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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

O God, forever and ever our Lord, today be the Lord of our thoughts, feelings, hopes, and joys. Bless the Members of this body. Help them to walk in Your way, live in Your will, and achieve Your purposes. May their work today be a bright reflection on their commitment to Your will. Lord, make them great enough for these days. Deliver them from pride and pettiness, as You join them to those who seek to bring sense and system to a disordered world. Give them an inner calm, undisturbed by any outer commotion, and encourage them to follow your light that illumines the path ahead. Remind them that You will use everything that happens for their growth and for Your glory.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB 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. Following leader remarks, there will be a period of morning business until 3 p.m. today with Senators permitted to speak during that time for 10 minutes each. Following morning business, the Senate will resume consideration of the Commerce-Justice-State Appropriations Act. At 5:30 today, the Senate will vote on the substitute amendment regarding cloture on the CJS appropriations bill. This afternoon the managers will continue to work on an agreement to limit amendments to the bill. If agreement is reached, we may not need to have a cloture vote. However, we will still have a vote at 5:30.

MEASURES PLACED ON THE CALENDAR—H.R. 3548, H.R. 3590, S. 1772

Mr. REID. Mr. President, it is my understanding there are three bills at the desk due for a second reading.

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

The legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

A bill (S. 1772) to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

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

HEALTH CARE REFORM

Mr. REID. Mr. President, is there anything more tragic than a preventable catastrophe? Probably not. What is more shameful than having the ability to stop a disaster and not using that power? Ancient and recent history is saturated with examples of nations standing idly by while threats escalate and storm clouds gather on the horizon. Too many times we have learned by example what not to do when we see tragedy pass before our eyes. Today is no different.

Today we face two kinds of preventable tragedies—one on a personal scale and one on a national scale. There are preventable deaths. There are examples of preventable deaths in every city in Nevada and every State in the Union. Stories of preventable deaths fill our mail boxes and our media.

In many of these cases we can draw a direct line from an American's death to the lack of decent health care. In almost all of those cases, we can draw another direct line from their lack of decent health care to our broken health insurance system.

A startling new book by T.R. Reid called ''The Healing of America'' traces his travels throughout the developed world and contrasts our health care

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

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system with far more successful, affordable, and equitable health care systems in several industrialized nations. He approaches this story in a unique way. He has a bad shoulder. He had had it repaired 10 or 12 years before. It started giving him some trouble, so he started in the United States asking what to do about his shoulder.

He was told what to do in America. Then he went to France and Japan, all over the world, and was told what not to do with his shoulder. In the process of talking about his shoulder, he talks about the health care system in every one of those countries. There are some startling things.

The phrase ''socialized medicine'' was developed by the insurance industry when President Truman said he wanted to do health care reform. It is interesting that the kind of care they have in different parts of the world is so uniquely described in this book. For example, Germany has had government-sponsored health care since the 1880s, which I think is very interesting—I say this with some degree of sarcasm—by the great socialist Bismarck. He was about as far as one could get from a socialist, but he believed health care should be delivered in a Christian way, as he said it. That system is one that has been copied in various parts of the world to some degree or another.

It is an interesting book, and I recommend it to every Senator. It opens telling the story of a woman by the name of Nikki White who died at 32 years of age. The official medical records show that she died from complications of lupus; but if we asked her doctor, the doctor would tell everyone Nikki died from complications of our health care system. We know how to treat lupus. America is home to millions of doctors and thousands of hospitals that can help someone with lupus live a longer life. America has developed the science and the medicine and the therapies that let people with lupus live full, active lives. But because Nikki's health insurance company refused to cover her once she got sick and because Nikki's income was too much for Medicaid but too little for her medicine's cost, she was stranded.

This story is tragic because Nikki died a preventable death in the richest Nation in the history of the world. It is even more tragic because it is not the only one of its kind, not by a long shot. All over America people are dying too soon. There are lots of others just like it.

Conditions that should be fixable are now fatal. Easily treatable diseases now become death sentences. More and more, Americans who come down with the flu or are diagnosed with diabetes or suffer a stroke are dying far earlier than modern science says they should have to die. More and more, Americans who contract skin cancer or have a hernia or experience complications during surgery are dying rather than being cured.

These diseases can strike anyone. In fact, more than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of the deaths in America. A group called the Commonwealth Fund researches ways our health insurance system can work better. It recently ranked 19 industrialized countries on how they handle preventable deaths. The United States ranked 19th—at the very bottom.

Their study also found that as many as 100,000 American lives could be saved if we admitted some health care systems work better than others and borrowed some of the best ideas that make them work. This is 100,000 lives a year. By the way, we are paying for the privilege.

Over the past 8 years of inaction the price of staying healthy in America rose to record levels. The number of Americans who can't afford insurance also rose to record levels. At least one in five Nevadans has no health insurance. Those who do have it are at great risk of losing it. If we don't act, in 10 years health care costs will more than double what they are today. The number of Nevadans who can't afford health insurance will double as well. If we don't act, more Americans will suffer needlessly.

That Americans are dying preventable deaths is one of two avoidable tragedies I said I wanted to discuss. The second is that some here in Congress are preventing solutions to that problem. We have the power to prevent this national crisis from growing. We have the power to prevent it, just like we have the power to prevent diseases from killing us too soon.

We have the ability to treat our unhealthy health care system today. Five congressional committees—three in the House and two in the Senate—have studied the data, debated the arguments, and proposed ideas for what to do next. While we listen to the stories of real people with real problems, some try to divert our attention with distortions, distractions, and deception. While we strive to change a broken status quo, some defend it at all cost. While we seek common ground, some insist on opposing good ideas simply because they are proposed by people who sit on a different side of this Chamber or by a President who comes from a different political party.

As former Senate leader Bob Dole said last week:

> Sometimes people fight you just to fight you.

It is inexcusable to let a preventable disease become a deadly disease. It is equally unacceptable to deny the American people the change they demand. If we don't act, we will not have the luxury of saying later, with regret: If we only knew then what we know now. We know now exactly what we need to know. We know now that deaths are preventable. The question before the Senate is, do we want to prevent those deaths? These tragedies are avoidable. The question before the Senate is, do we want to avoid these tragedies?

The broken health care system is fixable. The question before the Senate today is, do we want to fix the broken system?

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE WEEK XIII, DAY I

Mr. MCCONNELL. Mr. President, when we started the debate over health care reform, we knew what the American people wanted. First and foremost, they were telling us health care costs are too high and any effort at reform would have to focus on driving down those costs.

This meant our measure for success would be fairly simple: Would our reform proposals lead to lower premiums and lower costs or would they not? That is why an analysis of the Finance Committee bill over the weekend by PricewaterhouseCoopers should give us all pause.

The report showed that the Finance Committee proposal that is being voted on today would increase health insurance premiums dramatically. It said this bill would cause health care costs to go up—not down—for millions of Americans who currently have health insurance. This report confirms what many of us have feared: that the bills we have been debating will not reduce costs for the American people, but will actually drive costs up—an outcome that is fundamentally opposed to the original purpose of health care reform as we all understood it at the outset of the debate.

Specifically, this report shows that premiums for a family policy will rise to about $26,000 in the next decade under the plan proposed by Senator BAUCUS—about $4,000 more than they would under current law.

One of the reasons for this is that new taxes on health insurance plans, pharmaceutical companies, and medical device makers will be passed on to consumers—something many of us, including the independent Congressional Budget Office, have been saying all along.

The bottom line is this: Americans were asking for step-by-step reforms, of the kind I have called for in nearly 50 floor speeches since June. The administration's failure to present such a commonsense plan is the primary reason that Americans overwhelmingly oppose its plans for health care reform.

Americans wanted lower costs and greater access. They never wanted the administration or Democrats in Congress to vastly expand the government's role in people's health care decisions, to slash Medicare, to raise taxes and health insurance premiums,

as well, and to limit the health care choices Americans now enjoy.

The American people are not happy with any of these things, and they are not happy with the process they are seeing here on Capitol Hill. Americans are understandably unhappy that a handful of Senators and White House staffers are about to put the finishing touches on the Democratic proposal behind closed doors, especially after the President pledged to broadcast negotiations on C–SPAN.

The administration did not particularly like what PricewaterhouseCoopers had to say about the Finance Committee bill. It hastily dismissed this report, just as it dismissed commonsense Republican proposals and the concerns of ordinary Americans throughout this debate.

Indeed, the administration and its allies seem to view any opposing viewpoint in this debate as hostile. It is perfectly obvious why. The administration does not want to hear criticism because it does not want people to know what its proposals will actually do.

At a time of nearly 10 percent unemployment, Americans do not need higher taxes and higher health insurance premiums. Yet one thing that is perfectly clear about the administration's health care proposal is it promises higher taxes on virtually everyone in America.

Here is the breakdown: Under this legislation, if you have insurance, you are taxed; if you do not have insurance, you are taxed; if you use a medical device such as a hearing aid, you are taxed; if you take prescription drugs, you are taxed; if you are a business owner who cannot afford to provide coverage for your employees, you are taxed. And the Joint Committee on Taxation and the CBO have both said that many of these taxes will hit the middle class hardest, at a time when unemployment stands at a 25-year high.

Add all these up and you get a bill that raises taxes, raises premiums, and leads to more government control. You can call this many things, but it is not what the vast majority of Americans would consider reform.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I listened carefully to the Republican leader of the Senate, as I have every day, waiting for one thing: the Republican health care reform plan. We did not receive it today. We have never received it because there is no Republican approach to health care reform.

I know we have tried to engage the Republicans in this debate. We waited weeks—make that months—to bring over just three Republican Senators who would sit down and negotiate with us. In the end, they walked away. One Senator from Maine is still possibly going to vote for this. We hope she will. I hope others will join her. But it is not for lack of effort that we do not have a bipartisan approach at this moment.

What the Senator from Kentucky failed to mention when he said we have dismissed commonsense Republican proposals is when the HELP Committee—which is the Health, Education, Labor Committee—sat down to write their health care reform bill—it went on for weeks—day after weary day, amendment after amendment was considered by this committee because of the gravity of this challenge—we are literally talking about a health care system that affects every one of us—and at the end of the weeks of hearings and the hundreds of amendments offered, 150, maybe more, Republican amendments were adopted to this bill. The committee decided on a bipartisan basis to accept these Republican ideas and make them part of the final product that was going to be voted on by the HELP Committee.

Well, wouldn't you believe, at the end of that long process—bipartisan process—with Democrats and Republicans working together, after 150 Republican amendments had been accepted, at least 1 Republican Senator would have voted for the health care reform bill reported by the committee? It did not happen. There were 150 amendments from the Republican side of the aisle, and still not 1 Republican Senator was willing to stand up for health care reform.

So when the Republican leader says, we have dismissed commonsense Republican proposals, we took 150 of them and could not get a vote out of it—not a single vote. The reality is this. The Republicans have no alternative to health care reform. They come to the floor and they quote as their sources the health care insurance industry.

For the longest time, the Senator from Texas, Mr. CORNYN, came and he would quote the so-called Lewin study. Well, it turns out that the Lewin study about the cost of health care reform had an element to it which he did not disclose: The Lewin company that did the study is owned by the largest health insurance company in America. So they quoted as their source on how much this bill would cost the critics of health care reform, the people who want to maintain the current system.

Today, the Senator from Kentucky very carefully avoided saying the obvious. This PricewaterhouseCoopers study he is talking about was commissioned by the health insurance industry. That is why they have come out with it the night before the critical vote in the Senate Finance Committee.

What did they say? They predicted if health care reform went through, health care insurance premiums would go up. Well, there are those who disagree, people with the Congressional Budget Office and others, who believe that more and more Americans with insurance—not showing up in emergency rooms for charity care, where the cost of their care is passed on to all the rest of us—is going to mean there is going to be a downward push on premium costs.

They estimate each of us with a family plan pays $1,000 a year in premiums to take care of the charity work that is given out at our hospitals every single day. If there is less charity work, it means less money is going to be needed from all the rest of us who have health insurance, and that will help bring premiums down as more and more Americans have health insurance protection.

But what do we make of the health insurance industry telling us that premiums are going to go up? I will tell you what I think. I think it is a self-fulfilling prophecy. I think when health care reform passes—and I think it will—the health insurance companies, unless we do something about it, will raise premiums, and they will point at Congress and say: You did it. See, we told you not to change the system.

Can they make good on their promise of higher health insurance premiums? You bet they can. There is something called the McCarran-Ferguson Act. It is a law that was passed decades ago that said two industries in America were exempt from antitrust laws. The two were organized baseball and the insurance industry. What it means is, unlike other businesses making products such as cars and computers, which are prohibited by law from collusion and conspiracy in putting together the cost of their product, the insurance industry is exempt. That is right, it is the only industry, other than baseball, exempt from the antitrust laws of America.

So when the health insurance companies tell us: We are going to raise premiums, you ought to listen up, they have the power to do it. They can literally meet in the same room and decide to do it—legally in America. I think it is an outrage. I think that law should change. But the fact is, it will not change unless there is a force to change it.

What is the force that would keep the health insurance companies honest, stop them from this collusion, create real competition to protect consumers, stop them from raising premiums in a fit of pique over health care reform? It is called the public option. It says there ought to be for every American at least one not-for-profit insurance company available to sell you health insurance. You do not have to take it.

You may decide you do not want any part of it because it is a public option or a not-for-profit option, but it ought to be your choice. If you have that not-for-profit option—that does not have dramatic overhead costs because they hire scores of people to say ''no'' when you turn in a claim, that does not have significant amounts of money they spend each year for advertising, that does not have multimillion-dollar CEO bonuses and huge health insurance policies for the people in the boardroom—we believe the costs would be lower and we believe that competition will force the health insurance companies that are exempt from antitrust laws to play it straight and give consumers across America a fighting chance.

Well, you know where the public option is today. Let me tell you who supports a public option. Two out of three Americans consistently through this debate—although they have heard both sides of the story and they have been confused by some allegations and others—two out of three have consistently said: Give us that choice, give us a choice, like Medicare, something that is not profit driven that can be a low-cost alternative that we can consider—two out of three Americans.

But what about the health care professionals? What about the doctors across America? What do they think about a public option for health insurance? Do not take my word for it. Go to the New England Journal of Medicine. They surveyed 2,000 doctors across America and asked them basically: What do you think about a not-for-profit, public option health insurance plan? Doctors, professionals, medical professionals—10 percent of them said: We think we ought to have single payer like Canada; 10 percent of the doctors said that. Sixty-three percent of them said: We think it ought to be a blend of public and private so there is a public not-for-profit option available to people. What it comes down to is three out of four doctors in America, when asked, believe this is a reasonable alternative, to have a public option of some kind. So it is not a radical idea.

Who opposes the public option? The health insurance companies do because it means competition in places where they do not have it today. In most of the markets in America, private health insurance companies—just two or three of them—dominate the market. There is very little competition. And the other health insurance companies there cherry-pick healthy people to try to make money, leaving the rest of the people, obviously, paying higher premiums.

So when I hear criticism from the Republican side of the aisle of the current plan, the obvious question is: What do you offer as an alternative? Continuing this current system where the cost of health insurance premiums is going up three times faster than wages in America, where fewer businesses are offering health insurance?

I was home in Springfield, IL, over the weekend. I went to a grocery store, the County Market. There was a lady there. She was offering samples of food. I did not know her. She recognized me. She stepped away from the counter, where people were grabbing these little samples, and came up to me. She said: Please pass health care reform. I said: How does it affect you? She said: I work for the city of Springfield. We don't have very good health insurance. She said: My health care costs are such that I had to take this job on the weekends out here at the grocery store giving out samples to try to keep up with health care costs.

She said: I'm just one person, Senator, but think about me when you get back to Washington. Well, I do, and I will. And I will think about what has been said on the other side of the aisle. When they say they do not want to expand government, listen, we are not talking about the government running a health insurance plan. We are talking about a not-for-profit plan that is an option for people. But for those who are keeping score, one out of three Americans today is covered by some kind of government health insurance—about 40 million on Medicaid, another 40 million on Medicare, tens of millions on veterans health care, and how about all the Federal employees and Members of Congress—please hold up your hands—8 million of us in a government-run health care plan. I don't see a lot of my colleagues running for the exits to get out of the Federal Employees Health Benefits Program. It is one of the best insurance programs in America. It has been for 40 years. It offers us, in my case, nine different private health insurance plans to choose from; open enrollment every year. My wife and I pick the plan best for us. Our employer, the Federal Government, pays a portion of it. If we want a bigger plan, we pay more. It is administered by the Federal Government. It has been for 40 years. It is wildly successful. I don't hear a lot of people coming to the floor criticizing that approach. It turns out to be a good one and a good model to expand, which is what we are trying to do in health care reform.

When the Republican leader comes and says health care reform is going to slash Medicare, open the book and take a look at what is really going on.

There are private health insurance companies that came to the Federal Government years ago and said: We can do Medicare better than the government. We can save the government money. So let us offer the Medicare policy as a private health insurance company and we will run rings around the government.

Well, you know what. It turned out some of these insurance companies did, and it turned out to be cheaper, but too many of them didn't. They ended up overcharging us for basic Medicare, up to 14 percent more than the cost of Medicare—a subsidy to private health insurance companies out of the Medicare system, taking money away from seniors who need it. So when the Senator from Kentucky says we are slashing Medicare, what he doesn't say is what we are going to do is eliminate that subsidy over time to these private health insurance companies that are frankly taking money out of Medicare, under false pretenses. They were supposed to save us money, and they haven't.

The Senator from Kentucky laments the fact that pharmaceutical companies are going to have to pay more and that medical device companies are going to have to pay more. Can I tell the Senator from Kentucky that most of them agreed to this? Why would they agree to take less money for health care over the next 10 years? Because they realize that if the 40 million uninsured Americans now have insurance and they are showing up at the hospitals and the doctors' offices with that insurance, more of their products, medical devices, and pharmaceuticals will be sold and paid for. So they are willing to take a cut in their profits, realizing their consumer base is going to expand. That is the so-called slashing he is speaking about.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 3 additional minutes. I see the Senator from Georgia in the Chamber.

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

Mr. DURBIN. Mr. President, let me address this notion that what we are doing happened behind closed doors, which was said by the Senator from Kentucky. I know some don't want to leave the broadcasting of the floor of the Senate, which is broadcast by C–SPAN, but one of the other channels is carrying the Senate Finance Committee. It is not behind closed doors. It is right in front of the television cameras. It is going on right now as they consider the bill they will be voting on this afternoon.

The Senator from Kentucky said the administration doesn't want the people to know what is in this bill. Before this bill is voted on, it will be up on the Internet for everyone to read, as it should be. Members of Congress will have the time and the responsibility to read it as well. That is the way it should be on something this important.

So I would say the bottom line is this: The Senator from Kentucky is critical of what we are trying to do. We have tried to engage the Republicans in achieving this goal. We haven't had many volunteers on their side of the aisle. I hope that changes. They don't have a Republican approach to health care reform. The arguments they make primarily come from health insurance companies that don't want to see change.

But Americans know we need change. We need to stabilize the system, get people security, making sure they can

afford good health insurance, that the costs don't go through the roof. We have to end the abuses of health insurance companies that turn down people when they need them the most, finding deep in some application form the failure of a person to disclose they suffered from acne as a teenager, so they are going to disqualify them from health insurance coverage later in life—and I am not making this up. We know what happens when they put caps and limits on the amount they will spend in a lifetime, and then people find themselves with a catastrophic health situation, not covered by their health insurance policy. We know more than twice as many people are filing bankruptcy in America today because of medical bills, and over three-fourths of them have health insurance that isn't any good. That is the reality of staying with the current system. The Senator from Kentucky may want to defend that. I think it is indefensible. If he wants to hear it firsthand from a real person, I suggest he go to the county market and look for the food sample lady. She will tell him what is really going on in America today as we face health care reform.

Mr. President, I yield the floor.

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

Mr. ISAKSON. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

Mr. ISAKSON. I ask unanimous consent to speak for up to 10 minutes.

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

FIRST-TIME HOME BUYER TAX CREDIT

Mr. ISAKSON. Mr. President, I come to the floor to discuss our economy and the pending termination or sunset of the first-time home buyer tax credit and the potential implications and effects it certainly is going to have on what is at best a very fragile economy today.

First, I wish to reference this morning's USA TODAY business section where it was reported that existing home sales trailed down in the month of August off of the month of July. They did note they were better than August of a year ago but still deplorably low. Of all of the sales that were made in the month of August, 30 percent were attributable to the first-time home buyer tax credit. Unfortunately, substantially all the rest were attributable to short sales or foreclosures.

I was home Friday. In my State of Georgia, we have a law that says that if you foreclose on a deed to secure debt or a mortgage, you must advertise for four successive Fridays preceding the first Tuesday in the following month in order to foreclose. So every Friday in the legal organ of every county in Georgia, there is a section for foreclosure advertisements. I hold before the Senate today all 74 pages of the Marietta Journal legal notices announcing the foreclosure on 1,157 homes in a county of 700,000 people.

Houses continue to decline in their value because the market demand is down. The foreclosures we see today are not subprime loans; they were the loans that were foreclosed on a year or a year and a half ago. When we read the addresses of these 1,157, which I won't do, they are the addresses of mainstream America and the mortgages that are being foreclosed on are what are called conventional loans that were made to people who had jobs, had income sufficient to make the payments, and had downpayments of 5, 10, or 20 percent. These are the good loans a year ago that today are the loans being foreclosed on. In my State, 1 out of every 13 houses shows mortgage holders right now behind in their payments. Foreclosures are at record rates.

The first-time home buyer tax credit is about to expire. What does that have to do with this foreclosure problem we have and the problem of declining values of houses and shrinking equities for the American people? It has everything to do with it. We have a great demonstration project in the first-time home buyer tax credit that shows this Congress the way to continue and get a recovery in our housing market. In the time the first-time home buyer tax credit has been in effect, it is estimated that 350,000 home sales were made. That is 357,000 sales that would not have taken place.

What we need to do is look at the value of the home buyer tax credit and see whether an extension makes sense and, if it does make sense, how it should be structured. First of all, I say it makes sense because we had modest success the first time. But I think the limitation of a first-time home buyer at a maximum of $150,000 in income actually restricts us from helping the part of the market that is represented in these foreclosure pages because these are houses of people with more than $150,000 in income who would need to qualify. These are what are known as the move-up homes, the homes the executives and transferees from around the country sell when they leave their home county and are transferred to a job in another city or another State. We need to energize that market because the move-up market is where the problem exists.

So I would submit that when we look at the sunset date of November 30 on the first-time home buyer tax credit, we should extend it—not forever but through midyear next year, to the end of June 2010. There is a reason for that recommendation. The worst 3 months of the year in any housing market anywhere in the United States are December, January, and February because it is winter and because it is the holidays. So there is not much of a market to begin with in those 3 months. If this tax credit dies in November and then it dies the day before the declining market takes place, by the time the spring market comes back in March and April, it is too late and we will have a protracted period of even poorer sales than we have had recently. But if we pass and extend the credit through June 30 of next year, we continue to buoy the housing market around the country. If we take away the first-time home buyer limit and raise it to any home buyer who buys a home for their principal residence and resides in it for 3 years and we raise the income limitation from $150,000 for a family to $300,000, we stimulate the entire marketplace. That has a cost to it, a score of $16 billion. That is a lot of money, but it is less than 3 percent of the amount of the stimulus, and we know from what has happened in the last 9 months that it works.

It is very important that we stimulate and continue the existing stimulation of the housing market. The recession that began in December of 2007 began with a collapse of housing, first because of the subprime mortgage failures, but it continues to today, a continuing collapse, and the failures aren't subprime, high-risk credits, they are mainstream America. There is a point in time when we owe it to our country, we owe it to our economy, we owe it to mainstream America, where we know we have a proven program that works, to extend it and buoy the marketplace.

I wish to deal with some of the negatives some people have expressed about extending the tax credit.

The first negative I have heard in a lot of interviews is: Well, isn't all you are really doing is moving forward some sales that are going to take place anyway? Well, of course. That is the object. The problem is, we don't want them to take place in 2011 and 2012; we would like to move them forward to take place now. We want people back in the business of making the decision that it is a good time to buy.

Secondly, people will say: Well, it costs too much. Let's look at what we have done in 2½ or 1½ years in terms of cost to try to save an ailing economy. We have put $85 billion in 1 night in AIG. That is a lot more money than $16 billion. The Federal Reserve has at one place or another invested over $5 trillion. That is a lot more than $16 billion. The stimulus, which is a 2-year stimulus, which is just in its infancy of trying to make some difference, was $787 billion. The Troubled Asset Relief Program, or TARP, which was passed in October of last year, was $700 billion. Yet we have a proposal that has generated 350,000 sales, costs $16 billion, that is about to die, where all of those other programs and trillions of dollars have only saved a collapse but not regenerated an economy.

So I come to the floor today to ask everybody in the Senate to think about what is happening. Six weeks from now, the tax credit sunsets. When it fails, the market again will have downward depression on values, on sales,

and most importantly on consumer confidence. Let's try to slow down the rate of foreclosure. Let's help Middle America, which right now faces difficult times. Let's take them out of the newspaper and let's take them back into a buoyant economy that has jobs, has growth, and has promise for the future.

I submit that an extension of the first-time home buyer credit by removing the means test, raising the income limitation, and extending it to midyear is good for America, makes good sense for this Senate, and I hope we will find the time before the current bill sunsets to pass it and do it for America.

With that, 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 assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. 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.

HEALTH CARE REFORM

Ms. MURKOWSKI. Mr. President, I rise to talk about the hidden taxes that American families could be forced to pay under the Baucus proposal if Congress doesn't cut half a trillion dollars in Medicare services. Despite the score we saw last week by the CBO that there would be an estimated $81 billion in savings to the Federal Government, the fine print of that CBO letter paints a different picture and raises some real concerns about whether Congress has the stomach to cut $500 billion in services to the elderly and the disabled on Medicare.

This point was raised over the weekend. There were several editorials that ran in the Washington Post, Reuters, the Salt Lake Tribune, and the Colorado Springs Gazette, and they criticized the Baucus bill for unrealistically relying on $500 billion in savings in Medicare. These articles conclude that Congress is unlikely to enact Medicare cuts based on their annual action—our annual action—since 2003 that has stopped cuts to the doctors' reimbursement rates under the sustainable growth rates formula. This is what we call the SGR.

In 1997, Congress enacted the SGR formula, which automatically cuts Medicare reimbursement rates when annual spending for doctors' visits exceeds the SGR target. Every year since 2003, Congress has stepped in to prevent these cuts from going into effect. The question should be asked whether it is wrong for Congress to prevent these cuts. I suggest no, absolutely not. In fact, there is virtually unanimous agreement among Republicans, Democrats, and the President that the fixes must happen because the SGR is a flawed formula that doesn't accurately account for Medicare practice costs.

The SGR, however, is just one example of how Congress has been unwilling to not only prevent cuts to the Medicare Program but also unwilling to fix the flawed SGR formula. Except for 1 year, in 2002, when Congress allowed the 5.4-percent cut to go into effect, every year since then Congress has ''fixed'' the Medicare cut by affixing a Band-Aid, which has resulted in artificially adjusting the Medicare reimbursement rates and pushing larger ''phantom cuts'' into future years. Will this year's 21-percent cut to Medicare provider reimbursement rates go into effect? It is highly unlikely. In fact, the Baucus bill contains another Band-Aid measure that pushes this year 21-percent cut into 2010, with the notion that next year doctors will face an even larger, 25 cut under the Finance Committee proposal.

While the past is not always indicative of the future, I believe it is highly unlikely that we in Congress will witness any willingness to make a game-changing ''audible'' that forces half a trillion dollars in cuts to services for our seniors and for the disabled. The CBO has acknowledged this in a letter to Senator BAUCUS when they discussed the budgetary impact of the health care bill. CBO said:

> The mechanism governing Medicare's payments to physicians has frequently been modified (either through legislation or administrative action) to avoid reductions in those payments. . . .The long-term budgetary impact [of the Finance Committee proposal] could be quite different if those provisions were ultimately changed or not fully implemented.

If, since 2003, Congress had stepped in to prevent Medicare cuts from going into effect, why should we expect Congress to now take the unprecedented step of cutting nearly half a trillion dollars from the Medicare Program? In fact, there was an editorial in the Washington Post last month talking about CBO's assumption of Medicare savings. They said:

> Many Medicare ''savings'' are probably phony. Congress is likely to reverse them, as in the past. Put in that category about $200 billion in ''savings'' over 10 years from lower reimbursement rates for doctors, which Congress has repeatedly prevented from occurring. A separate $180 billion in ''savings'' from lower reimbursement for hospitals and other providers are similarly suspect. Together, these items provide about half the [Baucus plan's] financing. If half a trillion is waiting to be squeezed painlessly out of Medicare, why wait for health care reform? If, as Obama repeatedly insists, Medicare overspending is breaking the budget, why hasn't he gotten started on the painless billions in ''waste and fraud'' savings?

That was in the Washington Post last month.

Just today, on the front page of the Washington Post, it was reported that the SGR fix included in the House bill, H.R. 3200, was stripped out of the health care reform bill that passed in three House committees of jurisdiction. Leaders in the House are citing the $240 billion cost of the SGR fix as the main reason for removing this provision. I believe Congress is being shortsighted in not addressing a major concern in the Medicare Program—a concern that not only would address reimbursement decreases that doctors have faced every year since 2002, but also the concerns about access to doctors that is worrying more and more Medicare patients every day. By stripping this important provision out of the House bill, Medicare patients are left crossing their fingers in the hopes that the SGR fix will ultimately be included in the health reform bill. I believe removal of this essential and important provision, not only because of policy concerns but, rather, because House leaders want to stay below an arbitrary pricetag, simply shows Congress's unwillingness to address significant failures in a government health program that impacts the lives of some 44 million elderly and disabled Americans.

We know the government has been promising to cut from the Medicare Program, particularly in the areas of waste, fraud, and abuse, since the Reagan administration. Yet spending continues to rise. There is no reason to believe this is going to ever change. I will not support cuts in services under the Medicare Program. I will ask my colleagues to give weighted consideration to whether they would be willing to tell their Medicare seniors and disabled constituents that they voted to cut $500 billion from their Medicare insurance. Inevitably, if the Congress cannot pass a measure to cut from Medicare, then the money will have to be made up either through increased taxes on average American families or in the form of additional deficits that will burden future generations of Americans.

Mr. President, with over $2 trillion spent on bailouts, stimulus, and cash for clunkers in just the past 22 months, we must be better stewards and more vigilant of the potential for additional costs to working families for expanding government services and creating more mandates for health insurance.

With that, I thank the Chair and suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

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

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

The Senator from Virginia is recognized.

Mr. WEBB. I thank the Chair.

(The remarks of Mr. WEBB pertaining to the introduction of S. 1774 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Vitter-Bennett amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of U.S. citizenship.

Johanns amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Levin-Coburn amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Durbin modified amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

Begich-Murkowski amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities.

Ensign modified amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs.

Shelby-Feinstein amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices.

Leahy amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

Graham amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

ENERGY AND WATER APPROPRIATIONS

Mr. COBURN. Mr. President, I plan on spending some time on the CJS appropriations bill, but I want to delay a moment. We are going to have a cloture vote, whether that is today or tomorrow or sometime, on the Energy and Water Conference Report. I was the one who objected to bringing that to the floor and for some very serious reasons. Unanimously, the Senate body agreed to an amendment that would create transparency in that appropriations bill. There were no objections; it was a unanimous vote. What we attempted to do was to bring to light, to the American people, not just the 30 Senators who were going to get the reports—70 percent of the Senate cannot see the reports—to the rest of the Senators and to the rest of the American people, the reports that are requested by Congress on the operation of this appropriation authority.

We put in there a very specific exclusion for anything that would affect security so those items would not be exposed.

There were no significant efforts to hold this in conference. So I wanted to explain for a few minutes to the American people and to my colleagues why it is important. What we have here are the following reports. The question you have to ask is, why does the Appropriations Committee not want the American people to see this information? What in the world could be a good reason for American citizens and 70 Senators to not be able to see this? There is not any good reason.

I will go through and list what some of the reports are in this bill. Then I will raise the question: Why are we not letting the American people see it? Why are we not letting 70 of our colleagues see it?

An annual report on the Department of Energy, on their financial balances, is important information to me. It should be to every Member of this body. But it also should be important to every citizen out there who is paying for the $1.6 trillion deficit we have this year. Actually, they are not paying, their kids are.

A report by Chief of Engineers on Water Resources, but the way it is phrased, it is on a ''water resource matter.'' In other words, someone very specifically tied that so they would have information others do not have. This is government in the dark; this is not transparent government.

A report by the Nuclear Regulatory Commission identifying barriers to and its recommendations for streamlining construction of new nuclear reactors. If we want to get to clean energy, that is one way to do it. Yet the barriers for that construction, we are not going to know what they are. The American people are not going to find out and 70 Senators are not going to find out. We are not going to have that made available to us.

Two reports to report on the transfer of funds within the Department of Army, and a report on the transfer of funds within the Bureau of Reclamation for oversight activities—in other words, a report on the funds that are transferring for oversight, only appropriators get to see that. The American people do not get to see it. I do not get to see it. The President pro tempore right now does not get to see it. Only the appropriators. Why would we not want to share that with the American people? Is there some reason?

A report by the administration on detailed accounting of receipts into and obligations and expenditures from the inland waterways trust fund. Well, what most people do not realize is when we put out a number that is our budget deficit every year, that number does not recognize what we have stolen from multitudes of trust funds, including the inland waterway trust fund, which is very important to all of the things that go on along the Mississippi River, the McClellan-Kerr Navigation System, the Upper Mississippi River, the Great Lakes. All of those are funded by the inland waterways trust fund—except we steal all of the money out of it so there is no money in it. Here is the report on it, and they do not want the American people to see it. Why would you not want the American people to see that we are stealing from the funds we have set up that were supposed to be dedicated to do certain things? Because you really do not want a transparent Congress so the American people can see what is going on.

A report on remediation efforts by the Corps of Engineers through the formerly utilized Sites Remedial Action Program. Most of us do not even know what that is. But the fact is, if we have former sites that required remedial action, why should'nt we all get to see that? Why should we not be able to make a value judgment on whether the Corps did a good job and what they are doing with the money? But yet we cannot.

A report detailing the implementation and progress of the measurement plans for each funded energy innovation hub. We have these hubs out there to create alternative and renewable energy, except we are not going to see what they are doing. It is not going to be available to us. It is not going to be available to the American people, and they are paying for it. What happens if there is an idea and somebody reads about it and it gives them another idea?

A report by the Secretary of Energy to the Committee on Appropriations of the House and the Senate on the state of defined benefit pension liabilities in the Department for the preceding year. That is something we should all be aware of, not just a couple of staff members on the Appropriations Committee. The American people should know that, in fact, they do not have the money in the bank to fund their pension liabilities. Yet we are going to suppress that information. We are going to keep it from the sunshine. We are going to keep it from the light of day so the American people cannot see how miserably the government runs its own business. We do not want that out. We do not want you to see it.

I could go on and on. I have three pages of reports. Notably, some of them are security related and should

not be released to the American public, which this amendment protected.

What this means is that 88 percent of the Members of the House and 70 percent of the Members of the Senate do not have available to them the tools with which to make decisions. But, more importantly than that, the American people do not have transparency in their government. They are never going to be made available for taxpayers to read. They are never going to see how sloppily the money is spent, how we borrow money from funds that are supposed to be dedicated and spend them on things that are pet political projects. We do not want them to see that. This is not controversial. The only place it is controversial is to those who are working in the dark. And the very fact that this did not come out of conference with transparency—every other appropriations bill we have passed so far has had this transparency for report language. So why would we bring it to the floor? We should be very concerned that was excluded from this conference report, for a republic cannot function, it cannot survive unless it is truly transparent to the people it represents.

Our President was elected on the promise of bringing greater transparency to Washington, not only just to the workings of the Federal Government but to our daily workings as we tend to government. Congress should have supported this effort.

I serve notice on the Senate that any conference report that does not have transparency, which I will offer and have offered to every bill, that comes back from a conference, I will do everything I can to block it until that is put back in it. The American people deserve no less than that. It is, in fact, their government, not 30 appropriators' government. It is not just the 30 appropriators who get to govern this country. The fact that this piece of good government, of transparency, of putting out for everybody to see what we are doing has been precluded sends exactly the wrong message to the American people. So it will be that I will come here again, and I will not give up until such time as the American people truly get to see a transparent government.

The President and I passed a bill called the Transparency and Accountability Act. You can go to usgovernmentspending.gov and you can see where we are spending money. Sometime this spring you are going to see it all of the way down to the subcontractor, subgrantees level. You are going to be able to go online and see where every penny, except for national security purposes, is spent and who got the money. That is real open government. That is real democracy. That is real freedom. That is real liberty.

Without that, based on the demonstration that we make here today by bringing up a bill that keeps us cloaked in secrecy, that keeps the American people in the dark, what we will have and continue to have is less and less confidence of the American people as we try to lead this country back to the greatness it once had.

CJS APPROPRIATIONS

I am now going to spend a few minutes, if I may, talking about the Commerce-Justice appropriations bill. This is another in a long line of bills that has a double-digit increase in the size of the government, on the back of a double-digit increase last year, and on the back of a $16.2 billion shot in the arm from the stimulus.

We were at $60 billion, essentially, last year, and we are going to increase it by $7.59 billion. That is a 12.6-percent, 12.7-percent increase. I brought a chart out here last week. I will bring it back again today as we debate the amendments I have. But not counting the stimulus, if we keep passing appropriations bills at the rate at which this body has passed this year, the size of the Federal Government will double in 3.5 years.

I think that is probably just exactly the opposite mood of the American people today. Yet we turn a deaf ear to the fact that 43 cents out of this $67 billion that we are going to spend—43 percent of it we are going to directly borrow from our kids.

We do not have the money in the bank to pay for this. We are going to finance it through a lower standard of living for our children. There is no question a portion of this increase is related to the census. The Census Bureau is in a mess. We have a good new Director. It was completely mismanaged by the Bush administration, there is no question about it, by the Secretary of Commerce, and also the Director of the Census.

We had a great caretaker who replaced the previous Census Director, and he did what he could. Now we have a new, very experienced Director of the Census by the name of Dr. Groves, who is handling a very difficult problem.

But it is going to come out that it is going to take $60 a person—hear this—to count the people in the United States.

Please give me that contract for 10 cents a person. Please let me do it for 10 cents a person. We are going to spend 60 cents a person—pardon me, $60 a person, $60 a person to count the people in the United States.

Go figure. Let's outline what happened to the Census. The Census routinely uses no-bid, cost-plus contracts. Whatever it costs, do it. Well, it just so happens their plan went awry. They paid bonuses to a company that failed to deliver what was ordered. The Census failed to be clear about what they wanted in terms of the electronic devices. So we have $750 million worth of junk we cannot use. Somebody ought to be held accountable for that.

Do you know who that is? That is us. How dare we waste almost $1 billion on one contract, because it was a cost-plus, was not overseen. We did not know what we were asking for, and yet the people who supplied it did not lose a thing. That is a very profitable contract.

That is why we have problems in the Federal Government. That is why we have $50 billion worth of waste a year in the Pentagon: because we do not know what we want, and there is no capital at risk for the people who are bidding these contracts. So, consequently, they just do whatever because it is cost-plus. They just send a bill at the end of the month, and we pay it. So we are going to have an $18 billion census that has a high likelihood of being the least accurate census we have ever had. There are probably going to be numerous lawsuits over this census.

My hope is that Director Groves can, in fact, salvage the census. But when we get it, it is not going to be accurate. It is going to displace six House seats because it is going to count illegal aliens who should not be counted in terms of the apportionment for the seats in Congress.

There are 561 earmarks in this bill. Two-thirds of them—hear me clearly—go to members of the Appropriations Committee. Is that not a coincidence? One-third goes to the other 70 Members of the body, but two-thirds goes to the 30 members sitting on the Appropriations Committee.

The President proposed that two programs be absolutely terminated because they have zero worth, value, and contribution to the Federal Government. They are both funded in the bill. The bill is one of many we will pass that will have double-digit increases. I wonder how many families right now are seeing a double-digit increase in their income. That is a rarity today in our economy. Yet we put on the floor almost a 13-percent increase which is about the average of everything else we have been putting out here, in spite of the fact we just spent $800 billion of our kids' money on a stimulus package, and this agency received a significant portion of that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I want the American people to know where we stand financially. The war on terror will not defeat us. We will defeat ourselves. Every known republic to the world collapsed through fiscal mismanagement. We can read the history, Alexander Tyler on the Athenian empire, several other scholarly works throughout the last two to three centuries.

What we are really talking about is our kids. They are not my kids. My kids are grown. They are all in their

30s. We are talking about youngsters this age. She makes a great point. She is already $38,375 in debt, and all she owns is a dollhouse. The sad thing is, she totally underestimates, because her obligation for things we have promised ourselves for which she will have to pay above and beyond income tax rates we have today, Social Security taxes and Medicare taxes, is just a mere $400,000. So by the time she becomes 20, she will owe $800,000, if we count the interest which is coming. It is not long before we will be spending a trillion dollars a year on interest. And this number, by that time, will be $118,000. So now we will have her at $918,000 that she is going to have to pay off for us.

Think about that as a moral question. Should we in fact cut the legs off our grandchildren so that politicians and political leaders today can spin things and avoid making the most difficult choices that we now need to make? If one follows the news, especially the financial news, the problem the United States faces today is the fact that the world is losing confidence in the dollar. There is a reason for that. What is the reason? The world is starting to sense that as we continue to borrow more and more billions and trillions of dollars that we will not be able to pay it back. Therefore, the world's valuation of our currency becomes less confident. Therefore, the cost to borrow in the future becomes higher. The figure I just quoted, the $918,000 per child who is born over the next 30 years, is based on today's interest rates of 3.4 percent on a 10-year note that the Government offers. What happens when the interest rates are 10 or 11 percent? We are talking about a fiscal collapse that has never before been seen in the history of the world. Yet we continue to put spending bills on the floor and laud the fact that we are only borrowing 43 cents out of every dollar we spend this year.

There will come a time when we can't borrow 43 cents out of every dollar we spend. What will we do then? What will happen then? What will happen is the following: We will either see a totally debased currency which means everything we worked for our entire life will be markedly decreased in value or we will see 15, 20, 30 percent inflation. There is no other exit for this other than for us to do the following: We have to start making the hard choices now.

This bill doesn't do it. From 2008 to 2009, the fiscal year ended September 30, we increased CJS by 15.5 percent. This bill comes back and increases it another 12.6 percent. Compound that out and we find, without the stimulus money they also got, that we will double the size of this agency in less than 4 years. I am not sure that is what we want.

Here is what we have done so far. If we look at the bottom corner, inflation is expected to be less than 1.6 percent. Yet we see the following percentage increases: 5.7; 7.2; Energy and Water, 1.4—the only reason it was 1.4 is because they got $45 billion from the stimulus—Agriculture, 12.6; Treasury-HUD, 22.5; Interior, 16.2; and now CJS, 12.6.

Most families—and I know almost every business—are making hard choices right now about what they spend money on and what they do not. They are in tough times. Somehow that hasn't reverberated to this body. If it has, it has not reverberated to the appropriations committees of the House or Senate. That will be an amendment to freeze spending at last year's level, which could easily be done, but we don't have the courage to do that. There will be several other amendments offered. They are working on an agreement at this time.

I will be offering three amendments. I will wait until the Senator from Maryland comes before offering them. I understand they don't want me to call them up at this time. So I will not. One of the amendments limits funding to the National Science Foundation. It has created quite an uproar with political scientists that we would dare decrease the amount of money we spend on figuring out why politicians are vague or why certain people vote a certain way or the other way. What happens when we spend money on obvious answers is that money for the National Science Foundation doesn't go to cure a disease. It doesn't go to make an absolute impact on some child who is suffering from a chronic disease that unless the research dollars are there, they will never have a normal life or lifestyle. In fact, everybody screams when some of their money gets attacked.

So the political scientists in the country, those who get this money, $91.3 million over the last 10 years that we have doled out to political scientists, that $91 million could have gone to the study of biology or chemistry or pharmaceutical science or fields of endeavor such as micronutrients or cellular metabolism or genetic manipulation so we can cure a disease. Instead, where do they spend the money? Campaigns and elections, electoral choice systems, political change, domestic conflict, party activism, political psychology, and political tolerance.

What are some of the good things NSF does? NSF scientists have developed new computer-generated robotics to help people with severe disabilities. They can do what we can do, those of us who don't have a physical disability, except they can now do it with a robot. They become independent again and get their life back. NSF supported engineers that created a bone substitute that blends in tendon tissues which mimics natural bone and provides better integration so that people with lost movement in their joints have it returned. NSF created technology with their grants to engineer the next generation of biofuels. We are seeing the science. They created a new type of fiber reinforced concrete that bends without cracking. It is 300 to 500 times more resistant to cracking and 40 percent lighter in weight which means we can build bridges that will never fall down. We won't have a Minnesota tragedy again. That is the real science from the National Science Foundation.

Let me give a little hint of what the National Science Foundation projects for political science have been.

There is $188,206 to ask the question: Why do political candidates make vague statements, and what are the consequences? We all know the answer to that. They make vague statements because they want to get reelected. They do not want to get pinned down. It is not hard to figure out, but we blew a lot of money on it.

How about a grant for political discussion in the workplace? That has to be an important priority for the country now that we are running a $1.6 trillion deficit.

Here is one: television news and the visual framing of war. I am certain that is an important research topic that we should sacrifice our children's future for, and I know it must be a priority for her, this little girl, whose daddy or mama was smart enough to recognize what the real consequences of our behavior are.

Or how about another study: Why people are for or against military conflicts? Nobody is for military conflicts. They are for the defense of our country. But to spend money to study why people are for or against? Tell me what that contributes to her future?

I am accused of being a flatlander. I do come from Oklahoma. I was born in Wyoming. But there is one difference with us flatlanders: we actually have worked in our lives, we understand common sense, and we have had to make hard choices before.

How about this study, the impact of Medicare reform on senior citizens' political views. I can tell you what it is. We take away a benefit, they are not going to like it; we add a benefit, they are going to like it. Send me the check. I will do it for free. It is plain, old common sense. It may be nice to have the statistics behind that, but we all know the answer to those questions.

Here is another one: evaluate whip counts. Let me tell you what a whip count is. Every party has a whip so they can count the votes before they happen so they think they know what is going to happen on the vote, so they know what votes to bring up and what votes not to. We are going to have a study by Congress: How do whip counts impact party leaders in the legislative process? Who cares. Nobody should care about that. What we should care about is her future. We have our priorities totally upside down and turned on their ear.

How about a conference on the effect of YouTube on the 2008 election. Now, the people who are interested in that are politicians because ''how do we use YouTube to get reelected?'' Should we

be paying for that with your tax dollars? ''How do we keep incumbents incumbents?'' I would think a better study of political science is, how do you throw us all out. That is a better use of the funds. How do you get rid of us since we are doing such a terrible job managing the finances of this country?

Or how about the ''NewsHour'' with Jim Lehrer—to pay for complete, live, prime-time gavel-to-gavel coverage of the Democratic and GOP National Conventions. Guess what. They were covered by three other networks free. We did not pay them a penny. Yet we pay this.

We are going to increase NSF's budget in this bill 8 percent, the National Science Foundation. It is the one we ought to be increasing 12 or 15 percent, but it ought to be on real science, on pure science, on science that has an outcome we can measure that is not related to the observation of common fact but is new research that will derive great benefits for the people of this country.

So I will be offering an amendment to limit the amount of money. We are going to hear all sorts of claims. What we have heard already on the blogs is that National Science Foundation political science research contributes to our understanding of democracy. I think we have pretty well figured what democracy is. ''Our ability to have a free and open democratic process would be significantly harmed without this research.''

You know what is being harmed is her generation, as we foolishly spend dollar after dollar on things that are not a priority—hundreds of millions of dollars on program after program after program that 90 percent of Americans could say: That might be fine if we were in a cash-rich position, but at a time when the Federal Government is about to double every 4 years and the debt is about to double every 5 years, wouldn't it be smart to not spend money we don't have on things we don't need? So that is what this amendment is.

There is another claim: The loss of National Science Foundation funding will significantly harm political science research in this country. Let me give you a few facts about that. The University of Michigan—they are the receiver of the largest grant under the NSF—has a $7.5 billion endowment. That is just one of the universities—$7.5 billion—and we are supposed to keep sending, every 10 years, $100 million for political science research.

Here is the political science—here it is: The heritage of this Nation is that one generation creates opportunity for the next by sacrificing, making the hard choices they need to make to make sure what has worked in the past will provide them opportunities in the future. This does not do any of that. What it says is, the ones who are on the ins, the people who are well connected now, the people who are dependent on millions of dollars of funding—when they are sitting with billions of dollars in their endowments—are worth more than she is. That is exactly the problem.

Until we figure out we are going to have to make some tough sacrifices, her future is at risk. Unless we do this fairly soon, we could very well be on an irreversible course. Two or three more years of spending the way we are spending and borrowing the way we are borrowing will doom her to a standard of living 40 percent below what we see today. Those are not my words, the economists agree. The governments are going to end up consuming 45 or 50 percent of our total GDP. We are at 10 percent this year—the highest in our history with the exception of being in the midst of World War II. Never have we been in such shape as we are in today.

I think we have a lot of things wrong. But the No. 1 thing we have wrong is we have forgotten that service is about sacrifice. Service is about giving up something of you so somebody else gets ahead. We cannot expect the American people to model that behavior if we are not willing to do it. If everything we do is about protecting our own vested political interests and protecting our campaign contributors and protecting the well connected and not excluding and divorcing ourselves from all of that and making great commonsense judgments, we are history as a nation.

I wonder when it started. I wonder when it started that we decided we were more important than the country. I wonder when it started when we decided we would push our hand and say: Stop the heritage of this country. When did it start that we decided we were worth more than the generations that follow us? When did it start that we decided we were not brave enough to take the hits to make the hard choices so the Republic can be preserved? When did it start? When did that cowardice start because it is ever present now as we go through the appropriations process.

I ran a business for 9 years, and I learned a lot doing that. I learned a lot about people. But I also learned a lot about making tough choices. We, in fact, can make tough choices and preserve what is good and best and brightest in all of us. As a matter of fact, hope comes from that, when people make those tough decisions that, in fact, consider the very personal nature of how individuals are affected and they are at work for the common good for the long run.

You see, there is not a business out there today that is surviving just thinking only in the short run. If they are, they will not be here 2 years from now. They are all thinking in the long run. They are all positioning, planning, managing, developing. The same with families. They are doing that right now at the dinner table—positioning, planning, developing what is going to come next: How we are going to get where we want to go. We are in a rough period now. What do we cut back? What is the thing that we sacrifice today to secure the future for our family tomorrow?

Ashamedly, not much of that exists in Washington. What does exist is a willingness to say yes to everybody, and then wink and nod and try to have it both ways. I am not a both ways kind of guy, and neither is America. The great sheet is about to be lifted over the, I would use, imbecilic methods of Washington. When transparency gets its full view, America is going to make some major changes, and I am not talking Republican-Democrat. I am talking both.

This is a problem of elitism. This is a problem of short-term thinking by the political leaders of this country on: How do I manage my political career and to heck with the rest of the country. Nobody in their right mind would bring appropriations bills to the floor that have these types of increases at a time when we are stealing $1.4 trillion from our grandkids. How do we justify it? How do we justify growing the Federal Government at a time when families are struggling like they have never struggled except during World War II and the Great Depression? How do we justify that?

We do not justify it. We cannot justify it. What we can do, and what will happen in the debate on the amendments I bring forward—they will be ignored. They just will not debate it. It will go away. That is what happens when we bring critical amendments to the floor and question the wisdom of growing the Federal Government larger and larger without developing a way to pay for it and without taking a critical look at all of those programs out there.

There is $350 billion worth of waste, fraud, and duplication in the Federal Government right now. The American people ought to be clamoring that we freeze spending everywhere until we have done a review of every government program that is out there—just like they are doing with their own families, just like they are doing with their own businesses, just like every organization in America today is having to do, except governments.

How is it this can happen? How is it we can go down the sewer drain just like other republics, knowing what history says will happen to us if, in fact, we abandon fiscal sanity? That is what this appropriations bill does, and all the rest of them we have passed because, in fact, we will double the size of the Federal Government in the next 4 years, based on 2008, 2009, not counting the stimulus.

If we are running a $1.4 trillion deficit—actually $1.8 trillion when we count everything we have stolen from Social Security and everything we have stolen from, for example, the inland waterways trust fund and the other trust funds; and we have not funded any Federal pensions; and, by the way, we have not funded anything else we have an obligation for, such as

VA health care or military retirement—none of those things are funded—what happens when we get in the crunch?

What happens when nobody loans to us anymore? Wouldn't it be prudent to prepare for that? Wouldn't it be prudent for us to dig in as a nation—Democrats and Republicans and Independents—and say: Time out. Let's look where we are. Let's quit wasting $350 billion a year. Let's eliminate the duplication. There are 800 programs outside the Department of Education that are run by the Federal Government for education—outside the Department of Education. How about eliminating them or at least putting them in the Department of Education and consolidating them. And oh, by the way, education has done a wonderful job at the Federal Government level. As soon as the Federal Government got into our educational system, our scores started declining, our graduation rates started declining, and our college graduation rates started declining. That is the record of the Federal Government's involvement in education in this country.

There is a lot we can fix, not just my ideas. The question I am asking is, Why aren't we asking the question? Why aren't the American people challenging their elected Members to the Senate and the House? Where are your priorities? Does she not matter? Does their future not matter? Answer the question: With $918,000 worth of unfunded liability and debt for which at 20 years of age she will be paying—we will be paying the interest, which means the taxes for that interest will come back to her eventually—how will she get a college education? How will she own a home besides a dollhouse? How will it happen? Will Tinker Bell just come down and give it to her? That isn't going to happen. So as we think outyears, we ought to be thinking about what our actions today are going to cost. Yet we don't.

These are disturbing times. These are not just disturbing times because we face a war on terror, and they are not disturbing times because we have an economic downturn. What is disturbing is that we absolutely have avoided leadership in bringing this country back to its commonsense basics of spending money we have for things that are an ultimate priority, not spending money we don't have on things we don't need. A large portion of these appropriations bills spends money we don't have on things we don't need. We may want them. There is no question that politicians want them. There is no question that the National Science Foundation political science grantees want them. Do we need them? That is the question. And we have no leadership that will discern, at a crucial juncture in our history, a path that will bring us to not only a recovery from this recession but a recovery for an opportunity for every child her age.

It is deeply personal with me. I have five grandchildren. I look in their eyes, and I see the potential of their lives and all of these other children who are out there. There is tremendous potential in them. You know what, we are going to waterboard them. That is what we are going to do. We are going to waterboard them. We are going to flood them with debt. We are going to shackle their opportunities. We are going to limit their possibilities because we don't have the courage to make the difference for their future.

Mr. President, I will yield the floor, and I will come back and offer my amendments when the Senator from Maryland arrives.

With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. COBURN. I ask unanimous consent to call up amendment No. 2631.

The PRESIDING OFFICER. In my capacity as a Senator from Nebraska, I object.

Mr. COBURN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2631

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 2631.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. COBURN. I ask unanimous consent to set aside the pending amendment and to call up amendment No. 2631.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2631.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To redirect funding of the National Science Foundation toward practical scientific research)

At the appropriate place in title III, insert the following:

SEC. ____. None of the funds appropriated under this Act may be used to carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation.

AMENDMENT NO. 2632

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2632.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2632.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

AMENDMENT NO. 2667

Mr. COBURN. Mr. President, I ask unanimous consent to set aside that amendment in order to call up amendment No. 2667.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. Coburn] proposes an amendment numbered 2667.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce waste and abuse at the Department of Commerce)

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by title I under the heading ''OFFICE OF INSPECTOR GENERAL'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' is increased by $4,499,000.

(b) OFFSET.—The amount appropriated by title I under the heading ''HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' is decreased by $5,000,000.

Mr. COBURN. Mr. President, I wish to talk about amendment No. 2667. This is a fairly straightforward amendment.

The House has $5 million for renovation of the Hoover Building. There is

no question that we need to have a continuing ongoing project of renovating that. However, in the Senate, we have $17.5 million.

If we look at the Commerce Department and what is going wrong, what we see is that because we are limited by funds, we don't have an active enough oversight of what is going on inside; otherwise, we could never account for the billions of dollars of waste on the census.

This is a straightforward amendment. It just says: Of that $17.5 million, we are going to take $5 million, which still puts us at 2½ times what the House has, and direct it toward the Inspector General's Office of the Commerce Department. What that does is it enhances oversight, enhances transparency, and enhances communication back to the Commerce Department so we can see what is going on with an agency that is obviously troubled.

The inspector general's department, and agency-wide, is fielded by tough, great people who probably would pretty much agree with everything I spent the last hour talking about. The fact is, they are limited in what they can do. They are limited by the funds we give them. So we now come down again to priorities. Do we build bicycle racks out in front of the Herbert C. Hoover Building or do we spend money making sure the inspectors general and the auditors can actually see what is going on in this agency?

It is very straightforward. It is going to be a fun vote. I understand how amendments go on the Senate floor when we are in the mood to spend money and not act responsibly. But do we really want transparency, do we really want to know what is going on, do we really want to discover the reason we are in such big trouble, and do we really want to fund the inspector general at a level that will give us the information upon which we can make better decisions? That leaves alone the question of whether we will make better decisions. I have a lack of confidence on that, but at least with the right information, we will be able to, in fact, see what is going on.

We continue not to prioritize funds. The Department of Commerce is going to get a 52-percent increase in funding in our version of this bill. It receives $7.9 billion in additional stimulus funds. That was 85 percent of what they received entirely in 2009, which means in a matter of 2 years we will have given them on average three times what they receive normally in a year. So we are talking about taking a small portion—$5 million—and directing it to the Inspector General's Office so they can do what is needed to be done in terms of carrying out their responsibilities.

There is no question in my mind that the Department of Commerce is suffering from mismanagement. I am not directing this to the present Secretary; I am directing this backwards through the Bush administration. Here are some statements that were made in the Senate report accompanying this bill:

> The committee is extremely concerned about the persistent pattern of cost overruns and schedule slippages on major projects and missions carried out by the agencies in this bill.
>
> The committee remains apprehensive about the management of the census.
>
> Reports have exposed a culture within many agencies that exhibits a lack of accountability in oversight of grant funding.
>
> The committee is concerned that the Census Bureau has failed to implement three recommendations by the IG.
>
> NOAA's satellite programs have undergone extensive independent reviews after experiencing cost overruns, delays, and setbacks.
>
> The National Polar Orbiting Operational Environmental Satellite system has struggled for years with cost overruns and schedule delays and a high risk of gaps occurring to the Nation's weather and climate satellites.
>
> The committee remains concerned by the lack of progress in reducing patent pendency and the overall patent backlog.

I note the committee routinely takes money away from patent fees to use on other funds. As such, the committee has provided bill language to transfer funding to the Office of the Inspector General for the express purpose of conducting all audit engagements in the oversight of U.S. Patent and Trademark Office.

Despite these concerns—and I didn't list them all—with the Commerce Department, and a 52-percent increase in spending in the bill, if you were concerned, why would you increase spending that much? That is No. 1. The account for the inspector general is increased only by 4.4 percent. So this is a measly little $5 million out of a $17.5 million increase. The House only has $5 million for the Herbert C. Hoover Building. So we put 2½ times what the House does in the building, and we actually give the IG the money he needs to do his job. There isn't an agency that needs more oversight and more work by an inspector general than the Commerce Department.

I will limit my comments on this at the present time, and I will defer to the chairman, if she wishes to speak; Otherwise, I will discuss one of the other amendments.

Ms. MIKULSKI. Mr. President, first, we acknowledge the need for the Commerce Department to clean up its act in terms of its spending. The Senator from Oklahoma has indeed identified the very programs that give me heartburn as well: the NOAA satellite program, which continually has cost overruns; the decennial census, until we intervened with Secretary Gutierrez, had become a techno boondoggle; the backlog at the Patent and Trademark Office is well known.

However, he proposes to increase funds for the IG, even though the bill already meets the request for this office. This amendment is unnecessary because we provide $27 million for the Commerce inspector general. This matches what President Obama said he wanted to put in the Federal budget, and he thought it would do the job. In fiscal year 2009, the IG of Commerce received 25.8. So we puffed it up 1.2 million already. In addition to the stimulus package, just to be sure that money was going in the right direction, we in the subcommittee, working on a bipartisan basis with Senator SHELBY, put in an additional $6 million to make sure we did have oversight and accountability. We have not received any indication from the IG that that IG needs more money. Unnecessary funding will not make those problems go away. What we want to do is be able to push them, advocate them, and stand sentry.

The building restoration which this amendment proposes to do will only add to the Commerce Department's problems. It is called the Herbert C. Hoover Building. The building is in substandard condition. It really is in substandard condition. It is the only building over there that has not been upgraded in several years. Funding in this bill would begin to modernize it, particularly in much needed health and safety codes—heating, air conditioning, electricity, and plumbing. Funding in this covers the long partnership with GSA. I want the Senator from Oklahoma to know I agree that we have to stand sentry on Commerce. If you go over the bill, I have added some tough provisions with Senator SHELBY on oversight—particularly on this NOAA satellite program. But taking from much needed repairs at Commerce to fund the much needed repairs in oversight I don't think cuts it. I will oppose the amendment of the Senator from Oklahoma, though I think he and I are on the same broadband about necessary stewardship.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. We have communication from the GSA that says this amendment will not inhibit any of the plans, upgrades, or improvements to the Herbert C. Hoover Building. No. 2, we all admit there are problems at the Commerce Department. We have a 12.6-percent increase in spending but we increase the IG by 4.4 percent. We are going to increase spending three times faster than the ability to track it and oversee it. We did increase it 4.4 percent, but we increased the agency 12.6 percent. We have our priorities backward. We should be increasing the IG by 12.6 percent and the agency 4 percent, or 1.6 percent to match inflation.

This amendment will not, in any way, according to GSA, impede their ability to make the corrections that they need to make in terms of health and safety at the Herbert C. Hoover Building.

I thank the chairman for her recognition of the problems at this agency. The answer to solve it is to let the dogs run. Let them find it. Let them go after it. Let them bring to light transparency, and let them bring the reports that we need so we can make the changes we need.

AMENDMENT NO. 2632

I want to spend a few moments on my next amendment, No. 2632. This is a very similar amendment. I spoke about it earlier. This amendment says that whatever reports we ask for, whatever answers we want from these agencies, in fact, unless it has to do with national security or defense, should be reported to every Senator, not just the Senators on the Appropriations Committee. And more importantly, it should be reported to everybody in America. This is a great open government amendment which says we will be transparent.

We are requesting numerous reports in this bill. Why should the American people not get to see what those reports show? Why should we not get to see how we are spending our money, why we are spending our money, and whether the effect of spending the money is having the desired outcome? H.R. 2847 requires reports, audits, and evaluates all decision documents and expenditures by the Bureau of the Census. We all know that has been a problem. And I dispute that Secretary Gutierrez did anything about the problem, other than talk the former leader of the census into leaving. Secretary Gutierrez should have been following the census to know before it ever got in that kind of shape. We have a wonderful leader there now, and I fully support him. I supported his nomination, and I supported his approval by the Senate.

This would also require a quarterly report by the Attorney General regarding the costs and contracting procedures related to each conference held by the Department of Justice. Why should not everybody get to see that? Why should not Americans, who are actually paying for that, and their grandkids, such as this young lady in the photo, get to see it? Why should she not get to see that? This is straightforward. We will have a vote on this amendment. I have learned my lesson on not getting them accepted. When they go to conference, we still hide it from the American people. So we will have a vote on this amendment and see whether people want to hide what we are doing or want it exposed fully to the American people. It is a good government amendment.

We also have a request for a report that the Secretary, within 120 days of enactment of this act, shall report to the Committee on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of Census as it relates to the 2010 census. Why just the Senators on the Appropriations Committee? Why not the American people? Why should they not see that?

The other thing it will do is allow us to conduct better oversight. The committee chairman—I have great regard for the Senator from Maryland, because I think she does care about oversight. I cannot say that about all of our colleagues on the Appropriations Committee. We would have done a lot of oversight on the Census Bureau in the Government Affairs Subcommittee. I can tell you that we have great employees there. We have had terrible leadership until now. At $60 a person to count people in the United States, people ought to ask why. How did we allow this to happen?

This amendment is one that the vast majority of Americans concur with and the vast majority of my colleagues, I hope, will concur with.

I yield to the chairman of the committee.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I want to make a comment about the status of the Commerce Department building. I will be very clear that the subcommittee, on a bipartisan basis, supports vigorous oversight. The Commerce Building has not been renovated in more than 20 years.

Let me quote to you from the Washington Post in an article called ''NOAA's Ark.'' It says:

> When the Marine ecologist Jane Lubchenko was finally confirmed in March as the Under Secretary of Commerce in charge of NOAA, she went to check into her new digs on the fifth floor at the Commerce Department. It was a fine corner on 15th and Constitution, nothing fancy, but it overlooked the Washington Monument. But when she opened the door and she went to powder her nose, she found a massive Norwegian rat. The critter had come in through the derelict plumbing that was in her office. Now, she, with her typical good humor, laughed it off and said, as an ecologist, she found it biologically fascinating that sewer rats were able to come into the Commerce Department.

We told her she couldn't have a grant to study it, but we wanted to do something about the renovation. That is what we are—we want the best and the brightest to work in our government agencies, and to come up with new ideas such as in NOAA, to save the planet, to do the necessary scientific research to save fisheries. In that case, it would have influenced the economy of my State tremendously. We cannot minimize the need to refurbish that building. Air pockets have been developing in the plumbing at the Department of Commerce, and in order to get rid of the rats, you have to have regular flushes. This is not a laughing matter. It sounds like a laughing matter, but I want to be able to go forward to modernize the Commerce Department, working with the Secretary, and continue our vigorous oversight. Let's modernize the building. I hope we can defeat that amendment.

There is an amendment that the Senator from Oklahoma has offered that requires more transparency in our reports to Congress. I think that is a good idea. Again, discussing this with my colleague, Senator SHELBY, we both think it is a good idea. If the Senator from Oklahoma will concur—because I am for transparency and I believe we cannot have enough of it so that the American people can see things and make up their own minds—in the interest of time, I would accept the amendment. If the Senator would be willing to do a voice vote, I would be more than willing to accommodate that. I think the amendment is excellent and I believe it improves the bill. I am happy to accept it, or have it voice voted, or have a recorded vote, whatever the Senator wants.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I thank the chairman for her words on this amendment. I have learned a very critical lesson. We have an Energy and Water Appropriations bill that we did the same thing on. For some reason, it didn't come out of conference. Transparency didn't come out. I don't doubt the veracity of the senior Senator from Maryland, but I would just as soon have a recorded vote, if she would not mind.

I also want to answer the story of the rat, which is a great example of the mismanagement at the Department of Commerce. It does not relate to the present Secretary at all. If, in fact, you have plumbing problems in the building, the management is supposed to raise that issue. In fact, the Department of Commerce received a large sum of money with the stimulus. The House has only $5 million for the Herbert C. Hoover Building. GSA says this amendment will not limit at all their ability to accomplish what they want to accomplish there.

So if, in fact, $17.5 million is enough to get it done, why would we object to having more than that—if GSA says it is only going to pay $17.5 million, why are we putting $22.5 million in it in the first place?

The example proves my point: Management is lacking. With vigorous leadership and a vigorous, strong inspector general force that is funded at the same level of increase that we fund the government, as far as percentage of increases, we could hope to accomplish that.

AMENDMENT NO. 2631

I will move to my other amendment No. 2631. I spent a lot of time talking about this amendment before the chairman came to the floor. I will not repeat everything I said, but I will discuss the question of priorities.

I have a great respect for a lot of what the National Science Foundation does. I have very little respect for their grants for political science as a science. Part of that is because I think it is low on the priority of where they should be spending money when we can create things through NSF to save lives and also because of some of the grants that have been spent and put out there.

I will review a few of those over a short period of time and then will yield the floor to my colleague, the chairman of this subcommittee.

How do you back up the fact that the National Science Foundation gives a

grant for political science—here is the question asked: Why do political candidates make vague statements and what are the consequences? In the realm of science, being a physician, being trained in the sciences, first of all, it is a question to which we already know the answer. We know why politicians make vague statements. Because they don't want to get pinned down. But most important, they want to get reelected or elected. For us to send money to study something that stupid, that low on priorities is beyond me.

Or why are people for or against military conflicts? Do we need that science to tell us so that the next time we are in a military conflict we go out and manipulate the American people or do we have military conflicts based on the national defense and security interests of this country, even when there are political consequences to it?

The real world would never fund such stupidness. They would never allow millions and millions of dollars every year to be spent on silly things to help politicians understand why they spin or why they do not answer questions or why people might be for or against war. It is pretty easy to figure out.

Or studying how Medicare reform affects seniors' political views. That is pretty easy: If it hurts me, I am ''agin'' it; if it helps me, I am for it. Yet we spend hundreds of thousands of dollars paying for grants, through the National Science Foundation, to universities that have billions and billions of dollars in endowments. As a matter of fact, Tufts University has billions in endowments. They charge their students $40,000 a year in tuition alone. They are the recipients of some of this grant work, and they are the ones squawking the loudest.

So here we have an entitled class of professors in political science who now don't want their gravy train taken away when I say right now there is no way this can be a priority for this country with the debt we have and the economic situation we have. It cannot be as important as a multitude of other things for this young lady. It cannot be.

I do not have any illusions about what is going to happen to this amendment. I know the appropriators reign supreme. What I am hoping is that the American people ultimately reign supreme. So as we vote to vote down this amendment or they vote to table this amendment so they do not have to directly vote on the amendment, one has to walk back and say: What is going on in Washington that you will not clean up the excesses in a time of great national distress? We will not and we haven't, and that is why we have a giant increase from last year and this year. We entered the recession in 2007, remember? That is why we borrowed 43 cents out of every $1 we spent this year because we will not make these hard, tough choices about why politicians are vague, while we continue to spend millions and millions of dollars so somebody can sit in an office and pontificate and you can see the same answer—all you have to do is look at the news shows and you get the same answers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I make an inquiry of the Chair. Do we have a limit on time for debate?

The PRESIDING OFFICER. The time from 4:30 p.m. to 5:30 p.m. is evenly divided.

Mr. COBURN. I understand. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, for a point of clarification, the time of the Senator from Oklahoma has expired and how much time do I have?

The PRESIDING OFFICER. There is 22½ minutes.

Ms. MIKULSKI. Mr. President, I would like to speak on these amendments for as much time as I may consume, and then if there is some remaining time, perhaps we could, in the interest of comity, share some time. As I understand it, there is a vote scheduled at 5:30.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Mr. President, before the Senator leaves, I wish to give him two punch lines. First of all, I know he doesn't think much of political science. He made that clear. But I wish to bring to his attention that Dr. Elinor Ostrom, who just won the Nobel Prize for Economics, is a political scientist. She received most of her funding through the National Science Foundation—28 grant awards since 1974. Those grants helped her lay the groundwork for winning the Nobel Prize. She is a political scientist, but she used that talent to win the prize. I will elaborate on that. I am a big fan of her work.

The other point I wish to bring to the Senator's attention is that the National Science Foundation has an $8 million agreement with DOD in their Social Science Department on the social science dimensions of national security, conflicts, and cooperation. DOD, under its Minerva initiative, has joined with the National Science Foundation because they want academic researchers involved in studying authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations, and other new dimensions in social security. I will describe those grants in detail.

Mr. COBURN. Will the Senator yield for a question?

Ms. MIKULSKI. In a minute. What I wish to make clear is that the National Science Foundation has helped fund the work that laid the groundwork for a talented person to win not only the Nobel Prize but to come up with the kind of ideas where maybe we could win markets and jobs. The Department of Defense thought enough of the National Science Foundation's Social Science Department to come up with an $8 million—and it is not a lot of money—but an $8 million agreement to fund 17 projects, where they are going to be studying things such as authoritarian regimes, terrorist organizations, the impact on religious and cultural change, and how maybe they could avoid us being blown up. If one of those studies helps one policymaker make one decision to save one marine, I think it is worth the 8 million bucks, and I am willing to put it in the Federal budget.

I will be happy to yield for a question.

Mr. COBURN. Mr. President, will the Senator agree that the Defense Department funds all sorts of research in all sorts of scientific areas, and they don't necessarily do that on the predicate—they do it on the basis of what their need is. There is a very big difference, does the Senator agree, between the social sciences and political science?

Ms. MIKULSKI. Will the Senator from Oklahoma agree that political science is one of the branches of social science?

Mr. COBURN. Sure, and I am only targeting with my amendment political science, not social sciences, if the Senator reads my amendment.

Ms. MIKULSKI. Within these DOD grants, I am not sure which ones are sociology, anthropology or political science because it is in that one directorate.

Mr. COBURN. I thank the chairman for allowing me to ask a question.

Ms. MIKULSKI. Mr. President, I oppose, as you can see, the amendment of the Senator from Oklahoma. He wants to eliminate $9 million from the political science program at the National Science Foundation. I don't like targeting an individual science area. Today it might be political science. Another Senator might target biology. Remember how we stifled science under the gag rules and gag guidelines of stem cell research?

Also, I don't like trivializing academic research and academics, that somehow or another there is worthwhile science and then there are others that can be minimized or trivialized.

First, I remind everyone about the work of the National Science Foundation. The NSF has received bipartisan support, and in rising above the gathering storm, the National Academy of Sciences pointed out that the National Science Foundation is one of our lead agencies in promoting innovation through its research and its education programs.

This bill also supports the funding for the Directorate for Social, Behavior and Economic Science. That is the one, which I talked about with the Senator from Oklahoma, which oversees the political science office. This directorate's mission is to use basic research to understand human and institutional behavior vital to rebuilding our national infrastructure and understanding how we operate as a society.

This program began in 1962, and over the years, it has also included an open,

transparent relationship with the Department of Defense. This is not black-box research. This is out-of-the-box research so maybe we could figure out our world better and deal with conflict resolution or when we are in a conflict, how we can work with other people around the world and build democratic societies and democratic institutions.

In recent news, we also were awakened with great pride that two American women won the Nobel Prize. One is Dr. Greider, in my home State of Maryland at Johns Hopkins. I talked with Dr. Greider the other day. Wow, what a great American scientist. She answered her own phone. She was going to join her daughter at a soccer game right after she had gotten the call from Stockholm. As we talked about her groundbreaking research in microbiology, she said she was able to do her work because of the grants she had received through the National Institutes of Health. They had helped her get her education, and they had helped her do her research. They helped her to win the Nobel Prize. But for herself, she thought the prize would be a tribute to what her work was in microbiology that could lead to saving lives.

We also had another woman win the Nobel Prize—Dr. Elinor Ostrom. Her training is in political science. She won the Nobel Prize for economics. She is the first woman ever to win the prize for economics—an American woman. Although not in the Congress, she has received several political science grants from NSF because political science also looks at institutions which also have an impact on our economy. Since 1974, Dr. Ostrom has received over 20 grants, and these grants helped her do her fieldwork all over the world in relationship to the economic activity of people and communities. The Royal Swedish Academy of Sciences thought enough of her work to award her the Nobel Prize. But long before they heard of her in Stockholm, the National Science Foundation had heard of her and helped her with her award-winning research.

We have to keep this going. Our National Science Foundation and our other scientific institutions must go where no thought has gone before. That is the point of discovery. Discovery has led to innovation. Innovation leads to the new ideas that lead to the new jobs in our society. A society that doesn't innovate stagnates. And innovation comes not only in engineering, though much needed; it doesn't only come in physics, though much desired; it doesn't come only in medicine, in the biological research, though much revered; a lot of this is the basic social sciences.

As I said to the Senator from Oklahoma, for the last 8 years there has been a relationship between DOD and the National Science Foundation—again, in open, transparent research. And here, I am quoting from the ''Federal Technology Watch,'' October 6, 2009. ''Federal Technology Watch'' is a weekly report on Federal technology, science, and policy areas.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from which I am going to quote.

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

[From the Federal Technology Watch, Oct. 9, 2009]

NSF FINDS DECLINING FEDERAL SUPPORT OF ACADEMIC R&D

US universities reported science and engineering r&d expenditures of $51.9-billion in FY08, according to a new National Science Foundation (NSF) report released Oct. 2. However, the preliminary findings of NSF's Survey of Research and Development Expenditures at Universities and Colleges are that federal funding decreased as a share of the academic r&d total, from 64% in FY05 to 60% in FY08. Despite this drop, the federal government retains its traditional role as the largest source of academic r&d funding.

The FY08 survey data showed an increase in federally funded expenditures of 2.5% in current dollars, reaching $31.2-billion. After adjusting for inflation, this is a 0.2% increase from FY07 and follows two years of real declines since FY05.

Other statistical notes from the NSF report include:

—Combined sources of non-federal funding grew 8.3% during FY08;

—State and local government funding of r&d expenditures grew in FY08 8.8%, increasing to $3.4-billion from $3.1-billion in FY07;

—Industry funding of academic r&d grew 7.1% to $2.9-billion in FY08;

—Funding from academic institutions increased 7% to $10.4-billion in FY08.

Also, r&d funds for joint projects that were passed through primary university recipients to other university sub-recipients almost doubled from FY00 to FY08, growing from $700-million to $1.4-billion in constant 2000 dollars. The current dollar amount of $1.7-billion represents 3.3% of total academic r&d expenditures in FY08, compared with 2.3% of the total in FY00.

InfoBrief 09–318, written by NSF analyst Ronda Britt of the r&d statistics program, is available at: <www.nsf. gov/statistics/infbrief/nsf09318/nsf09318.pdf>

ELECTRIC VEHICLE FORUM

The first-ever US-China Electric Vehicle Forum was held last week in Beijing, China.

Attended by over 140 US and Chinese officials from government, industry, academia and advocacy groups, the forum discussed progress made in the electric vehicle industry and opportunities for future collaboration.

The event, co-hosted by Department of Energy (DOE) assistant secretary for policy and international affairs David Sandalow and Chinese Science & Technology Minister Wan Gang, highlighted the rapidly growing electric vehicle industry in both countries.

''The US and China share a strong common interest in putting millions of electric vehicles on the road soon, which will lessen our dependence on foreign oil and help address the global climate challenge,'' Sandalow said Sept. 29. ''Working together, we can accomplish more than acting alone.''

America and China are the two largest auto markets and energy consumers, and together emit over 40% of the world's greenhouse gases. The forum offered a venue for experts to exchange views on recent electric vehicle developments and identify promising opportunities for technical and policy collaboration.

This year is the 30th anniversary of the US-China Science & Technology Agreement, which represented the first agreement between the two countries following normalization of relations in the 1970s.

''By working together, the US and China can leverage technological breakthroughs, increase consumer acceptance and grow market penetration of clean vehicles,'' said White House counselor for energy and climate change Jody Freeman, who was a speaker at the forum.

NSF–DOD PROJECTS FUNDED

$8-million has been awarded to 17 projects by the National Science Foundation (NSF) under a joint NSF/Department of Defense (DOD) solicitation.

The competition, Social and Behavioral Dimensions of National Security, Conflict and Cooperation, is focused on basic social and behavioral science of strategic importance to US national security policy, as part of the DOD's Minerva Initiative launched in 2008.

Four topic areas that address the needs of national security policymakers and the ideals of open academic basic research were determined jointly by DOD and NSF for the solicitation. They are: authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations and ideologies, and new dimensions in national security.

These proposals were funded under the 2009 competition:

—Status, manipulating group threats, and conflict within and between groups: Patrick Barclay (Univ. of Guelph) & Stephen Bernard (Indiana Univ.);

—Behavioral insights into national security issues: Rachel Croson (UT Dallas) & Charles Holt (Univ. of Virginia);

—Experimental analysis of alternative models of conflict bargaining: Wiilliam Reed (William Marsh Rice Univ.), Charles Holt (Univ. of Virginia), Timothy Nordstrom (Univ. of Mississippi), and David Clark (State Univ. of New York—Binghamton);

—Terror, conflict processes, organizations, and ideologies: Completing the picture: Stephen Shellman (College of William & Mary), Remco Chang (Univ. of North Carolina—Charlotte), Michael Covington (Univ. of Georgia), Joseph Young (Southern Illinois Univ.—Carbondale), & Michael Findley (Brigham Young Univ.);

—How politics inside dictatorships affects regime stability and international conflict: Barbara Geddes (UCLA) & Joseph Wright (Pennsylvania State Univ.);

—Mapping terrorist organizations: Martha Crenshaw (Stanford Univ.);

—People, power, and conflict in the Eurasian migration system: Cynthia Buckley (UT Austin);

—Strategies of violence, tools of peace, and changes in war termination: Virginia Fortna (Columbia Univ.);

—Avoiding water wars: Environmental security through river treaty institutionalization: Jaroslav Tir (Univ. of Georgia);

—Predicting the nature of conflict—an evolutionary analysis of the tactical choice: Laura Razzolini (Virginia Commonwealth Univ.) & Atin Basuchoudhary (Virginia Military Institute);

—Fighting and bargaining over political power in weak states: Robert Powell (UC Berkeley);

—Political economy of terrorism and insurgency (workshop): Eli Berman (UC San Diego);

—Substantive expertise, strategic analysis and behavioral foundations of terrorism (workshop): Rachel Croson (UT Dallas);

—New armies from old: Merging competing military forces after civil wars (workshop): Roy Licklider (Rutgers Univ.);

—Engaging intensely adversarial states: The strategic limits and potential of public

diplomacy in US national security policy: Geoffrey Wiseman (Univ. of Southern California);

—Deciphering civil conflict in the Middle East: J. Craig Jenkins (Ohio State Univ.); and

—Modeling discourse and social dynamics in authoritarian regimes: Jeff Hancock (Cornell Univ.), Arthur Graesser (Univ. of Memphis) & David Beaver (UT Austin).

DOD partnered with NSF to reach the broadest range of academic, social and behavioral science, and this collaboration combines the insights of DOD with the peer review expertise of NSF in support of the agencies' desire to promote basic social and behavioral scientific research in areas that will benefit the US.

EPA'S NANOTECH STRATEGY

A new research strategy to understand better how manufactured nanomaterials may harm human health and the environment was outlined by the Environmental Protection Agency (EPA) on Sept. 29.

The strategy describes what research EPA will support over the next several years to generate information about safe use of nanotechnology and products that contain nanoscale materials. It also includes research into ways nanotechnology can be used to clean up toxic chemicals in the environment.

Nanomaterials are between one and 100 nanometers and used in hundreds of consumer products, including sunscreen, cosmetics and sports equipment. The unusual light-absorbing properties of zinc or titanium nanoparticles make high-SPF nano sunscreens clear rather than white and studies have shown that they provide superior protection against UV radiation.

Part of EPA's role among federal agencies is to determine the potential hazards of nanotechnology and develop approaches to reduce or minimize any risks identified. As part of the strategy, EPA researchers are investigating widely-used nanomaterials, such as the carbon nanotubes used in vehicles, sports equipment and electronics, and titanium dioxide used in paints, cosmetics and sunscreens.

The research, being conducted in EPA's own laboratories and by grant recipients as part of a collaborative effort with other federal agencies and the international community, uses a multi-disciplinary approach that examines all aspects of nanomaterials in the environment, from their manufacture and use to their disposal or recycling.

EPA's new nanotech web site offers details about the research: <www.epa.gov/nanoscience>

PRESIDENT EXTENDS PCAST

On Sept. 29, President Barack Obama signed Executive Order (E.O.) 13511, which extended terms of several federal advisory committees including the President's Council of Advisors on Science and Technology (PCAST), E.O. 13226, as amended (Office of S&T Policy), until Sept. 30 2011.

Other committees whose terms are extended include the following: Committee for the Preservation of the White House, E.O. 11145, as amended (Interior Dept.); National Infrastructure Advisory Council; E.O. 13231, as amended (Department of Homeland Security); Federal Advisory Council on Occupational Safety and Health, E.O. 12196, as amended (Labor Dept.), President's Board of Advisors on Historically Black Colleges and Universities, E.O. 13256 (Education Dept.), President's Board of Advisors on Tribal Colleges and Universities, E.O. 13270 (Education Dept.), President's Commission on White House Fellowships, E.O. 11183, as amended (Office of Personnel Management), President's Committee on the National Medal of Science, E.O. 11287, as amended (National Science Foundation), President's Export Council, E.O. 12131, as amended (Commerce Dept.), President's National Security Telecommunications Advisory Committee, E.O. 12382, as amended (Department of Homeland Security), and the Trade and Environment Policy Advisory Committee, E.O. 12905 (Office of the US Trade Representative).

E.O. 13511 took effect Sept. 30 2009.

US-RUSSIAN NUCLEAR TALKS

Deputy Energy Secretary Daniel Poneman and Russia's State Atomic Energy Corporation's (Rosatom) director general Sergei Kiriyenko held the first meetings of the joint US-Russian Nuclear Energy and Nuclear Security Working Group last week.

The Sept. 28–29 meetings opened with a session hosted by Energy Secretary Steven Chu, who met with director general Kiriyenko and deputy secretary Poneman to discuss a number of issues, including the two countries' mutual work securing vulnerable nuclear materials, efforts to increase cooperation on civil nuclear technologies, and cooperation on other nuclear security issues.

''The US and Russia have a long and successful track record of cooperation in the area of nuclear security,'' said Poneman. ''These meetings and our visits to Oak Ridge National Laboratory and the Y–12 National Security Complex demonstrate how seriously our countries take our shared responsibility to promote peaceful uses of nuclear energy while combating nuclear dangers. I look forward to continuing this record by expanding our cooperation in fulfillment of our presidents' joint statement.''

The meetings, which ended with a plenary session co-chaired by Poneman and Kiriyenko, were the first since the working group was established under the US-Russia Bilateral Presidential Commission during the July 2009 Presidential Summit. The Nuclear Energy and Nuclear Security Working Group is co-chaired by Poneman and Kiriyenko. In addition to talks in Washington DC, the meetings included a visit by director general Kiriyenko and Poneman to the National Nuclear Security Administration's Y–12 National Security Complex and Oak Ridge National Laboratory (ORNL) in Oak Ridge, Tenn.

''This visit is devoted to an in-depth discussion of the issues of nuclear energy and nuclear security as stipulated by the mandate from the presidents of the Russian Federation and the US,'' said Kiriyenko. ''We're looking forward to the expansion of our bilateral cooperation on these issues.''

After their meeting with Secretary Chu, Poneman and Kiriyenko flew to Tennessee to visit ORNL and Y–12, where they watched a joint nuclear security training exercise. At Y–12, Poneman and Kiriyenko discussed nuclear materials management issues and toured the recently completed Highly Enriched Uranium Materials Facility. During their ORNL visit, Kiriyenko and Poneman received a briefing at the Radiochemical Engineering Development Center and the Spallation Neutron Source.

As a result of the meeting, a joint action plan was formulated by the working group and will be forwarded to President Obama and President Medvedev through Secretary of State Hillary Clinton and Russian Foreign Minister Sergey Lavrov. Secretary Clinton and Foreign Minister Lavrov serve as the Bilateral Commission Coordinators.

DHS CYBER HIRES AUTHORITY

The Department of Homeland Security (DHS) has received new authority to recruit and hire cybersecurity professionals over the next three years to help the agency meet its broad mission to protect the nation's cyber infrastructure, systems and networks.

''Effective cybersecurity requires all partners—individuals, communities, government entities and the private sector—to work together to protect our networks and strengthen our cyber resiliency,'' Homeland Security Secretary Janet Napolitano said Oct.1 at the launch of National Cybersecurity Awareness Month. ''This new hiring authority will enable [us] to recruit the best cyber analysts, developers and engineers in the world to serve their country by leading the nation's defenses against cyber threats.''

A collaboration between DHS, the Office of Personnel Management (OPM) and Office of Management and Budget (OMB), the new authority allows DHS to fill up to 1,000 critical cybersecurity staff positions over three years across all of its components. These roles include cyber risk & strategic analysis, cyber incident response, vulnerability detection & assessment, intelligence & investigation, and network & systems engineering. But DHS doesn't anticipate needing to fill all the posts.

The announcement was made by Secretary Napolitano at a National Cybersecurity Awareness Month ceremony with Deputy Defense Secretary William Lynn III and White House national security staff acting senior director for cybersecurity Chris Painter.

For National Cybersecurity Awareness Month details, visit: <www.staysafeonline.org>

SBA AWARDS PRIME GRANTS

The Small Business Administration (SBA) announced Oct. 2 that 58 non-profit organizations from 32 states and the District of Columbia are to receive grant funding under the Program for Investment in Microentrepreneurs Act (PRIME) to assist low-income and very low-income entrepreneurs with training and technical assistance to start, operate, and grow their businesses.

''SBA remains committed to helping small businesses start, grow and succeed, and PRIME is one of our many tools for doing this,'' SBA administrator Karen Mills said last week. ''Thanks to larger funding this year, we were able to provide grant dollars to more recipients across more states. These grant recipients are on the front line of helping entrepreneurs in particularly underserved communities with critical tools to help them maximize the potential of their businesses, create jobs and help strengthen the local economy.''

The competition for PRIME grants was open to applicants in all 50 states and the US territories, and SBA received over 400 applications. SBA last year funded 35 grants in 12 states on a non-competitive basis.

SBA's PRIME grant funding is intended to establish management and technical assistance, access to capital and other forms of financial assistance, and business training and counseling through qualified organizations to small businesses with five or fewer employees who are economically disadvantaged, and businesses owned by low-income individuals, including those on Indian reservations and tribal lands.

The grant funding received will be used to provide training and technical assistance to disadvantaged microentrepreneurs, supply capacity building services to organizations that assist with microenterprise training and services, and aid in researching and developing best practices in the field of microenterprise development and technical assistance programs for disadvantaged micro-entrepreneurs.

This year's total program funding amounts to $5 million with grants ranging in size up to $250,000 with a 50% match required of the recipient. PRIME grants are open to microentrepreneur training and technical assistance providers in all 50 states and US territories. They have a one-year performance period, with four 12-month options.

2009 PRIME grant recipients are at: <www.sba.gov/services/financialassistance/sbapartners/prime/index.html>

US-ITALY NUCLEAR R&D PACT

Two important nuclear energy agreements that could lead to construction of new nuclear power plants and improved cooperation on advanced nuclear energy systems and fuel cycle technologies in both countries were signed by Energy Secretary Steven Chu and Italian Minister for Economic Development Claudio Scajola on Sept. 30.

The US-Italy Joint Declaration Concerning Industrial and Commercial Cooperation in the Nuclear Energy Sector, which was signed on behalf of the US by Energy Secretary Chu and Commerce Deputy Secretary Dennis Hightower, affirms the strong interest of the US and Italy to encourage their respective nuclear industries to seek opportunities for construction of new nuclear power plants.

''The agreements reached today reflect our vision for strong partnerships with nations around the world to help address our shared climate and energy challenges,'' said Secretary Chu. ''Nuclear power will play a key role in the production of low-carbon energy in the years and decades to come, and we look forward to working with Italy and the US private sector to advance these important technologies.''

''Clean and efficient energy technologies, including nuclear power, will be a cornerstone of a vibrant and prosperous 21st century economy,'' added deputy secretary Hightower. ''American companies can offer Italy world-class nuclear energy solutions while strengthening our own domestic industry.''

A bilateral Agreement on Cooperation in Civilian Nuclear Energy Research and Development was also signed by Energy Secretary Chu and Minister Scajola, which will facilitate cooperation between DOE and Italy's Ministry for Economic Development in advanced nuclear energy systems and associated fuel cycle technologies. Both nations will collaborate in r&d of advanced technologies to improve the cost, safety, and proliferation-resistance of nuclear power.

The agreement will also expand efforts to promote and maintain nuclear science and engineering infrastructure and expertise in each country.

Italy will be a key partner in building international consensus and momentum on shared nuclear energy and nonproliferation agenda, and US energy officials look forward to working with their Italian counterparts at the Nuclear Security Summit in April 2010.

ARS FOOD WASTE PROJECT

Food scraps are collected every weekday from the Maryland Food Distribution Authority in Jessup, Md., and from small local food service and marketing establishments and trucked to the Agricultural Research Service (ARS) Henry Wallace Beltsville Agricultural Research Center (BARC) in Beltsville, Md.

Items not containing metal, glass, or plastic are then are mixed with woodchips, leaves and other organic residuals, and several months later some of the finished compost is delivered to the National Mall in Washington DC to be used in gardens at the Department of Agriculture's (USDA) Jamie Whitten Federal Building.

This unusual operation is part of research by ARS microbiologist Patricia Millner with the BARC Environmental Microbial and Food Safety Lab on ways to reduce the release of methane from landfills by diverting food residuals and other organic materials to composting. She conducts this research with microbiologist Walter Mulbry of BARC's Environmental Management and Byproduct Utilization Lab.

This year they are also supplying compost to the inaugural People's Garden, part of a new program for creating a community garden at each USDA facility, as well as for landscaping at the US Botanic Garden and the Capitol.

Millner also makes compost available for other federal 'green' projects, including roof gardens, rain gardens and other landscaping designs, to retain water and reduce runoff at federal sites in the Washington DC metropolitan area.

As part of her efforts to help the federal government model ways to compost food scraps, Millner has a cooperative r&d agreement (CRADA) with RCM LLC of Maryland to capture ammonia in the final compost to boost its nitrogen content for fertilizer use. She is now comparing several types of insulated composting containers for greenhouse gas emission reduction and other cost-benefit characteristics.

About half of the carbon and nitrogen in composting materials is lost to the air, rather than being captured in the compost.

NIH 115 HIGH-RISK AWARDS

A total of 115 awards for $348–million to encourage investigators to explore bold ideas with potential to catapult fields forward and accelerate the translation of research into improved health were announced by the National Institutes of Health (NIH).

''The appeal of the Pioneer, New Innovator, and now the T–R01 programs, is that investigators are encouraged to challenge the status quo with innovative ideas, while being given the necessary resources to test them,'' NIH director Dr Francis Collins said Sept. 24. ''The fact that we continue to receive such strong proposals for funding through the programs reflects the wealth of creative ideas in science today.''

The NIH High-Risk Research awards are granted under three research programs supported by its Common Fund Roadmap for Medical Research: the NIH director's Transformative RO1 (T–R01) awards, Pioneer awards, and New Innovator awards.

Enacted by Congress through the 2006 NIH Reform Act, the Common Fund supports cross-cutting, trans-NIH programs with a special emphasis on innovation and risk taking. Part of the New Innovator Awards ($23-million) is supported by American Recovery and Reinvestment Act funding.

NIH this year is granting 42 T–R01 awards, 18 Pioneer awards, and 55 New Innovator awards for early-stage investigators, and expects to make competing awards of $30-million to T–R01 awardees, $13.5-million to Pioneer awardees, and about $131-million to New Innovators in FY09. Total funding provided to this effort over a five-year period is estimated at $348-million.

More details on the T–R01 award are at: <http://nihroadmap.nih.gov/T-R01>

Details of the Pioneer award are at: <http://nihroadmap.nih.gov/pioneer>

Information on the New Innovator award is at: <http://nihroadmap.nih.gov/newinnovator>

NHGRI, NIMH GRANTS

Grants expected to total $45-million were announced last week by the National Human Genome Research Institute (NHGRI) and National Institute of Mental Health (NIMH) to establish new Centers of Excellence in Genomic Science in Wisconsin and North Carolina, as well as to continue support of existing centers in Maryland and California.

''Our aim is to foster the formation of innovative research teams that will develop genomic tools and technologies that help to advance human health,'' NHGRI acting director Dr Alan Guttmacher said Sept. 28. ''Each of these centers is in a position to tackle some of the most challenging questions facing biology today.''

''NIMH is pleased to partner with NHGRI and to be able to support this innovative study with funding through the American Recovery and Reinvestment Act,'' said NIMH director Dr Thomas Insel. ''These sophisticated genetic models will provide new opportunities to accelerate the pace of scientific discovery and to make progress toward understanding how genes shape behavior.''

NHGRI and NIMH are both part of the National Institutes of Health (NIH). Launched in 2001 by NHGRI, the Centers of Excellence in Genomic Science program assembles interdisciplinary teams dedicated to making critical advances in genomic research.

The new center, to be co-led by Medical College of Wisconsin and Univ. of Wisconsin-Madison will receive about $8-million over three years. The new center at Univ. of North Carolina, Chapel Hill will receive about $8.6-million over five years. The existing center at Univ. of Southern California, Los Angeles will receive about $12-million over five years and the existing center at Johns Hopkins Univ. in Baltimore will get about $16.8-million over five years.

Funding to all four centers will be provided by NHGRI. The first two years of the Univ. of North Carolina center will be funded by NIMH, which will contribute about $6-million through the American Recovery and Reinvestment Act (ARRA). In addition, NIMH will provide about $1.7-million, in non-ARRA funds, of the total funding awarded to the Johns Hopkins center.

More information about the program is at: <www.genome.gov/14514219>

NSF PLANS CPATH SURVEY

The National Science Foundation (NSF) plans a one-year data collection for its Revitalizing Computing Pathways (CPATH) in Undergraduate Education Program Evaluation.

Established by NSF's Computer & Information Science & Engineering (CISE) directorate, CPATH is aimed toward preparing a US workforce with computing competencies and skills imperative to the nation's health, security, and prosperity in the 21st century. This workforce includes a cadre of computing professionals prepared to contribute to sustained US leadership in computing in a wide range of application domains and career fields, and a broader professional workforce with knowledge and understanding of critical computing concepts, methodologies, and techniques.

To achieve this vision, CPATH calls for colleges and universities to work together and with other stakeholders (industry, professional societies, and others) to formulate and implement plans to revitalize undergraduate computing education in the US. Full engagement of faculty and other individuals in CISE disciplines will be critical to success.

Successful CPATH projects will be systemic in nature, address a broad range of issues, and have significant potential to contribute to the transformation and revitalization of undergraduate computing education on a national-scale. Qualitative data collection of this program evaluation will document CPATH program strategies used in infusing computational thinking across different contexts and disciplines, examine development of communities of practitioners and dissemination of best practices around computational thinking, and analyze preliminary evidence for how the CPATH program is preparing students for career options in the STEM workforce.

Five major questions will guide this program evaluation: How is CPATH infusing computational thinking in a range of disciplines serving undergraduate education? What evidence is there that university and

community college departments and faculty are integrating computational thinking into their courses? How are undergraduate students benefitting from their participation in CPATH projects? What evidence is there that CPATH is developing communities of practitioners that share best practices regularly across different contexts and disciplinary boundaries? How is CPATH promoting sustainable multi-sector partnerships that represent a broad range of stakeholders (e.g., industry, higher education, K12) and contribute to workforce development supporting continued US leadership in innovation?

NSF will seek answers to these questions through use of mixed evaluation methods including document analyses, site visit interviews, and telephone interviews with selected CPATH grant participants including principal investigators, staff, faculty, administrators, students, and external partners. Participation in program evaluations is mandatory for all CPATH awardees.

After considering public continent, NSF will request that OMB approve clearance of this one-time collection [OMB No. 3145–NEW] for no longer than one year.

NSF estimates about 200 respondents (individuals) will take part in the survey and take an average of 1½-hours per response.

For more details, contact Suzanne Plimpton at (703) 292–7556; splimpto@nsf.gov.

CDC AWARDS CENTER GRANTS

Award of $4.37-million in competitive grants to enhance health care information management and improve detection and response to emerging public health threats was announced Sept. 25 by the Centers for Disease Control and Prevention (CDC).

The CDC grants will fund four new Centers of Excellence in Public Health Informatics at Harvard Pilgrim Health Care, Indiana Univ., Univ. of Pittsburgh, and Univ. of Utah.

''These centers will advance the study and practice of public health informatics through collaborative efforts among academic public health experts, local and state public health departments, developing regional health information organizations, and other health and informatics professionals,'' said CDC's National Center for Public Health Informatics acting director Dr Stephen Thacker.

The overall purpose of the center of excellence initiative is to find strategies and tools that increase the ability of health departments, physicians and other health care providers to promote health and prevent diseases, injuries or disabilities. A common emphasis will be translation of results into measurable public health impacts.

Each center of excellence will conduct two new projects that support national priorities in informatics; and support real-time biosurveillance for potential health threats through immediate access to data from hospitals and health care systems in major metropolitan areas across the US.

The principal investigators, projects, and overall goals of the centers are:

—Harvard Pilgrim Health Care, Boston, Mass. (Dr Richard Platt & Dr Kenneth Mandl): Personally-controlled health records and social networks; and electronic support for public health: Diabetes Mellitus;

—Indiana Univ., Indianapolis (Dr Shaun Grannis): Bringing public health to the point of care: Overcoming digital barriers; and enhancing basic infrastructure capabilities that support public health practice;

—Univ. of Pittsburgh (Dr Michael Wagner): Automatic case detection using clinical data; and Bayesian outbreak detection and characterization;

—Univ. of Utah, Salt Lake City (Dr Matthew Samore): Visual analytics & decision support for core public health missions; and just-in-time delivery of dynamically maintained public health knowledge.

Five previously-funded centers have become national leaders in public health informatics. According to CDC officials, their academic productivity has been impressive, generating over 85 peer reviewed publications, 153 presentations at national meetings, and more than 100 posters and abstracts. They have also made contributions to strategic national activities.

STATE R&D ACTIVITY SURVEY

The US Census Bureau plans to continue to conduct the Survey of State Research and Development Expenditures in order to measure r&d supported and performed by state governments in the US.

This survey, a joint effort between Census Bureau and the National Science Foundation (NSF), is sponsored by NSF, which has a statutory charge to provide a central clearinghouse for the collection, interpretation, and analysis of data on s&e resources, and to provide a source of information for policy formulation by other federal agencies.

Under this legislative mandate, NSF has sponsored surveys of r&d since 1953, including the Survey of Industrial Research and Development and the Survey of State Research and Development Expenditures.

The survey form includes items on r&d expenditures by source of funding, by performer (internal and external to state agencies), and by character (basic, applied, or developmental), and the final results produced by NSF contain state and national estimates useful for a variety of data users interested in r&d and development performance. These include the National Science Board, the Office of Management & Budget, and the Office of S&T Policy, as well as other science policy makers, institutional researchers and private organizations.

All data are collected electronically via a web-based form, and the 500 or so state government agencies surveyed will be assisted during the collection period by central state coordinators.

An estimated 52 state coordinators and 500 state agencies are expected to respond to the voluntary survey, with the time per response being four hours for every state coordinator and 1½ hours for every state agency.

Comments on the proposed data collection [Form No. SRD–1] must be submitted by Nov. 20 to Diana Hynek at dHynek@doc.gov.

For more information, contact Pamela Medwid at pamela.d.dutterer@census.gov.

ARMY'S TOP 10 INVENTIONS

The US Army's Top Ten Greatest Inventions of 2008 were recognized during a Sept. 21 awards ceremony, attended by top Army s&t officials including Army Materiel Command (AMC) Commander Gen. Ann Dunwoody and Army Research, Development & Engineering Command (ARDEC) Commander Maj. Gen. Paul Izzo, in Arlington, Va.

The annual awards program, which gets nominations from across the Army's s&t community, aims to recognize the best technology solutions for soldiers. This year's awards recognized the following inventions fielded by the Army during 2008:

—1. XM153 Common Remotely Operated Weapon Station (CROWS) [Army Armament Research, Development & Engineering Center (AARDEC)]: Able to be mounted on a variety of vehicles, this system offers the ability to aim and fire remotely a suite of crew-served weapons from a stationary platform or while moving;

—2. Projectile Detection Cueing (PDCue)—CROWS Lightning [AARDEC]: This low-cost acoustic gunfire detection system is able to detect and locate the origin of incoming gunfire;

—3. Light machine gun & medium machine gun cradle [AARDEC]: This cradle provides a more stable and accurate firing platform and reliable, twist-free ammunition feeding regardless of weapon orientation;

—4. Overhead cover for objective gunner protection kit [AARDEC]: An integrated armor/ballistic glass system mounted onto the objective gunner protection kit of tactical and armored vehicles, it provides an enhanced 360 degree ballistic protection for gunners while retaining visibility for situational awareness;

—5. Enhanced mobile rapid aerostat initial deployment vehicle [Army Aviation and Missile Research, Development & Engineering Center]: This system combines multiple intelligence, surveillance, and reconnaissance capabilities onto a single, integrated platform;

—6. Whisper [Army Communications—Electronics Research, Development & Engineering Center]: The system's passive detection capability can be used to detect enemy radio-controlled improvised explosive device (IED) threats;

—7. Combat gauze for treating hemorrhage in injured soldiers [Army Institute of Surgical Research]: Hemorrhages account for 50% of deaths among combat casualties and many of these deaths are potentially preventable with prompt and effective treatment. This large-sized flexible roll of nonwoven medical gauze, impregnated with kaolin, a clotting agent, can be used to treat severe external bleeding, especially where a tourniquet can't be applied. It has also been proposed to treat deep bleeding at the end of a long wound tract;

—8. Mine-resistant ambush-protected armor weight reduction spiral program [Army Research Lab]: This program enabled Army to meet MRAP program protection requirements for a high priority, anti-armor, IED threat, and its goal was to introduce lightweight composites, new materials, and enhanced ballistic mechanisms to reduce the added weight of final armor packages.

—9. Mine-resistant ambush-protected expedient armor program add-on-armor kit [Army Tank Automotive Research, Development & Engineering Center (TARDEC)]: Developed to safeguard soldiers against lethal threats of IEDs and explosively formed penetrators, the armor uses armor physics, as opposed to armor mass, to defeat the threat. It has led to a 50% cut in weight, while increasing the armor protection on all MRAP vehicles without sacrificing vehicle performance or payload;

—10. One system remote video terminal A-kit [TARDEC]: An innovative modular video and data system enabling soldiers to receive remotely near-real-time surveillance image and geospatial data direct from tactical unmanned aerial vehicles and manned platforms.

AMC is the Army's premier provider of materiel readiness in the form of technology, acquisition support, materiel development, logistics, power projection and sustainment . . .

Ms. MIKULSKI. The quote is as follows:

$8 million has been awarded to 17 projects by the NSF under a joint NSF/Department of Defense solicitation. The competition, Social and Behavioral Dimensions of National Security, Conflict and Cooperation, is focused on basic social and behavioral science of strategic importance to US national security policy.

So again, the competition is in the social science directorate. And the four topic areas the DOD thought it was important to contract out, through the

NSF, are in the following areas, according to this article:

Authoritarian regimes, the strategic impact of religious and cultural change, terrorist organizations and idealogies, and new dimensions in national security.

They awarded these 17 grants, and let me read what some of them are. One is experimental analysis of alternative models of conflict bargaining. Now, you might say: Ho-hum. But you know what, maybe some idea out of that will help us crack how we can bring peace to the Middle East. Another is mapping terrorist organizations. Well, that is a pretty good idea. Maybe some of that research will help us get out of Afghanistan. How about predicting the nature of conflict? Well, we kind of know what that is, but do we really? Because if we understand the nature of conflict, maybe we can learn to defang conflict.

Let's look at another issue which I am very concerned about because of my worry about the planet—avoiding water wars: environmental security. These may be new threats to the United States.

I could read every one of these, but what I want to say is that DOD has partnered with NSF—to quote from this article—''to reach the broadest range of academic, social and behavioral science, and this collaboration combines the insights of DOD with the peer review expertise of NSF in support of the agencies' desire to promote basic social and behavioral research in areas that will benefit the United States.''

''Federal Technology Watch'' said it best. To take out $9 million is really penny-wise and pound-foolish. I am going to oppose the amendment of the Senator on that issue. I will oppose the amendment of the Senator on taking money from much-needed Commerce Department renovations and putting it in IG because we do fund the President's request in IG.

I do, however, like the amendment of the Senator from Oklahoma on more transparency in government reports that are coming into the Commerce Department. I believe we could have passed that one by voice vote. I am sorry we have to go through the mechanics of a recorded vote. He is worried I would drop it in conference, but I could give him my word that we would maintain that amendment as best we could. But so be it, the Senator is entitled to that.

So, Mr. President, as we conclude our conversation this afternoon, I want to be very clear. We oppose two of the Coburn amendments. I accept one that you will see down at the desk where I stand.

I had hoped we could avoid a cloture vote. Senator SHELBY and I have worked hard on a bipartisan bill, and I once again acknowledge the Senator from Alabama, my Republican colleague. We have an excellent bill that funds not only the Commerce Department but the Justice Department, and now we are facing the threat of a filibuster by amendment after amendment. I had hoped we could have reached some kind of agreement on a limited number of amendments, but since we can't, it looks as if we are going to have to go to cloture.

I think we have had a good discussion, and I want to reiterate the three goals of the Commerce, Justice, Science Subcommittee. No. 1, we want to promote the security of the American people. We want to do it over there and we want to do it here. That is why we fund the Justice Department. We also want to promote innovation, and we have vigorous funding for our science agencies and innovation from the government that will also be on the side of those innovators. No. 3, where we do agree with the Senator from Oklahoma is on increased oversight, accountability, stewardship, and transparency.

Mr. President, I know we are about 5 minutes from the vote, so I will now reserve the remainder of my time.

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

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 committee-reported substitute amendment to H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute to H.R. 2847, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Mississippi (Mr. WICKER).

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

The yeas and nays resulted—yeas 56, nays 38, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—56

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

NAYS—38

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Reid
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Voinovich
Crapo	Lugar	

NOT VOTING—6

Begich	Byrd	Inouye
Burr	Hutchison	Wicker

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to reconsider the vote by which cloture was not invoked is considered entered.

Mr. REID. Mr. President, in years past, appropriations bills were finished in a reasonably short period of time. There was cooperation between both sides. That, of course, has ended. We are now in an era where the President of the United States goes to a foreign country trying to bring the Olympics to the United States. And when the Olympics do not go to Chicago, our Republican colleagues cheer. If you can imagine that, that is what happened.

When the President is awarded the Nobel Peace Prize, only the third time in the history of the country that a sitting President is awarded the Nobel Peace Prize, we get the same dissatisfaction of this tremendous honor given to our country from our Republican colleagues.

As was written in the New York Times 1 week ago: The Republicans are legislating out of spite. Anything that slows things down, confuses, diverts from the business at hand, they are

happy to do that. There were 100 filibusters last year. And the American people should understand filibusters are more than just a word. It takes days and weeks of the Senate's time to work through that process.

We are going to get this bill passed, and we will complete the work on this appropriations bill—not because the Republicans deserve it, with their many earmarks in the bill. We are going to go ahead and do it anyway. We are going to do it because it is the right thing for the country.

There are many amendments that are germane. There are a number of amendments that were not germane postcloture. They would be considered. I told everyone that.

This is a game Republican Senators are playing. I think it is a very unfair game for the American people. I do hope the American people are watching, and they are. All you have to do is look at the LA Times. In Los Angeles this weekend, there was a front-page story indicating that the Republican Party, as a result of what is going on in the Senate, is at the lowest point in the history of the country for a political party. Why wouldn't they be?

We do have one brave soul who voted to get the bill out of the Finance Committee, and I appreciate her work. No cooperation on one of the most important issues facing the country in generations, health care reform. Do they have a plan? Of course not. It is the party of no, as indicated in this vote tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Republican leader.

Mr. MCCONNELL. Madam President, on the vote just cast, as my friend well knows, we had worked on an amendment list not only last week but earlier today. We were down to what I thought was a manageable list. There is no one on this side of whom I am aware trying to prevent the Commerce-Justice-State bill from passing. So far this year we have had a very good amendment process. Members have been able to offer their amendments and get votes. I thought until about 5:15 this afternoon we were going to be able to get an amendment list. It broke down somehow in the discussions. So I wouldn't make more out of this than it is. We were very close to being able to finish this bill.

I suggest we continue to work on the amendment list, which was quite reasonable, and wrap up the bill in the very near future.

Mr. REID. Madam President, I appreciate the suggestion of my Republican counterpart. But we are going to get cloture on this bill, and we will handle the germane amendments. We have legislated on this bill for 5 days. That should be enough. The list they think is reasonable, someone should take a look at it and see how unreasonable it is. We will go ahead. We will do the regular order. We will get cloture on this bill, and we will handle the germane amendments—maybe. We don't have to handle the germane amendments. We don't have to deal with those. We might do that; we might not do it.

I think what has happened in the Senate is outrageous. I want to make sure the record is clear. I appreciate very much JOHN MCCAIN saying nice things about President Obama getting the Nobel Peace Prize. Another person who says he is running for President also said nice things about President Obama getting that. That was Governor Pawlenty. Obviously, Governor Pawlenty knows the American people think it is wrong for someone who receives this high honor, for people not to pat him on the back.

What has gone on in the Senate is as indicated in the New York Times last month: they are legislating out of spite. We are going to continue to work for the betterment of this country and move forward on the agenda this country needs to work on. We have had a successful year legislating. It has been extremely difficult. We have had a lot of hurdles to go over.

I appreciate the legislation we have passed. We only recently got 60 votes. We have had 58, so we have always needed a couple Republicans. And we have been able to get those but just barely. I appreciate the scowls from the other side as they vote with us.

We have a lot of important things to do. We are going to continue working on them. Health care has taken a lot longer than we had anticipated, but we will take that over the finish line. It will be hard, but we are going to do that. I hope we can do it with some support from the Republicans. It appears at this stage that we are not going to get any, other than maybe a couple of courageous souls. Maybe we will get three if we are lucky.

We have to do something about energy, an important issue. We are going to deal with that. We have to do something about regulation reform.

It would be a lot better for the American people if Republican Senators worked with us. Take, for example, the health care bill from the HELP Committee. You would think, after having accepted scores and scores of Republican amendments, that some Republican would say a nice thing about that HELP bill. Not a word. Every single member of the Republican Party who is a member of the HELP Committee voted against the bill.

It is pretty clear what is happening around here. As I indicated—for the third time—Republicans are legislating out of spite, and that is not good for this country.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. With all due respect to my good friend, the majority leader, I don't know what the vote we just had had to do with the President winning a Nobel Peace Prize. I congratulate him for that. I think all Members are proud that he was able to achieve that. I don't know what it had to do with health care. What it had to do with is the Commerce-Justice-State appropriations bill.

We had agreed to all of the amendments on a list but one. We said to the majority that we would eliminate the one. So I don't know why they can't take yes for an answer. We basically had an agreement on our amendment list but for one amendment which they objected to, and we said we would take it off the list. It strikes me rather than having a spirited debate about health care and other matters, we ought to agree to the amendment list and finish the bill.

Mr. REID. Madam President, Thursday we waited virtually all day—all day—for them to come up with a list. It was never quite right. Never quite right. I was here late Thursday night, very late Thursday night. Everyone else had gone home. But the Republicans refused to OK a list. So I had no alternative but to file a motion to invoke cloture. The agreement is in their minds only. We have been very generous in allowing amendments that have nothing to do with bills this whole year. We were still willing to do that with this piece of legislation. This is part of a stall that we have had all year long, the stall all day Thursday. We had problems on Wednesday trying to come up with a list, and Thursday. Just never quite right.

Suddenly, today, we have a list. We are willing to drop an amendment. I don't know what amendment they are talking about dropping.

I have made my statement very clear. We have a pattern in the Senate by the Republicans that is abusive to the system. It is preventing the American people from getting work done. An example is this very important bill dealing with law enforcement—Commerce-Justice-State—FBI agents. Senator MIKULSKI has worked very hard. She is proud of this legislation. We are going to go ahead and get it done without the Republicans. We are going to go ahead and do it. Their earmarks are included. We are not going to take away any of their earmarks because we believe in fairness.

MORNING BUSINESS

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

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

The Senator from Ohio.

ORDER OF PROCEDURE

Mr. BROWN. I ask unanimous consent to be recognized for up to 20 minutes, followed by Senator HATCH for up to 20 minutes, and Senator GRASSLEY for up to 20 minutes.

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

HEALTH CARE REFORM

Mr. BROWN. Madam President, yesterday was a fateful day as we moved forward on health care legislation. Yesterday America's Health Insurance Plans, the insurance companies, unveiled a report criticizing the Senate Finance Committee's health reform legislation. This is the committee that negotiated with Republicans for 6 months; the committee that worked with the insurance industry for 6 months; a committee that has, frankly, not included a public option; a committee that has, frankly, bent over backwards to listen to insurance company interests.

America's Health Insurance Plans unveiled a report saying that as a result of this health care bill, health insurance premiums are going to increase by double-digit percentages as far as the eye can see.

Families USA pointed out that ''this criticism by the insurance lobby gives hypocrisy a bad name.''

AHIP, America's Health Insurance Plans, talked about rate shock; that if we move forward on this health insurance bill, Americans are going to be victimized by rate shock. Rate shock is a significant increase in premiums that insurance companies have inflicted upon Americans over the past decade, year after year after year.

I just got off the phone with a small business person in Cincinnati who has fought as hard as he possibly can. He came to my townhall meeting in Cincinnati, the most conservative part of the State, saying he needed to go in with other businesses in an insurance exchange, perhaps with a public option so he could get his rates in check. The insurance companies just raised his rates so dramatically that he is likely going to lose his insurance.

Rate shock is when between 2000 and 2009 average family insurance premiums for employer-based health coverage increase from $6,700 to over $13,073, an increase of 93 percent. Rate shock is when between 1999 and 2009, premiums for employer-sponsored insurance in my State—from Findlay to Gallipolis, from Galion to Youngstown—grew 108 percent. Rate shock is when 20 percent of middle-income Ohio families spend more than 10 percent of their income on health care. Rate shock is when between 2000 and 2008, the percentage of employees with an annual deductible greater than $1,000 increased from 1 percent to 18 percent. One out of five Ohioans is paying a more than $1,000 deductible. Rate shock is when since 2000, insurance costs for small businesses have increased 129 percent.

Who is going to provide the jobs in this economy to get us back on our feet as a nation? It is small businesses. Yet the insurance companies have more than doubled insurance premiums for small business, a 129-percent increase in less than a decade. Rate shock is when small business workers pay an average of 18 percent more in premiums than those in large firms for the same benefits.

When America's Health Insurance Plans, the insurance industry, talks about rate shock, rate shock is what they have inflicted on the American public, what they have inflicted on large corporations, what they have inflicted on small business people, what they have inflicted on individual American workers, on individuals holding insurance plans.

Here is what rate shock, inflicting these huge premiums, has done. We know what it has done to the American public. We know what it has done to small business. We know what it has done to workers. We know what it has done to taxpayers. We know what it has done to local and State governments wrestling with insurance costs while providing other education, health care, public safety, public service services.

Here is what it has meant to insurance companies. Between 2000 and 2007, rate shock, inflicting high costs on ratepayers, has meant profits at 10 of the country's largest publicly traded health insurance companies going up 428 percent. They are doing just fine, thanks to the rate shock they are imposing upon American business and American individuals.

From 2007, CEOs of these companies collected a combined total compensation—10 companies, 1 year—of $118.6 million, $11.9 million each, 468 times more than the $25,000 an average American worker made that year. The CEOs of the insurance companies made $11.9 million each while they are saying to people: Sorry, you can't get insurance. You have a preexisting condition. Sorry, we are going to rescind your policies because you got too sick and you spent too much. Sorry, we will not cover you. We will cancel your policy because you are the wrong age or the wrong gender or live in the wrong place or you have the wrong disability.

The first half of this year, to top it all off, here is what rate shock meant to the insurance industry. AHIP spent $3.9 million on in-house lobbying efforts and another $500,000 on outside lobbying firms and consultants.

It is just a question of fairness. The question of fairness says to all of us, this is not right. People are paying more and more for their insurance. People are losing their insurance because they cannot afford it. People are getting cut off their insurance because of preexisting conditions. People are being discriminated against because of disability or gender or age or location. That—coupled with the salaries, the CEO compensation—all of that is not fair.

But what does that mean individually? Why, other than questions of fairness—which really matter. Another is productivity in our economy. As these health care costs are so burdensome to employers, they simply cannot hire people. I spoke today to a group. I had a roundtable, one of about 140 I have done around Ohio, in my hometown of Mansfield, OH, with about 15 manufacturers, people who are struggling with all kinds of things.

They cannot get credit. They are victimized by the Chinese currency problems that American industry faces and our government will not do enough about. They are badly hurt by health insurance costs. So we know about the question of fairness. It is not fair what has happened to our workers, to our small manufacturers, to our companies, to our taxpayers, while CEOs are doing so well.

But let me talk about what this really means. I am going to read four or five letters from people in Ohio about why this matters, why this insurance crisis matters. I know the Presiding Officer gets letters—whether they come from Hanover or whereever they come from in her State—she gets letters such as this too. Most of the letters I get are from people who thought they had pretty good insurance, and then they get sick and their insurance is canceled or then they find out that one of their children has a preexisting condition or a spouse has a preexisting condition and they cannot renew their insurance or it gets so costly they cannot renew it. That is what comes through in so many of these letters.

Let met share a few of them. This is a letter from Robert from Lake County. It is a county just east of Cleveland on Lake Erie in northeast Ohio:

> In 1986 my wife was terminally ill with cancer and several other illnesses. When I switched jobs and looked for new insurance, we were denied because of her pre-existing condition.
>
> In 2001, when I was 58, I lost my job. When COBRA ran out, I was denied insurance based on my pre-existing conditions of diabetes and heart disease.
>
> I managed to limp through until I turned 65 and became eligible for Medicare.
>
> I'm sure the fear and anxiety I suffered over health insurance hasn't been at all beneficial to my overall health.

I have heard person after person—in talking to people one-on-one or looking at the letters they write or reading something they have written on the Internet—tell me they are not quite 65, they might be 55, they might be 62, and they just hope they can hold on until they are 65 so they can get a decent government-sponsored health plan, Medicare. That tells me why the public is demanding the public option. The public understands a public option—which is just an option—will make the insurance companies more honest.

A public option will not cancel people for having a preexisting condition anymore than Medicare does. A public option will give people choice. It will discipline the insurance companies and keep costs in check.

We know, when you look at this report I just talked about—this AHIP report that talked about rate shock—that is as good an argument for a public option as any I have ever heard of because the insurance companies say: We are going to raise rates even higher

than we have already raised them, an even higher percentage than we have already raised them, an even faster climb than we have already done in the last decade. That is why we need a public option, to discipline the insurance companies, to compete with them. They seem to be competing to raise rates, not competing to keep things in check, unlike the way competition used to work in this country. That is why a public option is so important.

Shelly from Coshocton, a community in sort of southeast, east central Ohio, writes:

I have no health insurance coverage for myself or my son. My husband is disabled and receives Social Security Disability and Medicare.

My son was born with a congenital heart defect [and] has already had one open heart surgery.

Along with my pre-existing condition, neither of us can afford private coverage.

Pre-existing conditions should be illegal for insurance companies to use to delay health care for Americans.

Shelly is right. When she says that, understand that, yes, we are going to change the law so we are going to ban the whole practice of ''preexisting condition.'' No more ''preexisting condition'' under this legislation, no more caps on cost, on coverage, and no more annual or lifetime caps, no more discrimination based on gender or disability or geography or age.

But even with that, we clearly need a public option to enforce those rules so the insurance companies cannot find a way to game the system, as they have over and over, year after year after year. That should be our commitment to Shelly from Coshocton.

Tina from Cuyahoga County—the Cleveland area—writes:

My husband and I have been married for 30 years.

We've lived in the same three bedroom home for the last 26 years, where we sent our two sons to college, without debt, while running our small business.

We have our own insurance, but have seen raised deductibles and scaled back coverage. I would guess we've spent some $150,000 on premiums over the healthy years of our lives.

Unfortunately, last fall I was diagnosed with non-Hodgkin's lymphoma. The deficiencies in our current policy were then made clear.

Again, a good health care policy until she really needed it, which is too much par for the course in this country.

Our plan covers only certain services. After 2 different and unsuccessful treatments, I have an $80,000 balance with the hospital.

I firmly believe most people have no idea of their exposure because they have been fortunate not to have had the need to use their insurance. I alternate between being furious and depressed.

At 53, what have I to look forward to other than single handedly having ruined my family's financial future.

Something has to be done. It is immoral that insurance companies should make a profit over people's health conditions.

I think that says it all: again, so many people have what they think is pretty good health insurance until something really bad happens. That is what health insurance should be all about. It really is not insurance if it does not work when you really need it. And Tina from the Cleveland area understands that. A public option will work to make sure she continues with her health coverage, that she cannot be denied coverage, that even when she gets really sick, she will be in a pool that will work for her.

I have two more letters, Madam President, and then I will yield the floor to the Senator from Utah.

This is a letter from Priscilla from Miami County—a county in southwest Ohio, just north of Dayton:

I am a 62-year-old widow with controlled cholesterol and high blood pressure.

I bring in $2,300 per month on fixed income but pay $1,900 per month for health insurance premiums.

So $2,300 a month she brings in, and she pays $1,900 a month for health insurance premiums. She is not quite Medicare eligible. She is 62 years old.

I keep my thermostat at 62 degrees in the winter and minimize the use of hot water, unless when needed.

I spend about $100 per month on groceries.

Since August 2007, I've spent more than $40,000 in premiums, co-pays, and out-of-pocket expenses.

My private insurer paid only $8,500 for my medical and prescription claims in that period.

Priscilla's health insurance simply does not work for her. It is a health insurance policy that too often does not respond when she needs it to respond. She likely—as so many people I know and who call my office—spends much of her time on the phone trying to get her insurance company to pay. You have to figure the stress on people, dealing with insurance companies and getting turned down time after time after time, probably compromises their health.

She has to wait another 3 years before she is Medicare eligible. This legislation will help her with that. This legislation will give her the chance to go into an insurance exchange. She can pick a private plan or she can pick the public option. Either way, she simply will not have these kinds of premiums. She will not have these kinds of out-of-pocket expenses. She will have some costs. She will get some help because she does not make very much money. That is what this country should do, I think, for people like Priscilla.

The last letter I will read is from Cheryl from my home county of Lorain—Elyria, Avon, North Ridgeville, Oberlin, Amherst, that area of the State just west of Cleveland on Lake Erie:

We are a working class family riding the fine line between blue and white collar income.

I work as a business executive assistant, aware of how big business can influence the outcome of this bill. My husband is a retired fire captain who was forced into retirement after being injured on the job.

We get insurance through my employer, but we've seen costs increased considerably in the last three years alone.

Our daughters, ages 28 and 26, both work but face difficult choices regarding their health care.

One daughter's employer plan is based on her overall health—she lives in fear that something like high blood pressure could possibly increase medical costs by hundreds of dollars a month.

My other daughter is a contract worker who has to pay for her own insurance. She makes about $45,000 a year and supports a family of three, but has out-of-pocket expenses anywhere from $2,500 to $5,000 before the deductible is even met.

These are examples of hard working people who will survive in the short term but in the long term will be paying medical insurance rather than a house payment.

Please continue the fight, you cannot let [us] down.

I know the Presiding Officer from New Hampshire gets these kinds of letters from people who are really the backbone of this country, people such as her daughter making $45,000 a year. She has had barely a middle-class standard of living. It is clear, with her job as a business executive assistant, she has all kinds of out-of-pocket costs.

If we are going to get this economy back in shape—and I got that again today talking with those manufacturers, small companies of 30 and 50 and 100 people, most of them—if we are going to get this economy back in shape, we cannot have health care costs weighing down our businesses and individuals who simply cannot get ahead, who are fighting every day to figure out: How do I pay for this? How do I balance paying for my medicine with making my house payment, with heating my home, with buying my food? How can we in this society continue to do that?

Then, to top it off, as I said, the insurance industry, yesterday, put out a report that talked about rate shock, that if this bill passes—the kind of threat they made to this institution, to the House and the Senate, to the American people—they are going to jump health care prices.

Well, that is, again, why the public option is so important. The public option will provide competition to these insurance companies, competition they are not used to getting from each other. It might mean that the chief executive officers of the 10 biggest companies will not average $11.9 million in salaries. It might mean their profits will not continue to escalate. It might mean they have to tighten their belts and compete with a public option so their prices are more in check with what the American people can afford.

The time is now. It is imperative that we in this institution send legislation to the President of the United States for him to sign—good, strong legislation that helps small businesses, that helps people keep the insurance they have, if they want to keep it, if they are satisfied with it, and has a public option included in it to compete with insurance companies and keep them honest and to keep costs in check. It is our duty. It is our imperative. It is what we must do in the next few weeks.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ORDER OF PROCEDURE

Mr. HATCH. Madam President, I have agreed to delay my 20 minutes in favor of the distinguished Senator from Michigan having 3 or 4 minutes. I ask unanimous consent that I be given the floor after that.

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

The Senator from Michigan.

Ms. STABENOW. First, Madam President, I thank my friend from Utah for his graciousness. It is a pleasure to serve with him on the Finance Committee.

(The remarks of Ms. STABENOW pertaining to the introduction of S. 1776 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. STABENOW. Madam President, I appreciate very much my friend from Utah allowing me to step in for a moment. I will be happy to talk more about this at a later point, but it is important to get this introduced this evening so it can become a part of the debate.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—UNANIMOUS CONSENT REQUEST

Ms. STABENOW. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3548, which was received from the House; further, that a Reid substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I have to object on behalf of our side.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah is recognized.

HEALTH CARE REFORM

Mr. HATCH. Madam President, I have taken a lot of votes in my Senate service, as I have had the proud honor of representing my fellow Utahns and of course all Americans across this great Nation. I deliver these remarks with a heavy heart because what could have been a strong bipartisan vote reflecting our collective and genuine desire for responsible reform in the Senate Finance Committee has ended as another largely partisan exercise as we take another step forward toward the flawed solution of reforming one-sixth of our economy with more spending, more government, and more taxes.

Having said that, I wish to compliment the distinguished chairman of the committee, MAX BAUCUS, from Montana, for having worked so long and hard to try to get that bill through the committee. I disagree with the bill, but I also recognize that type of effort, and I have great regard for Senator BAUCUS and others on the committee as well. But I have worked through almost 4 weeks of debate in the Health, Education, Labor and Pensions Committee and now through 2 weeks of strenuous debate on the Senate Finance Committee. I was in the original Gang of 7 trying to come up with a bipartisan approach, but I realized that not enough flexibility had been given to Senator BAUCUS, and I decided to leave that group of seven, and I am glad I did, because I predicted when I left exactly what this bill would turn out to be.

It almost seems as though these hundreds of hours of debate in the past were for naught. It is important for Americans everywhere to understand that the bills we have spent hundreds of hours working on are not the bills that will be discussed on the Senate floor. The real bill that is currently being written behind closed doors in the dark corners of the Capitol and the White House—and we can all only hope that all of us, especially American families, will have ample opportunity, at least 72 hours, to review the full bill before we are asked to consider this on the floor and vote on it—is a bill that affects every American life and every American business. The health care reform bill is too big and too important to not have a full public review.

I wish to spend my time today talking about why the Baucus bill fails President Obama's own test for responsible health care reform. This bill is another example of Washington once again talking from both sides of the mouth and using technicalities and policy nuances to evade the promises made to our seniors and middle-class families. First, President Obama in his own words has consistently stated: ''If you like your current plan, you will be able to keep it.'' Let me repeat that: ''If you like your plan, you will be able to keep it.'' That was given on July 2, 2009, right at the White House, and we are all familiar with that particular commitment.

One of the amendments I offered in the Finance Committee simply provided that if more than 1 million Americans would lose the coverage of their choice because of the implementation of this bill, then this legislation would not go into effect. This was a simple and straightforward amendment; no nuance, no double-talk. This amendment was defeated along party lines.

It should come as no surprise to anyone on the Finance Committee that in a recent Rasmussen poll, a majority of Americans with health care coverage—almost 53 percent—said that the bill would force them to change their coverage. This bill is rife with policies that will do anything but allow you to keep your coverage. It cuts upward of $133 billion out of the Medicare Advantage Program, which will adversely impact the availability of these plans for millions of American seniors, especially in rural areas. That was what it was designed for. It is pushing for policies at the Federal level that actuaries acknowledge could increase premiums significantly for millions of Americans, not to mention the new insurance tax which will cost families another $500 in higher premiums. This will make current coverage unaffordable for countless Americans.

American families are very smart; they are very astute. They realize that there is no free lunch, especially in Washington. They are being promised an almost $1 trillion bill—that is really an understatement of what it is, and I will get into that later—that will not increase deficits, not raise taxes, and not cut benefits. Only Washington speak could try to sell a promise such as this with a straight face.

Second: The President has consistently pledged: ''We're not going to mess with Medicare.'' Once again, this is another simple and straightforward pledge that this bill has now evaded through Washington double speech or doubletalk. This bill strips, as I say, $133 billion out of the Medicare Advantage Program that currently covers 10.6 million seniors, or almost one out of four seniors in the Medicare Program. According to the Congressional Budget Office, under this bill, the value of so-called additional benefits such as vision care and dental care would decline from $135 to $42 by 2019. That is a reduction of more than 70 percent of benefits. You heard me right: 70 percent. I offered an amendment to protect these benefits for our seniors, many of whom are low-income Americans who reside in rural States. However, this amendment too was defeated in the Finance Committee. The majority chose to skirt the President's pledge about no reduction in Medicare benefits for our seniors by characterizing the benefits being lost—vision care, dental care, and reduced hospital deductibles—as extra benefits, not statutory benefits.

Let me make this point as clearly as I can. When we promise American seniors that we will not reduce their benefits, let us be honest about that promise. Benefits are benefits, so we are either going to protect benefits or not. It is that simple. Under this bill, if you are a senior with Medicare Advantage, the unfortunate answer is no, you are going to lose benefits.

Thirdly, the President has consistently stated: ''I can make a firm pledge. Under my plan, no family making less than $250,000 a year will see any form of tax increase.''

That was when the President was a candidate in New Hampshire on September 12, 2008, and he has said that since.

Let us examine the realities of this bill. As I said before, there is no such thing as a free lunch, especially when

Washington is the one inviting you over. According to the Joint Committee on Taxation, there is more than $400 billion in new taxes under this bill to continue to fund Washington's insatiable appetite for spending. Here are some of the highlights of the $400 billion: $23 billion of new taxes on employers through a mandate that will disproportionately affect low-income Americans and all at a time when our unemployment is rapidly approaching double digits. Some think we are already in double digits. There is $4 billion of new taxes on Americans who fail to buy a Washington-defined level of coverage; $322 billion of new taxes on everything from insurance premiums to prescription drugs to hearing devices and wheelchairs. Representatives from both the Congressional Budget Office, CBO, and the Joint Committee on Taxation, JCT, testified before the Finance Committee that these taxes will be passed on to the consumers.

So even though this bill tries to hide these costs as indirect taxes, average Americans who purchase health plans, use prescription drugs, and buy medical devices—everything from hearing aids to crutches—will end up footing the bill. By the way, it is interesting to note here that although these tax increases and Medicare cuts will start as early as next year, subsidies to help people with their premiums which will skyrocket under this plan will not be available until July of 2013—3½ years later.

By the way, they are going to cut $400 billion out of Medicare. I remember a few years back in 1975 when, for that budget that year, we were trying to find $23 billion out of Medicare and the other side just about went berserk over that. Here we are cutting $400 billion out of Medicare that already has $38 trillion in unfunded liabilities.

So what about the promise of no taxes on families making less than $250,000? Look at the evidence. According to the data from the Joint Committee on Taxation and former CBO director Doug Holtz-Eakin, 89 percent of these new taxes will be paid by taxpayers making less than $200,000 a year. The insurance excise tax alone would cost families up to $500 more in premiums. That is not all. The Joint Committee on Taxation also found that at least 71 percent of all penalties collected from the individual mandate will also come from those making less than $250,000. As I said, there is no free lunch in this town.

By the way, we all know when this bill is fully implemented it will cost significantly more. Every time Washington tells you that something will cost a dollar, it usually costs $10. History is prologue. Medicare started off as a $65 million a year program and now has a $400 billion annual budget. So look for these taxes to only go up in the future as we have just given the Federal Government a whole new checkbook.

So based on my count, this bill already has three strikes against President Obama's own pledges to the American people. He said: ''You keep what you have.'' That is not true. ''No reduction in Medicare benefits for our seniors.'' That is not true. ''No tax increases on families making less than $250,000.'' That is not true. In fact, most of those taxes will go to the middle class at way below $250,000.

Lastly, let me talk a little bit about the myth of this proposal actually reducing the deficit by $81 billion over 10 years. Here is the harsh reality. The Congressional Budget Office recently reported that our national deficit for fiscal year 2009 alone was a shocking $1.4 trillion. That is the highest deficit since 1945 in real terms.

Let me put this in perspective. This was the largest yearly deficit since 1945. It was more than three times our deficit from last year. I remember how they were complaining about George Bush and those high deficits. It is almost 10 percent of our entire economy. George Bush's deficit was less than $500 billion. I thought it was too high. We are now talking about $1.4 trillion in the first year of this presidency. Keep in mind the Democrats controlled the Congress in the last 2 years of the Bush presidency. This should send shivers down the spine of every American out there. We are literally drowning the future of this Nation in a sea of red ink.

Here is the fantasy: Congress will actually follow through with these massive Medicare cuts that are being used to make this $829 billion spending bill deficit neutral. I challenge a single Member of the Senate to tell me when have we ever followed through on such massive cuts. Let me use the words of Dr. Doug Elmendorf, the Director of the Congressional Budget Office, on this issue:

> These projections assume that these proposals are enacted and remain unchanged over the two decades which is often not the case for major legislation. The long-term budgetary impact will be quite different if those provisions were ultimately changed or not fully implemented.

I could not have said it better myself. We all remember the Deficit Reduction Act of 2005 which attempted to reduce Medicare spending by a mere $22 billion over 10 years. That proposal was mercilessly attacked by the other side of the aisle as being, among other things, ''Orwellian'' and ''immoral.'' Now suddenly we are being asked to believe the Congress will follow through in almost $500 billion in cuts to Medicare?

Take another example: the physician payment. This bill only contains a 1-year fix. After that, the doctors will face more than a 20-percent cut in their payments, seriously threatening access to Medicare for seniors. We all know that we have to fix this problem, and that we will. Unfortunately, the hundreds of billions of dollars needed to overhaul this broken system are not included in this score that is supposed to be balanced, and will go to further increasing our skyrocketing deficits.

Let's be honest about it. The reason they can keep it down to $829 billion was by not counting the first 4 years; not having it implemented until as late as 2014. In other words, that is 6 years. If you extrapolate it out to 10 years, we have $1.7 trillion, $1.8 trillion that this bill is going to cost.

One reason for that is because they know we are going to have to do the doctor fix rather than have doctors being paid 25 percent less by Medicare and even less by Medicaid, and hospitals 25 to 30 percent less by Medicare and even less by Medicaid.

The biggest bait and switch on the American people about this bill's impact on the deficit is a simple math trick. If something is too expensive to do for a full 10-year period, just do it for 6 years. That is what they have done. Most of the major spending provisions of the bill do not go into effect until 2013 or even 2014, coincidentally, after the 2012 Presidential elections. So what we are seeing is not a full 10-year score but rather a 6-year score.

According to the Senate Budget Committee, the full 10-year score of this plan will easily surpass $1.8 trillion, fully implemented over 10 years, the way it is written. I believe it will be more than that in actuality when we add the doctor fix that we are going to have to do.

That is on top of the $2.4 trillion we are spending right now.

In our current fiscal environment where the government will have to borrow nearly 43 cents out of every dollar it spends this year, let's think hard about what we are doing to our country and our future generations. Our national debt is on a path to double. We can see the red lines on the chart. That is the projected national debt since this administration has taken over. It is on a path to double in the next 5 years and triple in the next 10 years. There is still time for us to step back, press the reset button, and write a bill we can all support and be proud of.

Madam President, what is their answer in the end? I guarantee you, the final bill is going to have some form of—it may be disguised semantically—a government-run plan. That scares every American.

In 1965, when we did Medicare, the argument was that Medicare will be on an equal footing with the private industry. Well, it didn't take just a couple of years, and they found out they could not do it. So they had to set prices.

Today, Medicare pays doctors 20 percent less and hospitals 25 percent less, and Medicaid is even worse than that. If we think the Federal Government can take over the whole health care system and save money, we haven't observed the history of Medicare. Medicare today is a $38 trillion unfunded liability that we are saddling our kids and grandkids with—and even in my case, my great grandkids. I am concerned. This should not be a political issue.

We ought to be working together. I guarantee, if we turn all of this over to the government—I heard the distinguished Senator from Ohio, who is very sincere and very loquacious and has an interesting personality. I care for him. But if we do that, everybody is going to suffer because the Federal Government cannot do it better. It is just that simple. We have all the years since 1965 to prove that.

The fact is, if we turn this over to the almighty Federal Government and the bureaucrats in Washington, it will cause a furor like we cannot believe in this country, and rightly so. I heard the distinguished Senator say: Well, if the insurance premiums should increase because of this bill, let's turn it over to the government, and we will save all that money.

What about the $38 trillion in unfunded liability in Medicare as we stand here today? What about Medicaid going into bankruptcy within the next 10 years? There is nobody who doubts that who looks at the financial matters in this country. The reason they are is because they are run by the almighty Federal Government. I would much rather see a system whereby we allow the States themselves, which have different demographics—and the Chair is from New Hampshire, which is different from Massachusetts, and it is also different from my State of Utah. I will bet that the New Hampshirites can handle their problems a lot better than the Federal Government in Washington. I know Utah can. We have a good health care system because we do all the things that are necessary to make it good. It is closer to the people, and the government is closer to the people. They have to be responsible to the people.

I would like to see a system where we basically block grant these funds and let the States set up their own programs and have 50 State laboratories that literally can show us the way; where we can compare plans and see the good in one State and maybe adapt it to ours. If we turn this all over to a government plan, run by Washington, I cannot begin to tell you the stifling that will be to innovation and good ideas compared to allowing the 50 State laboratories, as federalism was designed to set up.

The majority leader said: The Republicans are just the party of no; they have no plan. We have 40 Members here and we have six plans. We find that even some of our plans are off the charts in cost. Some are good. The fact is, we know this system needs to be reformed. Every Republican is for reforming the system. We are not for bankrupting the country. We are not for having these almighty bureaucrats in Washington determine what we all have to do. We are not for turning everything over to the government, which is already running Medicare and Medicaid into bankruptcy. We don't believe a central form of government should control everything.

Our Founding Fathers didn't believe that. That is why they did the Constitution the way they did it. Anybody who believes they can do it better in a government-run program hasn't studied history. I have to admit some of our colleagues on the other side do believe a single-payer system is better. Single-payer is socialism, pure and simple. They don't like to call it socialism, but that is what it is. When we get socialism, we get everything that goes with it, and that means rationing.

We have to be reasonable about what services we can give. The States will do it the right way. The Federal Government will mess it up, I guarantee it. I don't know anybody who has been here as long as I have who could not acknowledge that. I don't think they should try to dispute that. I think they would be run out of Washington. If you want bureaucrats between your doctor and you, this is the way to do it—a government-run plan right here in Washington, with all the costs and expenses and the oblivious not caring about the future that we have seen year after year.

That is why Republicans are up in arms. That is why we cannot support this bill. I wish we could work with our colleagues and get together. I wish we could do a bipartisan bill. I might add that one person is not bipartisan. You can call it that, but it really isn't. I deeply respect that one person, and she knows that.

The fact is, we are a long way from having a health care bill. The further fact is, it will not be the bill that passed out of the committee today. It is going to even be worse.

If I were sitting on the Democratic side, I would be worried to death about what they are finally going to come up with. They really do, for the most part—the majority—believe a single-payer system, run by Washington, DC, and the bureaucrats here is going to be better than one run by the States. I have to admit there are some States that would mess it up, no question. We can all name them too. There are generally States that are behind the single-payer system, but there aren't many of them. The vast majority of States would show us the way and help us to find the way and help us to do a good job on health care.

Madam President, I am very concerned. I am one who likes to work in a bipartisan way, but it has to make sense. What we passed out of there today doesn't make sense, and it is going to get a lot worse. By the time they take the HELP Committee bill, which was a totally Democratic partisan bill, and take what they want out of that, and by the time they take the tricommittee bill over in the House, which is a partisan Democratic bill, it will get worse. When it does, the American people are going to be the losers.

Madam President, 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. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 1777 are located in today's RECORD under ''Statements of Introduced Bills and Joint Resolutions.'')

Mr. UDALL of Colorado. Madam President, I yield the floor.

(Mr. UDALL of Colorado assumed the Chair.)

AGRICULTURE APPROPRIATIONS

Mr. REID. Mr. President, I am so pleased that last Thursday we passed another appropriations bill in regular order and with bipartisan support. I thank Chairman KOHL for his work to pass move this bill through the process. And I think Senator BROWNBACK, the ranking member, for his work on this bill as well.

This is a good bill—it is good for the Nation and it is good for my home State of Nevada. By adopting this conference report we are making investments in rural towns, in working families, and in the farm families that feed us.

This bill includes significant investments in rural development programs to help our rural towns improve their hospitals, drinking water and sewage systems. We also help rural communities attract businesses and jobs with investments in broadband access and business loan programs. These programs are especially important as we help families living in rural towns get through these tough economic times and make their communities stronger.

In this bill we also increase funding from last year's levels for nutrition programs like the Supplemental Nutrition Assistance Program, formerly known as food stamps, the Women Infants and Children program, the Commodity Food Supplemental Program, the Emergency Food Assistance Program and School Lunch and Breakfast. In addition, I am pleased that in this bill Nevada has been added to the list of States authorized to run afterschool supper programs that will provide a hot meal for kids who would otherwise go hungry. We have all seen the stories on the news and in the papers about the historic demand for Federal feeding programs and the strain being placed on our local food banks and food pantries. This bill will help families in Nevada and throughout the nation who are currently struggling to put food on the table.

We also make a significant investment in the Commodity Futures Trading Commission, CFTC, with $169 million, which is an increase of $23 million from last year. We are making this investment because we need the CFTC to be capable of conducting rigorous oversight of futures markets, especially in

crude oil and other commodities. The CFTC must be fully equipped and staffed so it can prevent the excessive speculation that drove oil prices to record highs last year and really hurt energy consumers. This funding is an important investment that will help us rebuild our economy on a stronger foundation.

In addition to these good programs, this bill also includes funding for a number of important Nevada projects. We have funding for the Nevada Arid Rangelands Initiative, Mormon cricket control, and noxious weed control. We have assistance for the Wildfire Support Group in Orovada to help them do fuels management. And we have funding for the University of Nevada Reno for their work with the Food and Agriculture Policy Research Institute, which does great research to help us understand what is going on in American agriculture so we can create good programs to help our farmers.

This bill makes a number of important investments. So I am very pleased that this bill has passed the Senate with broad support—76 Senators voting to send this conference report to the President.

50TH ANNIVERSARY OF ST. JOHN THE BAPTIST GREEK ORTHODOX CHURCH

Mr. REID. Mr. President, today I wish to commemorate and celebrate the 50th aniversary of the St. John the Baptist Greek Orthodox Church.

For more than a century, a proud and vibrant Greek community has thrived in Nevada. 50 years ago, the parish of St. John the Baptist Greek Orthodox Church was established in Las Vegas, NV, to serve this dynamic community.

For half of a century, the parishioners at St. John the Baptist have celebrated their Hellenic heritage through cultural and spiritual events, all while giving back to the Las Vegas community through service. As one example of the many ways parishioners have inspired southern Nevada, the Panagia chapter of the Ladies Philoptochos Society meets monthly to serve the parish and the community by working in a hands-on fashion to serve the liturgical, charitable, educational, youth, and crisis needs of the community.

Las Vegas is profoundly enriched by the St. John the Baptist Greek Church. Every year, the church holds a Greek Festival, where Nevadans of all backgrounds listen to Greek music, eat Greek food, and embrace the spirit of kefi—a passion for life that radiates from the parishioners at St. John the Baptist.

It is my honor to celebrate the ''Golden Heritage'' of this storied church on Friday, October 16, 2009. To my friends at St. John the Baptist Greek Orthodox Church: OPA! May you celebrate many more successful years.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. UDALL of New Mexico. Mr. President, with the passing of Senator Teddy Kennedy, Americans lost a champion, the Senate lost a living legend, and those of us who were fortunate to know him personally lost a friend and mentor.

My memories of Teddy Kennedy reach beyond our short time together in the Senate all the way back to my days as a kid when his brother Jack was running for President of the United States. My father was an early supporter of Jack's campaign and Teddy stayed at our house in Arizona while he was campaigning for his brother in the west. In those days, the west was not considered a plum campaign assignment so, naturally, as the youngest of his clan it fell to him. We had a full house at the time, with all of my brothers and sisters at home, so there wasn't even a bed for him to sleep on. So he slept on the floor and never uttered a word of complaint. My memories of him from that time reflect the same Teddy Kennedy everyone describes today. He was a kind man, dedicated to his brother and his family, and always patient with all of us kids and our questions.

In later years, Teddy continued to be a frequent visitor to New Mexico. When our family was in the midst of a campaign and needed that extra bit of star power, Teddy was there the one person who could ignite a crowd like no other. As Democrats, we loved having him in our State because he could always get a turnout. He had rallies with 10,000–12,000 people—huge crowds for New Mexico.

Teddy Kennedy loved New Mexico and New Mexicans. And New Mexicans loved Teddy right back. In most family living rooms, you can find two prominently displayed photographs. They include at least one of the Kennedys be it Jack, Bobby, or Teddy and at least one of the Pope. New Mexicans just have a very deep affection for the entire Kennedy family.

My father eventually served in Jack Kennedy's Cabinet as Interior Secretary. These days, he talks a lot about his time in JFK's administration. He says he is now the last of the generation. The last leaf on the tree from the Kennedy Cabinet. My father was greatly saddened by Senator Kennedy's passing.

Just about every piece of monumental legislation that has come out of this Senate over the past 50 years has had Teddy Kennedy's stamp on it somehow. Whether it was voting rights or education improvements or health care reform—the cause of Teddy's life—America owes a debt of gratitude to the senior senator from Massachusetts for his leadership and unwavering dedication to making our country a better place for all who call it home.

But the last chapter in Teddy's legacy remains incomplete. That chapter is health care reform, and it is our job as Teddy's colleagues and friends to pick up where he left off and pass legislation that helps all Americans obtain affordable, quality health coverage. Teddy Kennedy dreamed of a day when decent, quality health care is a fundamental right and not just a privilege. We are once again at the edge of transformative change in our country. We have Teddy Kennedy to thank for getting us to this point. I look forward to joining my colleagues as we make Teddy's final dream a reality.

Mr. BEGICH. Mr. President, I rise to speak of the enormous contributions to this body and to our nation of our former colleague, the late senior Senator from Massachusetts, Ted Kennedy.

When I took the oath as a U.S. Senator on January 3, 2009, I have to confess to a fair amount of trepidation. Many great statesmen have served before me in this esteemed body. For a former mayor from a State so distant from Washington, DC, taking a seat among these American leaders was a little intimidating.

No sitting Senator was a larger giant than Ted Kennedy and he impacted my life long before I arrived here. As a boy born and raised in Anchorage, my parents spoke of the great pride in public service the Kennedy family inspired in our family and in our Nation. My father, the late Nick Begich, served for 2 years in the Congress with Senator Kennedy, before my dad's death in 1972.

In many ways, Alaska and Massachusetts can't be further apart. Alaska is just celebrating its 50th year of admission to the United States and is a vast land rich in natural resources and of conservative, independent-minded people. The Bay State was the site of one of America's first settlements more than four centuries ago, is well developed, and its residents decidedly more liberal.

Yet in the first week of April 1968, those differences faded when Senator Kennedy traveled to Sitka to deliver a speech to the Alaska Democratic State Convention. The days-old assassination of Dr. Martin Luther King Jr. still ached in the hearts of Americans. In a scratchy tape recording of his speech, Senator Kennedy calls on Americans to rise above the frustration and fury they felt and to rededicate ourselves to ''wipe away cynicism and to introduce the understanding that we wish to see future generations exercise so they will not suffer as their mothers and fathers have suffered.''

The transcript of that speech shows that Alaska U.S. Senator Ernest Gruening and the gathered Alaskans rose to a standing ovation as Senator Kennedy concluded his inspirational remarks. Today, 41 years later, those words continue to serve as an inspiration to me.

Mr. President, I had the opportunity to meet Senator Kennedy only once, when he welcomed me as a Member of this body just a few months ago. The intimidation I felt as a new Senator melted in his warmth and graciousness.

It will be a moment I will remember for the rest of my life.

ADDITIONAL STATEMENTS

TRIBUTE TO SOUTHGATE'S VOLUNTEER FIREFIGHTERS

• Mr. BUNNING. Mr. President, today I congratulate the members of the city of Southgate's Volunteer Fire Department. This year marks the department's centennial anniversary.

This year the city of Southgate's Volunteer Fire Department is celebrating 100 years of service to the Northern Kentucky area. Southgate is my hometown, and I know and appreciate the great lengths that the fire department goes to in order to keep its citizens safe. I want to honor every volunteer who, on a daily basis, risks his or her life to faithfully serve their neighbors.

Again, I congratulate the city of Southgate's Volunteer Fire Department on reaching their centennial milestone. I know that the volunteers' efforts are an inspiration to others in Kentucky and throughout the Nation.•

100TH ANIVERSARY OF PINEY WOODS SCHOOL

• Mr. COCHRAN. Mr. President, I am pleased to congratulate the Piney Woods School in Piney Woods, MS on their 100th anniversary. The Piney Woods School was founded in 1909 by Dr. Laurence C. Jones to educate the head, heart, and hands of young people. This transformative educational model was first exhibited by teaching the children of poor sharecroppers to read. Today, the school serves as a home, and offers educational opportunities to students from 23 States and 7 foreign countries.

The Piney Woods School is one of only four historically African-American boarding schools left in the United States. Diligently preparing their students for institutions of higher learning, Piney Woods propels 98 percent of its graduates on to attend some of the best colleges and universities in the country. The school has been featured on ''60 Minutes'' and ''U.S. News and World Report'' for their commitment to educate our disadvantaged youth.

The Piney Woods School has also made a commitment to service and leadership in their community, State, and country. The school was the first high school in the Nation to incorporate an Americorps program into its curriculum. Each of the 50 members in the senior class at Piney Woods School serves in the role of a quarter-time Americorps volunteer. In this capacity, they are actively involved in providing service in disaster areas, building playgrounds in inner cities, creating after-school programs for youth in rural American communities, and providing online tutorial services for students.

I congratulate the Piney Woods School on 100 great years and commend them on their educational successes and commitment to service. I am proud that the Piney Woods School is in my home State of Mississippi, and I wish them the best in the future.•

50TH ANNIVERSARY OF ACT

• Mr. HARKIN. Mr. President, I would like to congratulate the ACT organization, which is celebrating its 50th anniversary, this year. As many of our colleagues know, ACT is an independent, nonprofit group based in Iowa City that provides an array of testing, assessment, and research services in the areas of education and workforce development.

ACT was launched in 1959 as the American College Testing Program by a University of Iowa professor of education and colleagues from 16 Midwestern States. Their goal was to help college-bound students find a good match for their interests and aptitudes, and to help colleges and universities place students into appropriate freshman-level classes.

On November 7, 1959, about 75,000 students took the first ACT assessment. This year, nearly 1.5 million graduating seniors 45 percent of all high school graduates in the Nation took the ACT exam.

From its relatively humble beginnings a half century ago, ACT has grown into an enterprise with a global reach. In addition to its testing and assessment services, it has developed programs to prepare students for success in college. It has created the National Career Readiness Certificate, a tool that thousands of educators and employers nationwide use to confirm that individuals have essential core employability skills. In addition, ACT is one of several partners in a new Manufacturing Skills Certification System designed by the National Association of Manufacturers, the Nation's largest industrial trade organization.

In addition to its Iowa City headquarters, ACT has 12 field offices across the United States, as well as offices in Australia, Korea, China, Singapore, and Spain. It has a global workforce of nearly 1,500.

I salute all of the superb professionals at ACT, whose vision and hard work have built an organization respected worldwide for its innovation and excellence. And I wish them even greater success in their next half century.•

RECOGNIZING THE MUSCATINE HISTORY AND INDUSTRY CENTER

• Mr. HARKIN. Mr. President, I would like to congratulate the Muscatine History & Industry Center for being selected to participate in the rigorous Museum Assessment Program sponsored by the American Association of Museums.

The entire Muscatine community takes great pride in the History and Industry Center's success in showcasing the city's past role as ''pearl button capital of the world,'' as well as the historic contributions of three local enterprises: Bandag, a half-century-old company specializing in silver tubes, mesh venting, and tire treads; HNI Corporation, the world's second largest manufacturer of office furniture and the nation's No. 1 maker of gas- and wood-burning fireplaces; and Stanley Consultants, a global provider of engineering, environmental, and construction services.

The Muscatine History and Industry Center is a relatively small museum, but it has a very big impact. Not only does it welcome many thousands of visitors annually, it reaches out to the community with a variety of programs and activities, and hosts daily visits by school groups—from prekindergarten through high school. Students and youth groups learn by interacting with the Center's artifacts and many hands-on activities.

As the center begins participation in the Museum Assessment Program, it looks forward to an extended period of self-examination and peer review designed to improve its operations and programming, and to identify current and future challenges.

I congratulate the Muscatine History and Industry Center for taking this giant step forward in its development as a museum. And I salute all the outstanding professionals and volunteers at the center whose vision and tireless efforts have made this institution such an important part of Muscatine's cultural life.•

RECOGNIZING THE UNIVERSITY MUSEUMS

• Mr. HARKIN. Mr. President, I would like to congratulate the University Museums at Iowa State University for earning formal accreditation by the American Association of Museums, an honor that is bestowed on fewer than 10 percent of museums across the United States.

As a proud alumnus of Iowa State, I know that the university community takes great pride in its diverse collection of museums, including the three museums that together make up University Museums at Iowa State University: the Brunnier Art Museum, the Art on Campus Collection, and the Farm House Museum.

The Brunnier is dedicated to the decorative arts, including works by Grant Wood and Louis Comfort Tiffany. The Art on Campus Collection consists of more than 2,000 works of public art located all across the campus in buildings, courtyards, open spaces, and offices. The Farm House Museum is a wonderful 19th century house and a National Historic Landmark, offering visitors a window into what life was like on campus in the university's earliest days, when most faculty members lived on the college grounds.

These collections and museums make a powerful contribution to the cultural

life of the ISU campus. They do so thanks to the quality of their art works and artifacts. Just as importantly, they do so by inviting the community to participate in special conferences, lectures, panel discussions, gallery walks, and gallery talks. University Museums has reinvented the idea of the museum as an educational and intellectual center, reaching out beyond the campus to the wider Ames community, including K–12 schools, with a wide range of cultural programs and activities.

Accreditation by the American Association of Museums does not come easily. It involves a rigorous process in which a museum demonstrates its commitment to the highest professional standards, public service, and excellence in education. University Museums at Iowa State University now joins an elite group of 778 AAM-accredited institutions spanning the United States.

I congratulate University Museums for this hard-earned recognition. And I salute all the outstanding museum professionals and volunteers whose vision and tireless efforts have contributed so much to the campus and to the entire Ames community.●

RECOGNIZING THE UNIVERSITY OF NORTHERN IOWA MUSEUMS AND COLLECTIONS

● Mr. HARKIN. Mr. President, I would like to congratulate the University of Northern Iowa Museums and Collections for being selected to participate in the rigorous Museum Assessment Program sponsored by the American Association of Museums.

I know that the university and the entire Cedar Falls community take great pride in the University Museum, the Marshall Center School, and the various collections that they encompass. The University Museum's collections and temporary exhibits focus on the natural world and traditional cultures. The Marshall Center School is a restored one-room schoolhouse, with a permanent exhibit celebrating Iowa's rural schools.

These museums and collections make a powerful contribution to the cultural life of the UNI campus. They do so thanks to the quality of their exhibits and artifacts. Just as importantly, they do so by inviting the community to participate in special conferences, lectures, panel discussions, and other activities. The university views its museums not as static institutions but as active educational and intellectual centers, reaching out beyond the campus to the wider Cedar Falls community, including K–12 schools.

The UNI Museums and Collections have been accredited by the American Association of Museums since 1975—an honor that is bestowed on fewer than 10 percent of museums in the United States. As this institution now begins participation in the Museum Assessment Program, it looks forward to an extended period of self-examination and peer review designed to improve its operations and programming, and to identify current and future challenges.

I congratulate the UNI Museums and Collections for taking this important step forward in its development as an institution. And I salute all the outstanding professionals and volunteers whose vision and tireless efforts have contributed so much to the campus and to the entire Cedar Falls community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Williams, 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 and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3123. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

H.R. 3590. An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3305. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Displays within the Captain of the Port Puget Sound Zone'' ((RIN1625–AA00) (Docket No. USG–2009–0752)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Calcasieu River, Hackberry, Louisiana'' ((RIN1625–AA87) (Docket No. USG–2009–0317)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, Arizona'' ((RIN1625–AA00) (Docket No. USG–2009–0194)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''San Clemente Island Northwest Harbor October and November Training; Northwest Harbor San Clemente Island, California'' ((RIN1625–AA00) (Docket No. USG–2009–0747)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Robert Moses Causeway Bridge State Boat Channel, Captree, New York'' ((RIN1625–AA00) (Docket No. USG–2009–0755)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, Virginia'' ((RIN1625–AA00) (Docket No. USG–2009–0529)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Parker US Open Nationals; Parker, Arizona'' ((RIN1625–AA00) (Docket No. USG–2009–0474)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois'' ((RIN1625–AA11) (Docket No. USG–2009–0767)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois'' ((RIN1625–AA11) (Docket No. USG–2009–0789)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3314. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, Illinois'' ((RIN1625–AA11) (Docket No. USG–2009–0884)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3315. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Naval Training October and November; San Clemente Island, California'' ((RIN1625–AA00) (Docket No. USG–2009–0748)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3316. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier–91, Seattle, Washington'' ((RIN1625–AA00) (Docket No. USG–2009–0331)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3317. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Large Passenger Vessel Crew Requirements'' ((RIN1625–AB16) (Docket No. USG–2007–27761)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3318. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sabine River, Orange, Texas'' ((RIN1625–AA00) (Docket No. USG–2009–0359)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3319. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, Washington'' ((RIN1625–AA00) (Docket No. USG–2009–0496)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3320. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; Mattaponi River, Wakema, Virginia'' ((RIN1625–AA08)(Docket No. USG–2009–0460)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas; Henderson Harbor, New York'' ((RIN1625–AA01)(Docket No. USG–2009–0854)) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the expenditure of funds under the Recovery Act; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; 2009–10 Main Hawaiian Islands Bottomfish Total Allowable Catch'' (RIN0648–XQ14) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XR71) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XR63) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3326. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson–Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels'' (RIN0648–XR58) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3327. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Raritan River, Arthur Kill and Their Tributaries, Staten Island, New York and Elizabeth, New Jersey'' ((RIN1625–AA09)(Docket No. USG–2009–0202)) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3328. A communication from the Secretary of the Commission, Office of the General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice'' (16 CFR Parts 3 and 4) received in the Office of the President of the Senate on October 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3329. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program'' (SATS No. WY–035–FOR) received in the Office of the President of the Senate on October 8, 2009; to the Committee on Energy and Natural Resources.

EC–3330. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing Lepidium papilliferum (Slickspot Peppergrass) as a Threatened Species Throughout Its Range'' (RIN1018–AW34) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Environment and Public Works.

EC–3331. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter'' (RIN1018–AV92) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Environment and Public Works.

EC–3332. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Director's Directive No. 5 on Mixed Service Costs'' (LMSB–4–0809–033) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

EC–3333. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker License Examination Appeals'' (CPB Dec. 09–38) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

EC–3334. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans'' (RIN0938–AP37) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, 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 Ms. LANDRIEU:

S. 1773. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grant programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. ALEXANDER, Mr. CORKER, and Mr. UDALL of Colorado):

S. 1774. A bill for the relief of Hotaru Nakama Ferschke; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. SESSIONS, Mr. BENNET, Mr. LIEBERMAN, Mr. INHOFE, Mr. WHITEHOUSE, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. SCHUMER, Mr. SPECTER, Ms. KLOBUCHAR, Mr. UDALL of Colorado, Mr. BINGAMAN, and Mr. DODD):

S. 1775. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; read the first time.

By Mr. UDALL of Colorado:

S. 1777. A bill to facilitate the remediation of abandoned hardrock mines, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. INHOFE, and Mr. BOND):

S. Res. 311. A resolution encouraging the United States Trade Representative to pursue a free trade agreement between the United States and the Association of Southeast Asian Nations; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DURBIN, Mr. CARDIN, and Mr. BOND):

S. Res. 312. A resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID); to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MENENDEZ, Mr. CRAPO, and Mr. BENNETT):

S. Res. 313. A resolution supporting the goals and ideals of Red Ribbon Week, 2009; considered and agreed to.

ADDITIONAL COSPONSORS

S. 640

At the request of Mr. LEMIEUX, his name was added as a cosponsor of S. 640, a bill to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

S. 654

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 659

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 659, a bill to improve the teaching and learning of American history and civics.

S. 831

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 831, 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. 870

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. BENNET), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. CORKER), the Senator from Montana (Mr. TESTER), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. MERKLEY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1065

At the request of Ms. MURKOWSKI, her name 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.

At the request of Mr. BROWNBACK, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1065, supra.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1326

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1326, a bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1341

At the request of Mr. MENENDEZ, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1341, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions.

S. 1382

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1389, a bill to clarify

the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1441

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1441, a bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members.

S. 1472

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1472, a bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of 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.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1657

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1657, a bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from government plans for qualified public safety employees.

S. 1659

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1659, a bill to enhance penalties for violations of securities protections that involve targeting seniors.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1739

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1739, a bill to promote freedom of the press around the world.

S. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. RES. 295

At the request of Mr. BAYH, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 295, a resolution designating October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day''.

AMENDMENT NO. 2644

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 2644 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2668

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2668 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2670

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of amendment No. 2670 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1773. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grant programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, it is my pleasure today to introduce the Comprehensive Cancer Care Improvement Act, a bill to improve cancer care quality by encouraging the development of written plans for cancer care. The U.S. has a system of cancer care that is the envy of all nations for its technical superiority and the sophistication of treatment offered to many patients. Unfortunately, not all Americans receive the best care the Nation has to offer.

The Comprehensive Cancer Care Improvement Act would take a step towards ensuring that all Americans have access to cancer care of the highest quality. The bill would authorize a Medicare service for cancer care planning and encourage the adoption of care planning as a routine practice in all cancer care settings. The Institute of Medicine, IOM, has identified as critical to high-quality cancer care the development of plans of care at the beginning of cancer treatment and at the transition to survivorship. Moreover, the debate on health care reform has highlighted care coordination to improve efficiency and reduce unnecessary utilization of health care resources. Care planning facilitates the coordination of cancer care.

The need for this legislation was first brought to my attention in dramatic

fashion in the aftermath of Hurricane Katrina, when cancer patients and their physicians scurried to recreate their records in order to minimize interruptions in care and to prevent any duplication of care. Some of the problems that cancer patients encountered could have been eliminated if they had possessed written care plans. In a moving statement at a Hill briefing in 2007, one of my constituents described her efforts to create her own care plan by grabbing various documents that had been supplied by her oncologist as she was being evacuated from her home. Although not as useful as a clear care plan, these documents helped that patient and her new physician chart her course of care. The experience taught us that key recommendations from the IOM related to cancer care—and especially the recommendation for cancer care planning should be taken off the shelf and put into action.

There are many advantages of written cancer care plans for patients, physicians, and the entire health care system. Patients report that they are empowered by receiving care plans that spell out choices, facilitate the coordination of treatment and symptom management, and identify the follow-up services they will need post-treatment. Physicians say that communication with their patients is improved by developing and sharing care plans that are clear and concise, and some practices that have adopted care planning say that they are observing the identification and elimination of duplicative tests and procedures and an overall greater efficiency in care, all achieved while enhancing quality of care and patient satisfaction.

The Comprehensive Cancer Care Improvement Act, introduced in the House of Representatives by Representatives LOIS CAPPS and CHARLES BOUSTANY, establishes a new Medicare service for cancer care planning and authorizes programs that are aimed at increasing the utilization of care planning in all cancer care settings and ensuring access to care plans by underserved populations. I urge my colleagues to join me in cosponsoring this legislation to enhance cancer patients' access to quality care.

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

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

S. 1773

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Cancer Care Improvement Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM
Sec. 101. Coverage of cancer care planning services.
Sec. 102. Demonstration project to provide comprehensive cancer care symptom management services under Medicare.
TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS
Sec. 201. Grants for comprehensive palliative care and symptom management programs.
TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT
Sec. 301. Grants to improve health professional education.
Sec. 302. Grants to improve Continuing Professional Education.
TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS
Sec. 401. Research program.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Individuals with cancer often do not have access to a cancer care system that provides comprehensive and coordinated care of high quality.

(2) The cancer care system has not traditionally offered individuals with cancer a prospective and comprehensive plan for treatment and symptom management, strategies for updating and evaluating such plan with the assistance of a health care professional, and a follow-up plan for monitoring and treating possible late effects of cancer and its treatment.

(3) Cancer survivors often experience the under-diagnosis and under-treatment of the symptoms of cancer, a problem that begins at the time of diagnosis and often becomes more severe at the end of life. The failure to treat the symptoms, side effects, and late effects of cancer and its treatment may have a serious adverse impact on the health, well-being, and quality of life of cancer survivors.

(4) Cancer survivors who are members of racial and ethnic minority groups may face special obstacles in receiving cancer care that is coordinated and includes appropriate management of cancer symptoms and treatment side effects.

(5) Individuals with cancer are sometimes put in the untenable position of choosing between potentially curative therapies and palliative care instead of being assured access to comprehensive care that includes appropriate treatment and symptom management.

(6) Comprehensive cancer care should incorporate access to psychosocial services and management of the symptoms of cancer (and the symptoms of its treatment), including pain, nausea and vomiting, fatigue, and depression.

(7) Comprehensive cancer care should include a means for providing cancer survivors with a comprehensive care summary and a plan for follow-up care after primary treatment to ensure that cancer survivors have access to follow-up monitoring and treatment of possible late effects of cancer and cancer treatment.

(8) The Institute of Medicine report, ''Ensuring Quality Cancer Care'', described the elements of quality care for an individual with cancer to include—

(A) the development of initial treatment recommendations by an experienced health care provider;

(B) the development of a plan for the course of treatment of the individual and communication of the plan to the individual;

(C) access to the resources necessary to implement the course of treatment;

(D) access to high-quality clinical trials;

(E) a mechanism to coordinate services for the treatment of the individual; and

(F) psychosocial support services and compassionate care for the individual.

(9) In its report, ''From Cancer Patient to Cancer Survivor: Lost in Transition'', the Institute of Medicine recommended that individuals with cancer completing primary treatment be provided a comprehensive summary of their care along with a follow-up survivorship plan of treatment.

(10) Since more than half of all cancer diagnoses occur among elderly Medicare beneficiaries, the problems of providing cancer care are problems of the Medicare program.

(11) Shortcomings in providing cancer care, resulting in inadequate management of cancer symptoms and insufficient monitoring and treatment of late effects of cancer and its treatment, are related to problems of Medicare payments for such care, inadequate professional training, and insufficient investment in research on symptom management.

(12) Changes in Medicare payment for comprehensive cancer care, enhanced public and professional education regarding symptom management, and more research related to symptom management and palliative care will enhance patient decision-making about treatment options and will contribute to improved care for individuals with cancer from the time of diagnosis of the individual through the end of the life of the individual.

TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

SEC. 101. COVERAGE OF CANCER CARE PLANNING SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (DD);

(B) by adding ''and'' at the end of subparagraph (EE); and

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

''(FF) comprehensive cancer care planning services (as defined in subsection (hhh));''; and

(2) by adding at the end the following new subsection:

''Comprehensive Cancer Care Planning Services

''(hhh)(1) The term 'comprehensive cancer care planning services' means—

''(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

''(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

''(ii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

''(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

''(iv) is in accordance with standards determined by the Secretary to be appropriate;

''(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

''(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

''(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

''(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

''(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

''(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

''(iii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

''(iv) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

''(v) is in accordance with standards determined by the Secretary to be appropriate; and

''(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

''(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

''(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision.

''(2) The Secretary shall establish standards to carry out paragraph (1) in consultation with appropriate organizations representing providers of services related to cancer treatment and organizations representing survivors of cancer. Such standards shall include standards for determining the need and frequency for revisions of the plans of care and follow-up plans based on changes in the condition of the individual and standards for the communication of the plan to the patient.''.

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended by striking ''and'' before ''(W)'' and inserting before the semicolon at the end the following: '', and (X) with respect to comprehensive cancer care planning services described in any of subparagraphs (A) through (D) of section 1861(hhh)(1), the amount paid shall be an amount equal to the sum of (i) the national average amount under the physician fee schedule established under section 1848 for a new patient office consultation of the highest level of service in the non-facility setting, and (ii) the national average amount under such fee schedule for a physician certification described in section 1814(a)(2) for home health services furnished to an individual by a home health agency under a home health plan of care''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the first day of the first calendar year that begins after the date of the enactment of this Act.

SEC. 102. DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE SYMPTOM MANAGEMENT SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a two-year demonstration project (in this section referred to as the ''demonstration project'') under title XVIII of the Social Security Act under which payment shall be made under such title for comprehensive cancer care symptom management services, including items and services described in subparagraphs (A) through (I) of section 1861(dd)(1) of the Social Security Act, furnished by an eligible entity, in accordance with a plan developed under subparagraph (A) or (C) of section 1861(hhh)(1) of such Act, as added by section 101(a). Sections 1812(d) and 1814(a)(7) of such Act (42 U.S.C. 1395d(d), 1395f(a)(7)) are not applicable to items and services furnished under the demonstration project. Participation of Medicare beneficiaries in the demonstration project shall be voluntary.

(b) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(1) QUALIFICATIONS.—For purposes of subsection (a), the term ''eligible entity'' means an entity (such as a cancer center, hospital, academic health center, hospice program, physician practice, school of nursing, visiting nurse association, or other home health agency) that the Secretary determines is capable, directly or through an arrangement with a hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))), of providing the items and services described in such subsection.

(2) SELECTION.—The Secretary shall select not more than 10 eligible entities to participate in the demonstration project. Such entities shall be selected in a manner so that the demonstration project is conducted in different regions across the United States and in urban and rural locations.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(A) the effectiveness of the project in improving patient outcomes;

(B) the cost of providing comprehensive symptom management, including palliative care, from the time of diagnosis;

(C) the effect of comprehensive cancer care planning and the provision of comprehensive symptom management on patient outcomes, cancer care expenditures, and the utilization of hospitalization and emergent care services; and

(D) potential savings to the Medicare program demonstrated by the project.

(2) REPORT.—Not later than the date that is one year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1).

TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

SEC. 201. GRANTS FOR COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities for the purpose of—

(1) establishing a new palliative care and symptom management program for cancer patients; or

(2) expanding an existing palliative care and symptom management program for cancer patients.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section may include—

(1) securing consultative services and advice from institutions with extensive experience in developing and managing comprehensive palliative care and symptom management programs;

(2) expanding an existing program to serve more patients or enhance the range or quality of services, including cancer treatment patient education services, that are provided;

(3) developing a program that would ensure the inclusion of cancer treatment patient education in the coordinated cancer care model; and

(4) establishing an outreach program to partner with an existing comprehensive care program and obtain expert consultative services and advice.

(c) DISTRIBUTION OF FUNDS.—In making grants and distributing the funds under this section, the Secretary shall ensure that—

(1) two-thirds of the funds appropriated to carry out this section for each fiscal year are used for establishing new palliative care and symptom management programs, of which not less than half of such two-thirds shall be for programs in medically underserved communities to address issues of racial and ethnic disparities in access to cancer care; and

(2) one-third of the funds appropriated to carry out this section for each fiscal year are used for expanding existing palliative care and symptom management programs.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' includes—

(A) an academic medical center, a cancer center, a hospital, a school of nursing, or a health system capable of administering a palliative care and symptom management program for cancer patients;

(B) a physician practice with care teams, including nurses and other professionals trained in palliative care and symptom management;

(C) a visiting nurse association or other home care agency with experience administering a palliative care and symptom management program;

(D) a hospice; and

(E) any other health care agency or entity, as the Secretary determines appropriate.

(2) The term ''medically underserved community'' has the meeting given to that term in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT

SEC. 301. GRANTS TO IMPROVE HEALTH PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to enable the entities to improve the quality of graduate and postgraduate training of physicians, nurses, and other health care providers in palliative care and symptom management for cancer patients.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) the ability to incorporate palliative care and symptom management into training programs; and

(2) the ability to collect and analyze data related to the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of professional training programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means a cancer center (including an NCI-designated cancer center), an academic health center, a physician practice, a school of nursing, or a visiting nurse association or other home care agency.

(2) The term ''NCI-designated cancer center'' means a cancer center receiving funds

through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

SEC. 302. GRANTS TO IMPROVE CONTINUING PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to improve the quality of continuing professional education provided to qualified individuals regarding palliative care and symptom management.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) experience in sponsoring continuing professional education programs;

(2) the ability to reach health care providers and other professionals who are engaged in cancer care;

(3) the capacity to develop innovative training programs; and

(4) the ability to evaluate the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of continuing professional education programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means a cancer center (including an NCI-designated cancer center), an academic health center, a school of nursing, or a professional society that supports continuing professional education programs.

(2) The term ''NCI-designated cancer center'' means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term ''qualified individual'' means a physician, nurse, social worker, chaplain, psychologist, or other individual who is involved in providing palliative care and symptom management services to cancer patients.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

SEC. 401. RESEARCH PROGRAM.

(a) IN GENERAL.—The Director of the National Institutes of Health shall establish a program of grants for research on palliative care, symptom management, communication skills, and other end-of-life topics for cancer patients.

(b) INCLUSION OF NATIONAL RESEARCH INSTITUTES.—In carrying out the program established under this section, the Director should provide for the participation of the National Cancer Institute, the National Institute of Nursing Research, and any other national research institute that has been engaged in research described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''Director'' means the Director of the National Institutes of Health.

(2) The term ''national research institute'' has the meaning given to that term in section 401(g) of the Public Health Service Act (42 U.S.C. 281(g)).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.

By Mr. WEBB (for himself, Mr. ALEXANDER, Mr. CORKER, and Mr. UDALL of Colorado).

S. 1774. A bill for the relief of Hotaru Nakama Ferschke; to the Committee on the Judiciary.

Mr. WEBB. Mr. President, we are debating a lot of great long-term issues in this body. I wish to speak for a short period of time today about something on the other end of the political spectrum, about something that I believe is an issue—a small issue—a private bill that all of us should come together on in rather quick measure.

Every now and then, there comes an issue that tells us a lot about who we are and how we live up to our promises, great and small, and particularly the promises that we make to those who step forward and place their lives on the line in order to carry out the policies that we ourselves put in place.

Like all of the Members of this body, I take a back seat to no one in my affection and support for the people who step forward and serve our country. I come from a family that has a long citizen-soldier tradition. I have several ancestors—direct ancestors—who fought in the American Revolution, and we have participated as citizen-soldiers in just about every war since then.

My colleagues know how strongly I feel about the U.S. Marine Corps. I had the great privilege of commanding marines in combat in Vietnam. My brother was a marine. My son is a marine. My son-in-law is a marine.

Many of my colleagues know of my long association with the people of Okinawa, beginning almost 41 years ago when I first was there on my way into Vietnam, but continuing as a journalist, as a government official, as a tourist, as a guest of the government.

As most of my colleagues know, in my nongovernment service, I principally made my living as a writer, as a novelist. All of these issues dovetail in this private bill that I and the two Senators from Tennessee are introducing today.

In the first novel I wrote, which was about the Vietnam war, a subplot was about a young marine who fell in love with an Okinawan girl and who, after being wounded, went back into Vietnam, had left her with child, and was killed. She, not knowing this, bore the burden of carrying his son without having been formally married to this young marine. Flash forward 40 years to the future and to a different war, and we have a situation that I believe needs some prompt action on our part.

This private bill is not asking for any favors. It is not asking for any special consideration. It is simply asking that the young widow of a marine be treated like any other widow.

SGT Michael Ferschke, a 22-year-old marine, had been serving in Okinawa and had met Hotaru Nakama. They dated for a year before he deployed to Iraq. Just before he deployed, they found out that she was with child. They had, by all independent verifications, agreed that they would be married before they discovered she had been with child. He deployed to Iraq, and due to the circumstances of his combat time, they arranged to be married by telephone on July 10, 2008, when he was in Iraq. One month later to the day, he was killed.

That marriage is a marriage that is recognized, including in the State of Virginia, as a valid marriage. And yet because of an idiosyncracy in our immigration laws that dates back 55 years, the Department of Homeland Security, for immigration purposes, will not recognize this marriage.

This quirk in the law was put into place during the Korean war in order to prevent fraudulent marriages that had never been consummated. But clearly in this case, this is a marriage that could not be consummated because this young man was serving our country in Iraq. They have a child.

Every agency of the U.S. Government has done everything they can on this young widow's behalf. She is staying with the young marine's family in Tennessee on a tourist visa. The Department of Homeland Security, the Department of State, the U.S. Marine Corps—all have been as helpful as they can be in assisting this marine's young widow in her desire to have permanent immigration status in this country. There is no way it can happen under present law because of the peculiarities of the law. There is only one way that can happen, and that is if we pass a special bill that will do only one thing, and that is to give her the exact status that she would have had if they had been standing next to each other when they exchanged their vows in marriage. And there is only one reason they were not standing next to each other when they exchanged their vows in marriage, and that is because he was serving his country in Iraq.

I earnestly hope that all of this body and the other body can come together and remove this idiosyncracy from the lives of these people who have suffered so much because Michael Ferschke, sergeant, U.S. Marine Corps, stepped forward and did what we asked him to do and served our country.

By Ms. STABENOW:

S. 1776. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; read the first time.

Ms. STABENOW. Mr. President, I rise for just a moment because I am introducing a bill today that I will speak more about at another time, but it is a very important bill for the physicians of this country.

We have had a failed, flawed payment system in place for many years as it relates to physicians, and we come back

every year, in fact, and stop the cuts that are proposed under that flawed system to make sure we are not putting our physicians in harm's way as it relates to their Medicare reimbursements.

This has gone on year after year after year after year. We all know that the sustainable growth rate process is flawed and yet we have not fixed it permanently. So the legislation I have would, in fact, fix this permanently and guarantee we are stopping this cycle that we put our physicians and hospitals through every year, where there may be a cut, there may not be a cut, and in the end we have to come in and fix it.

So this is a bill that would permanently change the payment system for physicians to a fairer system. It does have a cost to it. It is less than it was prior to the very positive action the Secretary of Health and Human Services took a few weeks ago, removing the costs of medicine from the formula. It should never have been there in the first place. But by removing that, that means the overall costs are less than they otherwise would be.

But it is important we get this right, we fix what has been a very flawed system. As we go into the health care reform debate, I think it is important we get this done right first so every physician understands we are not going to put them in this position year after year after year.

By Mr. UDALL of Colorado:

S. 1777. A bill to facilitate the remediation of abandoned hardrock mines, and for other purposes; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, I rise tonight to announce that I am introducing legislation designed to help promote the cleanup of abandoned and inactive hard rock mines that are a menace to the environment and public health throughout the country, but especially to the West.

In previous sessions of Congress when I was a Member of the House of Representatives, I introduced similar bills. Following the introduction of those previous bills, revisions were made to incorporate a number of changes developed in consultation with a wide range of interested parties. These parties included representatives of the Western Governors' Association, the Environmental Protection Agency, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

For over one hundred years, miners and prospectors have searched for and developed valuable hardrock minerals, such as gold, silver, and copper. Hardrock mining has played a key role in the history of Colorado and many other States. The resulting mineral wealth has been an important aspect of our economy and the development of essential products that we all take for granted.

However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by ''busts,'' when mines were no longer profitable. When these busts came, too often the miners would abandon their work and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the Western public lands where mineral development was encouraged to help settle our region.

The problems caused by abandoned and inactive mines are very real and very large. They include acidic water draining from old tunnels; heavy metals leaching into streams, killing fish and tainting water supplies; open vertical mine shafts; dangerous highwalls; large open pits; waste rock piles that are unsightly and dangerous; and hazardous dilapidated structures.

Unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hard rock mines, are of limited effectiveness when they are applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Right now, there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied to abandoned hard rock mines, it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be Good Samaritans understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

The Governors of our Western States have recognized the need for action to address this serious problem. They have adopted bipartisan resolutions on this subject, such as the position adopted in the 2007 resolution entitled ''Cleaning Up Abandoned Mines.'' In this resolution, the Governors urged Congress to take action to address liability issues and funding concerns. The Governors sent a letter in November 2007 expressing support for the previous version of the bill I am introducing today.

The bill I am filing today will help address this impediment and make it easier for volunteers, who had no role in creating the problem, to help clean up these sites and improve the environment. It does so by providing a new permit program whereby volunteers can, under an approved plan, reduce the water pollution flowing from an abandoned mine. At the same time, volunteers will not be exposed to the full liability and ongoing responsibility provisions of the Clean Water Act.

Unlike other bills that have been introduced on this topic, my bill only addresses Clean Water Act liability and does not waive any other environmental law. This is because I do not believe we have to go that far. There are administrative avenues and options available to Good Samaritans to address compliance without other environmental laws that may apply at these sites. However, such administrative options are not available for Clean Water Act liability. So my bill only addresses this restriction on moving forward on projects to clean up water releases.

The new permit proposed in my bill would help address problems that have frustrated Federal and State agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue, not only to improve the environment but also to ensure that our water supplies are safe and usable.

Let me be clear, the bill does not address all the concerns some would-be Good Samaritan may have about initiating cleanup projects. I am committed to continue working to address those additional concerns through additional legislation and in other ways. But the bill I am filing today can make a real difference, and I think it deserves approval without unnecessary delay.

Mr. President, I ask unanimous consent to have printed in the RECORD a longer version of my statement.

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

Mr. UDALL of Colorado. Mr. President, today I am introducing legislation designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the West.

In the 107, 108, 109, and 110 Congresses, I introduced similar bills aimed at that result. Following the bill's first introduction in the 107 Congress, revisions were made to incorporate a number of changes developed in consultation with interested parties, including representatives of the Western Governors' Association, the Environmental Protection Agency, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been

marked by a series of ''boom'' times followed by ''busts'' when mines were no longer profitable. When these busts came, too often the miners would abandon their work and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels; heavy metals leaching into streams, killing fish and tainting water supplies; open vertical mine shafts; dangerous highwalls; large open pits; waste rock piles that are unsightly and dangerous; and hazardous dilapidated structures.

Unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective, it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

The Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on this subject, such as its most recent resolution in 2007 entitled Cleaning Up Abandoned Mines, wherein the governors urge Congress to take action to address liability issues and funding concerns. WGA also sent a letter in November 2007 expressing support for the previous version on the bill I am introducing today.

The bill I am filing today responds to a legal obstacle, the potential liability under the Clean Water Act that now deters many would-be ''good Samaritans'' from undertaking efforts to clean up abandoned hardrock mines. Unlike other bills that have been introduced on this topic, my bill only addresses Clean Water Act liability and does not waive any other environmental law. That's because I do not believe that we need to go that far. There are administrative avenues and options available to good Samaritans to address compliance with other environmental laws that may apply at these sites. However, such administrative options are not available for Clean Water Act liability, and so my bill only addresses this restriction on moving forward on projects to clean up water releases.

To help the efforts of ''good Samaritans,'' this bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

The new permits proposed in this bill would help address problems that have frustrated federal and state agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable. This bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects—and I am committed to continue working to address those additional concerns, through additional legislation and in other ways. But this bill can make a real difference, and I think it deserves approval without unnecessary delay.

For the benefit of our colleagues, I am including a brief outline of the bill's provisions.

Eligibility for Good Samaritan Permits—Permits could be issued to a person or entity not involved in creation of residue or other conditions resulting from mining at a site within the bill's scope. Any other similar person or entity could be a cooperating party to help with a cleanup.

Sites Covered by the Bill—The bill covers sites of mines and associated facilities in the United States once used for production of a mineral, other than coal, but no longer actively mined, but does not cover sites on the national priority list under Superfund.

Administration—The permits would be issued by the Environmental Protection Agency, EPA, or by a state or tribal government with an approved Clean Water Act permitting program.

Remediation Plans—To obtain a permit, an applicant would have to submit a detailed plan for remediation of the site. After an opportunity for public comments, the EPA or other permitting authority could issue a permit if it determined that implementing the plan would not worsen water quality and could result in improving it toward meeting applicable water quality standards.

Effect of Permit—Compliance with a Good Samaritan permit would constitute compliance with the Clean Water Act, and neither a permit holder nor a cooperating party would be responsible for doing any remediation activities except those specified in the remediation plan. When the cleanup is done, the permit expires, ending the Good Samaritan's responsibility for the project.

Report and Sunset Clause—9 years after enactment, EPA must report to Congress about the way the bill has been implemented, so Congress can consider whether to renew or modify the legislation, which under the bill will terminate after 10 years.

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

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

S. 1777

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Good Samaritan Cleanup of Abandoned Hardrock Mines Act of 2009''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government and State governments have encouraged hardrock mining in the United States through a wide variety of laws, policies, and actions;

(2) mining operations produce metals and minerals that have important social benefits and values;

(3) many areas in the United States at which historic mining operations took place are now the locations of inactive and abandoned mine sites;

(4) the mining activities that took place prior to the enactment of modern environmental laws often disturbed public and private land, and those disturbances led to environmental pollution, including the discharge of pollutants into surface water and groundwater;

(5) many of the individuals and corporate owners and operators of mines the actions of which caused the pollution described in paragraph (4) are no longer alive or in existence;

(6) many of the historic mining sites have polluted the environment for more than a century and, unless remedied, will continue to do so indefinitely;

(7) unabated discharges from inactive and abandoned mines will continue to pollute surface water, groundwater, and soils;

(8) many of the streams and water bodies impacted by acid mine drainage are important resources for fish and wildlife, recreation, drinking water, agriculture, and other public purposes;

(9) some of the remaining owners and operators of historic mine sites do not have adequate resources to properly conduct the remediation of the mine sites under applicable environmental laws;

(10) from time to time, States, individuals, and companies are willing to remediate historic mine sites for the public good as Good Samaritans, despite the fact that those States, individuals, and companies are not legally required to do so;

(11) Good Samaritan remediation activities may—

(A) vary in size and complexity;

(B) reflect a myriad of methods by which mine residue may be cleaned up; and

(C) include, among other activities—

(i) the removal, relocation, or management of tailings or other waste piles;

(ii) passive or active water treatment; and

(iii) runoff or runon controls;

(12) the potential obligations, requirements, and liabilities under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) that may attach to Good Samaritans as the result of the conduct by the Good Samaritans of remediation activities can dissuade potential Good Samaritans from acting for the public good;

(13) it is in the interest of the United States, the States, and local communities to remediate historic mine sites—

(A) in appropriate circumstances and to the maximum extent practicable; and

(B) so that the detrimental environmental impacts of the historic mine sites are lessened in the future; and

(14) if appropriate protections are provided to Good Samaritans, Good Samaritans will have a greater incentive to remediate historic mine sites for the public good.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the partial or complete remediation of inactive and abandoned mine sites for the public good by individuals or entities that are not legally responsible for the remediation;

(2) to allow any individual or entity not legally responsible for environmental conditions relating to an inactive or abandoned mine site—

(A) to make further progress toward the goal of meeting water quality standards in all water of the United States; and

(B) to improve other environmental media affected by past mining activities at the inactive or abandoned mine site without incurring any obligation or liability with respect to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(3) to ensure that remediation activities performed by Good Samaritans—

(A) result in actual and significant environmental benefits; and

(B) are carried out—

(i) with the approval and agreement, and at the discretion, of affected Federal, State, and tribal authorities;

(ii) in a manner that enables the public to conduct a review of, and submit comments relating to, the remediation activities; and

(iii) in a manner that is beneficial to the environment and each community affected by the remediation activities; and

(4) to further the innovations of, and cooperation among, the Federal Government, State and tribal governments, private individuals, and corporations to accelerate efforts relating to conservation and environmental restoration.

SEC. 3. SCOPE.

Nothing in this Act (or an amendment made by this Act)—

(1) reduces any existing liability; or

(2) facilitates the conduct of any mining or processing other than the conduct of any mining or processing that is required for the remediation of historic mine residue for the public good.

SEC. 4. GOOD SAMARITAN DISCHARGE PERMITS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) GOOD SAMARITAN DISCHARGE PERMITS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COOPERATING PERSON.—

''(i) IN GENERAL.—The term 'cooperating person' means any person that—

''(I) is a Good Samaritan;

''(II) assists a permittee in the remediation of an inactive or abandoned mine site; and

''(III) is identified in a Good Samaritan discharge permit issued under paragraph (2).

''(ii) INCLUSION.—The term 'cooperating person' includes the Federal Government.

''(B) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a person that—

''(i) is a Good Samaritan; and

''(ii) proposes a project, the purpose of which is to remediate, in whole or in part, actual or threatened pollution caused by historic mine residue at an inactive or abandoned mine site.

''(C) GOOD SAMARITAN.—The term 'Good Samaritan' means a person that, with respect to historic mine residue at an inactive or abandoned mine site—

''(i) had no role in the creation of the historic mine residue;

''(ii) had no role in creating any environmental pollution caused by the historic mine residue; and

''(iii) is not liable under any Federal, State, tribal, or local law for the remediation of the historic mine residue.

''(D) HISTORIC MINE RESIDUE.—

''(i) IN GENERAL.—The term 'historic mine residue' means mine residue or any condition resulting from activities at an inactive or abandoned mine site prior to October 18, 1972, that—

''(I) causes or contributes to the actual or threatened discharge of pollutants from the inactive or abandoned mine site; or

''(II) otherwise pollutes the environment.

''(ii) INCLUSIONS.—The term 'historic mine residue' includes—

''(I) ores and minerals that—

''(aa) were mined during the active operation of an inactive or abandoned mine site; and

''(bb) contribute to acid mine drainage or other environmental pollution;

''(II) equipment (including materials in equipment);

''(III) any waste or material resulting from any extraction, beneficiation, or other processing activity that occurred during the active operation of an inactive or abandoned mine site; and

''(IV) any acidic or otherwise polluted flow in surface water or groundwater that originates from an inactive or abandoned mine site.

''(E) IDENTIFIABLE OWNER OR OPERATOR.—The term 'identifiable owner or operator' means a person that is—

''(i) legally responsible under section 301 for a discharge that originates from an inactive or abandoned mine site; and

''(ii) financially capable of complying with each requirement described in this section and section 301.

''(F) INACTIVE OR ABANDONED MINE SITE.—

''(i) IN GENERAL.—The term 'inactive or abandoned mine site' means a mine site (including associated facilities) that—

''(I) is located in the United States;

''(II) was used for the production of a mineral other than coal;

''(III) has historic mine residue; and

''(IV) is no longer actively mined on the date on which an eligible applicant submits to a permitting authority a remediation plan relating to an application for a Good Samaritan discharge permit under paragraph (3)(B) for the remediation of the mine site.

''(ii) EXCLUSIONS.—The term 'inactive or abandoned mine site' does not include a mine site (including associated facilities) that is—

''(I) in a temporary shutdown;

''(II) included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); or

''(III) the subject of an ongoing or planned remedial action carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(G) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(H) PERMITTEE.—The term 'permittee' means a person that is issued a Good Samaritan discharge permit under this subsection.

''(I) PERMITTING AUTHORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'permitting authority' means the Administrator.

''(ii) EXCEPTION.—In the case of a State or Indian tribe with an approved permitting program under paragraph (2)(B), the term 'permitting authority' means the head of the permitting program of the State or Indian tribe.

''(J) PERSON.—The term 'person' includes—

''(i) an individual;

''(ii) a firm;

''(iii) a corporation;

''(iv) an association;

''(v) a partnership;

''(vi) a consortium;

''(vii) a joint venture;

''(viii) a commercial entity;

''(ix) a nonprofit organization;

''(x) the Federal Government;

''(xi) a State (including a political subdivision of a State);

''(xii) an interstate entity;

''(xiii) a commission; and

''(xiv) an Indian tribe.

''(2) GOOD SAMARITAN DISCHARGE PERMITS.—

''(A) IN GENERAL.—A permitting authority may issue a Good Samaritan discharge permit to an eligible applicant in concurrence, if applicable, with—

''(i) the State in which the proposed inactive or abandoned mine site remediation project is located; or

''(ii) the Federal agency or Indian tribe that owns or has jurisdiction over the site at which the proposed inactive or abandoned mine site remediation project is located.

''(B) STATE OR TRIBAL PROGRAMS.—The Administrator shall approve a State or tribal program for the issuance of Good Samaritan discharge permits if—

''(i) the State or Indian tribe has, as of the date of enactment of this subsection, authority to issue a permit under subsection (b); and

''(ii) the State or Indian tribe requests such authority.

''(3) PERMIT PROCESS.—

''(A) SCOPE.—An eligible applicant may apply for a Good Samaritan discharge permit to conduct remediation activities at any inactive or abandoned mine site from which there is, or may be, a discharge or a threatened discharge of pollutants into any water of the United States.

''(B) REMEDIATION PLAN.—To apply for a Good Samaritan discharge permit under subparagraph (A), an eligible applicant shall submit to the permitting authority an application that contains a remediation plan that, to the extent known by the eligible applicant as of the date on which the application is submitted, contains—

''(i) an identification of—

''(I) the eligible applicant (including any cooperating person) with respect to the remediation plan;

''(II) the mine site that is the subject of the remediation plan (including such documentation as the permitting authority determines to be sufficient to demonstrate to the permitting authority that the mine site is an inactive or abandoned mine site); and

''(III) each body of water of the United States that is affected by actual or threatened discharges from the inactive or abandoned mine site;

''(ii) a description of—

''(I) the baseline conditions of each body of water described in clause (i)(III) as of the date on which the eligible applicant submits the application, including—

''(aa) the nature and extent of any adverse impact on the quality of each body of water caused by the drainage of historic mine residue or other discharges from the inactive or abandoned mine site; and

''(bb) as applicable, the level of any pollutant in each body of water that has resulted in an adverse impact described in item (aa);

''(II) the conditions of the inactive or abandoned mine site that cause adverse impacts to the quality of each body of water described in clause (i)(III);

''(III) the reasonable efforts taken by the eligible applicant to identify identifiable owners or operators of the inactive or abandoned mine site that is the subject of the application;

''(IV) each remediation goal and objective proposed by the eligible applicant, including—

''(aa) each pollutant to be addressed by the remediation plan; and

''(bb) each action that the eligible applicant proposes to take that, to the maximum extent reasonable and practicable under the circumstances, will assist in the attainment of each applicable water quality standard;

''(V) the practices (including a schedule and estimated completion date for the implementation of each practice) that are proposed by the eligible applicant to meet each remediation goal and objective described in subclause (IV), including—

''(aa) in the case of a new remediation project, the preliminary system design and construction, operation, and maintenance plans relating to the new remediation project; and

''(bb) in the case of an existing remediation project, available system design and construction, operation, and maintenance plans and any planned improvements with respect to the existing remediation project;

''(VI) any proposed recycling or reprocessing of historic mine residue to be conducted by the eligible applicant (including a description of how each proposed recycling or reprocessing activity relates to the remediation of an inactive or abandoned mine site);

''(VII) the monitoring or other forms of assessment that will be undertaken by the eligible applicant to evaluate the success of the practices described in subclause (V) during and after the implementation of the remediation plan, with respect to the baseline conditions;

''(VIII) each contingency plan that is designed for responding to unplanned adverse events (including the practices to be implemented to achieve each remediation goal and objective described in subclause (IV));

''(IX) the legal authority of the eligible applicant to enter, and conduct activities at, the inactive or abandoned mine site that is the subject of the remediation plan; and

''(X) any public outreach activity to be conducted by the eligible applicant;

''(iii) an explanation of the manner by which the practices described in clause (ii)(V) are expected to achieve each remediation goal and objective described in clause (ii)(IV);

''(iv) a schedule for the periodic reporting by the eligible applicant with respect to any progress in implementing the remediation plan;

''(v) a budget for the remediation plan that includes a description of each funding source that will support the implementation of the remediation plan, including—

''(I) each practice described in clause (ii)(VIII);

''(II) each action described in clause (ii)(IV)(bb); and

''(III) each monitoring or other appropriate activity described in clause (ii)(VII); and

''(vi) any other additional information requested by the Administrator to clarify the remediation plan and each proposed activity covered by the remediation plan.

''(C) CERTIFICATION OF PLAN.—An application for a Good Samaritan discharge permit submitted by an eligible applicant to a permitting authority under subparagraph (B) shall be signed and certified in a manner consistent with section 122.22 of title 40, Code of Federal Regulations.

''(D) INVESTIGATIVE MEASURES.—

''(i) IN GENERAL.—A Good Samaritan discharge permit may include a program of investigative measures to be completed prior to the remediation of the inactive or abandoned mine site that is the subject of the permit if the permitting authority, upon the receipt of the application of an eligible applicant for a Good Samaritan discharge permit, determines the program of investigative measures to be appropriate.

''(ii) PROGRAM REQUIREMENTS.—Any water sampling included in the program of investigative measures described in clause (i) shall be conducted by an eligible applicant in accordance with any applicable method described in part 136 of title 40, Code of Federal Regulations.

''(iii) REQUIREMENTS RELATING TO SAMPLES.—In conducting a program of investigative measures described in clause (i), an eligible applicant shall—

''(I) ensure that each sample collected under the program is representative of the conditions present at the inactive or abandoned mine site that is the subject of the program; and

''(II) retain records of all sampling events for a period of not less than 3 years.

''(iv) INITIAL PLAN.—

''(I) IN GENERAL.—If an eligible applicant proposes to conduct a program of investigative measures, the eligible applicant shall submit to the permitting authority a plan that contains, to the extent known by the eligible applicant as of the date on which the eligible applicant submits the application—

''(aa) each description required under subclauses (I), (II), and (IV) through (VIII) of subparagraph (B)(ii);

''(bb) the explanation required under subparagraph (B)(iii);

''(cc) the schedule required under subparagraph (B)(iv); and

''(dd) the budget required under subparagraph (B)(v).

''(II) RESPONSIBILITY TO SUPPLEMENT DESCRIPTIONS.—An eligible applicant that conducts a program of investigative measures shall, based on the results of the program, supplement each item described in subclause (I), as necessary.

''(v) REPORT OF RESULTS.—The results of the program of investigative measures shall be—

''(I) detailed in a report for the permitting agency; and

''(II) made available by the applicant to any member of the public that requests the report.

''(vi) PERMIT MODIFICATION.—Based upon the results of the investigative measures, a Good Samaritan discharge permit may be modified pursuant to the permit procedures described in this subsection.

''(vii) OPTION TO DECLINE REMEDIATION.—A Good Samaritan discharge permit may allow the permittee to decline to undertake remediation based on the results of the investigative sampling program, if—

''(I) the program of investigative measures is authorized under this subparagraph; and

''(II) the activities under the program of investigative measures have not resulted in surface water quality conditions, taken as a whole, that are worse than the baseline condition of bodies of water described in subparagraph (B)(ii)(I).

''(E) REVIEW OF APPLICATION.—

''(i) INITIAL REVIEW.—The permitting authority shall—

''(I) review each application submitted by an eligible applicant for a Good Samaritan discharge permit;

''(II) provide to the public, with respect to the Good Samaritan discharge permit—

''(aa) notice and a reasonable opportunity to comment; and

''(bb) a public hearing;

''(III) if the Administrator is the permitting authority, provide a copy of the application to each affected State, Indian tribe, and other Federal agency; and

''(IV) determine whether the application for the Good Samaritan discharge permit meets each requirement described in subparagraph (B).

''(ii) REQUIREMENTS NOT MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit does not meet each requirement described in subparagraph (B), the permitting authority shall—

''(I) notify the eligible applicant that the application is disapproved and explain the reasons for the disapproval; and

''(II) allow the eligible applicant to submit a revised application.

''(iii) REQUIREMENTS MET.—If the permitting authority determines that an application for a Good Samaritan discharge permit meets each requirement described in subparagraph (B), the permitting authority shall notify the eligible applicant that the application is accepted.

''(F) PERMIT ISSUANCE.—After notice and opportunity for public comment with respect to a Good Samaritan discharge permit proposed by a permitting authority to be issued under this subsection (including any additional requirement that the permitting authority determines would facilitate the implementation of this subsection), the permitting authority may issue a permit to an eligible applicant if—

''(i) the permitting authority determines that—

''(I) relative to the resources identified by the eligible applicant for funding the proposed remediation activity, the eligible applicant has made a reasonable effort to identify identifiable owners or operators under subparagraph (B)(ii)(III);

''(II) no identifiable owner or operator exists (except, with respect to Federal land, where the only identifiable owner or operator is the Federal Government);

''(III) taking into consideration each funding source (including the amount of each funding source) identified by the eligible applicant for the proposed remediation activity in accordance with subparagraph (B)(v), the remediation plan of the eligible applicant demonstrates that the implementation of the remediation plan will—

''(aa) assist in the attainment of applicable water quality standards to the extent reasonable and practicable under the circumstances; and

''(bb) not result in water quality that is worse than the baseline water condition described in subparagraph (B)(ii)(I);

''(IV) the eligible applicant has provided adequate evidence of financial resources that will enable the eligible applicant to complete the proposed project of the eligible applicant; and

''(V) the proposed project of the eligible applicant meets the requirements of this section;

''(ii) any Federal, State, or tribal land management agency with jurisdiction over any inactive or abandoned mine site that is the subject of the proposed permit, or any public trustee for natural resources affected by historic mine residue associated with any inactive or abandoned mine site that is the subject of the proposed permit, does not object to the issuance of the permit; and

''(iii) if the Administrator is the permitting authority, the affected State or Indian tribe concurs with the issuance of the permit.

''(G) DEADLINE RELATING TO APPROVAL OR DENIAL OF APPLICATION.—Not later than 180 days after the date of receipt by a permitting authority of an application for a Good Samaritan discharge permit that the permitting authority determines to be complete, the permitting authority shall—

''(i) issue to the eligible applicant a Good Samaritan discharge permit; or

''(ii) deny the application of the eligible applicant for a Good Samaritan discharge permit.

''(H) MODIFICATION OF PERMIT.—

''(i) APPROVAL AND DISAPPROVAL PROCESS.—In accordance with clause (ii), after the date of receipt by a permitting authority of a written request by a permittee to modify the Good Samaritan discharge permit of the permittee, the permitting authority shall approve or disapprove the request for modification.

''(ii) PERMIT MODIFICATION.—A permit modification that is approved by a permitting authority under this subparagraph shall be—

''(I) by agreement between the permittee and the permitting authority and, if the Administrator is the permitting authority, the affected State or Indian tribe;

''(II) subject to—

''(aa) a period of public notice and comment; and

''(bb) a public hearing;

''(III) in compliance with each standard described in subparagraph (F)(i)(III); and

''(IV) immediately reflected in, and applicable to, the Good Samaritan discharge permit.

''(4) CONTENTS OF PERMITS.—

''(A) IN GENERAL.—A Good Samaritan discharge permit shall—

''(i) contain—

''(I) a remediation plan approved by the permitting authority; and

''(II) any additional requirement that the permitting authority establishes by regulation under paragraph (10); and

''(ii) provide for compliance with, and implementation of, the remediation plan and any additional requirement described in clause (i)(II).

''(B) SCOPE.—A Good Samaritan discharge permit shall authorize only those activities that are required for the remediation of historic mine residue at an inactive or abandoned mine site, as determined by the permitting authority.

''(C) REVIEW.—A Good Samaritan discharge permit shall contain a schedule for review, to be conducted by the permitting authority, to determine compliance by the permittee with each condition and limitation of the permit.

''(5) EFFECT OF PERMIT COMPLIANCE.—

''(A) COMPLIANCE WITH ACT.—

''(i) IN GENERAL.—A Good Samaritan discharge permit issued under this subsection shall authorize the permittee, and any cooperating persons, to carry out each activity described in the Good Samaritan discharge permit.

''(ii) COMPLIANCE WITH PERMIT.—Compliance by the permittee, and any cooperating persons, with respect to the Good Samaritan discharge permit shall constitute compliance with this Act.

''(B) SCOPE OF LIABILITY.—Except as provided in paragraph (6), the issuance of a Good Samaritan discharge permit to a permittee relieves the permittee, and any cooperating person, of each obligation and liability under this Act.

''(6) FAILURE TO COMPLY.—If a permittee, or any cooperating person fails to comply with any condition or limitation of the permit, the permittee, or cooperating person, shall be subject to liability only under section 309.

''(7) TERMINATION OF PERMIT.—

''(A) IN GENERAL.—A permitting authority shall terminate a Good Samaritan discharge permit if—

''(i) the permittee successfully completes the implementation of the remediation plan; or

''(ii)(I) any discharge covered by the Good Samaritan discharge permit becomes subject to a permit issued for other development that is not part of the implementation of the remediation plan;

''(II) the permittee seeking termination of coverage, and any cooperating person with respect to the remediation plan of the permittee, is not a participant in the development; and

''(III) the permitting authority, upon request of the permittee, agrees that the permit should be terminated.

''(B) UNFORSEEN CIRCUMSTANCES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the permitting authority, in cooperation with the permittee, shall seek to modify a Good Samaritan discharge permit to take into account any event or condition encountered by the permittee if the event or condition encountered by the permittee—

''(I) significantly reduces the feasibility, or significantly increases the cost, of completing the remediation project that is the subject of the Good Samaritan discharge permit;

''(II) was not—

''(aa) contemplated by the permittee; or

''(bb) taken into account in the remediation plan of the permittee; and

''(III) is beyond the control of the permittee, as determined by the permitting authority.

''(ii) EXCEPTION.—If a permittee described in clause (i) does not agree to a modification of the Good Samaritan discharge permit of the permittee, or the permitting authority determines that remediation activities conducted by the permittee pursuant to the permit have resulted or will result in surface water quality conditions that, taken as a whole, are or will be worse than the baseline water conditions described in paragraph (3)(B)(ii)(I), the permitting authority shall terminate the permit.

''(C) NO ENFORCEMENT LIABILITY.—

''(i) DISCHARGES.—Subject to clause (ii), and except as provided in clause (iii), the permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, shall not be subject to enforcement under any provision of this Act for liability for any past, present, or future discharges at or from the abandoned or inactive mining site that is the subject of the permit.

''(ii) OTHER PARTIES.—Clause (i) does not limit the liability of any person that is not described in clause (i).

''(iii) VIOLATION OF PERMIT PRIOR TO TERMINATION.—The discharge of liability for a permittee of a permit, or a cooperating person with respect to the remediation plan of the permittee, under clause (i) shall not apply with respect to any violation of the permit that occurs before the date on which the permit is terminated.

''(8) LIMITATIONS.—

''(A) EMERGENCY POWERS.—Nothing in this subsection limits the authority of the Administrator to exercise any emergency power under section 504 with respect to persons other than a permittee and any cooperating persons.

''(B) PRIOR VIOLATIONS.—

''(i) ACTIONS AND RELIEF.—Except as provided in clause (ii), with respect to a violation of this subsection or section 301(a) committed by any person prior to the issuance of a Good Samaritan discharge permit under this subsection, the issuance of the Good Samaritan discharge permit does not preclude any enforcement action under section 309.

''(ii) EXCEPTIONS.—

''(I) SCOPE OF PERMIT.—If a Good Samaritan discharge permit covers remediation activities carried out by the permittee on a date before the issuance of the Good Samaritan discharge permit, clause (i) shall not apply to any action that is based on any condition that results from the remediation activities.

''(II) OTHER PARTIES.—A permittee shall not be subject to any action under sections 309 or 505 for any violation committed by any other party.

''(C) OBLIGATIONS OF STATES AND INDIAN TRIBES.—Except as otherwise provided in this section, nothing in this subsection limits any obligation of a State or Indian tribe described in section 303.

''(D) OTHER DEVELOPMENT.—

''(i) IN GENERAL.—Any development of an inactive or abandoned mine site (including any activity relating to mineral exploration, processing, beneficiation, or mining), including development by a permittee or any cooperating person, not authorized in a permit issued by the permitting authority under this subsection shall be subject to this Act.

''(ii) COMMINGLING OF DISCHARGES.—The commingling of any other discharge or water with any discharge or water subject to a Good Samaritan discharge permit issued under this subsection shall not limit or reduce the liability of any person associated with the water or discharge that is not subject to the Good Samaritan discharge permit.

''(E) RECOVERABLE VALUE.—A Good Samaritan to whom a permit is issued may sell or use materials recovered during the implementation of the plan only if the proceeds of any such sale are used to defray the costs of—

''(i) remediation of the site addressed in the permit; or

''(ii) voluntary remediation of any other inactive or abandoned mine site covered by a permit issued under this section.

''(F) STATE CERTIFICATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), to the extent that this subsection relates to water quality standards, certification under section 401 shall not apply to any Good Samaritan discharge permit issued under this subsection.

''(ii) EXCEPTION.—In any case in which certification under section 401 would otherwise be required, no Good Samaritan discharge permit shall be issued by a permitting authority under this subsection without the concurrence of—

''(I) the State in which the site of the discharge is located; or

''(II) the Indian tribe that owns or has jurisdiction over the site on which a remediation project is proposed.

''(G) STATE AND TRIBAL RECLAMATION PROGRAMS.—No State, Indian tribe, or other person shall be required to obtain a Good Samaritan discharge permit pursuant to this subsection for any discharge, including any discharge associated with the remediation of an inactive or abandoned mine site with respect to the conduct of reclamation work under a State or tribal abandoned mine reclamation plan approved under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

''(9) LIABILITY OF OTHER PARTIES.—Nothing in this subsection (including any result caused by any action taken by a permittee or a cooperating person) limits the liability of any person other than a permittee or a cooperating person under this Act or any other law.

''(10) REGULATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 1 year after the date of enactment of this subsection, after providing for public notice and an opportunity to comment and a public hearing, the Administrator, in consultation with the Secretary of the Interior and the Secretary of Agriculture, and appropriate State, tribal, and local officials, shall promulgate regulations to establish—

''(i) generally applicable requirements for remediation plans described in paragraph (3)(B); and

''(ii) any other requirement that the Administrator determines to be necessary.

''(B) SPECIFIC REQUIREMENTS BEFORE PROMULGATION OF REGULATIONS.—Before the date on which the Administrator promulgates regulations under subparagraph (A), a permitting authority may establish, on a case-by-case basis, specific requirements that the permitting authority determines would facilitate the implementation of this subsection with respect to a Good Samaritan discharge permit issued to a permittee.

''(11) FUNDING.—

''(A) ELIGIBILITY FOR SECTION 319 GRANTS.—A permittee shall be eligible to apply for a grant under section 319(h).

''(B) GRANTS.—Subject to the availability of appropriated funds, the Administrator may award to any permittee a grant to assist the permittee in implementing a remediation plan with respect to a Good Samaritan discharge permit of the permittee.

''(12) REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not later than 1 year before the date of termination of the authority of the permitting authority under paragraph (13), the Administrator shall submit to Congress a report describing the activities authorized by this subsection.

''(B) CONTENTS.—The report required under subparagraph (A) shall contain, at a minimum—

''(i) a description of—

''(I) each Good Samaritan discharge permit issued under this subsection;

''(II) each permittee;

''(III) each inactive or abandoned mine site addressed by a Good Samaritan discharge permit issued under this subsection (including each body of water and the baseline water quality of each body of water affected by each inactive or abandoned mine site);

''(IV) the status of the implementation of each remediation plan associated with each Good Samaritan discharge permit issued under this subsection (including specific progress that each remediation activity conducted by a permittee pursuant to each Good Samaritan discharge permit has made toward achieving the goals and objectives of the remediation plan); and

''(V) each enforcement action taken by the Administrator or applicable State or Indian tribe concerning a Good Samaritan discharge permit issued under this subsection (including the disposition of the action);

''(ii) a summary of each remediation plan associated with a Good Samaritan discharge permit issued under this subsection, including—

''(I) the goals and objectives of the remediation plan;

''(II) the budget of the activities conducted pursuant to the remediation plan; and

''(III) the practices to be employed by each permittee in accordance with the remediation plan of the permittee to reduce, control, mitigate, or eliminate adverse impacts to the quality of applicable bodies of water; and

''(iii) any recommendations that may be proposed by the Administrator to modify any law (including this subsection and any regulation promulgated under paragraph (10)) to facilitate the improvement of water quality through the remediation of inactive or abandoned mine sites.

''(13) TERMINATION OF AUTHORITY.—The authority granted to the permitting authority under this subsection to issue Good Samaritan discharge permits terminates on the date that is 10 years after the date of enactment of this subsection.

''(14) SEVERABILITY.—If any provision of this subsection, or the application of any provision of this subsection to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this subsection, shall not be affected thereby.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 311—ENCOURAGING THE UNITED STATES TRADE REPRESENTATIVE TO PURSUE A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

Mr. LUGAR (for himself, Mr. INHOFE, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 311

Whereas the Association of Southeast Asian Nations (ASEAN) was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore, and Thailand being original Members;

Whereas ASEAN membership has now expanded and includes 10 countries;

Whereas the United States supports the centrality of ASEAN within East Asia;

Whereas the United States was the first country to appoint an Ambassador to the Association of Southeast Asian Nations;

Whereas ASEAN significantly contributes to regional stability in East Asia;

Whereas approximately 40,000 students from ASEAN are studying in the United States and an increasing number of Americans are studying in ASEAN countries;

Whereas ASEAN partners with the United States Government to combat global terror;

Whereas the United States acceded to the Treaty of Amity and Cooperation in 2009;

Whereas ASEAN constitutes the fourth largest market for United States exports;

Whereas ASEAN has a population of approximately 560,000,000 persons;

Whereas two-way, United States-ASEAN trade totals approximately $180,000,000,000 annually;

Whereas the nations of ASEAN are increasingly economically integrated;

Whereas ASEAN has entered into free trade agreements with India, China, Japan, South Korea, Australia, and New Zealand; and

Whereas the United States and ASEAN signed a Trade and Investment Framework Agreement over three years ago: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative, in consultation with other appropriate Federal agencies and interested stakeholders, should establish a strategy for initiating negotiations for a free trade agreement between the United States and ASEAN; and

(2) at the time of free trade agreement negotiations, any pending bilateral issues between the United States and Burma, including economic sanctions, investment prohibition, travel restrictions or otherwise, should not deter the United States from engaging with other ASEAN nations regarding a potential free trade agreement, nor should the United States encourage trade with Burma, absent significant reforms within that country.

SENATE RESOLUTION 312—EXPRESSING THE SENSE OF THE SENATE ON EMPOWERING AND STRENGTHENING THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)

Mr. DODD (for himself, Mr. DURBIN, Mr. CARDIN, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas foreign development assistance is an important foreign policy tool in addition to diplomacy and the military;

Whereas the United States is currently involved in two wars, both of which military and civilian experts agree can only be solved with sound development strategies to complement military efforts;

Whereas development assistance is part of any comprehensive United States response to regional conflicts, terrorist threats, weapons proliferation, disease pandemics, and persistent widespread poverty;

Whereas, in 2002 and 2006, the United States National Security Strategy included global development, along with the military and diplomacy, as the three pillars of national security;

Whereas, in its early years, the United States Agency for International Development (USAID) had more than 5,000 full-time Foreign Service Officers and 15,000 total staff;

Whereas, in 2008, USAID had slightly more than 1,000 full-time Foreign Service Officers and 3,000 total staff;

Whereas the loss in permanent staff and institutional expertise at USAID has compelled it to rely disproportionally on outside contractors to help manage programs in more than 150 countries;

Whereas the USAID managed program budget, calculated in real dollars, has dropped more than 40 percent since 1985;

Whereas, from the early 1960s until 1992, the Office of Management and Budget enforced a rule mandating that all foreign aid programs and spending must go through USAID, except when USAID chose to contract with other Federal agencies;

Whereas today more than half of all aid programs are administered by Federal agencies other than USAID, and development funding is spread across more than 20 United States Government agencies; and

Whereas this decline in personnel, budgets, and coordinating leadership has diminished the capacity of USAID and the United States Government to provide development assistance and implement foreign assistance programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) a highly capable and knowledgeable individual should be nominated with all expediency and exigency to serve as the Administrator of the United States Agency for International Development;

(2) the Administrator should—

(A) serve as the chief advocate for United States development capacity and strategy in top-level national security deliberations;

(B) serve as a powerful advocate and effective leader of an empowered USAID; and

(C) marshal the resources, knowledge, capacity, and experiences of the Agency—

(i) to effectively represent the Agency in interagency debate and in advancing and executing foreign policy; and

(ii) to improve ultimately the effectiveness and capability of United States foreign assistance;

(3) the United States Agency for International Development must be empowered to be the primary development agency of the United States and to serve as the principal advisor to the President and national security organs of the United States Government on the capacity and strategy of United States development assistance;

(4) the Administrator should substantially and transparently increase the total number of full-time Foreign Service Officers employed by the Agency in order to enhance the ability of the Agency to—

(A) carry out development activities around the world by providing the Agency with additional human resources and expertise needed to meet important development and humanitarian needs around the world;

(B) strengthen the institutional capacity of the Agency as the lead development agency of the United States; and

(C) more effectively help developing nations to become more stable, healthy, democratic, prosperous, and self-sufficient; and

(5) the Administrator should submit a strategy to Congress that includes—

(A) a plan to create a professional training program that will provide new and current Agency employees with technical, management, leadership, and language skills;

(B) a 5-year staffing plan; and

(C) a description of further resources and statutory changes necessary to implement the proposed training and staffing plans.

Mr. DODD. Mr. President, I rise today to submit a resolution on behalf of myself, Senator DURBIN and Senator, CARDIN, aimed at putting the Senate on the record in support of empowering and strengthening the U.S. Agency for International Development. This is a simple and straightforward resolution, but I believe it speaks volumes about the current situation of U.S. overseas development policy.

USAID has been without an administrator for nearly 10 months. It is critical that this position is swiftly filled by an individual who can serve as a strong advocate for the agency in national security and foreign policy deliberations within the U.S. Government. The Administrator must also work urgently to strengthen, empower and revitalize the agency itself. This essential position must be filled if the U.S. is to take on the myriad of foreign policy challenges that exist in a holistic and sustainable manner—because for nearly all of the challenges we face as a Nation, development will play a key role in helping us solve them.

This resolution also recognizes the tremendously important role development plays in foreign policy, and puts the Senate on record as supporting an empowered USAID. I believe USAID should be a strong and independent voice in high-level U.S. foreign policy debates. If U.S. development policy and, by extension, U.S. foreign policy, is to succeed in the long run, USAID must be an independent body that can advocate for what it knows best—how to effectively deliver and implement U.S. foreign assistance, at the highest level. It must have a serious seat at the table. Our foreign policy will neither be comprehensive nor sufficient to meet the challenges of the 21st century, without serious and unbiased input from America's development experts.

Finally, this resolution recognizes that USAID must be empowered to fulfill its mandate with a robust staff that understands both the needs of the international community as well as the strategic value of development.

It has long been understood that international development is a critically important aspect of our foreign policy. It is high time we matched this reality with a real and meaningful commitment. I encourage my colleagues to join me in supporting this important resolution to empower and improve USAID.

SENATE RESOLUTION 313—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2009

Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MENENDEZ, Mr. CRAPO, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2676. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2677. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2678. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2679. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2680. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2681. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2682. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2683. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2686. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2687. Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R.

2847, supra; which was ordered to lie on the table.

SA 2688. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2689. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. CRAPO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2690. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2676. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR TRANSFER OF GUANTANAMO BAY DETAINEES TO UNITED STATES.—None of the funds appropriated or otherwise made available by this Act or any Act enacted before the date of the enactment of this Act may be used for the purposes of releasing into, or detaining or prosecuting in, the continental United States, Alaska, Hawaii, or the District of Columbia any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba.

(b) LIMITATION ON USE OF FUNDS FOR OTHER TRANSFER OF GUANTANAMO BAY DETAINEES.—None of the funds appropriated or otherwise made available by this Act or any Act enacted before the date of the enactment of this Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence, or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days before such transfer or release, a report setting forth the following information:

(1) The name of the individual to be so transferred or released and the country to which the individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Forces of the United States, that is posed by such transfer or release, and a description of the actions to be taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of the individual, including the amount of any financial assistance related to such agreement.

SA 2677. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike ''section.'' and insert ''section, including an assessment of actions that would improve the development and interdepartmental coordination of the policies of the United States under the United States–Canada Transboundary Resource Sharing Understanding for shared groundfish stocks.''.

SA 2678. Ms. SNOWE (for herself, Mr. KERRY, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 21, strike ''section.'' and insert ''section: *Provided further*, That no later than 60 days after the date of enactment of this Act the Secretary submits to the Senate Committee on Commerce, Science, and Transportation specific recommendations for legislative and diplomatic actions to improve coordinated management of shared groundfish stocks under the United States–Canada Transboundary Resource Sharing Understanding to enhance management and utilization of resources by both countries.''.

SA 2679. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. (a) REPORT ON EXPORT ASSISTANCE TO SMALL- AND MEDIUM-SIZED BUSINESSES.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report on—

(1) the status of the current programs of the Department of Commerce to provide assistance to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods produced in the United States to emerging markets, including the People's Republic of China, Brazil, and India; and

(2) the feasibility of providing additional assistance to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods produced in the United States to emerging markets.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an assessment of the ability of the Department of Commerce—

(A) to provide assistance to small- and medium-sized businesses in the United States in—

(i) finding and utilizing Federal and private resources to facilitate the exportation of goods produced in the United States to emerging markets;

(ii) establishing and maintaining continuous direct and personal contact with other businesses that have entered into emerging markets;

(iii) resolving disputes with the Government of the United States or the governments of emerging markets relating to intellectual property rights violations or import or export restrictions or other trade barriers; and

(iv) the consolidation of fees charged by the Department for Gold Key Matching Services provided for businesses that export goods or services produced in the United States to more than one market; and

(B) to locate and recruit businesses to enter the emerging markets;

(C) to develop and implement trade missions to emerging markets;

(2) recommendations with respect to additional assistance that the Department could provide to small- and medium-sized businesses in the United States with respect to facilitating the exportation of goods to emerging markets; and

(3) an estimate of—

(A) the cost of any such additional assistance;

(B) the number of additional personnel required to carry out such assistance; and

(C) the cost of consolidating or reducing fees under paragraph (1)(A)(iv).

SA 2680. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 25, before the period insert ''and an additional amount of $50,000,000 offset by a reduction in funding for the Federal Detention Trustee provided in this Act by the same amount''.

SA 2681. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 533. LIMITATION ON USE OF FUNDS TO MOVE THE MARINE OPERATIONS CENTER–PACIFIC.

No funds appropriated or otherwise made available by this Act may be used to move the Marine Operations Center–Pacific more than 150 miles from where it was located on the day before the date of the enactment of this Act until the Comptroller General of the United States completes its review of the protest filed by the Port of Bellingham and 1801 Fairview Avenue East LLC.

SA 2682. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. Not later than 60 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly prepare and submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on

Homeland Security of the House of Representatives. The report required under this section shall include—

(1) an explicit plan establishing specific and detailed milestones for accomplishing the joint investment and infrastructure sharing goals of the Integrated Wireless Network funded in this title under the heading ''Tactical Law enforcement Wireless Communications'', with dates for the planned completion of such goals and the funds linked to achieving those milestones;

(2) a description of the technical standards and logical integration points between the law enforcement and emergency communications systems of the Department of Justice, the Department of Homeland Security, and the Department of the Treasury needed to support and achieve interoperability between the respective communications systems when interoperability is required for tactical reasons or emergency situations; and

(3) an explanation of how the Integrated Wireless Network concept will promote interoperability with other federal departments and State and local governments, including an explanation of how an Integrated Wireless Network will be included in the framework of the Emergency Communications Preparedness Center.

SA 2683. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of transferring to, releasing into, or detaining or prosecuting in the continental United States, Alaska, Hawaii, or the District of Columbia any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba.

SA 2684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available in this Act for the Department of Justice may be used by any office within the Department of Justice for any anonymous public relations activity, including publishing articles or comments online on any website, weblog or blog, newspapers, or any other social media site, absent a statement identifying the author as an employee of the Department of Justice and that taxpayer dollars were used to fund the post.

(b) In this section, the term ''public relations activity'' does not include clandestine activities of any Department of Justice components operating under the direction of the Intelligence Community or as part of an ongoing and active investigation.

SA 2685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 19 and 20, insert the following:

SEC. 220. (a) For an additional amount for the Executive Office for Immigration Review $2,000,000, to remain available until expended, to carry out the Legal Orientation Program of the Office.

(b) All amount appropriated under this Act, except for amounts appropriated for the Executive Office for Immigration Review, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for the Executive Office of Immigration of Review in this title under the heading ''ADMINISTRATIVE REVIEW AND APPEALS'' by $2,000,000.

SA 2686. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, line 7, strike ''activities.'' and insert ''activities: *Provided further,* That none of the funds provided in this or any other Act for any fiscal year for the collection of census data may be used to ask questions that the Secretary of Commerce determines would inhibit the ability of the Bureau of the Census to comply with its constitutional mandate to count the whole number of persons residing in each State.''.

SA 2687. Ms. MIKULSKI (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal eyar ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADMISSION OF NONIMMIGRANT NURSES.

(a) 3-YEAR EXTENSION FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 2(e)(2) of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 U.S.C. 1182 note) is amended by striking ''3 years'' and inserting ''6 years''.

(b) NURSE SHORTAGE FEE.—Section 212(m)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(2)) is amended by adding at the end the following:

''(G)(i) In addition to the fee authorized under subparagraph (F), the Secretary of Labor shall impose a filing fee of $1,000 on each petitioning employer who uses a visa under subparagraph (A).

''(ii) Fees collected under this subparagraph shall be deposited as offsetting receipts in a fund established in the Treasury of the United States to support the Nurse Faculty Loan Program authorized under section 846A of the Public Health Service Act (42 U.S.C. 297n–1).

''(iii) No fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services under section 332 of the Public Health Service Act (42 U.S.C. 254e)''.

SA 2688. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

SEC. 533. LIMITATION ON USE OF FUNDS TO MOVE THE MARINE OPERATIONS CENTER–PACIFIC.

No funds appropriated or otherwise made available by this Act may be used to move the Marine Operations Center-Pacific more than 150 miles from where it was located on the day before the date of the enactment of this Act.

SA 2689. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. CRAPO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, line 14, before the period at the end, insert '': *Provided further,* That the funds appropriated by this Act for trade adjustment assistance for communities shall not be allocated among the regional offices of the Economic Development Administration until such time as 50 percent of the total amount of the funds appropriated for that purpose by the Supplemental Appropriations Act, 2009 (Public Law 111–32), or 50 percent of the funds allocated to any individual regional office, have been distributed to grantees: *Provided further,* That the Secretary of Commerce shall reevaluate the spending plan for trade adjustment assistance based on up-to-date economic data before allocating those funds among the regional offices''.

SA 2690. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 10 and 11, insert the following:

SEC. 111. (a) The amount made available in this title for the National Marine Fisheries Service under the heading ''OPERATIONS, RESEARCH, AND FACILITIES'' is hereby reduced by $8,000,000.

(b) None of funds made available in this Act may be used for activities related to Atlantic salmon.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, October 21, 2009, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the costs and benefits for energy consumers and energy prices associated with the allocation of greenhouse gas emission allowances.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224–6722 or Gina Weinstock at (202) 224–5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, October 14, 2009, at 11:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 13, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 13, 2009, at 2:30 p.m.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 third quarter Mass Mailings is Monday, October 26, 2009. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1016.

The Presiding Officer laid before the Senate a message from the House as follows:

H.R. 1016

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1016) entitled ''An Act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.'', with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. PRESIDENT'S BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

''(A) Medical Services.

''(B) Medical Support and Compliance.

''(C) Medical Facilities.''.

SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

''§ 117. Advance appropriations for certain medical care accounts

''(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

''(1) be made available for that fiscal year; and

''(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

''(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

''(c) MEDICAL CARE ACCOUNTS.—For purposes of this section, the term 'medical care accounts of the Department' means the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.

''(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

''117. Advance appropriations for certain medical care accounts.''.

SEC. 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

Mr. AKAKA. Mr. President, I am very pleased that the Senate and House Veterans' Affairs Committees have worked out an agreement on S. 423 and H.R. 1016, the proposed Veterans Health Care Budget Reform and Transparency Act of 2009. With the President's signature, this vital piece of legislation, which I will refer to as the ''Compromise Agreement,'' will authorize, beginning in fiscal year 2011, advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing 2 fiscal year budget authority.

This compromise agreement will provide sufficient, timely, and predictable health care funding to those who have sacrificed a great deal for this Nation. By ensuring advanced appropriations to the medical services, medical support and compliance, and medical facilities accounts, VA will be able to better align its funding cycles and function more effectively.

The VA system has experienced recurrent problems with receiving proper

and timely appropriations. Funds for VA have been appropriated late in 19 of the past 22 years, and in the past 7 years, such appropriations were only received, on average, 3 months after the commencement of the new fiscal year. In testimony provided to the Senate Committee on Veterans' Affairs in conjunction with a hearing in July of 2007, James Dudley, a former director of the Richmond VA Medical Center, wrote that as a VA hospital administrator he dealt with the ''uncertainty of sufficient resources to meet the needs of the veteran population.'' He went on to say that, ''Our primary concern was always quality of care so we delayed maintenance, construction or equipment purchases to ensure that the patients were cared for.''

Also, because of the uncertainty, requests for supplemental appropriations for VA health care have also increased in frequency during recent years. This compromise agreement will represent a step in the right direction, as VA administrators and directors will be able to more efficiently service veterans with adequate and stable funding to the VA health care system.

I recognize mandating a 2-fiscal year budget authority is a serious undertaking, and as such, have worked to have the compromise agreement lead to enhanced oversight of the VA health care budget process. The Comptroller General of the United States will be required to conduct a study of adequacy and accuracy of the budget projections made by VA's enrollee health care projection model or any other model or methodology used to measure health care expenditures, for each fiscal year of the budget request. The Comptroller General's report would be submitted to both the Senate and House Veterans' Affairs Committees no later than 120 days after the date on which the President submits the budget request for the coming fiscal year.

Advanced funding is a concept that has been endorsed by The Partnership for Veterans Health Care Budget Reform, an organization made up of nine major veterans service organizations—The American Legion, American Veterans, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans of the USA, Military Order of the Purple Heart of the USA, Inc., Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, and Vietnam Veterans of America, Inc. It is also endorsed by The Independent Budget; The Military Coalition, an organization of 35 veterans and military service organizations; and the American Federation for Government Employees.

I appreciate the support from our colleagues who have cosponsored this legislation, including Veterans' Affairs Committee members Senators BURR, ROCKEFELLER, MURRAY, SANDERS, BROWN, TESTER, BEGICH, BURRIS, SPECTER, and ISAKSON. I am also grateful to Senator SNOWE for serving as an original cosponsor.

This legislation will allow the government to honor its obligation to provide high quality, consistent, and adequate health care to the Nation's veterans and I am gratified will soon become public law.

I ask unanimous consent that the Explanatory Statement for this legislation be printed in the RECORD.

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

EXPLANATORY STATEMENT SUBMITTED BY SENATOR AKAKA, CHAIRMAN OF THE SENATE COMMITTEE ON VETERANS' AFFAIRS, REGARDING H.R. 1016

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

H.R. 1016, as amended, the ''Veterans Health Care Budget Reform and Transparency Act of 2009,'' reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 1016, as amended (House bill); S. 423 (Senate bill). H.R. 1016, as amended, passed by the House of Representatives on June 23, 2009. The text of S. 423 passed the Senate as a substitute amendment to the House bill on August 6, 2009.

The Committees have prepared the following explanation of H.R. 1016, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the Senate Bill and the House Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SECTION 1. SHORT TITLE

Both the House bill (section 1) and the Senate bill (section 1) would provide the short title as the ''Veterans Health Care Budget Reform and Transparency Act of 2009.''

The Compromise Agreement contains this provision.

SECTION 2. PRESIDENT'S BUDGET SUBMISSION

The House bill (section 3) would amend section 1105 of title 31, United States Code, to require the President to submit information on the estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs.

The Senate bill contains no similar provision.

The Compromise Agreement contains the House provision but modifies it to require information on the estimates for three accounts: the Medical Services, Medical Support and Compliance, and Medical Facilities accounts.

SECTION 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The House bill (section 4) would amend title 38, United States Code, to add a new section providing authority, beginning with fiscal year 2011, for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department of Veterans Affairs. The new section would require the Department of Veterans Affairs to provide additional detailed budget estimates in support of advance appropriations for these accounts in the annual information it provides to Congress in support of the Department's budget request. The House bill would also require a report to be submitted annually to Congress, no later than July 31 of each year, on the sufficiency of the Department's resources for the fiscal year beginning after the date of the submission of the report for the provision of medical care and include estimates of the workload and demand data for that fiscal year.

The Senate bill (section 3) would amend title 38, United States Code, to add a new section providing that, beginning with fiscal year 2011, new discretionary budget authority for the provision of advance appropriations for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Department of Veterans Affairs, shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such accounts that become available for the first fiscal year after such fiscal year.

The Compromise Agreement contains the House provision modified to include only the three accounts specified in the Senate bill.

SECTION 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSIONS IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

Both the House bill (section 5) and the Senate bill (section 4) would provide for enhanced oversight of the Department of Veterans Affairs budget process by requiring the Comptroller General to conduct a study of the adequacy and accuracy of baseline model projections for health care expenditures. Both the House bill and Senate bill would require the Comptroller General to submit reports on the dates in 2011, 2012, and 2013 that the President submits a budget request for the next fiscal year, to appropriate Committees of Congress and to the Secretary of Veterans Affairs, containing statements of whether the amounts requested in the budget by the President are consistent with anticipated expenditures for health care in such fiscal year as determined utilizing the Enrollee Health Care Projection Model, its equivalent, or other methodologies.

The Compromise Agreement contains this provision modified to require the annual reports to be submitted not later than 120-days after the submission of the President's budget and to include an assessment of the review conducted by the Comptroller General as to whether or not the relevant components of the budget request are consistent with the estimates of the Department of Veterans Affairs for the provision of medical care and services. The Committees have selected a 120-day deadline to give the Comptroller General sufficient time to review the President's budget following its submission and to, at the very least, inform the deliberations of the House and Senate Appropriations Committees prior to their consideration of VA appropriations bills. However, it is the Committees' desire that, notwithstanding the 120-day deadline, the reports under this section be submitted as quickly as possible after submission of the President's budget request so as to be useful by the Committees in meeting their responsibilities under the Congressional Budget Act of 1974 to provide views and estimates on matters within their jurisdiction to the House and Senate Budget Committees, as well as during deliberation on annual Congressional budget resolutions.

PROVISIONS NOT ADOPTED

Section 2 of the House bill would express the Sense of the Congress that the provision of health care services to veterans could be more effectively and efficiently planned and

managed if funding was provided for the management and provision of such services in the form of advance appropriations.

Section 2 of the Senate amendment expresses Congressional findings which support the need for enactment of advance appropriations for VA medical care.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment.

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

UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 171, S. 1510.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1510) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1510

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Secret Service Uniformed Division Modernization Act of 2009''.

SEC. 2. PURPOSE.

The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

SEC. 3. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

''Sec.
''10201. Definitions.
''10202. Authorities.
''10203. Basic pay.
''10204. Rate of pay for original appointments.
''10205. Service step adjustments.
''10206. Technician positions.
''10207. Promotions.
''10208. Demotions.
''10209. Clothing allowances.

''§ 10201. Definitions

''In this chapter—

''(1) the term 'member' means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

''(2) the term 'Secretary' means the Secretary of the Department of Homeland Security; and

''(3) the term 'United States Secret Service Uniformed Division' has the meaning given that term under section 3056A of title 18.

''§ 10202. Authorities

''(a) IN GENERAL.—The Secretary is authorized to—

''(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

''(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

''(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

''(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

''(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

''(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

''§ 10203. Basic pay

''(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

''Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	$44,000	$46,640	$49,280	$51,920	$54,560	$57,200	$59,840	$62,480	$65,120	$67,760	$70,400	$73,040	$75,680
Sergeant				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector						91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

''(b) SCHEDULE ADJUSTMENT.—

''(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

''(B) The Secretary may establish a methodology of schedule adjustment that—

''(i) results in uniform fixed-dollar step increments within any given rank; and

''(ii) preserves the established percentage differences among rates of different ranks at the same step position.

''(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

''(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

''§ 10204. Rate of pay for original appointments

''(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

''(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.

''§ 10205. Service step adjustments

''(a) DEFINITION.—In this section, the term 'calendar week of active service' includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour workweek.

''(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

''(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.

''(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks

of active service in the member's service step.

''(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

''§ 10206. Technician positions

''(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

''(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

''(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

''(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

''(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

''(A) section 5304; or

''(B) section 7511(a)(4).

''(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

''§ 10207. Promotions

''(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

''(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

''§ 10208. Demotions

''When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

''§ 10209. Clothing allowances

''(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

''(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed $500 per annum.''.

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' after the semicolon;

(2) in subparagraph (G), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.''.

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''Executive Protective Service force'' and inserting ''United States Secret Service Uniformed Division'';

(2) in subsection (b)(3), by striking ''the Treasury for the Executive Protective Service force'' and inserting ''Homeland Security for the United States Secret Service Uniformed Division''; and

(3) by adding at the end the following:

''(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.''.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE IN CALENDAR YEAR 2010.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period beginning on or after May 1, 2010, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 3(a) of this Act (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

(iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term ''former rate of basic pay'' means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 3(a) of this Act) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period which begins on the date of enactment of this Act through the day before the effective date of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—

(A) DEEMED INCREASE.—The increases in pay as a result of this Act shall be deemed to be an increase of 2.93 percent in salary of current members for the purposes of section 5–744 or section 5–745 of the District of Columbia Code.

(B) CONVERSION AND INITIAL ADJUSTMENT.—The conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule under section 5–545.01(c) of the District of Columbia Code, and the initial adjustments of rates of basic pay of those positions and individuals in accordance with section 5-561.02(a) of the District of Columbia Code, shall not be treated as an increase in salary for purposes of section 5–744 or section 5–745 of the District of Columbia Code.

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of the District of Columbia Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE DISTRICT OF COLUMBIA CODE.—The District of Columbia Code is amended as follows:

(1) In section 5–521.01, by striking ''the United States Secret Service Uniformed Division,''.

(2) In section 5–521.02, by striking, ''the United States Secret Service Uniformed Division and''.

(3) In section 5–521.03, by striking—

(A) in the section heading ''**United States Secret Service Uniformed Division and**'';

(B) ''the United States Secret Service Uniformed Division and'';

(C) ''the Secretary of the Treasury and''; and

(D) '', respectively''.

(4) In section 5–542.02, by striking ''United States Secret Service Uniformed Division,''.

(5) In section 5–543.01(b), by striking ''the United States Secret Service Uniformed Division,''.

(6) In section 5–543.02, by striking—

(A) in subsection (a), ''the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,'';

(B) in subsection (b), ''the United States Secret Service Uniformed Division or''; and

(C) in subsection (e), ''the United States Secret Service Uniformed Division or''.

(7) In section 5–543.03(a)(5), by striking ''the United States Secret Service Uniformed Division and''.

(8) In section 5–543.04, by striking in subsection (d)(1) ''the United States Secret Service Uniformed Division or''.

(9) In section 5–543.05, by striking—

(A) ''the United States Secret Service Uniformed Division,''; and

(B) ''or the Secretary of the Treasury,''.

(10) In section 5–545.01, by striking—

(A) in the section heading, ''**and the United States Secret Service Uniformed Division**'';

(B) in subsection (a), ''and the United States Secret Service Uniformed Division'';

(C) in subsection (c)(1)—

(i) by striking ''the United States Secret Service Uniformed Division and''; and

(ii) in the matter following paragraph (1), by striking from the Salary Schedule ''United States Secret Service Uniformed Division'';

(D) in subsection (c)(2), by striking ''the annual rates of basic compensation'' and all that follows through ''the Secretary of the Treasury, and'';

(E) in subsection (c)(5), by striking ''officers and members of the United States Secret Service Uniformed Division or'';

(F) in subsection (c)(6)(A), by striking ''the United States Secret Service Uniformed Division or''; and

(G) in subsection (c)(7)(A), by striking ''the United States Secret Service Uniformed Division or''.

(11) In section 5–545.06, by striking '', the Secretary of the Treasury,''.

(12) By striking section 5–561.01.

(13) In section 5–561.02(a)(1), by striking ''the Secretary of Treasury'' and all that follows through ''United States Secret Service Uniformed Division, and''.

(14) In section 5–716(b)(2), by inserting '', or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code'' after ''member's death''.

(15) In section 5–1304—

(A) in subsection (a)(1)—

(i) by inserting ''and'' before ''the Secretary of the Interior''; and

(ii) by striking '', and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division'';

(B) in subsection (a)(9)—

(i) by inserting ''or'' before ''the United States Park Police force''; and

(ii) by striking ''or the United States Secret Service Uniformed Division'';

(C) in subsection (b)—

(i) by inserting ''or'' before ''the Secretary of the Interior''; and

(ii) by striking ''or the Secretary of the Treasury,'';

(D) in subsection (h)(3)(A), by striking ''of the United States Secret Service Uniformed Division or''; and

(E) in subsection (h)(3)(B), by striking ''of the United States Secret Service Uniformed Division or''.

(16) In section 5–1305 by striking—

(A) ''the United States Secret Service Uniformed Division,''; and

(B) ''the Secretary of the Treasury,''.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking ''the Executive Protective Service'' and inserting ''the United States Secret Service Uniformed Division'';

(2) in section 5541(2)(iv)(II), by striking ''a member of the United States Secret Service Uniformed Division,''; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

''102. United States Secret Service Uniformed Division Personnel ..... 10201''.

SEC. 6. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect the first day of the first pay period beginning on or after May 1, 2010.

AWARDING A CONGRESSIONAL GOLD MEDAL TO DR. MUHAMMAD YUNUS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 846 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 846) to award the Congressional Gold Medal to Dr. Muhammad Yunus in recognition of his contributions to the fight against global poverty.

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

Mr. DURBIN. Mr. President, Professor Muhammad Yunus is one of the world's leading figures in the fight against poverty. He has dedicated his life to economic and social change, and in doing so has transformed the lives of millions of people around the world.

He is affectionately called the ''banker to the poor,'' largely because he is

the father of the microcredit movement, as we know it today. Microcredit means small loans at competitive interest rates to very poor people. The loaned money can be used to buy basic tools and equipment or supplies that can be used to make an income or livelihood or generate revenue.

It was 1976 when Dr. Yunus began his innovative effort with loans of just $27 from his own pocket to 42 craftspeople in a small village in his native Bangladesh. From that small start, he launched what has become a global movement to create economic and social development from the ground up.

In 1983, Dr. Yunus founded the Grameen Bank to carry out his model on a much larger scale. With thousands of very small loans, the bank has given millions of people living in extreme poverty a chance to start a small business or buy a few things to sell at the local market. Today, the Grameen Bank operates in more than 84,000 villages around the world. It has provided more than $8 billion in low-interest loans to nearly 8 million people. And its borrowers, who are among the poorest of the poor and are not required to provide any collateral, repay their loans at the remarkable rate of 98 percent.

Over the past 30 years, Dr. Yunus's microcredit concept has been emulated in more than 100 countries over 5 continents affecting the lives of as many as 155 million people. This simple economics professor from Bangladesh came up with an idea that has touched positively the lives of over 155 million people on Earth.

Dr. Yunus's work has been particularly dramatic when it comes to its impact on women, who represent 95 percent of his bank's borrowers. Economic, legal, and social inequities in the developing world make it much harder for women to earn an adequate living and support their families. Women make up 60 percent of the world's working poor, 70 percent of the hungry, and 67 percent of the illiterate.

When I visited Uganda many years ago and visited a microcredit operation, I asked the ladies who were there, through an interpreter, how microcredit had changed their lives. One lady said: My knees have gone soft. I asked for a translation—an explanation—and she explained that before she got the microcredit loan that gave her a chance to go to the market to make a little money to feed her family, she used to have to crawl on her knees to beg her husband for money to feed her children. She said she doesn't have to crawl on her knees anymore. Her knees have gone soft.

By focusing its lending on women, Dr. Yunus and the Grameen Bank empower women both within their families and within their communities. The effect is remarkable: Babies are more likely to survive infancy and thrive; their children—especially daughters—are more likely to attend school; families are more likely to eat; and marriages postponed when an educated girl has a chance to look at life from a new perspective.

In 2006, Dr. Yunus was awarded the Nobel Peace Prize for his groundbreaking work. This award recognized that lasting peace and prosperity can be achieved only when large numbers of the world's poor have the means to break out of poverty. In August, President Obama recognized him with the Presidential Medal of Freedom.

Earlier this year, Senator BENNETT of Utah and I offered the Dr. Muhammad Yunus Gold Medal Act, S. 846, to honor his efforts. I thank Senator BENNETT for his leadership on this bill and our 70 colleagues who have cosponsored it.

Saturday, October 17, is International Day for the Eradication of Poverty. Few people have done as much as Dr. Muhammad Yunus to eradicate poverty among the more than 1 billion people worldwide who survive on about a dollar a day. We honor his commitment and recognize his work and his remarkable achievements as an individual.

Mr. President, I ask unanimous consent that the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The bill (S. 846) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 846

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of $27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,400,000,000 people, mostly women and children, who live on less than $1.25 a day, and the 2,600,000,000 people who live on less than $2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over $318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

NATIONAL METASTATIC BREAST CANCER AWARENESS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 295 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 295) designating October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day.''

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

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 295

Whereas metastatic breast cancer refers to stage IV breast cancer, when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in the new location;

Whereas in 2009, an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during National Breast Cancer Awareness Month, observed in October 2009, but those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making stage IV cancer a chronic, but not fatal, disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of breast cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 13, 2009, as ''National Metastatic Breast Cancer Awareness Day'';

(2) encourages all people of the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

RED RIBBON WEEK, 2009

Mr. DURBIN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 313, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 313) supporting the goals and ideals of Red Ribbon Week, 2009.

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

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 36 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2009;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

MEASURE READ THE FIRST TIME—S. 1776

Mr. DURBIN. I understand S. 1776, introduced earlier today by Senator STABENOW, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 1776) to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 464, the nomination of Daniel Werfel to be Controller of the Office of Federal Financial Management, Office of Management and Budget; that the nomination be confirmed, the motion to reconsider be laid upon the table, no further motions be in order, and that any statements relating thereto be printed in the RECORD, 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:

EXECUTIVE OFFICE OF THE PRESIDENT

Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR WEDNESDAY, OCTOBER 14, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of the conference report to accompany H.R. 3138; that there then be 10 minutes of debate equally divided and controlled between Senators DORGAN and BENNETT of Utah or their designees, with Senator DORGAN controlling the final 5 minutes; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the conference report to accompany H.R. 3183. Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons.

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

PROGRAM

Mr. DURBIN. Senators should expect the first vote of the day to be at 11:15 a.m. tomorrow. That vote will be on the motion to invoke cloture on the conference report to accompany H.R. 3183, the Energy and Water appropriations bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, October 14, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NUCLEAR REGULATORY COMMISSION

GEORGE APOSTOLAKIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2014, VICE PETER B. LYONS, TERM EXPIRED.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2010, VICE EDWARD MCGAFFIGAN, JR.

WILLIAM D. MAGWOOD, IV, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ELIZABETH M. HARMAN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE W. ROSS ASHLEY, III, RESIGNED.

DEPARTMENT OF STATE

ELENI TSAKOPOULOS KOUNALAKIS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

PETER ALAN PRAHAR, OF VIRGINIA, 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 FEDERATED STATES OF MICRONESIA.

DEPARTMENT OF JUSTICE

SHARON JEANETTE LUBINSKI, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE MICHAEL G. MCGINN.

THE JUDICIARY

ROSANNA MALOUF PETERSON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE FREDERICK L. VAN SICKLE, RETIRED.

CHRISTINA REISS, OF VERMONT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE JOHN GARVAN MURTHA, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, October 13, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. WERFEL, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 13, 2009 withdrawing from further Senate consideration the following nomination:

LORELEI BOYLAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP, WHICH WAS SENT TO THE SENATE ON MAY 11, 2009.