year for work on what was described as a "next-generation networking electronic medical records project" and \$1.1 million in 2009 for the Strategic/Tactical Resource Interoperability Kinetic Envi-

ronment Project. Cochran has sought \$10 million in Adara funding for the STRIKE project in 2010.

An internal e-mail NextGov obtained shows that the military health system tapped Adara to provide software as well as hardware for a new enterprise architecture, including a means of exchanging data and a graphical user interface to view medical records. In that e-mail, Major Frank Tucker, chief of product development for the Defense Health Information Management System at MHS, charged he was directed to provide Adara with software source code and documentation, which he viewed as unethical because this would give the company a leg up in any competition. Tucker alleged Adara was awarded a sole-source contract by the Military Health System, but did not specify the contract's value.

There should be a full investigation of that.

Quoting from the Politico story:

Representative Pete Sessions, the chief of the Republicans' campaign arm in the House, says on his Web site that earmarks have become "a symbol of a broken Washington to the American people." Yet in 2008, Sessions himself steered a \$1.6 million earmark for dirigible research to an Illinois company whose president acknowledges having no experience in government contracting, let alone in building blimps. What the company did have: the help of Adrian Plesha, a former Sessions aide with a criminal record who has made more than \$446,000 lobbying on its behalf.

But the company that received the earmarked funds, Jim G. Ferguson & Associates, is based in the suburbs of Chicago, with another office in San Antonio—nearly 300 miles from Dallas. And while Sessions used a Dallas address for the company when he submitted his earmark request to the House Appropriations Committee last year, one of the two men who control the company says that address is merely the home of one of his close friends.

. . . Ferguson acknowledged that neither he nor his father has a background in the defense or aviation industries, nor any engineering or research expertise.

Finally, it goes on:

. . . more than half of the \$1.6 million earmark was to go toward research and engineering costs. The remainder was for overhead and administrative costs.

This is the result—and there are myriad examples—of this earmarking which goes on and on in this year's Defense appropriations bill from the House, and there will be more from the Senate. There are 1,102 earmarks. We can't do that. We have to stop. The American people are very tired of it.

Let me remind my colleagues again about PMA, of which there are some 70 earmarks. The PMA Group was a DC lobbying firm with deep ties to Capitol Hill and a reputation for securing lucrative earmarks for its clients, especially defense earmarks. It boasted more than \$15 million in revenue last year. PMA Group clients reportedly received \$300 million in defense earmarks for fiscal year 2008 and \$317 million for fiscal year 2009. PMA Group and its clients spread around a lot of campaign contributions in an attempt to curry favor with lawmakers. According to one report, the firm had been credited with \$1.8 million in contributions since 2001, and that is just the members of

the Defense Appropriations Committee.

Last November, the Federal Bureau of Investigation raided PMA's offices and the home of its founder, Paul Magliocchetti. According to news reports, prosecutors were initially focused on whether Mr. Magliocchetti used a Florida wine steward and a golf club executive as a front to funnel illegal donations to lawmakers. The Washington Post examined campaign contributions reportedly given by employees of the PMA Group and found listed in donor records "several people who were not registered lobbyists and did not work for the lobbying firm," including a 75-year-old California man who had never even heard of the firm.

Since then the Department of Justice has raided the offices of a number of PMA clients and their business partners. One former PMA client is accused of giving kickbacks to an ex-Air Force contracting official. A Federal grand jury reportedly subpoenaed records from one U.S. Representative's congressional and campaign offices, and the FBI is interviewing his staffers.

It upsets my colleagues when I talk about corruption in earmarking. I know it is very painful. I do not question the integrity of any of my colleagues. But when something like this PMA situation goes on, the stories are myriad of this influence of special interests at a time where we have nearly 10 percent unemployment in the United States of America, people not able to stay in their homes, people not being able to keep their jobs. If it was ever unacceptable, which it always was, it certainly is unacceptable now.

At some point, the Defense appropriations bill will come to the floor of the Senate. If it is anything like the Defense appropriations bill the House of Representatives passed yesterday, we are going to have a long process because we have to bring this practice to an end.

During the campaign, the President of the United States said we would review every appropriation line by line and do away with those that were unnecessary and unwanted and a waste of the taxpayers' dollars. There is no greater opportunity than there is now.

I appreciate the President's involvement in ending production of the F-22, his involvement in saying the alternate engine is unsustainable for the F-35—continued billions of dollars of funding. But the earmarks are also billions of dollars of waste of the taxpayers' dollars. The earmarks are what bred corruption and the reason we have former Members of Congress residing in Federal prison. It has to be stopped. No contract should be allowed on a non-competitive basis to be appropriated by the Congress of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding we are in a period of morning business.

The PRESIDING OFFICER. That is correct.

SMALL BUSINESS/SBIR

Mr. DORGAN. Mr. President, I applaud the Small Business and Entrepreneurship Committee for their efforts in putting together a thoughtful, balanced reauthorization of the Small Business Innovations Research—SBIR—and Small Business Technology Transfer—STTR—programs.

I know the committee is in negotiations with the House trying to reach a good reconciliation with the right parameters. I hope they do, so that we have these programs in place for years to come instead of another short-term extension.

SBIR was set up in 1982 and requires 11 Federal departments and agencies like the Department of Defense, the National Institutes of Health and the National Science Foundation to set aside 2.5 percent of their research and development budgets for small businesses, which is over \$2 billion per year. STTR sets aside another 0.3 percent of R&D for small businesses to work in partnership with university and institutional researchers. Both programs have been highly successful, helping propel small business growth, and develop and commercialize the innovations that are the backbone of our economy.

I wanted to share a few facts about small business for the record.

According to the Small Business Administration, small businesses annually create between 60 and 80 percent of the net new jobs in America.

Small businesses produce on average 13 to 14 times more patents per employee than large patenting firms.

Small business employs about 38 percent of the scientists and engineers in America, up from only 6 percent in 1978.

Despite all this growth and stellar track record, small business receives only about 4 percent of Federal extramural research dollars. That needs to change. Small business has proven they can do Federal R&D as well as or better than large business, and they deserve more space at the table.

Small business is going to be the engine that pulls the country out of this recession, like it has so many times in the past. Looking beyond the recession, small business will again develop the innovative technologies in which America consistently leads the world. The Senate bill wisely supports and extends our support for small business's role in growing a vibrant national economy.

In my own State of North Dakota, SBIR has helped fund a number of in-

novations, and I wanted to mention a few of them.

The Technology Applications Group of Grand Forks, located in the Red River Valley Research Corridor, invented the Tagnite coating system through Army and Navy SBIR funds. The technology allows the military to coat magnesium alloys for parts, ships, helicopters and airplanes in a way that is much less toxic than old processes, cuts down on corrosion, and saves on maintenance.

Agsco of Grand Forks received an SBIR grant that led to development of the SCOIL and SUN-IT II products that enhance crop herbicide effectiveness. Agsco turned their SBIR grants into two products with a great deal of commercial impact.

Dakota Technologies of Fargo has received multiple SBIR grants, including two that led to development of BEAM, or ballast exchange assurance meter, which measures ballast water in ships to make sure they don't contain harmful species or contaminants. BEAM is currently in a pilot program with the Coast Guard.

Back in 2002, I secured funding to develop telepharmacy technology to connect pharmacists directly with patients and pharmacy technicians regardless of their location. Technologies like this have been a boon to rural communities because they allow them to compete on a level playing field with urban areas.

The USDA just awarded Telepharmacy Concepts of Dickinson, ND, with an \$80,000 Phase I SBIR award that will allow them to research whether telepharmacy technology could be used for medication therapy management, which is a way to provide patient education, increase medication compliance and improve health care outcomes.

Praxis Strategy Group of Grand Forks has received SBIR awards nine times, including grants from the USDA to develop strategic processes like the High Performance Community Initiative and the Enterprise Homesteading Program that help communities, especially small communities, attract entrepreneurs, develop dynamic economies, and market themselves.

While I am happy with the Senate reauthorization, I am concerned about some of the provisions in the House version we are trying to reconcile it with.

First, the House bill opens participation in SBIR to companies that are majority-owned by venture capital firms. I have nothing against venture capital companies, but the small businesses that they own have already shown they can successfully attract capital in the private market.

SBIR was intended to help small businesses without the connections available to do that. I think the House bill is trying to fix something that isn't broken.

Second, given the long-term success of SBIR and STTR, I think it only makes sense to increase the share of

agency funds set aside for small business as the Senate's bill gradually does.

American business has changed dramatically since SBIR was created. Since 1978, the share of scientists and engineers working for small businesses has, as I said, increased from 6 to 38 percent. Funding for SBIR and STTR needs to increase to reflect that reality. I am concerned that the House bill keeps their allocations where they have been for 27 years, despite the successful track record of the programs. Given the figures I have quoted previously, increasing the set-aside from 2.5 to 3.5 percent is the very least we should do.

Small business is the core of our country's economy, and we have here a program that has a strong track record of encouraging growth and innovation in that area. I urge the program's reauthorization with the principles of Senate bill S. 1233.

ZERO TOLERANCE FOR VETERANS HOMELESSNESS ACT

Mr. BOND. Mr. President, I wish to speak on the introduction of S. 1547—the Zero Tolerance for Veterans Homelessness Act. I am very proud to be an original cosponsor of this legislation and to join my good friend, Senator JACK REED, along with Senators TIM JOHNSON and PATTY MURRAY, on addressing the tragedy of homelessness among our Nation's veterans. My three colleagues have been steadfast in their resolve to address the needs of veterans, including the tragedy of homelessness, and I commend them.

Senator REED has been a strong and committed leader on affordable housing and homeless issues and his leadership played a strong role in the recent enactment of the historic Homeless Emergency Assistance and Rapid Transition to Housing Act or HEARTH Act. I am honored to join him again.

Like the HEARTH Act, the Zero Tolerance for Veterans Homelessness Act builds on our work over the past several years by focusing on the importance of permanent supportive housing. Further, it takes important steps to break down the barriers between the Departments of Veterans Affairs, VA, and Housing and Urban Development, HUD, to ensure that veterans receive the quality services and housing they deserve and need.

The most notable element of the legislation is the authorization of HUD-VA Supportive Housing or HUD-VASH rental-assistance vouchers. Working with Senator PATTY MURRAY, new HUD-VASH vouchers have been funded over the past 2 years. While other HUD homeless-assistance programs serve veterans, HUD-VASH is the only permanent housing program that is specifically targeted to veterans and tied to veteran-specific supportive services from the VA.

We have been fortunate to fund 10,000 new vouchers each year but with over

130,000 homeless veterans on any given night and thousands more who are at risk of becoming homeless, we must do more and this bill does exactly that.

As I noted, there are over 130,000 homeless veterans in America. Sadly, veterans make up a significant and disproportionate amount—over 20 percent—of the country's homeless population. Many of these veterans are from the Vietnam war. Even more sad and stunning is the fact that the number of homeless Vietnam-era veterans is greater than the number of service persons who died during that war.

But the face of homeless veterans is changing and is not limited to those who fought in Vietnam. We also are seeing homelessness increase among Desert Storm veterans and veterans returning from the ongoing conflicts in Iraq and Afghanistan.

In addition, recent reports are finding a troubling trend of homelessness among female veterans. The VA estimates that the number of homeless veterans who are female has doubled over the past decade. And many homeless female veterans carry the burden of being single parents.

This bill that I cosponsor sends a loud and clear message that homelessness among our veterans is unacceptable and intolerable.

As I have stated in previous speeches, homelessness is thankfully no longer a hopeless situation. We have learned that permanent housing tied to supportive services, such as mental health care and job training, was the antidote to homelessness. Nevertheless, we must continually adjust our programs to meet the changing composition of homelessness.

Before closing, I comment on a couple of other items that will help to prevent and end homelessness among our Nation's veterans.

First, we must improve the coordination between the Department of Defense, DOD, and the VA. Specifically, DOD, and VA can prevent homelessness among veterans by improving discharge planning and coordination of the medical programs between the two Departments.

Second, we must find ways to improve the integration of HUD-VASH programs with services that deliver job training, employment, education, and health care. Specifically, we need to integrate fully the Department of Labor's Homeless Veterans' Reintegration Program and programs run by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

The U.S. Interagency Council on Homelessness was reactivated to address the coordination between Federal agencies. It is my hope that the ICH will work within existing authorities to address the DOD and other service integration issues that I have raised, and come forward with specific recommendations for the Congress to consider. I also look forward to working with Senator REED and others to ad-

dress these issues as we move this bill through the legislative process.

Again, I thank Senator JACK REED for his leadership and commitment on issues related to housing, veterans, and national security. I strongly urge my colleagues to support this bipartisan legislation.

TRIBUTE TO COMMAND SERGEANT MAJOR MICHAEL W. GLAZE

Mr. GRAHAM. Mr. President, I rise today to recognize and pay tribute to Command Sergeant Major Michael W. Glaze, the Regimental Command Sergeant Major of the Judge Advocate General's Corps, United States Army, for his many years of exceptionally meritorious service to our country. Command Sergeant Major Glaze will retire from the United States Army on September 1, 2009, having completed a distinguished 32-year military career. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the Global War on Terror.

He was born in Frankfurt, Germany in 1960, where his father was stationed at the time, his father retired from the U.S. Army with the rank of Sergeant Major. He enlisted in November 1977, completed Basic Training at Fort Knox, Kentucky, Advanced Individual Training at Fort Benjamin Harrison, Indiana and Airborne School at Fort Benning, Georgia. His initial assignments as a Legal Specialist were at Fort Bragg, North Carolina, and Schofield Barracks, Hawaii. He then returned to Fort Bragg as a Legal Noncommissioned Officer. Recognized for his superior performance, he then served in the Office of the Chief of Staff of the Army, where he deployed to Kuwait. Following redeployment, he served at the Chief Paralegal at the Fort Belvoir legal office and at the United States Army Special Operations Command at Fort Bragg. In July 1998, Command Sergeant Major Glaze was selected as the Chief Paralegal for XVIII Airborne Corps at Fort Bragg, North Carolina, where he deployed on several occasions to Iraq and Afghanistan to check on the welfare of his Soldiers.

Command Sergeant Major Glaze was selected to be the 10th Regimental Sergeant Major for the Judge Advocate General's Corps in 2004. On the 2nd day of October 2006, he was appointed to Command Sergeant Major, the first Command Sergeant Major in the 234-year history of the United States Army Judge Advocate General's Corps. As the Command Sergeant Major of the Judge Advocate General's Corps from March 2004 to September 2009, he was the principal advisor to the Judge Advocate General of the Army and the Deputy Judge Advocate General regarding all enlisted matters for a multi-component force. Additionally, he expertly managed the final stages of the Noncommissioned Officers Acad-

emy at the Judge Advocate General's Legal Center and School, and directed the final process for professional accreditation.

Command Sergeant Major Glaze's military awards and decorations include: Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, Southwest Asia Service Medal, Armed Forces Service Medal, Humanitarian Service Medal, Military Outstanding Volunteer Service Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, the Kuwait Liberation Medal and he is also authorized to wear the Parachutist Badge.

A Soldier who embodies the very best of Army Values and the Noncommissioned Officer's Creed, Command Sergeant Major Glaze trained and mentored a Noncommissioned Officer Corps that truly is the backbone of the Judge Advocate General's Corps. His integrity is impeccable, his counsel is widely sought, and he remains deeply committed to his Soldiers and their families. He is a leader whose honor and candor were the hallmark of a career spent in selfless service to the Judge Advocate General's Corps, and the United States Army. I know all my colleagues join me in saluting Command Sergeant Major Michael W. Glaze and his wife, Debbie, for their many years of truly outstanding service to the Judge Advocate General's Corps, the United States Army, and our great Nation.

CAP AND TRADE

Mr. BARRASSO. Mr. President, I rise today to highlight the impact of cap and trade legislation on American agriculture.

Mr. President, the House and Senate Western Caucuses yesterday hosted a hearing entitled, Cap and Trade: Impact on Jobs in the West and the Nation. Jim Magagna, the Executive Vice President of the Wyoming Stock Growers Association testified at the Hearing.

I want to thank Jim for all he has done for agriculture in Wyoming. I also ask unanimous consent that his statement from yesterday's hearing be printed in the RECORD.

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

TESTIMONY OF JAMES H. MAGAGNA, EXECUTIVE VICE PRESIDENT, WYOMING STOCK GROWERS ASSOCIATION

Co-Chairmen and Members of the Senate Western Caucus and House Western Caucus:

I am Jim Magagna, Executive Vice President of the Wyoming Stock Growers Association (WSGA), the 137 year old voice of the Wyoming cattle industry. I am also a life-long sheep producer and former president of the American Sheep Industry Association and the National Public Lands Council. I appreciate the opportunity to appear before you today to share my perspective on the

impacts of cap and trade legislation on jobs in the agricultural sector, particularly in the West.

My comments today will focus on four primary areas of cap and trade impacts on agriculture: 1) Input costs; 2) Prices received; 3) International trade and competition; and 4) unintended environmental consequences. I will also briefly discuss the role of proposed agricultural offsets. In addition to providing an analytical overview, I will attempt to put a personal face on these issues by introducing comments provided to me by Wyoming agricultural producers.

JOBS

It is difficult to ascertain actual numbers of potential lost jobs and lost new employment opportunities due to the impact that cap and trade legislation would have on agriculture. As smaller agricultural production enterprises succumb to the cost-price squeeze exacerbated by the impacts of cap and trade, farmers and ranchers will be forced to enter the non-agricultural job market in increasing numbers. This will particularly impact our young producers—those who represent a bright future for American agriculture. In the United States agricultural jobs are “green jobs” contributing to the sustainable management of our natural resources.

A decline in the number and size of agricultural enterprises has a direct impact on jobs in supporting industries. These include animal pharmaceuticals, fertilizers, feeds, farm equipment, fencing and tack. While many of these jobs are located in manufacturing centers, a significant number are sales and support positions in the field.

As agriculture declines so do our small western communities. In many small towns in Wyoming the survival of local businesses—the tire shop, repair service, bank, grocery store—is dependent on the economic strength of the agricultural sector. I am confident that this is true in many of your states as well. These losses in turn affect the public sector—schools, senior centers, hospitals and clinics. The result is both a loss of jobs and a loss of a culture and way of life.

INPUT COSTS

Agriculture is heavily energy dependent. While the energy needs of cultivated crop production are generally acknowledged and serve as the basis for most studies, the energy costs of those engaged in livestock production, in particular range sheep and cattle operations, are seldom analyzed. Livestock production and native hay production are the primary agricultural enterprise in many of our western states. In Wyoming livestock production accounts for over 82% of total cash receipts from agriculture.

The overwhelming prices of diesel, gasoline and propane in 2008 provide us with a preview of the impacts of high energy costs. Many of my members who had already taken all feasible steps to drastically reduce their input costs began to plan their exit from production agriculture. Fortunately, the relief in energy prices in 2009 has given them some renewed optimism. The primary energy focused input costs for agriculture include: direct purchases of fuels and electricity (13%); fertilizer & pesticide costs (7%); feed costs (25%); and transportation/storage costs (1%). According to the latest available USDA NASS data these components constituted over 45% of total purchased inputs excluding seed and livestock. As one WSGA member recently noted, “These costs are already stifling growth and regular, necessary maintenance items. Any additional costs imposed by government are obviously another blow to any size business.”

The EPA analysis of HR 2454 conservatively projects the impact of cap and trade

legislation on energy prices for the period from 2015 to 2050. Price increases for electricity range from 10.7% in 2015 to 35.2% in 2050. For natural gas the corresponding increases are 7.4% and 30.9% while impacts on petroleum prices are projected at 3.2% and 14.6%. Agriculture simply cannot absorb these incremental increases to already rising production costs in the light of current flat to declining prices for many commodities.

Western open-range livestock operations are typically overlooked by analysts studying overall agricultural impacts. This is true for both EPA and USDA analysis of the impacts of cap and trade legislation. While per acre energy costs may be almost negligible, several factors contribute to high overall costs. Ranchers must often travel long distances with 4-wheel drive vehicles pulling trailers to check their livestock, pastures and waters. Winter feeding requires heavy duty tractors and equipment. Federal land grazing permittees face increasing energy related costs as they implement intense rotational grazing systems requiring frequent movement of livestock and increased sources of water. In addition, livestock must often be moved from one allotment to another using either rancher owned or contract trucks. Similarly, hay and supplemental feeds are often trucked very long distances.

PRICES RECEIVED

The cliché that agricultural producers are price takers has a solid foundation in market analysis. While some inroads have been made in recent years in vertical integration through retained ownership, the use of cooperatives and marketing affiliations, livestock in particular are most often sold to the highest bidder. Thus, while some of the added energy costs of processing and transporting agricultural products will flow to the consumer, much of this cost increase will be reflected in prices received by producers. The recently released analysis of the agricultural impacts of cap and trade by USDA fails to even address the prices received side of the equation. (“A Preliminary Analysis of the Effects of HR 2454 on U.S. Agriculture”, USDA, Economic Research Service, July 22, 2009).

Western cow/calf producers typically sell either calves or yearlings which eventually move to a feedlot. While we have seen growing demand for “grass fed beef”, grain fed products remains the preference of most consumers. Thus, corn prices drive fed cattle prices. The dramatic increase in corn prices fueled by the ill-advised government mandates and subsidies for ethanol production have resulted in losses to cattle feeders ranging from \$100 to \$140 per head. Feeders are facing increased costs from EPA regulatory mandates under the Clean Water Act and Clean Air Act. As feeders seek to recover from this blow, feeder cattle prices may reach five-year lows this fall. Proposed cap and trade legislation will only fuel this trend.

A analysis of crop production costs under 2008 Senate energy legislation (S. 2191) using scenarios from an EPA study demonstrates that the cost of producing an acre of corn could be expected to rise from \$40 per acre to \$80 per acre. (“An Analysis of the Relationship Between Energy Prices and Crop Production Costs”, Doane Advisory Services, May 2008) The cost of transporting this corn to feedlots will increase proportionately.

Transportation of livestock, crops and food products is an inherent component of U.S. agriculture. A typical calf leaving a Wyoming ranch may travel to a calf lot in another state for the winter, return to a summer pasture in the West the following summer, then move to a feedlot before finally being shipped to a processing facility. The

added costs of transportation projected to accrue from cap and trade will affect the value of this calf at every level.

INTERNATIONAL TRADE AND COMPETITION

Today most major agricultural products, both crops and livestock, produced in the United States are dependent on global markets. Market growth is expected to occur primarily in the export arena. U. S. food products are in great demand due to our high quality food safety standards and environmentally friendly production methods. However, U. S. agriculture struggles to remain price competitive. The cumulative added input costs at all levels that are inevitable under cap and trade will further erode our competitiveness.

If the U.S. is to remain committed to providing global market access for its agricultural production, we cannot make unilateral commitments to GHG reduction. To date China and India, key export markets, have explicitly declined to commit to a reduction in carbon emissions. Cap and trade legislation, if adopted by Congress, should be made contingent on Senate ratification of an international commitment that imposes comparable standards on all countries.

UNINTENDED ENVIRONMENTAL CONSEQUENCES

Cap and Trade is being offered as a response to climate change. Though the relationship remains tenuous and unproven, it is important to assess the broader environmental impacts of this legislation. As specifically related to agriculture, the economic costs of cap and trade will make it more difficult for some to continue and to enhance agricultural practices that have no proven environmental benefits. Two examples in the ranching field immediately come to mind. First, rotational grazing has been shown to improve forage production with benefits to the environment and wildlife, including endangered species. These management systems require more intense management, fencing, water development and regular movement of livestock. All of these activities will become significantly more costly under cap and trade. Second, ranchers currently spend \$5,000 to \$10,000 per well to convert from generators or dependable windmills to solar pumping. Environmental benefits accrue both from less use of gas engines and less need to visit the pumping sites. However, the cost of solar pumping conversions can be expected to rise significantly in response to cap and trade.

AGRICULTURAL OFFSETS

The agricultural and forestry related offsets incorporated in Title V of HR 2454 have the potential to benefit forestry and, to a lesser extent, crop production. The level of benefit and the practicality of administration of the program remain in question. However, there is little evidence to support the USDA analysis that, according to Secretary Vilsack, “opportunities for farmers and ranchers can potentially outpace—perhaps significantly—the costs from climate change legislation.” Significantly, USDA’s own analysis of carbon sequestration potential by region, based on a carbon price of \$34/metric ton demonstrates virtually no potential for offsets in the Mountain Region. While the greatest potential is shown for the Pacific Region, (over 150 million metric tons), nearly all of this is achieved through “afforestation from pasture”. (Figure 4—Carbon Sequestration Potential by Region, “A Preliminary Analysis of the Effects of H.R. 2454 on U.S. Agriculture”, USDA, Economic Research Service, July 22, 2009). This translates to thousands of acres removed from valuable pastureland for our livestock. It is clear to me that, in touting the benefits of agricultural offsets, our western states have been ignored.

A RETURN TO JOBS

In closing I would like to return to the issue that is the primary focus of today's hearing—jobs. Agricultural jobs range from basic manual labor to highly skilled crop and livestock production positions. For many individuals agricultural work is both a profession and a passion. According to the 2007 Ag Census there are nearly 10,000 hired agricultural workers in my state of Wyoming. Over one-half of these work less than 150 days per year days at their agricultural job. These part time jobs are essential to both Wyoming agriculture and to the families that they help to support. They are at the highest risk in the cost/price squeeze that will be exacerbated by cap and trade.

Wyoming's experience shows that there is a well-established progression in job losses related to diminishing agricultural profitability among small and medium sized operations. First the "hired help" is dismissed. This has already been occurring at a rapid rate in our ranching industry due to drought, input costs and livestock prices. As the squeeze continues and the operation can no longer support two or more generations, the younger family leaves the farm or ranch to seek employment elsewhere. As a financial crisis approaches, the older generation "retires" and the land is sold to developers. I am sure that this scenario repeats itself in many of your states. Agriculture holds multigenerational families together. When the agricultural operation ceases, these generational ties are lost, communities disintegrate and a critical skill-set disappears. Our ability to feed ourselves as a nation is diminished. This is a price that our nation cannot afford to pay for a cap and trade system that is at best an uncertain response to unsubstantiated climate change concerns. In the words of one successful young southeastern Wyoming crop and livestock producer, "Even though there may be some benefits, dad and I both agree that we don't have confidence in our government to successfully implement such a system."

I look forward to your questions.

COMMENDING DAVID LUSK

Mr. LEAHY. Mr. President, I am pleased to inform the Senate about a Vermonter whose work has been a unique and meaningful contribution to the Burlington International Waterfront Festival, a celebration of the 400th anniversary of French explorer Samuel de Champlain's arrival at Lake Champlain. Vermont poet David Lusk is using his craft to recreate experiences that are inspired by the surrounding Vermont communities, the lake's natural history, the more than 300 documented shipwrecks, and the rare prehistoric artifacts that lie on the lake's floor. Mr. Lusk's poems also draw from maritime literature and his visits to the shipwrecks that he has taken with guides from the Lake Champlain Maritime Museum. He intends to create a collection of poems called "Lake Studies: Meditations on Lake Champlain." Mr. Lusk says the poems strive to "reflect our mutual associations with these mysteries and to suggest something of our own psychological complexity in the process."

Below is a poem that Mr. Lusk shared with those attending the opening ceremony at the Burlington Waterfront on July 2, 2009, for the celebra-

tion of the 400th anniversary of Samuel de Champlain's explorations. I ask that the text of his poem be printed in the RECORD.

SUNSET ON MALLET'S BAY

(By David Lusk)

For just an instant
as the sun reclines
between woolly clouds
and profound, lavender
pillows of the mountains
a flock of sheep
will appear to cross
the glimmering road
of iridescent silver
creasing the broad back
of the lake.

See—here they come,
the little sheep,
huddled together, afraid.

—for L.J. and Beth

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.)

MEASURES PLACED ON THE
CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. JOHANNNS, Mr. BROWNBACK, Mr. LUGAR, and Mr. HARKIN):

S. 1553. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. FRANKEN, Mr. KERRY, and Mr. SCHUMER):

S. 1554. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. BAYH, Ms. COLLINS, Mr. BENNET, Mr. FEINGOLD, and Mr. TESTER):

S. 1555. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 229

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 423

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 585

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 585, a bill to provide additional protections for recipients of the earned income tax credit.

S. 644

At the request of Mr. CHAMBLISS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 644, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1038

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1038, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000, 000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1066, a bill to amend title XVIII of

the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1130

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1130, a bill to provide for a demonstration project regarding Medicaid reimbursements for stabilization of emergency medical conditions by non-publicly owned or operated institutions for mental diseases.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

AMENDMENT NO. 2226

At the request of Mr. NELSON of Nebraska, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 2226 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2233. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2234. Mr. LEAHY proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2235. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2236. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2237. Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2238. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2239. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2240. Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2233. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 22, strike “2,995,218,000” and insert “3,230,218,000”.

On page 60, line 9, strike “and”.

On page 60, line 12, after “expended”, insert “; and \$235,000,000 shall be derived from tobacco product user fees authorized by the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31) and shall be credited to this account and remain available until expended”.

On page 60, line 14, strike “and”, and insert “; and tobacco product” after “generic drug”.

On page 61, line 12, strike (7) and insert “(8)”; after “Research:” insert “(7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs:”; and strike “\$115,882,000” and insert “\$117,225,000”.

On page 61, line 15, strike “(8)” and insert “(9)”.

On page 61, line 16, strike “\$168,728,000” and insert “\$171,526,000”.

On page 61, line 17, strike “(9)” and insert “(10)”.

On page 61, line 18, strike “\$185,793,000” and insert “\$200,129,000”.

SA 2234. Mr. LEAHY proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 8, line 2, before the period, insert the following: “: Provided, That of the amount made available for the Office of Inspector General to conduct investigations such sums as are necessary shall be made

available for the inspection of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)”.

SA 2235. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) In this section, the term “discretionary spending” means all amounts provided under this Act other than amounts provided for programs funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(b) Notwithstanding any other provision of this Act, each discretionary spending amount provided by this Act is reduced by the pro rata percentage required to reduce the total discretionary spending amount provided by this Act to \$20,721,900,000.

SA 2236. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 19, strike “2250a.” and insert the following:

2250a: *Provided further*, That, of the funds made available by this Act for the conduct of activities by the Natural Resources Conservation Service in the State of Maine, not less than \$1,500,000 shall be used to carry out irrigation activities.

SA 2237. Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the following communities and municipal districts to be rural areas for purposes of eligibility for water or waste disposal grants and direct or guaranteed loans described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(2)):

(1) The unincorporated community of Bourne, in Barnstable County, Massachusetts.

(2) The unincorporated community of Charlton, in Worcester County, Massachusetts.

(3) The unincorporated community of Dudley, in Worcester County, Massachusetts.

(4) The North Raynham Water District, in Bristol County, Massachusetts.

(5) The Bolton Lakes Regional Water Pollution Control Area, in Tolland County, Connecticut.

(6) The Cherry Valley/Rochdale District, in Worcester County, Connecticut.

(7) The North Tiverton Fire District, in Newport County, Rhode Island.

(8) The Harrisville Fire District, in Providence County, Rhode Island.

(b) Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the following communities and municipal districts to be rural areas for purposes of eligibility for community facility direct and guaranteed loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)):

(1) The town of North Kingstown, Rhode Island.

(2) The town of Newtown, in Fairfield County, Connecticut.

(3) The town of Windham, in Windham County, Connecticut.

SA 2238. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. Section 1506(e)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(e)(2)) is amended by adding at the end the following:

“(C) MULTIGENERATIONAL DAIRY PRODUCERS.—In addition to the payment quantity limitation for all producers on a single dairy operation established under subparagraph (A), the Secretary shall establish a separate payment quantity limitation for each producer on a single dairy operation who, as determined by the Secretary—

“(i) is a lineal descendant of another producer who—

“(I) owns or operates the single dairy operation; and

“(II) is eligible to receive a payment subject to all or part of the payment quantity limitation for the single dairy operation established under subparagraph (A);

“(ii) is a producer with respect to the dairy operation, as determined by the Secretary in accordance with the standards described in subparagraph (B); and

“(iii) uses the income from the dairy operation to support the family of the producer.”.

SA 2239. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. None of the funds appropriated by this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescrip-

tion drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2240. Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNIS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009) (referred to in this section as “H.R. 2452”).

(b) In conducting the analysis under subsection (a), the Secretary shall—

(1) use a range of peer-reviewed analyses of H.R. 2454 conducted by public and private entities, including land grant universities;

(2) consider a scenario in which the fertilizer industry does not receive any free allowances under H.R. 2454;

(3) consider the impacts of H.R. 2454 on a range of fishing, aquaculture, livestock, poultry, and swine production and a variety of crop production, including specialty crops; and

(4) analyze projected land use changes, afforestation patterns, and other market incentives created by H.R. 2454 that may impact food or agriculture commodity prices, including specific acreage estimates of parcels of land planted with trees in the United States.

PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Melanie Benning from my office be granted floor privileges during consideration of H.R. 2997.

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

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent the Senate proceed to H. Con. Res. 172.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 172) providing a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

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

The concurrent resolution (H. Con. Res. 172) was agreed to, as follows:

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August 6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 265, 267, 319, 329, 330, 332, 334 to and including 367, 369, and all nominations on the Secretary's desk in the Air Force, Army, and Navy en bloc; that the nominations be confirmed en bloc and the motions to reconsider be laid on the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

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.

Donald Henry Gips, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

DEPARTMENT OF THE INTERIOR

Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service.

OFFICE OF PERSONNEL MANAGEMENT

Christine M. Griffin, of Massachusetts, to be Deputy Director of the Office of Personnel Management.

DEPARTMENT OF ENERGY

Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration.

IN THE AIR FORCE

The following named office for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Gary L. North

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank Gorenc

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Ronnie D. Hawkins, Jr.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Philip M. Breedlove

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Raymond E. Johns, Jr.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Howard B. Baker

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Noel T. Jones

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bart O. Iddins

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624, 3037, and 3064:

To be brigadier general, Judge Advocate General's Corps

Col. Thomas E. Ayres

Col. Mark S. Martins
Col. John W. Miller, II

The following named officer for appointment as The Judge Advocate General, United States Army and for appointment in the United States Army to the grade indicated while serving as The Judge Advocate General, in accordance with title 10, U.S.C., sections 3047, 3064 and 624:

To be lieutenant general

Brig. Gen. Dana K. Chipman

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel L. York

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12211:

To be brigadier general

Col. Charlotte L. Miller

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John E. Sterling, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Purl K. Keen

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lloyd J. Austin, III

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kenneth W. Hunzeker

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert P. Lennox

The following named officer for appointment as Deputy Judge Advocate General, United States Army and for appointment in the United States Army to the grade indicated while serving as Deputy Judge Advocate General, United States Army to the grade indicated in accordance with title 10, U.S.C., sections 3037, 3064, and 624:

To be major general

Brig. Gen. Clyde J. Tate, II

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ricky Lynch

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Barbero

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Willie J. Williams

The following named Marine Corps officer for reappointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

To be general

Gen. James E. Cartwright

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Randolph L. Mahr

Capt. Timothy S. Matthews

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Gretchen S. Herbert

Capt. Diane E. H. Webber

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Paul B. Becker

Capt. Elizabeth L. Train

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Dennis J. Moynihan

Capt. Harold E. Pittman

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Richard D. Berkey

Capt. David H. Lewis

The following named officer for appointment as Deputy Judge Advocate General of the Navy and for appointment to the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. Nanette M. Derenzi

The following named officer for appointment as The Judge Advocate General of the United States Navy and for appointment to the grade indicated in accordance with title 10, U.S.C., section 5148:

To be vice admiral

Rear Adm. James W. Houck

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Robert F. Willard

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Clinton F. Faison, III

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Eleanor V. Valentin

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark A. Handley
Rear Adm. (lh) Christopher J. Mossey

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Richard P. Breckenridge
Captain Thomas L. Brown, II
Captain Thomas F. Carney, Jr.
Captain Walter E. Carter, Jr.
Captain Scott T. Craig
Captain Craig S. Faller
Captain James G. Foggo, III
Captain Anthony E. Gaiani
Captain Peter A. Gumataotao
Captain John R. Haley
Captain Jeffrey Harbeson
Captain Randall M. Hendrickson
Captain Robert Hennegan
Captain Michael W. Hewitt
Captain Gerard P. Hueber
Captain Jeffery S. Jones
Captain Matthew L. Klunder
Captain William K. Lescher
Captain Michael C. Manazir
Captain Frank A. Morneau
Captain James A. Murdoch
Captain Gregory M. Nosal
Captain Ann C. Phillips
Captain Joseph W. Rixey
Captain John E. Roberti
Captain Kevin D. Scott
Captain Thomas K. Shannon
Captain Herman A. Shelanski
Captain William G. Sizemore, II
Captain Thomas G. Wears
Captain David B. Woods

NOMINATIONS PLACED ON THE SECRETARY'S
DESK

IN THE AIR FORCE

PN593 AIR FORCE nominations (4) beginning JOHN M. WIGHTMAN, and ending SHANNON L. MCCAMEY, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN594 AIR FORCE nominations (3) beginning MICHELLE BONGIOVI, and ending JENNIFER A. KORKOSZ, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN595 AIR FORCE nominations (3) beginning SCOTT M. BAKER, and ending DEE A. WEED, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN606 AIR FORCE nomination of Ira S. Eadie, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN607 AIR FORCE nomination of James C. Ewald, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN653 AIR FORCE nomination of Jacqueline A. Nave, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN654 AIR FORCE nominations (2) beginning JESUS CLEMENTE, and ending LYNN G. NORTON, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN742 AIR FORCE nomination of Brandon T. Grover, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN743 AIR FORCE nomination of Stephen H. Montaldi, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN769 AIR FORCE nominations (131) beginning ANTONIO J. ALFONSO, and ending SINA M. ZIEMAK, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN770 AIR FORCE nominations (140) beginning EBON S. ALLEY, and ending RICHARD Y. K. YOO, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN772 AIR FORCE nominations (52) beginning ELISE A. AHLSEDE, and ending DEEDRA L. ZABOKRTSKY, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN773 AIR FORCE nominations (466) beginning RAAN R. AALGAARD, and ending GREGORY S. ZEHNER, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN775 AIR FORCE nomination of David A. MacGregor, which was received by the Senate and appeared in the Congressional Record of July 15, 2009.

IN THE ARMY

PN596 ARMY nomination of Michael L. Steinberg, which was received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN597 ARMY nomination of Paul W. Maetzold, which was received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN598 ARMY nominations (2) beginning SHERYL L. DACY, and ending JAMES M. LEITH, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN599 ARMY nominations (4) beginning JAMES R. FINLEY, and ending CRAIG M. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN600 ARMY nominations (39) beginning OSCAR T. ARAUCO, and ending D070807, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN601 ARMY nominations (27) beginning DENNIS K. BENNETT, and ending JOSE M. VARGAS, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN602 ARMY nominations (166) beginning ERNEST T. FOREST, and ending WALTON D. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 11, 2009.

PN608 ARMY nomination of Philip M. Chandler, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN609 ARMY nomination of Alan K. Ueoka, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN610 ARMY nomination of Martin W. Kinnison, which was received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN614 ARMY nomination of Brian G. Donahue, which was received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN615 ARMY nominations (24) beginning ROBERT L. DORAN, and ending SHEBA L. WATERFORD, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN616 ARMY nominations (965) beginning JOHN A. AARDAPPEL, and ending D071039, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN617 ARMY nominations (500) beginning CLARA H. ABRAHAM, and ending X1381,

which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN618 ARMY nominations (585) beginning ALLEN D. ACOSTA, and ending D060270, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN655 ARMY nomination of Scott A. Neusre, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN656 ARMY nomination of Jennifer M. Cradier, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN657 ARMY nomination of Carol Haertleinsells, which was received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN658 ARMY nominations (2) beginning MICHAEL L. BOOTHE, and ending MURRAY M. REEFER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN659 ARMY nominations (2) beginning PAUL E. HABENER, and ending MARC A. SILVERSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN660 ARMY nominations (3) beginning DENISE K. ASKEW, and ending MARTHA M. ONER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN661 ARMY nominations (2) beginning LAURA NIHAN, and ending JAMES M. ROGERS, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN662 ARMY nominations (2) beginning SAMUEL A. FRAZER, and ending VINCENT D. ZAHNLE, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN663 ARMY nominations (6) beginning ALAINE C. ENCABO, and ending SCOTT C. SHARP, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN664 ARMY nominations (2) beginning KRIS R. POPPE, and ending CASEY P. NIX, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN665 ARMY nominations (4) beginning ANNE B. WARWICK, and ending ROD W. CALLICOTT, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN666 ARMY nominations (6) beginning MICHAEL F. BOYEK, and ending GERALD S. MAXWELL, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN667 ARMY nominations (8) beginning WESLEY L. GIRVIN, and ending ANTHONY W. PARKER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN668 ARMY nominations (8) beginning LUIS DIAZ, and ending MARK J. SAUER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2009.

PN744 ARMY nomination of Charles R. Whitsett, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN745 ARMY nomination of Dallas A. Wingate, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN746 ARMY nominations (18) beginning HOLMES C. AITA, and ending RYAN J. WANG, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN747 ARMY nominations (138) beginning JAYSON D. AYDELOTTE, and ending D070684, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN776 ARMY nomination of Nathaniel Johnson Jr., which was received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN777 ARMY nominations (3) beginning JASON E. JOHNSON, and ending CARY A. SHILLCUTT, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN778 ARMY nominations (6) beginning RICHARD P. ADAMS, and ending MICHAEL J. STEWART, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN779 ARMY nominations (70) beginning KIRSTEN M. ANKE, and ending REBECCA A. YUREK, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN780 ARMY nominations (11) beginning MARY C. ADAMSCHALLENGER, and ending DAVID A. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN781 ARMY nominations (15) beginning CHARLES C. DODD, and ending DANIEL C. WAKEFIELD, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN782 ARMY nominations (106) beginning SHEILA R. ADAMS, and ending D060502, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN783 ARMY nominations (38) beginning JEFFREY M. ADCOCK, and ending DENTONIO WORRELL, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN784 ARMY nominations (290) beginning JOEL T. ABBOTT, and ending THOMAS L. ZICKGRAF, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2009.

PN805 ARMY nomination of Jane B. Prather, which was received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN806 ARMY nomination of Hunt W. Kerrigan, which was received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN807 ARMY nominations (2) beginning MICHELE L. HILL, and ending WILLIAM S. LIKE, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN808 ARMY nominations (2) beginning WARREN G. THOMPSON, and ending FREDERICK M. KARRER, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN809 ARMY nominations (13) beginning YVONNE S. BREECE, and ending MICHAEL J. UFFORD, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN810 ARMY nominations (299) beginning DANA C. ALLMOND, and ending D070985, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN811 ARMY nominations (323) beginning TYRONE C. ABERO, and ending X001255, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

PN812 ARMY nominations (681) beginning DAVID S. ABRAHAMS, and ending D060861, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2009.

IN THE NAVY

PN611 NAVY nominations (18) beginning MATTHEW J. BELLAIR, and ending JUSTIN

W. WESTFALL, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2009.

PN619 NAVY nominations (6) beginning STEPHEN W. PAULETTE, and ending ALAN E. SIEGEL, which nominations were received by the Senate and appeared in the Congressional Record of June 17, 2009.

PN748 NAVY nomination of Johnson Ming-Yu Liu, which was received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN749 NAVY nominations (24) beginning ROBERTO M. ABUBO, and ending VINCENT E. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN750 NAVY nominations (10) beginning TIMOTHY A. ANDERSON, and ending SEAN D. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN751 NAVY nominations (7) beginning JACOB A. BAILEYDAYSTAR, and ending TONY S. W. PARK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN752 NAVY nominations (8) beginning BROOK DEWALT, and ending WENDY L. SNYDER, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN753 NAVY nominations (32) beginning SOWON S. AHN, and ending SCOTT D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN754 NAVY nominations (25) beginning JASON B. BABCOCK, and ending ALLISA M. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN755 NAVY nominations (22) beginning BYRON V. T. ALEXANDER, and ending MARCIA L. ZIEMBA, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN756 NAVY nominations (15) beginning JOHN A. BLOCKER, and ending JEFFREY M. VICARIO, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN757 NAVY nominations (13) beginning ANGEL BELLIDO, and ending BRET A. WASHBURN, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN758 NAVY nominations (33) beginning LEE G. BAIRD, and ending DANIEL F. YOUCH, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN759 NAVY nominations (18) beginning JERRY L. ALEXANDER JR., and ending MARIA T. WILKE, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN760 NAVY nominations (516) beginning RYAN D. AARON, and ending DAVID G. ZOOK, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2009.

PN800 NAVY nominations (16) beginning JOSEPH P. BURNS, and ending BRIAN STRANAHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2009.

PN801 NAVY nominations (14) beginning EDDIE L. NIXON, and ending DENNIS M. WEPPNER, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2009.

NOMINATION DISCHARGED

Mr. REID. I ask unanimous consent that the Agriculture Committee be dis-

charged from further consideration of PN386, and that the Senate then proceed to the consideration of the nomination; that the nomination be confirmed and the motion to reconsider be laid on the table en bloc; that no further motions be in order, and any statements relating to this matter be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Kevin W. Concannon, of Maine, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR MONDAY, AUGUST 3, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, August 3; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period 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 Senator BEGICH controlling the first 30 minutes and the Republicans controlling the final 30 minutes. Finally, I ask that following morning business, the Senate resume consideration of H.R. 2997, the Agriculture appropriations bill.

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

PROGRAM

Mr. REID. Mr. President, under a previous order, at 5:30 p.m. on Monday, the Senate will vote on cloture on the substitute amendment to the appropriations bill dealing with Agriculture.

VITIATION OF EXECUTIVE CALENDAR ACTION

Mr. REID. I ask unanimous consent that the action on executive Calendar No. 370 be vitiated.

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

ADJOURNMENT UNTIL MONDAY, AUGUST 3, 2009, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate today, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, August 3, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

EDWARD M. AVALOS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE BRUCE I. KNIGHT.

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE NANCY MONTANEZ-JOHNER.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE CHARLES F. CONNER.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE MARK EVERETT KEENUM.

EVAN J. SEGAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE CHARLES R. CHRISTOPHERSON, JR.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE THOMAS C. DORR.

MERIT SYSTEMS PROTECTION BOARD

SUSAN TSUI GRUNDMANN, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE NEIL MCPHIE.

SUSAN TSUI GRUNDMANN, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2016, VICE NEIL MCPHIE, TERM EXPIRED.

ANNE MARIE WAGNER, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2014, VICE BARBARA J. SAPIN, RESIGNED.

THE JUDICIARY

ABDUL K. KALLON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE U. W. CLEMON, RETIRED.

JACQUELINE H. NGUYEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

DEPARTMENT OF JUSTICE

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE GREGORY A. BROWER.

DEBORAH K. R. GILG, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE JOE W. STECHER.

TIMOTHY J. HEAPHY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN L. BROWNLEE.

PETER F. NERONHA, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE ROBERT CLARK CORRENTE.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

DENISE J. GRUCCIO

To be ensign

CARMEN M. ALEX
BRYAN M. BEGUN
JOSEPH K. CARRIER III
JASMINE L. COUSINS
DAVID B. COWAW
ZACHARY P. CRESS
ALBERT E. DAVIDSON
ALICE E. DRURY
MATTHEW R. FORREEST
JOHANNES A. GEBAUER
LAURA L. GIBSON
LEIGH C. HEDGEPEETH
VAN T. HELKER
KYLE R. JELLISON
ALEXANDER G. JOHNSTON
LYNDSY E. KEEN
STEVEN T. LOY
MICHAEL J. MARINO
MATTHEW H. O'LEARY
RENI L. RYDLEWICZ
SARA A. SLAUGHTER

DEPARTMENT OF JUSTICE

DAVID EDWARD DEMAG, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS, VICE JOHN R. EDWARDS.

GENEVIEVE LYNN MAY, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE MICHAEL DAVID CREDO.

DAVID LYLE CARGILL, JR., OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS, VICE STEPHEN ROBERT MONIER.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

KEVIN W. CONCANNON, OF MAINE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 31, 2009:

DEPARTMENT OF STATE

CAPRICIA PENAVIC MARSHALL, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

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.

DONALD HENRY GIPS, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

DEPARTMENT OF THE INTERIOR

SAMUEL D. HAMILTON, OF MISSISSIPPI, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

OFFICE OF PERSONNEL MANAGEMENT

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

DEPARTMENT OF ENERGY

RICHARD G. NEWELL, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GARY L. NORTH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RONNIE D. HAWKINS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RAYMOND E. JOHNS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL HOWARD B. BAKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL NOEL T. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BART O. IDDINS

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

To be brigadier general, judge advocate general's corps

COL. THOMAS E. AYRES
COL. MARK S. MARTINS
COL. JOHN W. MILLER II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL, IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3047, 3064 AND 624:

To be lieutenant general

BRIG. GEN. DANA K. CHIPMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL L. YORK

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be brigadier general

COL. CHARLOTTE L. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. STERLING, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PURL K. KEEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KENNETH W. HUNZEKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT P. LENNOX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS DEPUTY JUDGE ADVOCATE GENERAL, UNITED STATES ARMY TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTIONS 3037, 3064, AND 624:

To be major general

BRIG. GEN. CLYDE J. TATE II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICKY LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. BARBERO
IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIE J. WILLIAMS

THE FOLLOWING NAMED MARINE CORPS OFFICER FOR REAPPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT
IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RANDOLPH L. MAHR
CAPT. TIMOTHY S. MATTHEWS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GRETCHEN S. HERBERT
CAPT. DIANE E. H. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL B. BECKER
CAPT. ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DENNIS J. MOYNIHAN
CAPT. HAROLD E. PITTMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD D. BERKEY
CAPT. DAVID H. LEWIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. NANETTE M. DERENZI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. JAMES W. HOUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CLINTON F. FAISON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELEANOR V. VALENTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK A. HANDLEY
REAR ADM. (LH) CHRISTOPHER J. MOSSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN RICHARD P. BRECKENRIDGE
CAPTAIN THOMAS L. BROWN II
CAPTAIN THOMAS F. CARNEY, JR.
CAPTAIN WALTER E. CARTER, JR.
CAPTAIN SCOTT T. CRAIG
CAPTAIN CRAIG S. FALLER
CAPTAIN JAMES G. FOGGO III
CAPTAIN ANTHONY E. GAIANI
CAPTAIN PETER A. GUMATAOTAO
CAPTAIN JOHN R. HALEY
CAPTAIN JEFFREY HARBESON
CAPTAIN RANDALL M. HENDRICKSON
CAPTAIN ROBERT HENNEGAN
CAPTAIN MICHAEL W. HEWITT
CAPTAIN GERARD P. HUEBER
CAPTAIN JEFFERY S. JONES
CAPTAIN MATTHEW L. KLUNDER
CAPTAIN WILLIAM K. LESCHER
CAPTAIN MICHAEL C. MANAZIR
CAPTAIN FRANK A. MORNEAU
CAPTAIN JAMES A. MURDOCH
CAPTAIN GREGORY M. NOSAL
CAPTAIN ANN C. PHILLIPS
CAPTAIN JOSEPH W. RIXEY
CAPTAIN JOHN E. ROBERTI
CAPTAIN KEVIN D. SCOTT
CAPTAIN THOMAS K. SHANNON
CAPTAIN HERMAN A. SHELANSKI
CAPTAIN WILLIAM G. SIZEMORE II
CAPTAIN THOMAS G. WEARS
CAPTAIN DAVID B. WOODS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JOHN M. WIGHTMAN AND ENDING WITH SHANNON L. MCCAMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH MICHELLE BONGIOVI AND ENDING WITH JENNIFER A. KORKOSZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH SCOTT M. BAKER AND ENDING WITH DEE A. WEED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

AIR FORCE NOMINATION OF IRA S. EADIE, TO BE MAJOR.

AIR FORCE NOMINATION OF JAMES C. EWALD, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JACQUELINE A. NAVE, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JESUS CLEMENTE AND ENDING WITH LYNN G. NORTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

AIR FORCE NOMINATION OF BRANDON T. GROVER, TO BE MAJOR.

AIR FORCE NOMINATION OF STEPHEN H. MONTALDI, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH ANTONIO J. ALFONSO AND ENDING WITH SINA M. ZIEMAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH EBON S. ALLEY AND ENDING WITH RICHARD Y. K. YOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ELISE A. AHLWEDE AND ENDING WITH DEEDRA L. ZABOKRTSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RAAN R. AALGAARD AND ENDING WITH GREGORY S. ZEHNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATION OF DAVID A. MACGREGOR, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATION OF MICHAEL L. STEINBERG, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF PAUL W. MAETZOLD, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SHERYL L. DACY AND ENDING WITH JAMES M. LEITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH JAMES R. FINLEY AND ENDING WITH CRAIG M. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH OSCAR T. ARAUCO AND ENDING WITH D070807, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH DENNIS K. BENNETT AND ENDING WITH JOSE M. VARGAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATIONS BEGINNING WITH ERNEST T. FORREST AND ENDING WITH WALTON D. ZIMMERMAN, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 11, 2009.

ARMY NOMINATION OF PHILIP M. CHANDLER, TO BE COLONEL.

ARMY NOMINATION OF ALAN K. UEOKA, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARTIN W. KINNISON, TO BE MAJOR.

ARMY NOMINATION OF BRIAN G. DONAHUE, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. DORAN AND ENDING WITH SHEBA L. WATERFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN A. AARDAPPEL AND ENDING WITH D071039, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATIONS BEGINNING WITH CLARA H. ABRAHAM AND ENDING WITH X1381, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATIONS BEGINNING WITH ALLEN D. ACOSTA AND ENDING WITH D060270, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

ARMY NOMINATION OF SCOTT A. NEUSRE, TO BE MAJOR.

ARMY NOMINATION OF JENNIFER M. CRADIER, TO BE MAJOR.

ARMY NOMINATION OF CAROL HAERTLEINSELLS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL L. BOOTHE AND ENDING WITH MURRAY M. REEPPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH PAUL E. HAEBENER AND ENDING WITH MARC A. SILVERSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH DENISE K. ASKEW AND ENDING WITH MARTHA M. ONER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH LAURA NIHAN AND ENDING WITH JAMES M. ROGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH SAMUEL A. FRAZER AND ENDING WITH VINCENT D. ZAHNLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH ALAINE C. ENCABO AND ENDING WITH SCOTT C. SHARP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH KRIS R. POPPE AND ENDING WITH CASEY P. NIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH ANNE B. WARWICK AND ENDING WITH ROD W. CALLICOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL F. BOYEK AND ENDING WITH GERALD S. MAXWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH WESLEY L. GIRVIN AND ENDING WITH ANTHONY W. PARKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATIONS BEGINNING WITH LUIS DIAZ AND ENDING WITH MARK J. SAUER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2009.

ARMY NOMINATION OF CHARLES R. WHITSETT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DALLAS A. WINGATE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH HOLMES C. AITA AND ENDING WITH RYAN J. WANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

ARMY NOMINATIONS BEGINNING WITH JAYSON D. AYDELOTTE AND ENDING WITH D070684, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

ARMY NOMINATION OF NATHANIEL JOHNSON, JR., TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JASON E. JOHNSON AND ENDING WITH CARY A. SHILLCUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH RICHARD P. ADAMS AND ENDING WITH MICHAEL J. STEWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH KIRSTEN M. ANKE AND ENDING WITH REBECCA A. YUREK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH MARY C. ADAMSSCHALLENGER AND ENDING WITH DAVID A.

WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH CHARLES C. DODD AND ENDING WITH DANIEL C. WAKEFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH SHEILA R. ADAMS AND ENDING WITH D060502, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH JEFFREY M. ADCOCK AND ENDING WITH DENTONIO WORRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATIONS BEGINNING WITH JOEL T. ABBOTT AND ENDING WITH THOMAS L. ZICKGRAF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2009.

ARMY NOMINATION OF JANE B. PRATHER, TO BE COLONEL.

ARMY NOMINATION OF HUNT W. KERRIGAN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHELE L. HILL AND ENDING WITH WILLIAM S. LIKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH WARREN G. THOMPSON AND ENDING WITH FREDERICK M. KARRER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH YVONNE S. BREECE AND ENDING WITH MICHAEL J. UFFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH DANA C. ALLMOND AND ENDING WITH D070985, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH TYRONE C. ABERO AND ENDING WITH X001255, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

ARMY NOMINATIONS BEGINNING WITH DAVID S. ABRAHAMS AND ENDING WITH D060861, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2009.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH MATTHEW J. BELLAIR AND ENDING WITH JUSTIN W. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2009.

NAVY NOMINATIONS BEGINNING WITH STEPHEN W. PAULETTE AND ENDING WITH ALAN E. SIEGEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 17, 2009.

NAVY NOMINATION OF JOHNSON MING-YU LIU, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH ROBERTO M. ABUBO AND ENDING WITH VINCENT E. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY A. ANDERSON AND ENDING WITH SEAN D. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JACOB A. BAILEYDAYSTAR AND ENDING WITH TONY S. W. PARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH BROOK DEWALT AND ENDING WITH WENDY L. SNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH SOWON S. AHN AND ENDING WITH SCOTT D. YOUNG, WHICH NOMINA-

TIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JASON B. BABCOCK AND ENDING WITH ALLISA M. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH BYRON V. T. ALEXANDER AND ENDING WITH MARCIA L. ZIEMBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JOHN A. BLOCKER AND ENDING WITH JEFFREY M. VICARIO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH ANGEL BELLIDO AND ENDING WITH BRET A. WASHBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH LEE G. BAIRD AND ENDING WITH DANIEL F. YOUCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JERRY L. ALEXANDER, JR. AND ENDING WITH MARIA T. WILKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH RYAN D. AARON AND ENDING WITH DAVID G. ZOOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2009.

NAVY NOMINATIONS BEGINNING WITH JOSEPH P. BURNS AND ENDING WITH BRIAN STRANAHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2009.

NAVY NOMINATIONS BEGINNING WITH EDDIE L. NIXON AND ENDING WITH DENNIS M. WEPNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2009.