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## Senate

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

### PRAYER

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

Let us pray.

Holy God, as we labor today, may our praise rise to You. All Your works praise Your Name on the Earth, in the sky, and on the sea.

Lead our Senators along the paths of Your will. Stir Your cleansing and edifying spirit among them as You clarify and strengthen their thoughts and actions. Lord, empower our lawmakers to work diligently for the freedom and justice of all people. Help them to see and know purposes beyond partisan interest, as they remember that they are first and foremost citizens of Your kingdom. Remind them that You guide the humble and teach them Your way.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 29, 2009.

To the Senate:

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

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

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

I anticipate that the Senate will adopt the motion to proceed to H.R. 3548, the Unemployment Benefits Extension Act of 2009. We also expect to receive the conference report to accompany Interior appropriations. I have spoken to the Speaker and the majority leader of the House, and they expect to have that to us early this afternoon. The conference report contains a continuing resolution that funds the government through December 18. We hope to reach a short time agreement to consider that conference report today. If we are not able to do that, we are going to have to have some votes tomorrow and it could spill over into Saturday if we can't work anything out. We have to get the unemployment done. We have millions of people who are waiting for that money.

### MEASURES PLACED ON THE CALENDAR—S. 1963 AND H.R. 3617

Mr. REID. Madam President, I understand there are two bills at the desk due for a second reading.

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

The bill clerk read as follows:

A bill (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care veterans, and for other purposes.

A bill (H.R. 3617) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

Mr. REID. Madam President, I object to any further proceedings with respect to these matters en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

### NOMINATIONS

Mr. REID. Madam President, last week four Nevadans tragically died from the H1N1 virus, the swine flu. In Clark County, NV, the State's most populous county and the home of Las Vegas, 18 people have now died as a result of the H1N1 flu. We are all familiar with this strain of the flu. It has been on the front pages for months.

This past weekend, President Obama declared the outbreak a national emergency in anticipation of a rush of patients to doctors' offices and emergency rooms.

Fortunately, for nearly 150 years the United States has had a high-ranking official in place to serve as the government's top public health officer. We call that person the Surgeon General of the United States. Unfortunately, though, right now we have no permanent Surgeon General. The reason is as simple as it is mind-boggling: Republicans in the Senate refuse to confirm President Obama's exceptionally qualified nominee for this job. I would try to explain the Republican reason for the refusal, but, as with so many other

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



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things they oppose, a rationale simply does not exist. Senate Republicans are simply so opposed to everything—absolutely everything—that they even oppose putting people in some of the most important positions in our government. Democrats, on the other hand, believe those who are chosen to serve our country must be able to get to work without delay.

Perhaps those watching and listening think this is how the Senate always operates. It is not. Allow me to put these delays in context.

President Obama has 228 nominations awaiting confirmation—228. During the first Bush administration, there was not a problem; during the Reagan years, not a problem; during the Clinton years, minor problems; during the second Bush administration, no problems. During the first Bush administration, the first year, there wasn't a single cloture motion that had to be filed. He got basically everyone he wanted. But that isn't the way it is here. In the first 4 months of the Bush administration, as I indicated, the Senate was controlled by the President's party. We were in the minority. There wasn't a single filibuster—not one. But in the first 4 months of the Obama administration, Republicans filibustered eight of his nominees—in the first 4 months. That means President Obama faced twice as many filibusters of his nominees in the first 4 months of his administration as President Bush faced in his first 4 years.

Those who are watching may also understandably assume that if this is not how the Senate always operates, then there must be something extraordinarily controversial about these nominees, something highly objectionable or even questionable. Again, no. None of the nominees are controversial. None of them are questionable.

As I mentioned, Republicans in the Senate refuse to confirm our Nation's Surgeon General at a time when our President has declared a national emergency over the H1N1 virus. The President's nominee, Dr. Regina Benjamin, a physician from Alabama and the founder of a nonprofit rural health clinic, is eminently qualified for the position. She had been written up in news accounts from all over the country before she was selected by President Obama.

But that is not all. Republicans in the Senate also refuse to confirm the top official responsible for science and technology in our Department of Homeland Security. For that position, President Obama nominated an expert in combating both pandemics and bioterror attacks. Imagine that. Americans are bracing against a flu epidemic here at home and threats of terrorism from abroad; the President nominated someone highly experienced in both of these areas, and Republicans are saying no.

If that sounds like something you wouldn't want your Senate to do, you might even be further concerned that

it is not the first time these Republican Senators have done it. While our sons and daughters are fighting in Iraq and rebuilding that nation, earlier this year Republicans delayed the confirmation of America's Ambassador to Iraq. While troops serve bravely in Afghanistan, earlier this year Republicans delayed the confirmation of LTG Stanley McChrystal, our new commander in that difficult war.

These telling examples are only the tip of the iceberg. Allow me to continue.

Months ago, President Obama picked a trade expert who worked in the Reagan, Bush, and Clinton administrations to be this Nation's Deputy Trade Representative, an extremely important job, but she has yet to officially join the Obama administration. Listen to this one. Why? Because a Republican Senator is holding up the nomination over a bill they think would hurt tobacco companies. If that seems like an unrelated, random reason to hold up this qualified nominee, you might even be more outraged to learn that the bill that so angers this Republican Senator is not before the U.S. Senate, it is not even before the U.S. House of Representatives. In fact, it is not even in the United States. It is a bill before the Canadian Parliament. It should go without saying that our administration can't dictate how the Canadian legislature does its job any more than the Canadian Parliament can dictate how we do ours. It should go without saying, but unfortunately we evidently have to say it.

Another example: President Obama nominated another former chief of staff of the General Services Administration, which manages Federal agencies. Today, that person has still not been confirmed. President Obama nominated this woman in April on the first full day of the Major League Baseball season. Today, on the second day of the World Series, she remains unconfirmed for her job. Why? Because a Republican Senator is demanding that a Federal building be built in his home State.

Let's go over these few things. There are 228 being held up, but we know we should have a Surgeon General. We know Regina Benjamin is eminently qualified. We have a flu pandemic. We have other issues facing our country, and we need the top doctor. We don't have it. Why? Just because the Republicans don't want anyone to move forward. We know that the head of the Department of Homeland Security, the Secretary of Homeland Security, is desperate to have someone there who can do the work that is needed dealing with this flu epidemic. I had a call from the Secretary of Homeland Security, Janet Napolitano, the day before yesterday. She said: I can't imagine why I can't get this woman to help me. We are dealing with bioterrorism, with the flu pandemic, and she is being held up. We are talking about trade relations that need to be improved all over the world, and we have this being held

up because of some tobacco law they are considering in the Canadian Parliament.

There are so many examples. President Obama asked an expert in Latin American affairs, a man who has written books, a scholar—his expertise is in regime change in Central and South America. He has been a visiting scholar at many fine universities in the United States, even at Oxford. He has been chosen to be our Nation's Assistant Secretary of State for the Western Hemisphere to take care of what is going on in the southern part of this world in which we live.

Nearly 6 months after he was nominated, one Republican Senator still refused to allow the confirmation to move forward. This Senator is trying to force our Nation to recognize a military coup in Honduras, and so he is holding this nomination hostage. Most people would reasonably conclude that this nominee's expertise would be particularly useful at a time when there is a diplomatic crisis in Central America, in Honduras. The man who was ousted—some say constitutionally, some say not—they took him out of the country. He came back, and now he is in Brazil's Embassy and has been for about a month. There are demonstrations every day. The economy is staggering. Yet this is being held up.

These examples are not isolated. They are part of a much larger pattern. This year, Republicans have already gone to great lengths to ensure that President Obama cannot have his full team in place. We have already wasted taxpayers' precious time and money by holding up the present nominees for Secretary of Labor, Secretary of Health and Human Services, Director of National Drug Control Policy, Deputy Secretary for the Department of the Interior, two members of the Council of Economic Advisers, a number of Assistant Attorneys General, and many others. These nominees finally broke through, the ones I just mentioned: the Secretary of Labor, Health and Human Services, the Director of National Drug Policy, the Deputy Secretary of the Interior, two members of the Council of Economic Advisers, and a number of Assistant Attorneys General. They finally broke through, but their story doesn't end there. When votes were finally called, they passed with flying colors.

They passed with votes of 89 to 2, 97 to 1, 88 to 0, and 97 to 0. The numbers don't lie, and there is no clear evidence that many of these objections were without merit—just to stall. Some took weeks of time when we could have been doing other things. So it is obvious that these objections are not the norm, that they are not based on qualifications, and they are rampant with this Republican minority.

As far as Republicans are concerned, no one is too important to block. No high-ranking position is too important to remain empty, and no problem is too urgent to delay. The person who Janet

Napolitano wants to work on bioterrorism and the pandemic that we have with the flu, who has been selected by the President, is being held up; the Surgeon General is being held up; the Trade Representatives are being held up; 228 nominations are being held up for reasons like a Canadian bill, like a building in their State—petty reasons.

The American people must look at what is going on and say: What is this all about? It is about Republicans setting records last year on how many filibusters they would conduct. If I sound like a broken record, it is because Senate Republicans continue to be recordbreakers. Last year, after they held up the work of Congress more than any other time in history, the American people rejected the Republican status quo. They said no to Republicans' "just say no" strategy.

There is no question that the American people are taking notice, there is no question that they see these games for what they are, and there is no question they are fed up with these petty partisan tricks, and there is no question that these tactics have consequences—consequences that we don't have one of the most important jobs in America filled by one of the most important doctors in America, Regina Benjamin, and that we don't have somebody in the Department of Homeland Security to help with bioterrorism and with the flu pandemic.

These reckless tactics have consequences. The Republicans delay and delay at their own peril. But the truth is that all Americans suffer. It is time for them to allow these nominations to go through. And I haven't mentioned the judges.

#### RECOGNITION OF THE MINORITY LEADER

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

#### HEALTH CARE WEEK XV, DAY IV

Mr. MCCONNELL. Madam President, it was a signature assurance of the President's campaign: Middle-class Americans would see no new taxes of any kind under the new administration.

It is a pledge he will have to break if the health care bill, as currently moving through Congress, makes its way to the President's desk and he signs it. We already know that the bill slashes seniors' Medicare, and study after study shows it is going to drive up premiums for people who already have insurance. Higher taxes will be the third painful blow to Americans already struggling in a recession.

Here is a sample of the new taxes Americans are going to have to bear to finance more government health care. Anyone whose health care benefits are worth more than \$8,000 or any family whose benefits are worth more than \$21,000 will get a 40-percent excise tax.

While backers like to call these "high value" or "Cadillac" plans, the new tax won't be indexed to keep pace with rising health care costs. So as time marches on, it won't just hit the so-called Cadillac plans but the "Buick and the Chevy" plans, too—all the way down to tricycles. Eventually, this tax will hit all plans.

Health insurers also get hit with a giant new nondeductible tax, which we know will get passed along to families in the form of higher premiums.

The bill would tax life-saving medical devices such as heart stents and prosthetics. Prescription drugs get taxed, which we know patients will have to pay for in the form of higher drug costs and premiums.

Tens of millions of American families who have experienced tax-saving benefits of Flexible Spending Accounts to pay for prescription drugs and other necessities will see those benefits wiped out under this plan. In an effort to redirect billions of dollars these families currently save through FSAs back to the government, FSAs would automatically be capped at \$2,500 and then phased out over time. Anything families currently save by deducting more than that would go to the government instead.

People who choose not to buy government-approved health insurance will get clobbered with a penalty as high as \$1,500.

Businesses would also get hit. According to the bill, any business with 50 or more employees that doesn't currently provide insurance to its employees will be forced to subsidize it at a significant cost per employee—all of which brings us back to the President's pledge.

Would health care reform hit the pocketbooks of all the people who earn less than a quarter million dollars a year or wouldn't it? That is the question. You bet it would. I have listed some of the ways middle-class Americans get hit under this plan. These are the ones we know about.

But don't take it from me. The testimony of the independent, nonpartisan Joint Committee on Taxation could not be clearer. It looked at the taxes in the Finance Committee bill and found that nearly 80 percent of the burden would fall on Americans earning less than \$250,000 a year. Again, 80 percent of the burden would fall on those making less than \$250,000 a year.

Taxes on insurers and manufacturers will be passed right along to consumers, and the average income for people who have Flexible Saving Accounts is \$55,000—hardly the wealthiest segment of Americans.

Bottom line: If you have insurance, you get taxed. If you don't have insurance, you get taxed. If you are a struggling business owner who cannot afford insurance for your employees, you get taxed. If you use medical devices, you get taxed. If you buy over-the-counter medicine, you get taxed. In other words, Americans get taxed going and

coming under the \$1 trillion plan that is making its way through Congress.

No wonder most Americans oppose this plan—higher premiums, higher taxes, and cuts to Medicare. This is not the reform America bargained for. In fact, it is no reform at all. It is a bill of goods being forced on the middle class when they can least afford it.

Commonsense reforms and lower costs—that is what people want, and that is what they should get.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

The Senator from Iowa is recognized.

#### HEALTH CARE REFORM

Mr. GRASSLEY. Madam President, I am going to continue on a point that the Senator from Kentucky made, and that is tax increases. I want to be a little more specific about how the health care reform bill is going to very dramatically increase taxes—particularly for groups of people with under \$250,000 a year in income, which group President Obama has promised would never have their taxes increased.

On September 12, 2008, in Dover, NH, candidate Obama said:

And I can make a firm pledge: No family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

You can see on the chart that quotation. It is very firm, very clear. Well, I believe we are at the point of abrogating that promise.

President Obama's pledge has also been repeated by the President and his advisers numerous times since candidate Obama has been in office. However, the health care reform bill reported out of the Senate Finance Committee is loaded with tax hikes on "the middle class."

President Obama, however, has defined the middle class as those making under \$250,000. Candidate Obama stated that "if you are making less than \$250,000, then you are definitely somewhere in the middle class."

President Obama's budget tracks this definition by preserving the current income tax rate structure for families under \$250,000 and singles under \$200,000. And the Democratic leadership

budgets adopted President Obama's definition of the middle class.

President Obama and congressional Democrats have adopted this definition of the middle class in the context of health care reform.

As evidence, on August 3, 2009, President Obama's press secretary Robert Gibbs said:

Let me be precise. The President's clear commitment is not to raise taxes on those making less than \$250,000 a year.

In his Portsmouth, NH, townhall meeting, the President—referring to ways in which to pay for health care reform—said this:

It should not burden people who make \$250,000 a year or less.

The congressional Democratic leadership have made similar commitments. So the question is: When health care reform comes up, will it not increase taxes for people making under \$250,000? Will the promises that the President made as a candidate be kept by the bills that may become law? I don't want to refer to this Senator's judgment of this. I want to use the words of the Joint Committee on Taxation and the Congressional Budget Office. These are people who are experts—nonpartisan—and nobody questions their judgment. They are intellectually honest. They are not Republicans or Democrats.

According to these official scorekeepers—Joint Tax and the Congressional Budget Office—the Finance Committee bill contains over \$500 billion of taxes, increases, fees, and penalties on individuals and businesses.

The Joint Committee on Taxation testified that a significant percentage of these tax increases, fees, and penalties will be borne by the middle-class taxpayers—those making under \$250,000.

Joint Tax also performed a distributional analysis of three tax provisions of the Senate Finance Committee bill for the year 2019—when these provisions are fully in effect. In other words, Joint Tax and the Congressional Budget Office look ahead 10 years. So we are talking about between now and 2019.

The three provisions that Joint Tax made distributional analyses of are: the advance refundable insurance premium tax credit; second, the high cost plans tax, also known around here as the Cadillac health insurance plans—and that is the tax connected with it; third, the medical expense deduction tax increase.

The Joint Committee on Taxation found that, on average, by 2019, singles making over \$40,000 a year, and married couples making over \$75,000 a year would have a net tax increase under the Finance Committee bill.

Again, if you are single and making over \$40,000 a year, or married and making over \$75,000 a year, your taxes are going up, on average, under the Finance Committee bill. We have two charts up here that make that very clear.

My colleagues on the other side of the aisle may say that the Finance

Committee bill lowers people's taxes. Let's look at that. This may be a little bit true for some taxpayers. But for middle-class taxpayers, their taxes will go up. Further, Joint Tax—the official congressional tax scorekeeper—said so.

So if the President signs the Senate Finance Committee bill, or some of the financing measures in that bill, into law, the President would break that campaign pledge.

The President then would be raising taxes on families making \$250,000 and singles making \$200,000. Now that we have established that the Finance Committee bill raises taxes on the middle class, I would like to dig a bit deeper.

In looking to 2019, Joint Tax data leads to the conclusion that 77 percent of the burden of the tax increases in the Finance bill would be borne by middle-class taxpayers. In 2019, out of these taxpayers making under \$200,000 who are affected by the three provisions mentioned above, 54 percent of them will see tax increases. In other words, 46 million middle-class families and individuals would pay higher taxes under the Finance Committee bill, contrary to what the President has said.

Joint Tax data also finds that middle-class families who file joint returns are very dramatically affected. Specifically, in 2019, over 64 percent of middle-class families filing joint tax returns would face a significant increase, and these families, obviously, make less than \$250,000 a year.

Once again, I have charts that will show the different divisions of people falling into those income categories.

Another way to look at this is, there are four groups of middle-class taxpayers who are treated differently under the Finance Committee bill. The first is a group of 14.5 million who will receive refundable tax credits. These refundable credits represent government spending and not tax relief. That is the judgment of these official scorekeepers, not this Senator. In 2019, this government spending amounts to \$77 billion alone.

In the second group, some of the 25 million will see some tax relief. However, a substantial number of those 25 million in this second group will not see any tax relief under the bill.

The third group, made up of 46 million middle-income taxpayers, will bear a large tax increase.

A fourth group of 83 million will have a tax increase from provisions in the bill that Joint Tax has not yet analyzed, so I cannot go into depth about that group.

For example, Joint Tax has not yet provided distribution analysis on the effect of the fees on health insurers that will be passed through and medical device manufacturers.

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

Mr. GRASSLEY. I ask for 5 additional minutes.

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

Mr. GRASSLEY. Because we do not have that analysis, we do not know how many of those 83 million will face tax increases. For instance, many of those 83 million buy health insurance themselves or their employers buy it for them, and they will bear the burden of the new insurance fees in the form of higher insurance premiums.

During the Finance Committee debate, some Senators of the majority party described the Finance Committee bill as providing a net tax cut. Let's look at what is a net tax cut because the official scorers would not determine that is what it is.

To understand whether these claims are accurate, one has to figure out what is meant by the words "tax reduction."

The premium tax credit under the bill is refundable. That means tax return filers receive the tax credit, even if they have no income tax liability. If a tax filer has no income tax liability, how can their taxes go down? Joint Tax does not describe that as a tax reduction. Instead, Joint Tax says these filers receive a Federal benefit.

Joint Tax also tells us that 73 percent of the \$453 billion in the refundable tax credits for health insurance is, in fact, pure and simple, government spending. That leaves just 27 percent—or \$122 billion—that might legitimately be called a tax reduction, and we see it on the chart.

Meanwhile, as mentioned above, there are over \$500 billion in tax increases—\$½ trillion is another way of saying it. Even if we add in the meager small business tax credit of \$23 billion, which is the only other tax benefit in the bill, this bill contains a net tax increase of over \$350 billion.

Because the refundable insurance premium credit is called a tax credit, Democrats have argued the entire \$453 billion is a tax credit. However, Joint Tax and the Congressional Budget Office scores 330 billion of that \$453 billion as pure and simple government spending.

Colleagues on the other side of the aisle argue that such government spending is actually a tax cut. However, Joint Tax scores this as government spending, not tax cuts.

An outlay results when the tax credit is larger than an individual's income tax liability, if any. That individual simply receives a check from the Internal Revenue Service. Sending a check to an individual who pays no income tax cannot credibly be called a tax cut. Some colleagues argue that the refundable tax credit offsets payroll taxes. However, payroll taxes are meant to be paid so individuals can receive benefits from Social Security and Medicare later in life.

Even if you agree that individuals should not have to pay payroll taxes but should also receive Social Security and Medicare benefits, that rationale cannot be used over and over. It should only be used once.

We already have a number of generous refundable tax credits. The child

tax credit, the earned-income tax credit, and the making work pay credit are all refundable tax credits.

The insurance premium credit in the Finance bill is added to that list. Therefore, this same payroll tax cut rationale has been used four times to claim that this government spending is actually a tax cut. Joint Tax scores these outlays as government spending, not as a tax cut. That is not this Senator saying that; it is the professionals in Joint Tax who say it is government spending, not a tax cut.

The interesting thing about the refundable tax credit for health insurance is, it does not go to the individual or family. Instead, this Federal tax benefit goes from the government directly to the insurance company providing health care coverage. That is a check from the Federal Government made out to your insurance company dated, signed, sealed, and delivered directly to that insurance company.

I remember hearing President Obama criticize sending money directly to insurance companies. On October 4, before his election, in Newport News, VA, then-Candidate Obama criticized Senator MCCAIN's health credit for health insurance by saying these words:

But the new tax credit he is proposing? That wouldn't go to you. It would go directly to your insurance company—not your bank account.

That is what the President said in that quote. If Candidate Obama was against it then, how is President Obama for it now? But that is what is in this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, as we begin to slowly emerge from the economic pitfalls of the worst recession this country has seen in decades, the long-term issues that remain are real and affect Americans of all walks of life.

Out-of-control government spending has resulted in a skyrocketing deficit, fueling fears of an unsustainable financial future for America. A stifled free market drags down our economic growth and impairs our ability to work toward reducing this enormous burden on our children's and grandchildren's future.

In spite of this volatile forecast, there are some who feel that the best way to reinvigorate our economy is to impose heavier costs, higher fees, and greater taxes on businesses and individuals, while forcing the Federal Government to oversee and manage health care in the United States, ultimately adding an additional one-sixth of our economy to the government's balance sheet.

Make no mistake, this financial instability is not disconnected from Americans' everyday lives. It is being felt at bill-paying time, discussed at dinner tables, and it is weighing on the minds of the very people who drive this country's economy.

The other side would have you believe that greater government control, increased spending, and less money in Americans' pockets is the way toward economic stability and growth.

Since there has been no legislative language circulated on the proposed government takeover of health care at this point, we can only consider the conceptual language as passed by the Senate Finance Committee.

Here is 1,502 pages of conceptual language that has come out of the Finance Committee and is being proposed as meaningful health care reform.

This phantom health care proposal imposes \$½ trillion in new taxes, fees, and penalties on individuals and businesses. While some would have you believe these taxes will only be borne by the wealthy in the form of a 40-percent excise tax on high-value insurance plans, both the Congressional Budget Office and the Joint Committee on Taxation—as alluded to by the ranking member on the Finance Committee, the Senator from Iowa—have testified that these taxes will almost entirely be passed on to the consumer, irrespective of their tax bracket.

Under the tax provisions of this health care proposal, in my home State of Georgia, a young, healthy individual under certain health plans would see his monthly premiums almost double.

Additionally, \$92 billion of this new burden will be in the form of new fees on manufacturers and importers of branded drugs and certain medical devices, as well as on health insurance providers. Again, all this is going to be passed on to consumers, resulting in higher health insurance premiums and higher costs for health-related products.

While a majority of the health reforms in the Finance Committee bill do not go into effect until 2013, such as the tax credit for health insurance and the individual mandate, both of which are designed to lower health care costs, these so-called fees are effective on January 1 of next year. This means health insurance, in general, will become more expensive before any government assistance or policies intended to make health insurance more affordable even take effect.

Also included in the Senate finance proposal is a tax on individuals without essential health benefits coverage, which would subject individuals who fail to maintain government-approved health insurance coverage to a penalty of \$750 per adult in the household.

While Democrats complain this contains savings for low- to middle-income families, CBO has stated that almost half those families paying this tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of four earning between \$22,800 and \$68,400 in 2013. Additionally, proponents of this bill say it reduces the deficit while providing relief from high health care costs from lower income families. However, what they do not tell you is, under their refundable tax credits, families who earn nearly four times the Federal poverty level will have almost 91 percent of their health care costs paid for by other taxpayers.

The CBO—the Congressional Budget Office, the independent Congressional

Budget Office—estimates that by 2019, out of 253 million Americans with health insurance, only 18 million will be eligible for these tax credits to purchase insurance. So this supposed health care cost-reducing tax credit at the heart of the Democrats' health care reform is only available to 7 percent of the population.

Increasing taxes on 91 percent of Americans to pay for 7 percent of the population is not reform, it is business as usual. While I am in favor of tax credits to purchase health insurance, I do not support placing limitations on who can receive such credits or what type of coverage they can purchase.

Madam President, as if increasing the size of government even more in the health care sphere isn't going to make matters worse, who do you think is going to administer, implement, and enforce these tax increases? None other than the Internal Revenue Service. With a new influx of complex health care policies being legislated through the Tax Code, the IRS would be tasked with overseeing all aspects of the millions of taxpayers now burdened with even more filings to the IRS.

Additionally, the IRS would likely be entrusted with enforcing these new provisions as well as protecting against fraud in certain cases. These new responsibilities of the Internal Revenue Service would mean only one thing: a bigger and more intrusive IRS.

As I continue to say, I am in support of reforming the health care system in this country because we do have problems. We need greater transparency in health care costs, increased competition, more individual portability for peace of mind for those who change jobs, a better focus on prevention and wellness and real reform of the health insurance industry. Republican-backed plans do exactly that. There are ways to lower health care costs and be more fiscally responsible, and there are opportunities to pay for this coverage without expanding entitlements and increasing taxes on middle-class Americans.

Americans deserve a patient-centered approach to health care reform. The 1,502 pages being discussed this morning as we speak—behind closed doors, by the majority leader and other Democrats—puts politicians and bureaucrats in charge of the health care industry in this country, and that is not what the American people want or deserve.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, I also rise to speak about the health care legislation the Senate is preparing to consider on the Senate floor. I will begin my remarks, as my colleague from Georgia has done, by referring to the bill which the Finance Committee has put out. This is it. It is 1,502

pages which, interestingly, we did not have before us when we considered it in the Finance Committee.

I think most people in the country realize right now that as the Finance Committee proceeded through 2 full weeks of markup on this legislation, the legislation had not actually been written. Even though the very first amendment, which we brought, was an amendment to say that before we would be forced to vote on a bill, we should see the bill for 72 hours and have the CBO, the Congressional Budget Office, score on the bill for 72 hours so that we and the American public could understand what was in it, that was not allowed. We cast our final votes in the Finance Committee on the Finance Committee's bill—well, the Finance Committee's concept paper. This bill didn't yet exist. We did have an idea about what concepts were intended to be in it, but the bill itself didn't exist.

The reason I bring that up right now is because this is actually not going to be the bill we consider on the Senate floor. As soon as the Senate Finance Committee finished with this bill, the majority leader and the chairmen of a couple of the relevant committees—I presume with some personnel from the White House—got together behind closed doors in the Capitol Building and began drafting a new bill to merge this bill with a previous bill that had come out of the HELP Committee bill in the Senate. That new bill has now been sent to CBO for a score, but we don't know what is in it either.

In fact, we are told it is concepts and options that are being submitted to CBO. I am not even sure if that new bill has yet been written, but I do know no one, except those who have submitted it to CBO, know what is in it.

Well, we have a good idea of what is in the health care bill the Senate Finance Committee put out, and I expect a lot of what was in this Senate Finance Committee bill will make it into this new bill that someday maybe the American public and the rest of the Members of this Chamber will be able to see. As we approach the health care issue, I think it is important for us to understand exactly what it is we are expected to do by the American people and what it is we are doing with the health care legislation.

Most Americans want health care reform. But when they say that, the vast majority of them mean they want Congress to take swift and decisive action to bring under control the spiraling costs of health care and the spiraling costs of health care insurance. As a part of that, they want to see increased access for those who are uninsured, whose burden of coverage and health care falls on the taxpayers. That is the core focus, the purpose behind the drive in America for health care reform.

Well, what does the legislation we passed out of the Finance Committee do? With regard to the cost of insur-

ance, it will not cause the cost of insurance to go down. It will, in fact, drive up the cost of insurance at even faster rates of growth than would have occurred without the legislation. What does it do for coverage of those who are uninsured? It establishes an extremely expensive new government program that would provide tax credits—or what are called renewable tax credits—for those at certain income levels to provide the ability for them to obtain coverage. But of the 47 million who are uninsured in the United States today, the bill still leaves approximately 25 million of them uninsured.

What it does put into place for these two outcomes on the major reasons for reform—increased cost of insurance and only about 50 percent reduction of the uninsured—is a massive new amount of Federal control over the health care industry, a massive new entitlement program that will cost, according to CBO, approximately \$829 billion of new spending, and then offsets that try to address the growing costs of the Federal Government that it represents by about \$404 billion worth of cuts in Medicare and \$506-or-so billion of new taxes, fees, and penalties.

Remember the discussion I started with about the fact that the American people wanted to see the cost curve on health care bend down? We will hear it said that this bill bends down the cost curve. Well, it doesn't bend down the health care cost curve, and it doesn't bend down the health care insurance cost curve. All it does is try to address the impact of the phenomenal amount of new spending—\$829 billion—by raising taxes and cutting Medicare in amounts that are greater than the amount of the cost in the bill.

Well, what kind of impact will these increases in taxes have? First and foremost, I want to return to what my colleague, Senator GRASSLEY, recently pointed out. In the discussion of this issue, President Obama made it clear as a candidate, and he has repeatedly made it clear as President, that he will not sign legislation that imposes a tax increase on people making less than \$250,000 in the United States. These are his remarks on September 12 during the campaign in New Hampshire, which, again, he has repeated consistently:

And I can make a firm pledge: No family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

Well, what does this bill do? This bill squarely increases the taxes on the middle class in the United States. The full tax burden of this bill, including all of the taxes and fees and penalties that are included in it, is over \$½ trillion. Experts have now told us that the majority, in fact the significant majority of those taxes and those increased fees and penalties, will fall on the backs of those who make less than \$250,000. We don't have the data yet, but, in fact, the impact on people who

make less than \$120,000 will be a huge portion of these new taxes and fees. Yet how can that be allowed to happen with the President making this pledge?

I think the American people need to pay attention. In essence, what we have represented is a huge increase in spending in the Federal Treasury—\$829 billion under the Finance Committee plan. It is expected to be closer to \$900 billion under the plan that was devised recently and submitted to CBO. Nonetheless, it is a massive increase in Federal spending, matched by equally massive cuts and tax increases—cuts in Medicare and tax increases—to make it appear that the impact on the deficit is marginal. But don't be fooled. When those who support this approach defend it, they will tell us it bends the cost curve. The cost curve they are talking about is the cost to the Federal Government. They are not telling us the cost of the Federal Government—the expenditures of the Federal Government—will be going down. What they are telling us is the expenditures will not be going up faster than the taxes and the cuts in Medicare are going up.

It is important for the American public to recognize that this legislation represents yet again one huge step of the Federal Government into management and control of the health care economy, and that huge new step of the Federal Government into management of the economy will be financed squarely on the backs of the middle class with a huge tax increase. That is not what America was asking for.

So to summarize, Madam President, what do we have? We have a proposal that will not bend the cost curve; it will, in fact, cause the cost curve on which everyone in America is focusing—the cost of health care and the cost of insurance—to go up. It will not achieve universal coverage for those who do not have access to insurance today, but it will put the Federal Government much more in charge and control of our health care economy and will grow the Federal Government by nearly \$1 trillion of new spending at the expense of \$½ trillion of tax increases and \$400 billion of Medicare cuts.

That is not the kind of health care reform our Nation needs. It is not the kind of health care reform the American people have asked for. We should change the debate, and we should begin focusing on those kinds of common ground areas that we know how to identify where we can bend the cost curve—the true cost curve—down, where we can do so without raising taxes on the American people, and we can do so without devastating the Medicare programs of our country.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. KIRK). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I understand I am allowed 10 minutes of this morning business period; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. Mr. President, I rise today to share my concerns about the tax increases called for in the health care reform bill that is now being finalized behind closed doors. I want to make sure the American people truly understand what these tax increases will mean for them and their families. This bill calls for an incredible and shocking \$500 billion in taxes, in massive new taxes, taxes that will fall on average Americans who already know their tax burden is too high.

We hear a lot about the efforts behind the closed doors to merge three different bills and all the costs and all the efforts to get more voters onboard. But we do not really hear much about the tax increases. They really should make the taxpayer sit up and take notice.

The behind-the-doors crowd has tried to disguise some of the new taxes in this bill by presenting them as being paid for by targeted health care industries. However, the reality is that average Americans who purchase health insurance and use medical services, from prescription drugs to hearing aids, are the ones who will foot the bill for this tax-and-spending spree. The higher taxes called for in this bill come straight out of Americans' pocketbooks. American taxpayers, Americans, have the right to know, they have the right to be informed, they have the right to understand, and they have the right to be heard—not only on the spending, not only on the health care reform bill, but in regard to the taxes they will pay.

Let me give just a few examples of the new taxes called for and who will actually pay them.

The bill imposes a 40-percent excise tax on health insurance providers that offer high-cost health insurance plans. This provision is the largest tax hike in the bill. It raises \$201 billion. Of this amount, an analysis by the Joint Committee on Taxation, or the JCT, finds that more than 80 percent or \$164 billion of the tax will come from increased income and payroll taxes on higher wages. When the bill is implemented, however, the excise tax is likely to hit 40 percent of American families, so the reality is that these families, not the insurance providers, will be on the hook for the \$164 billion.

The bill raises taxes on those who pay for their health care out of pocket by raising the floor for deducting catastrophic medical expenses from 7.5 percent to 10 percent of adjusted gross income. Those who take this deduction are most often seniors and those with serious medical issues. Eighty-seven percent of taxpayers who claim this deduction have income under \$100,000.

While an amendment to exempt taxpayers 65 or older from the higher threshold was approved in committee, thank goodness, don't be fooled: the exemption is only in effect in the first 3 years. As a result, in the following

years roughly 50 percent of the taxpayers affected by this proposal will be over the age of 65. This makes no sense.

The bill raises taxes on the more than 35 million Americans who participate in flexible spending accounts. The median income of a flexible spending account participant is \$55,000. This program is a very important benefit for many families for whom health insurance does not cover, or does not sufficiently cover, some of the highest cost health care expenses, such as dental, vision, and also prescription drug costs. It is also important for individuals who manage chronic diseases such as diabetes, heart disease, or cancer. FSAs allows participants to set aside money out of their own pockets to pay for these necessary expenses. However, under this bill the government caps how much can be set aside in a flexible spending account, a person's own account, effectively raising the tax burden on certain FSA participants and increasing their health care costs—typical of a disguised tax in this bill.

Another tax attack: It also eliminates the ability of individuals to use money from their accounts, the FSA accounts, to purchase over-the-counter medications. Here we are, trying to put downward pressure on health care costs. Rather than maintaining current law that gives consumers the option to purchase over-the-counter medications through a flexible spending account that they have chosen to put money into, the bill instead directs them to more costly alternatives and increased use of the health care system and limits the consumers' ability to fully use their own accounts.

Another example of the stealth taxes called for in this bill is the individual mandate penalty. Although the President has said this penalty is not a tax, the Finance Committee bill adds this provision under a section called the "Excise Tax on Individuals Without Essential Health Benefits Coverage." The government expects to collect \$4 billion from this tax.

In 2013, almost half of those Americans who will be paying the penalty tax will have incomes between \$22,800 and \$68,400 for a family of four. This penalty essentially means the IRS will now tax you if you do not buy a health care plan approved by the government. Let me repeat that. This penalty essentially means the IRS will now tax you if you don't buy a health care plan approved by the government.

Not only that, this bill also expands the reach of the IRS even further into the lives of ordinary Americans, allowing them to collect more information than ever before about you and your health care choices in order to tax you based on these choices. This provision highlights one of the most disturbing aspects of this bill: the increased role the IRS will play in the lives and health care choices of every American.

Under this bill, the IRS will gain unprecedented new powers. But here is the clincher. There is no money in this

bill to pay for the expansion of the IRS that will have to occur for the IRS to administer and enforce these new tax provisions—emphasis on "enforce." How much will that cost? How many billions will be needed to pay for this growth in government? How many more employees will the IRS have to hire? We don't know. But make no mistake, every American should understand that the IRS will be playing a bigger role in their life and their health care decisions.

Question, for all those who braved the townhall meetings. Everyone who wants more IRS involvement in their lives, raise your hands. I don't think in these townhall meetings you will hear many hands clapping. Under this bill, not only will Americans see massive new taxes, they will also see an unprecedented expansion of the Internal Revenue Service and a further reach by government into their lives.

This is the wrong solution to health care reform. Americans are looking for real reform that preserves their health care choices. But reform that comes with a \$500 billion tax increase and is supervised, if not more, by the Internal Revenue Service is simply not the answer.

Mr. President, I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, this health care debate is one of the most important debates we have ever had in this country. We are talking about one-sixth of the American economy. We better get it right because if we do not, this economy will never be able to recover. If we go down the wrong path and we spend too much time building the government at the expense of the individuals in this country, we will never be able to change it. So this is a very important time, and I am calling upon all my colleagues in both the Senate and the House to try to work together so we can come up with a program, a system that literally will work.

We can build upon things we already agree upon. Things such as preexisting conditions should be covered, automatically covered. That is a very difficult issue; it is not something you can just say glibly. The fact is, we have to resolve this problem so people will not just wait until they get sick to buy insurance because they have a right to do so under any new policy we are coming up with. But they should be able to get into the insurance market now.

Having said that, there are many on the other side who would like to have what they call a public plan or what I

call a government plan. The problem with the government plan is that the central force would be right here in Washington, filled with bureaucracy, filled with expenses, filled with all of the clogs that occur in Washington, DC. And we will not be solving the individual problems of the various States, each of which has its own demographics. I have often pointed out that Utah's demographics are not the same as New York's or California's or those of Massachusetts. But neither are New York's the same as those of Massachusetts or California. Each State has its own demographic problems.

Utah is considered one of the top three States in the delivery of health care. There is a good reason for that; that is, we thought it through and we basically bring health care closer to the people. We already have an exchange in Utah which is working to a large degree. It is just starting, but the fact is, it has been embraced and accepted by people. We would bitterly resent a one-size-fits-all Federal Government program to resolve all problems.

This business of making sure pre-existing conditions are covered is fraught with all kinds of difficulties if we do not do this right. There are all kinds of expenses if we fail to observe the past and, I might add, all kinds of bureaucratic problems if we do not work together to get this problem solved.

On the other hand, are we going to go to a system where government tells people they have to buy insurance, whether it be a public plan or otherwise? I am not sure constitutionally that the government has that kind of power. If the government has that kind of power, to tell people they have to have insurance even if they don't want it—and that includes the public plan insurance—then what limitations are there on government? What happens to all the freedoms we all take for granted? What happens to the liberties we have embedded in the Constitution?

These are important issues. They are not issues you just brush aside because one side or the other wants to have the Federal Government take over all control of our health care system.

I might add, I think most of us agree there should be transparency in the system. If we had transparency over all of the hospitals, all of the physicians, and we could tell which ones are great, which ones aren't, we could make our own decisions as to where to go for particular types of care, especially very serious care. I think most of us would like to provide a system where our constituents could do that.

What about medical liability reform? As a former medical liability defense lawyer, I defended doctors, hospitals, nurses, and health care providers who needed defending, many of whom did not commit negligence but were finding themselves suddenly in court in front of juries that may be empathetic to somebody who did not have a good

result even though there was no negligence involved. I estimated 25 years ago that, in unnecessary defensive medicine, we are probably wasting upwards of \$300 billion a year.

That sounds very high. But I am finding more and more people are starting to come to the conclusion that we waste an awful lot of money on what is unnecessary defensive medicine. We all want defensive medicine because we all want the doctors to do what they should do. Our advice to the doctors back in those days happened to be, if somebody comes to you with a common disease or injury, you cannot afford to just give them—tell them to just do the minimum. You better have every test and every procedure you possibly can in your history, so if you ever do get sued, you will be able to say you went way beyond the standard of practice in the community and did everything you possibly could to try to help this person with their problems and that you should not have liability because of that.

Well, I have to say we can go on and on. It was interesting to me, when I first asked Dr. Elmendorf, who heads our CBO, the Congressional Budget Office, what does unnecessary defensive medicine cost us, Dr. Elmendorf came up with an extremely low figure over 10 years. I think it was something like \$10 billion.

I chatted with him and I said: That cannot be so. I explained to him what my experience was and the experience of almost anybody who has any experience in this field, and he went back. He said: Well, I am going to go back and review it. He did go back and review it and came up with a figure of \$54 billion over 10 years, just for Federal Government unnecessary defensive medicine. So it is much more than that if you add in everything else and extrapolate it all out.

We should be able to save some of these dollars. That also would help us to be able to pay for real health care that needs to be done.

We know the health care reform bill has been basically written in the office of the majority leader. While we do not know what this bill will look like, because it apparently has been written in the secrecy of the majority leader's office, and by very few people, by the way—and the same over in the House—every indication is, it will be similar to the bill reported out by the Finance Committee earlier this month.

That bill, which would drastically change the very fabric of an industry that affects every American in the most personal way and represents one-sixth of our economy, contains roughly \$409 billion in new taxes that are going to be passed on to the average taxpayer. Many Utahns are asking me who is going to have to pay these new taxes? Unfortunately, I have to tell them that it will not just be the wealthiest among us, but middle and even lower income American families as well.

Perhaps the most solid promise that President Obama made during his campaign was that "no [one] making less than \$250,000 a year will see any form of tax increase!" He further pledged that the 98 percent of Americans earning less than this amount would not see any tax increase on income and savings. Let me repeat that: The President promised that 98 percent of Americans earning less than \$250,000 would not see any tax increase on income and savings.

The majority leader is preparing a partisan proposal to which he hopes to attract at least a modicum of Republican support. Thus far, however, he has no takers from my side of the aisle, and support from some on his side appears to be waning. Perhaps a major reason for this is that everyone knows the bill would break the President's promises not to raise taxes on average Americans. That is not the only thing it would do.

The Finance Committee product offers a cornucopia of revenue raisers that would fund health care reform. Some of these provisions include direct taxes on lower and middle income wage earners, while others would hit average families indirectly through penalties, fees, and higher costs.

If your employer offers you a higher cost insurance plan, your taxes will likely rise under this plan. If you have a flexible spending account or a health savings account, your taxes will likely rise. If you or your family use a medical device costing more than \$100, such as a hearing aid or an insulator, or if you purchase prescription drugs, the cost of those items will likely rise.

And ironically, in a bill that is designed to lower the costs of health care, the cost of health insurance itself is likely to rise under this plan. And if you do not have insurance, the cost of not having health insurance will rise because the bill will impose a tax if you do not get insurance.

My friends on the other side of the aisle will probably paint this rise in penalties, fees, and higher costs as Republican hocus-pocus. But do not take it from me or my colleagues; take it from the nonpartisan Congressional Budget Office and the Joint Committee on Taxation.

Looking first at the direct taxes on the middle class, the Democrats' bill declares war on savings accounts for health care. For example, the bill would limit the amount that employees can set aside of their own money into flexible spending accounts. In addition, over-the-counter medicine would no longer be qualified expenses for FSAs and health savings accounts, unless you have a doctor's note. Lastly, the proposal includes an increase from 10 percent to 20 percent for the penalty for withdrawals that are not used for qualified medical expenses. All together, this means that employees could be facing a 55-percent Federal tax on a bottle of aspirin. I thought we were trying to make health care more affordable, not more expensive.

This year, 35 million employees participate in employer-sponsored, employee-funded flexible spending accounts. These accounts provide relief for the ever-increasing amount of health care that families must pay out of their own pockets. How does cutting back on FSA accounts lower the costs of health care? These accounts are not just provided to the wealthy. On the contrary, the average income for flexible spending account participants is just \$55,000 per year.

Another clear increase on taxes for middle income families is the raising of the threshold for the itemized medical expense deduction from 7.5 percent of adjusted gross income to 10 percent. This tax deduction is already meanstested so that it only kicks in when medical expenses are catastrophic or nearly so. This is not a tax benefit for the wealthy. The Joint Committee on Taxation estimates that in 2013, approximately 11.5 million taxpayers would be affected by this proposal. Of that number, about half have incomes less than \$75,000.

Perhaps even worse are the indirect tax increases in the bill. One of the most troubling ones to me is an unprecedented fee levied on entire segments of the health care industry, including pharmaceuticals, medical devices, and health insurance. While these fees would be paid by corporations, they will ultimately be passed on to consumers in the form of higher prices or on to employees in the form of lower pay, or even layoffs. Under this plan, the cost of everything from contact lenses to hearing aids to thermometers would rise for consumers, creating one more unfair burden on middle income families seeking affordable health care.

And if you decide to either not have health insurance or if you need a more expensive plan than is allowed, the Democratic plan would raise taxes on you, even if you do not make anywhere near \$250,000 per year. This is part of the so-called individual mandate, which requires individuals to obtain health care coverage or pay an extra tax. The amount of tax could reach as much as \$750 per uninsured adult. Some may say this is simply a penalty for not doing what Uncle Sam wants you to do, but let us face it, it is nothing more than a new tax.

There are at least two provisions in the Finance Committee bill that raise serious constitutional questions. First, is the transition relief for the high-cost insurance plans that is granted to 17 yet-to-be determined States. This means that a different tax rate will apply depending on where you live. Second, is the individual mandate itself. The constitutionality of the mandate, as pointed out by the Congressional Research Service, has never been addressed. We are treading into new waters. Are we just going to simply ignore these serious constitutional questions?

Again, President Obama promised from the beginning that he would not

raise taxes on the 98 percent of Americans who make less than \$250,000. Unfortunately, the Democratic proposal we will soon be debating would break that promise. We are all for real health care reform, everybody, Republicans, Democrats and Independents, but not all of us are willing to pass it on the backs of middle-income taxpayers. At a time when we have trillion-dollar-plus deficits and an unemployment rate nearing double digits, this would be a colossal mistake.

Mr. President, I yield the floor.

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

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 2052 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maryland.

#### HEALTH CARE REFORM

Mr. CARDIN. Mr. President, soon we will have an historic opportunity to take up the most significant change in our health care system in many decades, a bill that will help Americans deal with their health care needs, that will reform our health care system so we have affordable, quality health care for all Americans. This bill will help middle-income families who currently have health insurance. Because we are going to build on the current system, protect those who have good health care coverage so they are able to keep that coverage in the future, we base it on building on what is right in our health care system and correcting the problems that currently exist.

For a family who has health insurance today, they are paying a large amount of money for those who don't have health insurance. The number of people without health insurance has grown dramatically, to over 46 million Americans. The cost to a family who has health insurance for those who don't have health insurance is \$1,100 a year. That is a hidden tax on middle-income families today. Health insurance reform will help correct that inequity to help middle-income families. It will also reform the practices of health insurance companies dealing with preexisting conditions and caps put on the amount of coverage and with making sure that prevention is available without copayments and deductibles. All that will help middle-income families today who have health insurance.

But the critical factor, why this is so important for middle-income families today, is because of the escalating cost of health care. Health care is growing three times greater than wages. That means for the typical family, every year they are falling further and further behind on their standard of living, because more and more of their income

needs to be devoted toward health care costs. Whether your employee pays it or you pay it or a combination of both, it comes out of your compensation package. For many families, they are actually receiving less income every year because so much more is devoted toward health care costs.

In Maryland, 10 years ago the cost for a family was about \$6,000 for health insurance. Today that is \$12,000. By the year 2017, it is projected to be \$23,000. We are spending in America today \$7,400 per person for health care, \$2.4 trillion. Health reform will help middle-income families because we are going to bring down the cost of health care.

First, we invest in wellness. We know that if people take care of their own health care needs, if they deal with their diabetes, high blood pressure, high cholesterol, with keeping themselves healthy through exercise, if they don't smoke, all of that will bring down the cost of health care. The health care reform that we will be taking up invests in wellness programs, gives incentives for wellness programs to bring down the cost. What we also do is invest in health information technology. The amount of money we waste every year because of the administrative inefficiencies of the system is staggering. Also we have unnecessary tests that are given in the emergency room because they don't have medical records. We have the technology. Let's use it. We can use technology to keep people healthy by sharing information so that your health care provider knows what medicines you are taking. And managing care, we can save money by managing diseases much more effectively than we do. For all those reasons, health care reform will help control the escalating costs, and that will help middle-income families. It will also help small businesses.

Small businesses need more competition among health care insurance companies. Today, if you are a small business owner, there are very few options available as to who you can choose as your health insurance company. As a result, you are subjected to unpredictable annual adjustments in your premiums. We already know that health insurance is too expensive. We already know that it increases every year by too high a percentage rate. But for a small business owner, it is worse than that. They can be subjected to a 20, 30, 40-percent increase in any given year because they are not in the large pools that larger companies are. Health insurance reform helps small businesses by providing larger pools that small businesses can get into, more competition. The State exchanges provide information that is critically important for small businesses to get a competitive product, to get the product they want. It makes it more affordable.

Let me give one example. We all have received letters. I have received lots of letters from my constituents. I want to read one I received. It comes from

Keith, a Maryland small business owner. He writes:

Currently, I have what is considered a "Cadillac" health plan. It is an old CareFirst Blue Cross Blue Shield plan that does not cover vision or dental [and has] a moderate deductible. It only covers general health and drugs. My wife is disabled and is unable to work. She is under age 50 and has Medicare as a primary insurance and is on my family plan as secondary where she gets drug coverage.

This person is a small business owner involved in a plan.

I have one child with some health issues on the plan as well. Based [on] my situation, my health insurance options are limited.

I am a small business owner and have had significant increases in my insurance costs over the last 20 years. Currently, I pay \$29,000 for family coverage thru (sic) my company and last year I had \$9,900 in out of pocket expenses, which is "normal" for my family. My income is above \$100,000, but well below the \$250,000.

At one time I considered myself part of the middle class, but with my ever increasing health care costs, I now have second thoughts. . . .

It is unbelievable to me that a family like mine could be in this situation. I know there are others far worse than mine and can empathize with their plight. . . .

How can I be spending about \$40,000 a year [on health care] with no end in sight?

Well, help is on the way. The bills that have been reported out of our committees that the majority leader is now merging to bring to the Senate floor will help my constituent Keith, who finds that he cannot afford health care today even though he has certainly a reasonable income.

This legislation will also help our seniors. I mention that because there is a lot of concern about how we can strengthen the Medicare system, which is so important to our seniors. Well, the problem with Medicare today is that health care costs are going up. Medicare is a pretty efficient program. We know its administrative costs are far less than private insurance. But we cannot bring down the government cost of Medicare unless we bring down health care costs in America. That is exactly what the health care reform proposals will do.

It will also, by the way, use those savings to help our seniors by improving their prescription drug benefit so we can certainly make improvements to mitigate the doughnut hole on prescription drug coverage. It strengthens dramatically the preventative health care services that are offered our seniors under the Medicare system.

Well, the uninsured are also helped under this bill and those who are in danger of losing their health insurance by the State exchanges, where there will be more competition, more availability. The bill deals with affordability, providing subsidies for those who otherwise could not afford the health insurance.

One of the prime ways that is done is through the public option, so let me talk a moment about it. There has been a lot of discussion about it. I saw that it is going to be included in the

bill in the House of Representatives. The majority leader is looking to include that in the bill that is going to be brought forward on the floor of this Senate.

A public option is nothing strange to Americans. It is not that the government takes over health care; it does not. Health care is provided by private doctors, private hospitals. The most successful public option program in America in health care is Medicare, and I do not see anyone coming and saying we should do Medicare in a different way. Medicare has worked well, with the government providing the way we collect the premiums and collect the dollars necessary to pay the doctors and hospitals that are private, and where the Medicare beneficiaries can choose their own doctor or hospital. That is the way it should be.

The reason it is important to include a public insurance option in the bill that is being brought forward is to make sure we have an affordable option for those who cannot find insurance, so we have an affordable product in every part of America. If you live in rural America, it is tough to find an insurance company that is interested in insuring you if you are in the individual market. That is just a fact of life.

So the public option provides an affordable option and provides more competition. In my own State of Maryland, two insurance companies represent 71 percent of the private insurance market. We do not have effective competition in our State of Maryland. The public option offers more competition. If we have more competition, it is going to be less costly. That is the reason we want to make sure it is included in the bill that is brought forward and the bill we hope will be reconciled with the House and sent to the President of the United States.

Mr. President, as I said when I took the floor, we have a unique opportunity. We have a unique opportunity in taking up health care reform and health insurance reform to help the people of our Nation. We have to make sure we get it right. I agree with my colleagues, we need to take the time to make sure we get this bill right, but we need to act. We need to act in order to protect middle-income families so they have affordable health care coverage in America.

We need to act to help small businesses so they have more choices, more competition, so they can afford to provide health insurance for their employees. We need to act for our seniors and those who are disabled in the Medicare system to make sure we strengthen Medicare for future generations and can expand the benefits that are covered under Medicare.

We need to act for the sake of our economy. We need to act for the sake of our Nation. I encourage my colleagues to get engaged in this debate so that, at the end of the day, we pass a bill that is going to be in the best interest of the people of this Nation.

With that, 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. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes in morning business.

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

#### UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, these days, the economy is foremost on the minds of Americans, and well it should be. Two out of five Americans say the economy should be our top priority. That is more than twice as many as cite any other issue—two times that the economy is much more important.

The unemployment insurance bill before us today helps to address the economy in several ways. In several ways, our legislation would help Americans to get and keep good jobs. First, our bill would extend much needed unemployment benefits. This unemployment insurance relief would get money into the hands of people who need it—need it desperately. I might say, there are about 15 million Americans out of work chasing about 3 million jobs. There are many more people unemployed looking for work.

When we help unemployed Americans, let's also remember we help our communities, not just the individuals who receive unemployment benefits—and they have earned those benefits—but also the communities are helped by payment of those benefits. When we help our unemployed neighbors, we also help to keep open the neighborhood grocery store and the neighborhood gas station. When we help our unemployed neighbors, we also help to keep houses out of foreclosure. When we help our unemployed neighbors, we also help our economy; we help ourselves.

According to officials in my home State of Montana, if we do not pass this 14-week extension, then at least 7,000 Montanans will lose their unemployment benefits. That is a significant number when we consider the population of my State, which is just a little bit over 900,000 total.

A report prepared in June for the Montana Manufacturing Center showed that nationwide manufacturing employment fell from 13.8 million workers at the end of 2007 to 12.4 million workers at the beginning of 2009. That is a 10.5-percent drop in little more than a year—a 10.5-percent drop in workers in just more than a year. The decline nationwide was echoed in Montana, where manufacturing employment fell 8 percent.

In south central Montana, logging and milling have slowed down in the Bozeman area, just as they have elsewhere in the State. That means workers in the logging and milling industries have been losing their jobs.

It is absolutely essential we get this aid to those in need so they can continue to put food on the table while they continue to look for work.

A second integral part of this legislative package is the extension of the home buyers tax credit. This tax credit has already helped nearly 1.5 million Americans to achieve the dream of owning a home. Without this tax credit, many of these first-time home buyers would have remained on the sidelines. They would have been unable to buy a home in these challenging economic times.

The home buyers tax credit provides up to \$8,000 for millions of Americans to purchase their first home. The credit has helped to reduce the excess supply of homes on the market and, in doing so, the credit has helped to stabilize the housing market.

In many places throughout the country, homes are selling and inventories are dropping. The Pending Home Sales Index, a leading indicator of existing home sales, rose again in September for the eighth straight month. Total housing inventory fell 10.8 percent at the end of August.

Home prices also appear to be slowly recovering. The Case-Shiller Home Price Index increased 1.4 percent in June after falling for 35 consecutive months. These encouraging numbers tell us that the home buyer tax credit is working. Yet the housing market remains fragile. High unemployment has increased foreclosure rates, inventories remain well above normal levels, and homes are worth substantially less than they were a year ago.

In May, back home in Montana, I helped with a charity raffle of a new home in Billings. During the event, the homebuilders for this home told me how well the home buyer tax credit is working. They said it definitely helped to boost their sales. The builder made it very clear how much the tax credit has helped in Montana.

Realtors and home builders across Montana have provided examples of the tax credit working to get buyers off the fence and into new homes. The Billings Gazette recently reported on one development where 30 homes were sold this year. Home buyers of 17 of those homes used the first-time home buyer tax credit when they bought their home. In Bozeman, MT, housing starts and home purchases have dropped off, but it is clear that the home buyer tax credit has helped to cushion that.

The success of the American economy is closely tied to the success of the housing market. By helping to stabilize the housing market, the home buyer tax credit has helped to shore up the economy as it begins to recover. It is important that we temporarily extend the home buyer tax credit to fur-

ther support our recovery. That is why we have proposed extending the tax credit to April 30 of next year. Because the housing market remains fragile, we propose expanding the credit to include a greater number of potential home buyers.

As before, the \$8,000 tax credit would be available to those buying a principal residence for the first time, but it will also be available to home buyers who have lived in their current residence for 5 years or more. These home buyers hoping to move up would be eligible for a \$6,500 tax credit. This strikes a fair middle ground. We would help first-time home buyers and we would also help homeowners looking to move up to a new home, but we would exclude from the credit speculators who may have recently purchased a home intending to flip it for a fast profit.

Our amendment would also increase income limits. This would enable an even greater number of potential home buyers to take the credit. Those earning less than \$225,000 for joint filers and \$125,000 for single filers would be eligible. Increasing this threshold would further stimulate the housing market by bringing a new group of buyers into the market. These days, millions of renters earn more than \$75,000 a year.

Our new home buyers tax credit would also include a "binding contract" provision that would allow anyone who has entered into a binding contract to be eligible for the credit, so long as they close on the home within 60 days. Also, the extended tax credit would continue to allow military personnel to claim their credit for an additional year.

Many more Americans stand to gain from the extension of the home buyers tax credit, and with our amendment they would get help buying a new home during these tough economic times.

Homes that are worth more than \$800,000 would not be eligible for the home buyers tax credit. We need to target the credit toward those potential home buyers who need it most, not those buyers who would have bought a new home even without the new credit.

To address concerns such as those raised by the Treasury Inspector General for Tax Administration, we have given the IRS additional tools to prevent erroneous credits from being paid.

It is important that this tax credit does not become a permanent fixture in the Tax Code. That is very important. It certainly is to me. Our amendment would end the credit on April 30 of next year. This extension would get us through the winter, traditionally the worst season for real estate. Our amendment would jump-start the housing market as it enters the summer months in 2010. With the new "binding contract" provision, we would effectively extend this tax credit for 7 months, long enough to encourage home buyers to buy homes but short enough to remain fiscally responsible. It is a fair approach and it would play an important role in getting the housing market back on its feet.

In addition to unemployment insurance and the home buyer credit, our amendment would also add needed net operating loss relief for businesses. Under current law, corporations may carry back net operating losses 2 years. In the stimulus bill earlier this year, we were able to increase that carryback period to 5 years, but only for small businesses. The carryback provision for small businesses has been a great help to struggling small companies. They were able to carry back their losses to profitable years, and then they could file quick refund claims. This gave them much needed cash to meet payroll, invest in new equipment or inventory, or pay for other current expense obligations.

But many businesses did not qualify for the carryback stimulus provision that helped small businesses. Many larger companies are also hurting during this economic downturn. Senator SNOWE and I recognized this during our discussions on the stimulus bill. We introduced a bill to expand the needed relief to all businesses, and now we are including that relief here.

The great recession, which I heard to date is officially over because now the GDP is growing for the first time in I don't know how many months—but the great recession has hurt Montana businesses from farming to retail to manufacturing. A recent series in the Billings Gazette highlights a number of historically profitable Montana industries that are facing serious losses as a result of hard economic times. The lumber industry provides an acute example.

Pyramid Mountain Lumber is the oldest surviving family-owned and family-operated mill in Montana. Loren Rose, the controller of Pyramid Mountain, reports that their mill has faced increased costs on logs and fuel and orders have dropped because of the slowdown in home building. The owners have invested everything they have in the mill. They are terrific operators. I spent a good bit of time at that mill and I am very proud of it. They have done a super job. Loren said the lumber mills are "all in" as far as ownership investment. They have nothing left to invest. Other mill owners have had to shut down. Loren said that an NOL provision such as that in our bill would "absolutely" help in "providing working capital to the small, independent mills." That is his quote. Our NOL provision would directly help this industry and others in Montana that are struggling to survive in these tough economic times. Let's expand the help we provided to small businesses to all businesses; that is, all businesses that need the cash infusion now.

The questions always arise: How do we pay for these provisions? Our amendment pays for them responsibly. In 2004, Congress created a new way for American-based corporations to allocate interest for purposes of computing their taxes. The implementation of that allocation method was to be effective in tax years beginning after 2010.

Our amendment delays the effective date of that provision until tax years beginning after 2017.

Our amendment also increases penalties for taxpayers who fail to timely file partnership and S-corporation returns. These two provisions would allow Congress to provide additional incentives for home buyers and implement expanded NOL carryback relief for businesses. Both of these goals are big steps toward boosting our economy.

Our amendment, I believe, is the right approach. I urge my colleagues to support it. Let us respond to the concern that is foremost on Americans' minds, and that is jobs, that is the economy. Let us pass this legislation to help unemployed Americans and provide tax relief, and let us pass this legislation that will help Americans to get and keep good jobs.

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.

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

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

#### CAP-AND-TRADE

Mrs. HUTCHISON. Mr. President, I rise today to raise serious concerns with the cap-and-trade legislation which is currently in hearings in the Senate Committee on Environment and Public Works.

The committee is holding its third hearing today on the bill that would presumably be coming to the floor of the Senate. One of the panels today is going to focus on the impact on transportation of the cap-and-trade bill. I think Members deserve to know the real costs and effects this bill will have on transportation. That is what I will talk about today.

Last week, Senator BOND and I unveiled a report that analyzed the fuel cost implications from the House bill that is making its way through the House. Our report forecasted a \$3.6 trillion gas tax on the American economy for the life of the program, which is 2015 through 2050.

At this time of economic uncertainty, with 15 million people out of work, just about every American is cutting back on spending. Do we really want to put a tax on energy and increase energy costs for families and small businesses at a time like this? I think the answer is obvious. The worst thing we could do to our struggling economy is to overburden it with new taxes and more regulations. But that is exactly what the cap-and-trade bill is doing, and that is exactly what is going through Congress right now.

This past weekend, we began to see what was in the Senate bill that is being proposed. It is even more stringent than the House bill. The legisla-

tion on the Senate side would impose a huge tax on business and levy a massive economic burden on all Americans.

For most Americans, gasoline is a mandatory expense, and raising the cost of it, of course, is going to strain working families, small businesses, farmers, ranchers, and our whole economy. Last year, when consumers experienced \$4 gasoline and \$5 diesel, it caused enormous hardships for Americans. Fortunately, those fuel prices were temporary. But under cap and trade, those high prices will be permanent—at least until 2050.

High fuel prices don't just impact our transportation expenses; we are actually hit twice because the gas tax raises the price of every good and service—groceries, clothes—that consumers must purchase in order to live.

Energy costs are, among our businesses, top operational expenses. Companies face a variety of energy expenses, ranging from heating and cooling their plants and facilities to powering equipment and lighting. In order for businesses to withstand this heavier tax burden and to remain viable, they will be forced to pass fuel costs on to consumers through higher prices.

Several industries will be more severely penalized by the gas tax than others.

Let's take trucking. The American trucking industry is a major target of the cap-and-trade gas tax. In 2007, 1.7 million drivers of tractor trailers logged 145 billion vehicle miles, consuming 28.5 billion gallons of fuel. That equates to an annual fuel cost per vehicle of \$34,560. That number will skyrocket under this cap-and-trade proposal that is going through Congress. When you consider that the average self-employed truckdriver earns only \$43,000 per year in net revenue, the gas tax represents an enormous new tax on working middle-class truckers.

Of course, truckers will not suffer those higher gas taxes alone. Their additional costs will be shared by every consumer in the increased price of everything they transport. At some point, nearly everything bought or sold must be shipped to a retailer. So the sweeping effect of the gas tax on every consumer, every person, every business—certainly the trucking industry but every other business—will harm our entire economy.

The pain doesn't stop with trucking. Our Nation's farmers and ranchers, who are tasked with producing high-quality goods for much of the world, will be irreparably harmed under the House's \$2 trillion tax on gasoline and \$1.3 trillion tax on diesel fuel. Gas and diesel fuel-powered equipment, ranging from tractors to combines to fertilizing systems, are the operational foundation of America's farms and ranches. Every extra penny they pay will be seen in the cost of goods and certainly the cost of food. Under the climate change legislation, they will face \$550 million in higher fuel costs in 2020.

Despite all of this pain we are going to see on our truckers, on our family farmers, and on every business, what good will it do? If there is a good side, let's look at it. It is supposed to be to help our environment. But even the U.S. Environmental Protection Agency Administrator admits that unless China and India impose similar Draconian taxes and regulations, there will be no effect on world temperatures. So what is the purpose of this increase in taxes and increase in costs every American will bear? Well, there is no improvement because it is certainly common sense to know that if we do this unilaterally in the United States and put this tax on our refineries, on our exploration companies that are trying to produce more energy for our economy at a cheaper price and environmentally safely, and if others around the world don't do it—put more caps on and more regulations—and they are spewing into the world much heavier carbon emissions than the United States does now—if they don't change and we do, it will still come to our country. So there will not be any effect on the global environment.

Under the bills going through today, trillion-dollar figures have been discussed so nonchalantly in Washington that it seems as if they are losing their shock value. Americans must know that \$3.6 trillion in gas taxes is a real number, and it is going to have a real effect on every American.

We can improve the environment and we can improve the economy.

One of the things that is not being discussed, as we are talking about putting more taxes on the industries that produce energy, the bread-and-butter energy of our economy, what isn't being discussed is nuclear power. Nuclear power has been shown time and again, where it is in place, that it is inexpensive, efficient, and it is environmentally safe. There is no carbon emission from a nuclear powerplant.

So why does the House bill not even address nuclear? Why are we not talking, in this administration, about nuclear power, which can be clean energy, efficient energy, and which has been proven to also have fewer consequences than once thought because the amount of nuclear waste has now been lowered to a huge extent and can be safely kept? And if we continue our research, we will probably be able to reuse the nuclear waste and put it back into more nuclear power. Why aren't we pursuing nuclear instead of just putting more taxes and regulations on the bread-and-butter energy that is produced in our country?

We need to reject the cap-and-trade bills that are going through Congress right now. We need to focus on environmental policies that will make a difference in our environment, that might make a difference in our global environment. But certainly unilateral regulations and taxes just on America has been absolutely proven not to make a difference in the global economy if no

other country adopts these Draconian measures, which they have all said they are not going to do.

While I stand ready to support clean energy technology, nuclear power, I could not possibly support a bill that is going to wreck our economy in a very precarious time and that will send jobs away from America at a time when we know we need to increase jobs in America. It will be sending American jobs overseas where it is easier to do business and where regulation is more stable.

Mr. President, what are we doing? What are we doing talking about more taxes and more regulations that will not impact the global environment? I hope that as these bills are vetted in committee, we will stop and say: Let's do something rational. Let's promote clean energy. Let's promote nuclear power. Let's don't hold back those who would be willing to make that investment and take that chance.

We should not pass cap and trade, which will tax and regulate our energy industry and it will not help the environment. That is a lose-lose proposition. I hope Congress and the majority in Congress will see that this is the wrong way and stop the cap-and-trade bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

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

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

#### HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise to speak again about the issue that is the topic of the day for us in the Congress—*independent of the question of Afghanistan and Iraq, which is our No. 1 concern—and that is the question of health care.*

Today, the Speaker of the House and the Democratic leadership and membership of the House unveiled their plan. It is 2,000 pages long. They made the representation that, in some way, it wasn't going to increase the deficit. This is a bill that is going to cost between \$1 trillion and \$2 trillion over 10 years. The idea that it is not going to increase the deficit is so unbelievable just on its face that it doesn't even pass the laugh test. If you believe that, then maybe the Speaker of the House should sell you a bridge in Brooklyn—or even in Oakland, for that matter. That one doesn't work, by the way. The simple fact is, when you increase the size of the government by \$1 trillion or \$2 trillion, as this bill proposes to do by massively creating a massive new entitlement called a government-forced insurance plan, there is no way you are going to be able to cut Medicare enough, as it is proposed in this bill, or raise taxes enough, as it is proposed in this bill, to meet the cost of that pro-

gram. There is no way it is going to happen. So to claim that this won't add one dime to the deficit, as the President claimed he would not do when he spoke to the Congress, is just not believable.

Under this administration, we have seen a massive expansion in the debt of this Nation. They represent constantly that they just inherited this from the Bush administration. Yes, a fair amount of it did come over from the prior administration, but the budget they sent here, which has a trillion-dollar deficit every year for the next 10 years, isn't the Bush budget, it is their budget. The budget they sent over here, which raises the debt in this country from 40 percent of GDP to 80 percent, isn't the Bush budget, it is the Obama and Democratic budget.

The representation was that we would go out and spend almost \$1 trillion—\$800 billion—on a stimulus package, and that would create jobs. What it created was debt for our children.

The numbers are starting to come in now. It was represented in New Hampshire specifically, this administration said there would be 16,000 jobs created in New Hampshire by the stimulus package. Since the stimulus package has passed, we have lost 12,000 jobs in our State, and \$400 million has been spent in New Hampshire. The administration argues \$400 million created 3,000 jobs. They have to use some pretty creative accounting to get to those 3,000 jobs. Even if we give them the benefit of the doubt, that is over \$130,000 that it has cost Americans per job.

Did we have that money to spend? No. We sent the bill for that package to our children. We put it on their backs. In fact, almost 50 percent of that stimulus package is going to be spent after this recession is long over. It is going to be spent after the year 2011.

Chairman Bernanke, head of the Federal Reserve, said the recession was over. He said that about 2 weeks ago. Granted, the pain and suffering and the difficult economic times certainly are not over, and we do need to be concerned about that. But in 2012, 2013, 2014, 2015, even in 2019, there will still be money being spent under that stimulus package, and all of it will have been borrowed, borrowed from our children, and they will have to pay it back.

Then we had the Cash for Clunkers Program which was allegedly going to be this great stimulus initiative. That has been looked at by an entirely independent group, *edmunds.com*, which is an automobile site on the Web. They tell you a car's value and give you an independent assessment of its qualities, pluses, and minuses. They took a look at that program. They said there were 690,000 vehicles sold during the Cash for Clunkers period. But they concluded—they are not conservative, they are not liberal, they are not moderate. They are just a professional group of people looking at what happens in the area of automobiles. They

concluded that only 125,000 of those cars would not have actually been purchased or sold by the dealer were the Cash for Clunkers Program not in place. In other words, the vast majority of cars would have been sold; they would have been bought under Edmunds' estimates.

So we spent about \$3 billion to buy 125,000 cars. That works out to \$24,000 per car. Who did that bill go to? That is going to our kids too.

Just in the last 2 weeks—well, almost every week around here we hear proposals to spend money and not pay for it. A week ago, somebody suggested from the administration that we should spend \$14.5 billion by sending \$250 to every Social Security recipient. Why did that come about? That came about because people were starting to realize senior citizens were getting a little upset with the fact that under the health care proposals that have been coming forward from the Finance Committee, from the Labor Committee, now from the House, that under these proposals Medicare was going to be significantly reduced. Seniors were going to lose their Medicare benefits so that a brandnew entitlement could be created which had nothing to do with seniors and be partially paid for with these reductions in Medicare payments.

In fact, if you are on Medicare Advantage, under the Finance Committee bill, you can forget it. That program is gone. There are a lot of seniors in this country who have Medicare Advantage. They like it. They think it is a good way to get health care. But the majority of the Medicare cuts come out of Medicare Advantage. Basically, they are wiping out that insurance benefit. Talk about losing your insurance. The President says nobody is going to lose their insurance today who has it; nobody is going to lose it.

Right on the face of it, when Medicare Advantage gets wiped out, every senior who has that is going to lose it. They are going to be moved over to the standard Medicare. And for what? To pay for a new program, a new entitlement program that has nothing to do with seniors and has nothing to do with making the Medicare system more solvent.

If we are going to reduce Medicare payments, and there are adjustments we need to make in the Medicare system, it should go toward making that system solvent. Why is that? Because the system is insolvent.

It is inconceivable that the White House would suggest that we should add \$14.5 billion of new spending to the Social Security Program, which is also going to be insolvent in a few years, because seniors were upset and they were realizing what was going to happen to them under Medicare. They wanted to sort of give them some walking-around money, the old Chicago way—walking-around money. If we give people money, maybe they will not be upset by things.

I think most seniors understand that, sure, they would love \$250, but how does that work? When we total that all up, that is \$14.5 billion of debt which is going to be given to their children and their grandchildren to pay when those grandchildren and children already are getting a massive debt, almost \$50 trillion of unfunded liability just in Social Security and Medicare alone.

We have to ask ourselves: Should we put another \$14.5 billion on their backs simply to make a political statement? Of course not. But that was proposed.

Then a week ago, it was proposed that we should do a \$250 billion fix to reimburse doctors fairly. Doctors are not reimbursed fairly under Medicare. They are not. That is an interesting fact because if we look at all these proposals that are being talked about from the other side of the aisle, they are saying: Oh, everybody in America will have Medicare. That is a great idea. The fact is, Medicare does not reimburse doctors for what the real costs are. So a lot of doctors don't want to do Medicare.

The reflection of that fact is, they proposed the \$250 billion doctor fix. They didn't want to pay for it. That is a  $\frac{3}{4}$  trillion. That is a lot of money. All that debt goes on our children's backs. Our children have to pay for that spending. That was the proposal that came from the other side of the aisle.

Fortunately, some folks on the other side of the aisle—I congratulate them, 12 Members on the other side of the aisle in the Democratic Party and one Independent—said: Wait a minute. We are going to join the Republicans on this one. You can't do this. This is not right. You cannot spend \$250 billion on fixing the doctors fix, which should be fixed, and then take that bill and give it to our kids and grandkids. You have to be more responsible.

Over the years, every year we have fixed the doctors fix. We have fixed it now for 10 years, and we have paid for it. But this was not going to be paid for.

These ideas for spending money and not paying for them have become fairly common around here. But the biggest item is clearly going to be this health care bill which is a brandnew entitlement representing \$1 trillion to \$2 trillion of new spending.

What is that money going to be used for? It is going to be used basically to create a new government-inspired insurance program to compete with the private sector in the area of supplying health care. That would be OK except for the fact that as the Speaker of the House has said, that government plan is going to be used to save money. There is only one way that a government insurance plan can save money; it has to underprice the private sector. How does it do that? It uses the authority of the government to set price controls. It uses the authority of the government to control procedures that people are able to get. It uses the au-

thority of the government to limit innovation because innovation is costly.

Inevitably because of that—price controls, controlling access to doctors and hospitals and procedures people can get, and controlling innovation—it inevitably deteriorates the quality of health care generally for the public.

Equally important, of course, under the scheme that has been developed that we have seen so far—although we have not seen the specifics because they are being developed behind closed doors on the Senate side. We have seen the House bill, but we haven't had a chance to read the 2,000-page bill. But the scheme that came out of the Finance Committee, equally important, the practical effect would have been that employers would have been encouraged to basically drop employees from their private insurance plan and cause those employees to migrate over to the public plan—intentionally, of course—through a whole series of activities which would make it much more practical for an employer simply not to insure people but to pay a penalty instead and put employees on a public plan.

There will be a natural contraction in the private insurance community because there would be a price-controlled government plan and a natural movement of people over to the government plan because the penalty for employers not insuring people is significantly less—at least in the HELP Committee bill—than the cost of insurance and, therefore, employers will look at it and say: It is cheaper to pay the penalty than insure the folks. So I will just pay the penalty and people can go over and get a public plan. They lose their insurance.

Mr. President, 180 million, 190 million people in this country have private insurance. They are pretty happy with their doctor and their health care. They may not be happy with the insurance company—most of us are not—but they are pretty happy with their doctors and their health care. If they are forced on to a public plan, that is going to put this bureaucrat between you and your doctor. It will mean if you have a government plan, you may have to call Washington to see your doctor.

It also means, as I said earlier, in order for the public plan to work and be cost effective in the sense of saving money, as the Speaker of the House says that is how she has to save money, it has to have price controls, it has to have control over access, it has to have control over innovation, all of which inevitably leads to delay and a lesser quality health care system.

The goal on the other side of the aisle—we all understand this because they have been public about this; there is no subtlety about it—is to move to a single-payer system where there is one insurer in the country, and that is the government.

The same group that is bringing us the swine flu vaccination program is going to bring us all our health care.

Think about that. We don't have to go too far for an example of how the government has a hard time managing fairly large issues of health care when it comes to the practical application of taking care of people who need assistance. All we have to do is look at what is happening in the swine flu program to recognize that the government may not necessarily, in all instances, do such a great job of delivering health care.

For example, today you cannot get your swine flu vaccination in most places in this country because it is not available. Yet that is the system which a large percentage of members of the other party seem to desire, a single-payer system where government supplies it much along the lines of what we see in places such as Canada and England.

I don't think it is healthy for you. I don't think it is healthy for patients. It is certainly not healthy for our children because it means they are not only going to get a lesser health care system, they are going to get this huge bill, this massive bill which is going to come out of this \$1 trillion to \$2 trillion increase in the cost of government.

It is hard to understand—it has to be intuitive to people, and I know it is to most Americans—that if we increase the size of government by \$1 trillion to \$2 trillion, we inevitably end up passing on massive debt.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. GREGG. I ask for an additional 1 minute.

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

Mr. GREGG. As I said, it has to be intuitive, and I know it is intuitive for most Americans, that if we increase spending of the government by \$1 trillion to \$2 trillion—and our estimate is this program costs \$2.2 trillion in fact—and we cut Medicare to try to pay for that, or we try to raise taxes to pay for that, we are like a dog chasing a tail. It never will happen. The two ends just don't meet. They just don't meet. And what happens to the part that doesn't meet? That is called debt, and it goes to our children. It is not appropriate to do that after we have already put so much debt on their backs, especially in the last few months.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Iowa.

#### BIOFUELS AND THE EPA

Mr. GRASSLEY. Mr. President, last week, President Obama delivered a speech at the Massachusetts Institute of Technology on the environment and on clean energy. He made an appeal for congressional support for biofuels, wind, and solar energy, clean coal technology. Naturally, as father of the wind energy tax credit of about 18 years ago, I share President Obama's support for homegrown renewable energy. When the President was in the

Senate, he and I worked together to promote the production and distribution of biodiesel and ethanol. It is because of our common interest and shared support that I make an appeal today to President Obama.

The Environmental Protection Agency is currently reviewing a number of proposals that are incredibly important to our Nation's ability to reach its potential in terms of renewable fuel production. On September 3, I was fortunate to host EPA Assistant Administrator Gina McCarthy and Margo Oge, Director of the EPA's Office of Transportation and Air Quality, on a family farm in my State of Iowa. I was happy they accepted my invitation. It was a very good visit.

With the tremendous impact EPA decisions have on the family farmer, it seemed worthwhile for Administrator McCarthy and Director Oge to see American agriculture directly through the eyes of a family farmer. I also had the opportunity to share my concerns on many pending issues, and I believe these EPA officials were a welcome audience.

The first issue I am speaking about relates to the EPA's proposal to penalize biofuels for greenhouse gas emissions from supposed changes in international—I emphasize international—land use. I know President Obama is aware of my concerns because I relayed them to him personally over lunch at the White House on May 6 of this year. Their new renewable fuels standard, enacted in the year 2007, requires various biofuels to meet specified life cycle greenhouse gas emission reduction targets.

The law specified that the life cycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from indirect land-use changes. However, the proposed rule relies on incomplete science and inaccurate assumptions to penalize U.S. biofuels for so-called indirect land-use changes. Under the EPA's analysis, ethanol produced from corn reduces greenhouse gas emissions by 16 percent compared to gasoline. However, if you remove the murky science of emissions from indirect land-use changes, corn ethanol reduces greenhouse gas emissions by 61 percent compared to gasoline—remembering that the other figure was just 16 percent compared to gasoline. So you can see what we know from science—sound science—is ethanol is very environmentally positive.

The EPA's models conclude that changes in international land use—again, emphasis upon international land use—contribute more in greenhouse gas emissions than the entire direct emissions of ethanol production and use. The fact is, measuring indirect emissions of greenhouse gases is far from a perfect science. There is a great deal of complexity and uncertainty surrounding this issue. That is why Senator HARKIN and I, along with 10 other Senators, asked EPA earlier this

year not to include calculations of indirect land-use changes. But the EPA ignored the request of Senator HARKIN and myself.

In its proposed rule, the EPA grossly underestimates future crop yields that will help meet the demand without requiring new crop acres. In addition, the EPA fails to adequately measure the land-use credits for the feed value of corn ethanol coproducts. Similar miscalculations exist for biodiesel as I have explained for ethanol. The EPA miscalculated the value of coproducts associated with biodiesel production and even included a nitrogen penalty.

I wish to speak to the nitrogen penalty because it is a case of total ignorance on the part of the EPA. Farmers know that growing soybeans does not require nitrogen use. Soybeans, in fact, capture nitrogen and return that very valuable product to the soil naturally.

During consideration of the Interior appropriations bill last month, Senator HARKIN filed an amendment to block EPA from including the international component of the land-use change calculation. In response, EPA Administrator Jackson sent a letter to Congress claiming the amendment would prevent them from carrying out their statutory obligations.

There are two points that need to be made with regard to Administrator Jackson's letter to us in the Congress. First, the statute does not require the inclusion of international land-use changes. Nowhere does the word "international" appear in the statute. Second, in measuring greenhouse gas emissions, the statute states clearly:

Direct emissions and significant indirect emissions such as significant emissions from land use changes.

If the EPA can't determine the impact of land-use changes with any degree of certainty, how can it be sure the impact is significant? Isn't there the same probability it is entirely insignificant?

Importantly, the House of Representatives demonstrated its lack of confidence in the EPA's handling of this issue during consideration of the climate bill in June. In that bill, Agriculture Chairman PETERSON, Speaker PELOSI, and Energy and Commerce Chairman WAXMAN agreed to an amendment that recognized there is no scientific agreement or no consensus that links U.S. biofuels production to international land-use changes. The amendment blocked EPA's consideration of international land-use changes for 5 years, until it can be measured using what we ought to expect them to use—sound science. There is strong bipartisanship on the record in opposition to EPA's finding in this area. So I hope EPA gets the message.

The second issue pertains to the volume mandates required for biodiesel under the expanded Renewable Fuels Standard. The RFS-2 requires the use of 500 million gallons of biodiesel in 2009 and 650 million gallons in 2010. However, EPA's rulemaking to imple-

ment these volume requirements has not yet been finalized and may not be until well into next year.

The U.S. biodiesel producers are in a tough financial situation. They need this mandate—which Congress did enact—to ensure a domestic marketplace for their renewable fuels. While the EPA took action to increase the overall volume mandate to comply with the law, it has failed to implement the specific biodiesel mandate.

In early August, Senator CONRAD and I were joined by 22 other Senators in writing President Obama to ask for his help.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to President Obama.

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

U.S. SENATE,

Washington, DC, August 6, 2009.

Hon. BARACK OBAMA,

President of the United States, The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask your assistance to ensure that America maintains a viable domestic biodiesel industry that is capable of producing renewable diesel replacement fuel.

The Energy Independence and Security Act (EISA) of 2007 provides for renewable content in U.S. diesel fuel as part of the program's Advanced Biofuels schedule. Specifically, the Renewable Fuel Standard (RFS-2) requires the use of 500 million gallons of biomass-based diesel in 2009; 650 million gallons in 2010; 800 million gallons in 2011; and 1 billion gallons in 2012 and thereafter. This policy, if implemented in a timely and workable fashion, will promote the significant economic, environmental and energy security benefits associated with the domestic production and use of biodiesel.

The RFS-2 program was to begin on January 1, 2009, and the Environmental Protection Agency (EPA) was required to revise the current regulations to ensure the mandated volumes are met, including the volumes for biomass-based diesel. Recently, the EPA announced a two-month extension to the comment period for the new regulations. This extension will likely delay the implementation of RFS-2 well into 2010, causing further uncertainty and creating additional harm to biodiesel plants that have, as Congress intended, made substantial investments based on the volume goals provided for in the statute. The U.S. biodiesel industry desperately needs the market provided by the RFS-2 and cannot afford a significant delay in the implementation of the volume requirements mandated by EISA.

Domestic biodiesel producers face a practically non-existent domestic marketplace. Currently, 70% of U.S. biodiesel production capacity is idle. Domestic production is expected to be less than 50% of last year's levels and numerous bankruptcies loom for the industry. If this situation is not addressed immediately, the domestic biodiesel industry expects to lose 29,000 jobs in 2009 alone, and the nation's ability to meet the common-sense volume targets for biomass-based diesel provided for in RFS-2 will be compromised. A viable biodiesel industry is key to reducing U.S. dependence on foreign oil and meeting our nation's renewable energy goals.

Given the significant delays associated with RFS-2 implementation, the precarious state of the U.S. biodiesel industry, and the

volume goals established by statute for biomass-based diesel, we believe this matter must be addressed immediately. While EPA appropriately increased the overall volume mandate to comply with EISA, it has, to date, failed to implement the specific biomass-based diesel mandate. Therefore, we request that the Administration exercise its authority immediately, either by Executive Order or through Agency action or guidance, to provide greater certainty for the 2009 and 2010 RFS-2 volume mandates for biomass-based diesel. Prompt attention is critical to the survival of the biodiesel industry, will provide greater certainty in the marketplace, and is needed to further the energy security, environmental and economic interests of the country.

Thank you in advance for your consideration on this important matter.

Sincerely,

Kent Conrad; Chuck Grassley; Tom Harkin; Byron L. Dorgan; Jon Tester; Amy Klobuchar; Sam Brownback; Max Baucus; Pat Roberts; Christopher S. Bond; Roland W. Burris; Blanche L. Lincoln; Tom Udall; John Thune; Richard Durbin; Debbie Stabenow; Maria Cantwell; Ben Nelson; Patty Murray; Mike Johanns; George V. Voinovich; Tim Johnson; Richard G. Lugar; Al Franken.

Mr. GRASSLEY. Mr. President, the domestic biofuels producers are in a precarious state, so we asked President Obama to take immediate action to implement the volume mandates for biodiesel. It is in our Nation's economic and environmental interest to maintain a robust biodiesel industry. Unfortunately, no action has been taken to immediately implement the volume mandates.

Finally, the EPA continues to delay in approving higher blends of ethanol in our transportation fuels. Earlier this year, a number of ethanol producers submitted a request to EPA to allow higher blends of ethanol. Currently, ethanol blends are limited to 10 percent in nonflex-fuel vehicles. The waiver request is simply requesting that EPA allow ethanol to be blended at 15 percent levels instead of 10 percent.

While the waiver request was submitted back in March, the EPA has not made a decision. The EPA's delay in considering this request is having a negative impact on U.S. ethanol producers and is harming consumers who would otherwise benefit from lower prices at the pump. The delay is also putting off our efforts to use more homegrown renewable fuels in place of imports.

The delay is also putting off our efforts to use more homegrown renewable fuels in place of imported fossil fuels.

I recognize that prior to approval of higher ethanol blends, the requisite studies and testing must be concluded.

A number of scientific studies conducted in recent years confirm that higher ethanol blends do not cause significant changes in tailpipe emissions, vehicle drivability, materials compatibility or durability.

It is time to end the delays and take action to further reduce our dependence on foreign oil.

I am speaking today to ask President Obama and his staff at the White House to pay close attention to these three issues.

Our Nation currently has a strong, renewable fuels infrastructure that is working every day to reduce our dependence on foreign oil.

Those involved are also working diligently to increase efficiencies and strive toward the second generation of advanced biofuels. But, we can't get there by undermining today's industry.

The President can take action within his administration to ensure that no harm is done to the renewable fuels that are displacing dirty fossil fuels today.

He can ensure that EPA uses only sound science and avoids speculative assumptions when determining the greenhouse gas emissions of biofuels.

He can take action to see that America uses even more homegrown, green energy by ensuring that even more renewable fuel is blended in our Nation's transportation mix.

And, he can take action to immediately provide the certainty for biodiesel producers that Congress intended in the energy bill of 2007.

That is what I am asking him to do.

By zeroing in on these three pivotal issues facing the renewable energy effort today, President Obama and his staff can make a major positive difference for the production of even more clean, renewable, domestic biofuels.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNNS. Mr. President, may I inquire, is the procedure that we are going back and forth? If it is, I will defer to the junior Senator from Illinois.

The PRESIDING OFFICER. That is not part of the order.

Mr. JOHANNNS. I thank the Chair.

#### HEALTH CARE REFORM

Mr. JOHANNNS. Mr. President, I anticipate speaking about 10 minutes, and I rise to speak on the health care bill that is making its way to the Senate floor. Today, I wish to talk about just two topics relative to that health care bill, and those two topics are transparency and, of course, the all-important topic of taxes.

We all have been through elections. We know elections lead to promises. We say things out on the campaign trail. We make promises to the American people and to the people of our State. Well, last election, by any measure, was a historic election. Over and over again, the American people were promised change. They were promised middle-class protections. Very specifically, our President promised increased transparency. There would be no tax increases on the middle class. We can all quote that language—not one dime. But I have to tell you, everything I see about the health care debate at this point leads me to the conclusion that campaign promises are about to be broken.

Without a doubt—without a doubt—the American people clearly support more transparency in Washington. Yet health care has the same old politics. There isn't any transparency at the moment. I remember that famous tape of the President where he said: You know, we are going to do this in front of C-SPAN. We are going to see who is with the big insurance companies and who is with the people. Well, what is happening now? We are in the process of bills being merged—hugely different, monstrous bills—and we don't even know exactly what is going to be in those bills, and it is all happening behind closed doors. I just fundamentally ask the question: If this is good for America, then why be secret about it? It is altering one-sixth of our economy. It simply should not be happening behind closed doors. There is too much at stake.

Everyone should support the 72-hour transparency bill. It simply requires that legislation and a CBO score be available at least 72 hours before consideration. That is a commonsense idea and I think kind of a minimal idea, actually. A 1,900-page bill came out of the House—1,900 pages. Yet they are talking about a vote on that next week. I think most people would say: What is the rush? But we should at least get 72 hours, with a score, so we could talk to the American people about what is in the bill and what is not.

This leads me to the next piece of what I wished to talk about today, and that is taxes. A signature promise of the President's campaign was no taxes on families making under \$250,000. Wow. What an important promise to the middle class. Let's look at the taxes in the Finance Committee's bill. There are over \$500 billion of new taxes and fees. That is a very big number. Who is going to be hit with that? We have had studies done on it. The Joint Committee on Taxation analysis says this. It concluded that for 2019, roughly 77 percent of these taxes will be borne by middle-class tax payers; three quarters of the tax burden falls on those the President promised would not be impacted with higher taxes. What are the taxes? For anyone with a higher priced insurance plan, a 40-percent excise tax will be passed through to the worker. Higher health care costs, lower wages, I think. Any taxpayer who refuses to buy government-approved insurance will be penalized. These numbers could change, but right now it looks like \$750 for singles and \$1,500 for couples.

The CBO says this: Almost half of those paying this penalty tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of 4, earning \$22,800 and \$68,400 in 2013. Clearly they are in the middle class. Clearly they are under \$250,000. Call it what you will, to the people paying this, to them it will be a tax.

If you do buy insurance, prepare to be taxed by the new insurance industry fees. If you use a medical device, you will get hit with a new medical device

fee. If you contribute more than \$2,500 to a Flexible Spending Account, your taxes go up. Many taxpayers who purchase over-the-counter medicine will now see them taxed. Taxes and transparency—two issues.

I will continue, in the weeks ahead, as will my colleagues, to discuss the dangers of health care reform done wrong. Health care reform is needed, no doubt about it, but not rushed legislation with no transparency and so many new taxes on the middle class.

I will wrap up with this. I think overhauling 16 percent of the economy is too important to do fast and to not do right, so I respectfully suggest that we take the time to do it right and honor the pledges made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, over the last few months I have addressed this Chamber many times on the need for a strong public option as part of our health reform legislation. The need, I believe, is quite clear, but the controversy remains. There are some who continue to attack the public option as a “government takeover,” or an unnecessary intrusion into the free market. We must not be deceived by these baseless attacks. They are the instrument of a political opposition that cannot win this argument on the merits.

The American people know this better than anyone. They recognize that our health care system is broken and that they must not settle for anything less than comprehensive reform that only a public option can provide. They know that the insurance companies maintain a virtual monopoly over regional markets and that large corporations are squeezing families and businesses for extraordinary profits. Those who oppose reform see no problem with this lack of competition and accountability and that is why their arguments fall short. That is why their talking points seem tired and disingenuous, because they are out of touch with what is going on in America today.

Let’s reject the constraints of partisanship. Let’s shut out the lobbyists and special interest groups that stand to profit from the poor health of hard-working Americans. Let’s talk about why we desperately need a strong public option in this country right now.

The key problem with health coverage today is that American consumers do not have any options. The principles of competition and choice have always been at the heart of our economic system. They have driven innovation and they have served as the foundation of so many great ideas and achievements throughout our history. In many ways, these principles are uniquely American. Yet the health industry is somewhat exempt from their influence. Private insurance companies are free to fix prices, monopolize local markets and deny coverage to almost anyone for almost any reason. We have

seen unprecedented consolidations in the insurance market and that has led to a lack of competition and choice for American consumers.

In the past 13 years, there have been more than 400 corporate mergers involving health insurers. As a result, 94 percent of our Nation’s markets are now considered “highly concentrated,” meaning that they are post-antitrust concerns. In my home State of Illinois, just two companies control 69 percent of the market and, sadly, Illinois is far from alone. In Alabama, a single company controls more than almost 90 percent of the market and in Iowa, Rhode Island, Arkansas, Hawaii, Alaska, Vermont, Wyoming, Maine, and Montana, the two largest health insurance companies control at least 80 percent of the market. In fact, there are only three States in the entire country where the largest three companies control less than a half of the insurance market.

This is a staggering statistic. In that kind of highly concentrated environment, there is no incentive to compete. There is no reason to improve service, expand access, or work with patients and doctors to achieve better health outcomes. In fact, there is every incentive to do just the opposite. These companies continue to look for new, innovative ways to deny coverage to sick Americans. They increase premiums, they cap lifetime benefits, they increase corporate earnings at the expense of families and businesses that are already stretched to the breaking point. While the rest of us suffer the effects of recession, they post record profits. That is why health care premiums are growing four times faster than wages. That is why profits are up and, relatively, health outcomes are down.

In the last quarter, one major insurance company reported profits that had more than doubled when compared to the same quarter last year. In fact, between 2000 and 2007, 10 of the country’s top insurance companies increased their profits by an average of 428 percent.

Today, \$1 out of every \$6 spent in this country goes to pay for health care. This is wrong. This flies in the face of every value our Nation holds so dear.

It is time to stand up for the American people and restore the American values of competition and choice to the system. It is time to hold insurance companies accountable. It is time to create a strong public option that will make insurers compete for your business, like any other corporation in America.

There is nothing wrong with making a fair profit. I understand that. I have been in business myself. They have to make a profit. But there is nothing fair about creating a monopoly and then wringing money from the sick Americans who are counting on you in their hour of need.

That is why we need a strong public option. We cannot have real reform

without competition and we cannot have competition without a public option. A strong public option would be a self-sustaining, would provide a low-cost alternative to private companies, and would force them to improve their product or risk losing customers. The public option would give people a choice for the first time in many years. No one would be forced to change their coverage, but if their current provider isn’t treating them right, they deserve the opportunity to choose something better and more affordable.

The American people deserve the chance to shop around, to compare options and pick the plan that is right for themselves and their families or small businesses. That is what the public option would mean for Americans. That is why I will not settle for anything less. I will not compromise. I will not stop fighting. The good hard-working people in Illinois and across America demand the real reform that a strong public option would provide.

Now is not the time to back down. Now is the time to act with conviction. I urge my colleagues to join me in standing up for choice and competition in the health insurance industry. Let us rise to this challenge and include a strong public option in the reform bill we send to the President.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

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

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

#### CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, this is the week of two more 1,000-page bills. The House has produced a nearly 2,000-page health care bill which we are all looking forward to reading. The Senator from New Mexico and I are members of the Environment and Public Works Committee, and this week we have been spending almost all day each day on a nearly 1,000-page bill on climate change.

As I said on Tuesday when the bill was presented, I have no problem acknowledging the problem, but I do have a problem with the proposed solution. The National Academies of Science of 11 major industrialized countries, including the United States, have said that climate change is real and that humans are causing most of the recent warming. If fire chiefs with the same reputation said my house was likely to burn down, I would buy some fire insurance. I would buy fire insurance that worked. But I wouldn’t buy insurance so expensive that I couldn’t pay my mortgage or I couldn’t pay my hospital bill. That is my concern about the

solution that is a part of the Kerry-Boxer bill which we have been working on this week.

The Kerry-Boxer bill is a high-cost clean energy plan that will make it hard for Americans to support their families.

When the Boxer-Kerry cap-and-trade Bill is put together with the Energy Committee's Renewable Electricity Standard, it will be even bigger. It will be a combination of an economy-wide cap and trade and narrowly defined energy mandate. It will be a 1,000-page-plus bill of taxes, mandates, and surprises. But some things will not be a surprise.

We have heard this week a good deal of detail about the costs. At a time of 10 percent unemployment in America—and that is likely to continue for a while—it will impose a new national energy tax that will raise utility bills and send manufacturing jobs overseas looking for cheap energy. It will collect hundreds of billions of dollars each year from American taxpayers for use in a Washington slush fund for politicians to play with. Already we have corporations all over the country with their hands out looking for their share.

The economy-wide cap-and-trade, as has been said before our committee by very distinguished scientists, will be ineffective against fuel. Fuel is 30 percent of our carbon emitted today, which is a contributor to global warming. So the idea is that we put cap and trade on carbon, and it raises the price of fuel. But the testimony before our committee has been that it doesn't do much to reduce carbon emissions because even the large price increase in gasoline, for example, which will be passed on to those of us who drive cars, trucks, and fly in airplanes, would not be enough. It will be enough to cause a lot of pain, but it would not change much human behavior and reduce the amount of fuel consumed. The net result is higher prices but the same emissions.

The EPA has done a quick look at this nearly 1,000-page bill. Its conclusion is that its costs and benefits are much like the Waxman-Markey bill passed by the House of Representatives a few months ago. We know what people have said about that bill. President Obama's Budget Director, Peter Orszag, said in March that by giving the allowances to industry for free—instead of auctioning them—would result in the "largest corporate welfare program in history." That is President Obama's Budget Director.

The Congressional Budget Office said that the House-passed Waxman-Markey bill would cut up to 3.5 percent of our GDP by 2050. In other words, it will make us poorer than we would otherwise be. The Brookings Institute said the cost is likely to be \$300 billion annually by 2030. Former Senator Wirth of Colorado has criticized the bill as a cap-and-tax revenue raiser and said instead, it ought to focus primarily on utilities. James Hansen at NASA, who

feels passionately about climate change and believes it is a problem, as I do, says the bill is less than worthless.

So taken altogether, the strategy of this bill to deal with climate change is, taxes, expensive energy, and mandates, plus the President's goal of a national windmill policy—a combination of subsidies and incentives and mandates that would have as a goal making 20 percent of our electricity from giant wind turbines.

Mr. President, I believe our dream for energy ought to be just the reverse. We should want large amounts of reliable, clean, low-carbon, or carbon-free energy, but it should be cheap energy not deliberate high-cost energy because that is the way we create jobs and avoid hardships for American families. Our dream throughout our existence in this world has been that someday we would have cheap, energy for the people of the world so they could get out of poverty. We are fortunate in this country. We are just 5 percent of the people in the world, and we have 25 percent of the wealth, and we use about 25 percent of the energy. We should be leading the way and not have a policy that deliberately raises the price of energy. We ought to deliberately lower it.

So before we deliberately embark on a program to send manufacturing jobs overseas, which this unquestionably will—if you work in an auto plant or auto supplier plant or cement plant or aluminum plant, if this bill passes, your job is more likely to go overseas. Before we deliberately make ourselves poorer, we should try a low-cost strategy, and we have one.

Republicans—all 40 Republicans—have a 4-point, low-cost clean energy strategy, which I believe many Democrats agree with, and I believe President Obama agrees with a lot of it. So rather than this economy-wide, high-cost energy strategy, why not the following 4-point strategy:

No. 1, create the environment in which we could build 100 new nuclear powerplants in the next 20 years. That is the same number we have today—104. We built those in 20 years, between 1970 and 1990. Those plants produce 70 percent of our carbon-free electricity today. Wind and all of the renewable energies—except for hydropower produce 4 percent. So 100 more nuclear powerplants is No. 1.

No. 2, electrify half our cars and trucks in the next 20 years. This can happen. Almost every major automobile manufacturer is making hybrid-electric cars today. I drive a plug-in hybrid. I plug it in every night when I go home, and I put gas in my car about every 6 weeks. So we can electrify half our cars and trucks in 20 years. We can do it by plugging them in at night, when we have so much spare electricity. We can do it without building one new powerplant. That is according to the testimony of a former Brookings Institute scholar who is now in the Obama administration as Assistant Secretary of Energy.

No. 3, we can explore offshore for low-carbon natural gas and for our own oil. Natural gas has suddenly become in abundant supply, and the price is low. We can use more of it for energy, for electricity. We need to be careful with that. We did that once before and the price went up to \$15. But we have a new abundant supply of natural gas. It is our own and it is not overseas. We should find it and use it. It is low carbon. While we are at it, we should find our oil. Even if we drive half our electric cars—which will reduce our oil from overseas by one-third—we will still be using 12 or 13 million barrels of oil a day just for transportation, and we will be better off if we use our oil instead of oil from places overseas, from countries who don't like us.

The fourth item is to launch four mini Manhattan Projects like the one we had in World War II. Secretary Chu, the distinguished physicist who is President Obama's Secretary of Energy, calls them "innovation hubs." We can launch four Mini Manhattan Projects, or innovation hubs, to find ways to recapture carbon from coal plants. We know how to take nitrogen, sulfur, and mercury out of coal plants. We need to find a commercially viable way to take the carbon out.

A mini Manhattan Project could make solar power costs competitive. Today, it costs four or five times as much as other electricity. It is too expensive to use in a widespread way.

Germany, which has invested much of its future in solar power, gets less than 1 percent of its electricity from solar power. We are nearly at zero in the United States. We need a mini Manhattan Project to make electric batteries better so that our cars can go 400 miles instead of 100 miles with electricity, a mini Manhattan Project to recycle used nuclear fuel in a way that doesn't isolate plutonium.

This strategy, as I said, is supported by all 40 Senate Republicans, and many Democrats and, I believe, some of that the President embraces: nuclear powerplants, electric cars, offshore exploration for natural gas and oil, and double energy R&D for four mini Manhattan Projects for carbon recapture, solar power, electric batteries, and recycling used nuclear fuel. This strategy doesn't drive manufacturing jobs overseas. It doesn't put an ineffective cap and trade program on fuel and raise the price of gasoline without reducing much carbon.

That is much better than a national windmill policy, which is what the Obama administration and our current subsidies basically have in store for our future. Let me say what I mean by that. To produce an additional 20 percent of our electricity from nuclear power, we would need 100 new nuclear reactors on 100 square miles. Most of them could be built on sites where we now have reactors. We have been doing this successfully since the 1950s. We have a nuclear Navy. We produce 19 percent of our electricity from the 104

reactors we have today. But the proposal of the administration is to build 20 percent of our electricity from wind power. That would require 186,000 50-story wind turbines whose blades are the size of a football field. It would require 19,000 miles of new transmission lines from remote places, through your backyard, over your scenic viewscape, to bring that electricity to your house. It would require \$170 billion in taxpayer subsidies over the next 10 years, while the subsidy for the same amount of nuclear power would be about \$6.8 billion, according to current law.

It would turn our ridge tops and coastlines and treasured landscapes into junkyards in the sky. According to statistics from the American Bird Conservancy these turbines could kill more than 1 million birds a year. These turbines would work one-third of the time. That means we would have to build nuclear power natural gas plants, or coal plants, to back up these 186,000 turbines that would cover an area the size of West Virginia. That is a project for our country that ranges from impractical, to expensive, to preposterous, especially when we have available the possibility of doing what we did before—adding 100 new nuclear reactors, which the rest of the world is doing.

What happened to nuclear power? If we were going to war with the successful nuclear Navy created 60 years ago and it was doing exactly what we wanted it to do as the world's leading military, with thousands of our sailors living safely on top of those reactors, why would we stop building nuclear ships and start using sailboats for our national defense? That is tantamount to what the current administration's energy policy is doing with a national windmill policy.

We should build 100 new nuclear powerplants as rapidly and as safely as we can. It is the cheapest and most reliable way to reduce carbon and deal with climate change, and it is the fastest way to do that—just as electrifying half of our cars and trucks would be a fast way to reduce foreign oil and reduce emissions in the transportation sector. We invented nuclear power. It is one of our great technologies—maybe the most important technology in the last 100 years, and we haven't built a new nuclear powerplant in 30 years—even though the old ones we have are producing 70 percent of our carbon-free electricity.

What is the rest of the world doing? China is building 132 new nuclear powerplants. The head of a French company that makes large turbines for powerplants was in my office the other day. He told me China is starting a new nuclear plant every 2 to 3 months. France is 80 percent nuclear and has among the lowest electric rates and carbon emission rates in Western Europe.

We hear a lot about green jobs. Spain has a lot of green jobs. Unfortunately, many of the rest of Spain's jobs are

going to France because the electricity rates are lower in France, and they are high in Spain because they favor unreliable and expensive renewable electricity over nuclear power. Japan is 35 percent nuclear and growing. Taiwan, India, and the United Arab Emirates are building them. Russia is building two nuclear plants a year so they can use their natural gas as currency with the rest of Europe. But we invented nuclear technology and we haven't started a new nuclear powerplant in 30 years.

Why don't we go full speed ahead? We believe this is a more sensible, practical, low-cost solution for dealing with climate change. I will speak for myself; we have many different views on climate change in the Republican caucus. We have the whole spectrum. Not everybody agrees with me that it is a real problem and humans are causing it and we ought to deal with it as rapidly as we reasonably can. But here is the way we should do it.

If we, by 2030, build 100 new nuclear plants, and if we electrify half of our cars and trucks, we would be producing about 40 percent of our electricity from nuclear. Natural gas would be about 25 percent, hydro would be 10, wind and solar maybe 5 to 10. With these two efforts—nuclear power and electric cars—we would reach the Kyoto protocol goals for carbon emissions by 2030 without a significant increase in energy prices.

If in the meantime our mini-Manhattan projects for research, solar, carbon recapture, recycling nuclear waste, and electric batteries worked, we would be even more successful in reducing emissions, all without a national energy tax.

One might say: What is going to make all that happen? I would say two words: Presidential leadership. President Obama is very persuasive. He can set a goal and mobilize the country. That is part of the President's job: See a need, develop a strategy, and persuade half of us he is right. I think he can get a lot of Democrats.

He could start removing barriers to nuclear plants, speed up approval of designs for them. If China can start them every 2 or 3 months, we ought to be able to do so as well. He could provide incentives, such as \$100 billion in loan guarantees—and those would all be paid back not just for nuclear but for all clean energy. His budget could fund the mini-Manhattan projects. Dr. CHU has recommended we do that.

At a town hall meeting recently, President Obama said the United States would be "stupid"—those were his words—not to use nuclear power. I was glad to hear him say that. I was disappointed when he went to the United Nations Climate Change Conference in New York and lectured the other countries about not doing more about climate change and he didn't mention the words "nuclear power." Meanwhile, Chinese President Hu Jintao said his country would "vigor-

ously" develop nuclear power to combat climate change and they are building 132 nuclear plants. But I was glad to hear what President Obama said in New Orleans.

As we move through the Senate on the debate on climate change, I ask colleagues on both sides to look carefully at this economy wide cap and trade. We have had some experience with cap and trade on small dollars for coal plants and sulfur. That does not translate very well to what is being proposed here. It does not work on fuel, which is 30 percent of our carbon. It raises the price without reducing carbon emissions, it drives manufacturing jobs away, and it raises utility bills. We don't need to do it.

With Presidential leadership, we could build 100 nuclear plants, electrify half our cars and trucks, find new low-carbon natural gas, launch the mini-Manhattan projects, and meet our clean energy goals without a national energy tax, without running jobs overseas looking for cheap electricity.

All 40 Republican Senators agree with this agenda. So do many Democrats. President Obama agrees with much of it. Then why are we pushing a high-cost national energy tax and subsidizing 186,000 windmills when we should all agree on a low-cost, clean energy plan that will create good jobs and power our economy for the 21st Century?

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Pennsylvania.

#### FOOD SECURITY

Mr. CASEY. Mr. President, last week the United Nations Food Agency announced there are now a record 1 billion people in the world who go hungry—nearly one-sixth of the world's population. The crisis that caught the world's attention last year has escalated and has had a devastating effect in all corners of the globe.

On my left is a headline from the Associated Press from a few days ago: "A Record One Billion Are Hungry, U.N. Report Says." This chart tracks from 1969 forward. We can see where it remained relatively stable for a while and then started to pick up in the early part of this decade, to the point now it is above 1 billion and is going in the wrong direction, going far too high—1 billion people in the world hungry.

While the number of undernourished has increased steadily since the 1990s, there was a sharp spike last year due to the global food crisis. We can work to address this problem, I believe. We should work to address this problem, and I believe we must work to address this problem.

Some people might say there is a bad economy in the United States. We have other major challenges and priorities. Why should we worry or address a problem that might seem too big to deal with and it is mostly about other places, they might argue.

We know what hunger has done here in America, what a lack of food security has done to our country. But we also know it has devastating impacts across the world.

There are at least two major reasons why the United States of America has to be deeply concerned about that headline of 1 billion people going hungry. First, it is a humanitarian crisis of incalculable proportions. As one of the richest countries in the world, we have, I believe, a moral obligation to help as we can and help when we can. I think this is one of those moments.

This crisis is solvable with a combination of assistance and emphasis on providing small farmers around the world with the know-how, the technology, and the means to provide for themselves.

There is also a second reason why we have to address this problem, and it involves something as fundamental as national security.

Instability arising from conflict over access to food is a documented and real problem. It is irrefutable based upon what we have seen in the last couple of years. Last year's food crisis, unfortunately, brought this into acute focus. We saw it in Somalia where struggles to gain access to food have enveloped population centers in violence. We have seen it in Egypt during last year's bread riots. And we have seen it in Haiti where hospital beds filled last year with those injured during food riots. Increased instability in any of these countries, not to mention so many others, has a direct impact on U.S. national security and our national interests.

There are a host of examples from across the world that illustrate the scope of the problem. Here are a few.

Higher rates of hunger are shown to be linked to gender inequality, especially in terms of education and literacy, which also negatively affects the rate of child malnutrition. It is estimated that 60 percent—imagine this—60 percent of the world's chronically hungry are women and girls. Sixty percent of those chronically hungry in the world are women and girls. And 20 percent of that 60 percent are children under the age of 5.

This is particularly evident in Chad which, according to the International Food Policy Research organization, ranks fifth worst on the 2009 global hunger index, second in terms of gender inequality, and has a female literacy rate of 13 percent, compared to 41 percent for men in that country.

IFPR's research shows that equalizing men and women's status could reduce the number of malnourished children in Chad by 1.7 million people in sub-Saharan Africa and a shocking 13.4 million in South Asia.

It goes beyond the one example in Chad. Hunger in Pakistan poses both problems. It poses both a humanitarian problem as well as a security problem. Last year, over 77 million people in Pakistan were considered "food inse-

cure" by the World Food Program. That is nearly half of the population of that country. As Pakistan's military is conducting new operations against the Taliban, that number is expected to increase. Hunger and competition for food can lead to further instability and potentially undermine government leadership at a very critical time.

Finally, the last example. In South America, Bolivia remains one of the least developed countries with more than two-thirds of its population living below the poverty line. Poverty is the main cause of food insecurity in Bolivia. The income of 40 percent of its population and 59 percent in rural areas is not enough to meet basic food needs. This also has had a real impact on the health of the population. Malnutrition, for example, in Bolivia has stunted the growth of nearly 30 percent of children.

What should be done to address this urgent humanitarian and national security crisis? A couple of things. First, for too long, the international community has relied on an assistance model that provided food but not the capacity to grow food. We are starting to see a shift in thinking as the assistance community is more strategic about how they provide the training and technical assistance necessary to help the world's hungry.

In 1980—another stunning number that I recite here—17 percent of aid contributed by foreign countries went to agriculture. This number plummeted to 3.8 percent in 2006 and has only slightly improved in recent years. Imagine that: The percent of aid contributed by foreign countries that goes to agriculture was 17 percent worldwide but has now gone down to a little less than 4 percent.

Last year, the Bush administration responded quickly to the food crisis with emergency assistance. I was proud to be part of an effort to urge them to do that along with Senator DURBIN and others. This was an important thing to do at the time and it was the right thing to do. While we may need to provide additional emergency aid to address the current crisis, we should simultaneously attack the root cause of the problems.

I applaud President Obama and his administration for their efforts to help the hungry in America and across the world. In September, the White House announced the Global Hunger and Food Security Initiative, a comprehensive approach to food security based on a commitment, led by people in the administration, that focuses on both planning and collaboration. Secretary of State Clinton is leading a visionary "whole of government" effort to help the world's hungry. As the administration works out the details of implementation, I hope and trust we will maintain a sharp focus on the ability of small-scale farmers to grow food at an increased and sustainable rate.

In the Senate, we have also worked to bring attention to the world's hun-

gry. Senator LUGAR, a respected leader in this field for decades, and I joined together to introduce the Global Food Security Act earlier this year.

Our bill has three fundamental objectives. First, the bill will provide for enhanced coordination within the U.S. Government so that USAID, the Department of Agriculture, and other involved entities are not working at cross-purposes. We do that by establishing a new position, the Special Coordinator for Food Security, who will report directly to the President of the United States on international food security issues and who would forge a comprehensive food security strategy.

Second, our bill would expand U.S. investment in the agricultural productivity of developing nations so that nations facing escalating food prices can rely less on emergency food assistance and instead take the steps to expand their own production.

Every dollar invested in agricultural research and development generates \$9 worth of food in the developing world. This provision can serve as a vehicle for the President's pledge to more than double the U.S. agricultural development assistance over the next 3 years.

Third, our bill would modernize our system of emergency food assistance so that it is more flexible and can provide aid on short notice. We do that by authorizing a new \$500 million fund for U.S. emergency food assistance when appropriate.

Finally, we should note that our bill, the Global Food Security Act, has passed through our Senate Foreign Relations Committee, and we hope it will be on the Senate floor soon.

This is one of those rare occasions where a serious crisis is greeted with serious administration support, inter-agency cooperation, as well as—we don't hear this too often—bipartisan collaboration in the Senate and House. This is the right thing to do and will ultimately enhance the security of the United States and our allies.

The global food crisis last summer had a devastating effect on the poor in every corner of the world, and today we continue to see its terrible results. In times of economic troubles, it is difficult to find funds for all programs, including international affairs. Yet I believe we are summoned by our conscience to respond to this humanitarian crisis.

I also believe we have an obligation—a deep abiding obligation—to strengthen our national security by enhancing food security here at home and around the world, especially in places where food insecurity threatens U.S. national interests.

If enacted, the Global Food Security Act has the potential to help us meet these challenges and obligations. We have a plan that can work. Let's start to attack the roots of this terrible problem so another record number of hungry is not set next year, and let's hope we can somehow alter or change that headline of 1 billion people going hungry in the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### SENATE HOLD ON GSA NOMINEE

Mr. BOND. Mr. President, earlier today, apparently, our distinguished majority leader came to the floor and noted that a nomination for GSA—made on the opening day of Major League Baseball season—still remains unconfirmed for the job and said it was “because a Republican Senator is demanding a Federal building is built in his home State.”

Obviously, I am that Senator. I thank the good Senator from Nevada for raising that question because I and a bipartisan group of Members of Congress and the leaders of the Kansas City area have been working with the GSA for the past several weeks to resolve the concerns I have and get some questions answered on a project very important to the Kansas City community.

Our conversations have amazingly become very productive, and the GSA has assured me they will have information to share very shortly. Unfortunately, until I put this hold on the nominee, progress was not quite so quick. But I expect the issue to be resolved shortly, in what I hope is a matter of a couple days, to the benefit of the GSA and certainly to the benefit of the Kansas City greater community.

Let me point out one other thing before leaving the floor. The community of Kansas City—all of the leadership, the elected officials and others—had gone together to work with the GSA to get a building—a new building—to replace an existing building, which by any stretch of the imagination is extremely expensive, is partly occupied, and is not conducive to good work, as a good workplace, and it needs to be replaced. We had gone all the way through, gotten GSA approval and gotten to OMB. Then it was held up in the Senate. After all the financing had been committed to construct a building on a lease-to-own basis, they decided to pull the plug.

The Commissioner of Public Buildings has assured me that the existing facility is not a fit place for the workers to work. So I had asked and inquired of GSA and advised them that Kansas City needs to know what the plans are. As I say, our bipartisan congressional delegation is now receiving great cooperation, and we are working hard to get this resolved. We hope to do that shortly.

I also want to point to the fact that, according to a report in governmentexecutive.com, delay on this nom-

ination reaches back long before my informational hold, which occurred in late July. Since Senator REID suggested the nomination has been pending since April, it raises the question: Why wasn't she approved in April, May, June or July, prior to my informational hold? That was a period during which the baseball season started and stretched long past the All-Star break.

According to governmentexecutive.com, the delay was because of concerns by Senator REID that GSA allow Federal employees to travel to Las Vegas to meet, gamble or whatever one does in Vegas. It is important to the Federal employees in Kansas City that they have a building that has a roof that doesn't leak—a proposition of which GSA concurs. Senator REID apparently wants Federal employees to be able to visit Las Vegas, and certainly I want Federal employees to have a good place to work. Senator REID has his priorities regarding the delay on this nomination and I have mine. He wants more people in Las Vegas; I want to get the building that had been promised and was expected by the Federal employees in Kansas City.

Assuming the report in governmentexecutive.com is accurate, I wish to make sure it is clear to the Senate that the delay in approval of this nomination has more than one father and is truly bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

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

[From Congress Daily, Sept. 14, 2009]

#### SENATE MAJORITY LEADER SLOWS ACTION ON GSA NOMINEE

(By Dan Friedman)

Senate Majority Leader Harry Reid, D-Nev., has missed few chances to complain about blocked executive nominations, regularly ripping Republicans for holds that he said are designed to limit floor time for Democratic legislation.

On Thursday, for example, Reid faulted Republican “stalling tactics” for forcing a cloture vote before the confirmation of Cass Sunstein to head OMB's Office of Information and Regulatory Affairs. In a June floor speech, he blasted Republicans for placing holds on more than 20 nominations.

But multiple Democratic and Republican staffers say Reid himself slowed action on one of the highest-ranking nominees awaiting confirmation, Martha Johnson. She is President Obama's pick to head the General Services Administration.

Johnson, a former GSA chief of staff, cannot start her job until she is confirmed, a GSA spokeswoman said.

Reid is keen to promote travel to Nevada, where he faces a tough re-election fight next year. Aides said he delayed confirmation of Johnson while seeking assurances that the agency, which oversees federal travel policy, did not discourage federal employees from traveling to Las Vegas for business conferences.

Johnson's nomination cleared the Senate Homeland Security and Governmental Affairs Committee in June, and drew no GOP objections when it was circulated to all Sen-

ate offices. But a Democrat apparently held up the nomination and prevented a floor vote, Senate staffers from both parties said.

“We later learned that Reid has expressed some concerns about travel,” said a senior Republican aide. “He had some concerns about that and was using the Martha Johnson nomination as leverage with the White House and GSA.”

The aide said Reid did not place a technical hold, which would not be needed since the majority leader controls the floor schedule.

“It is not accurate to say that Sen. Reid had a hold on the nomination. . . . It is typical practice that a nomination is reviewed once it is received,” a Democratic leadership aide familiar with the matter said. “There were a couple of issues that needed clarification on the nomination.”

Reid has touted his concern about agencies limiting travel to Las Vegas. In an exchange of letters in July, he asked White House Chief of Staff Rahm Emanuel to ensure federal agencies do not prohibit travel to Las Vegas and other conference destinations that “are considered too leisure oriented.” On July 27 he sent a letter asking federal agencies not to limit travel to any specific U.S. cities.

After Reid's concerns were resolved, Sen. Christopher (Kit) Bond, R-Mo., placed his own hold on the nomination last month because of concerns about delays in a federal construction project in Kansas City. Bond has met with Johnson, but is continuing the hold while waiting for further information from the nominee, a spokesman said.

Mr. BOND. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Yes.

Mr. BURR. I ask unanimous consent to speak in morning business for 20 minutes.

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

#### SECOND AMENDMENT RIGHTS OF VETERANS

Mr. BURR. Mr. President, I come to the floor today to talk about an issue I have been working on for 2 years—namely, ending the arbitrary process through which our own government takes away the second amendment rights of veterans. Let me briefly describe what I mean about this issue.

As most of my colleagues know, the Federal Gun Control Act prohibits the sale of firearms to certain individuals, including convicted felons, fugitives, drug users, illegal aliens, and individuals who have been “adjudicated as a mental defective.” Furthermore, the Gun Control Act prohibits possession of firearms by any of these classified individuals. Needless to say, it is a serious matter. Criminal prosecution is

an option against those who violate the law.

The Brady Handgun Violence Prevention Act requires the government to maintain a database of these individuals. We call this the National Instant Criminal Background Check System, NICS. The Brady law and the NICS database aim to prevent those who may pose a danger to society or to themselves from purchasing a firearm. Gun owners reference to the NICS screen customers—again, it goes without saying it is a serious matter to have one's name on NICS.

Every American should expect a rigorous and fair process before their right to buy arms and bear arms is taken away, especially when criminal prosecution is involved. Unfortunately, when it comes to certain veterans, their spouses, their dependent children, their dependent parents, the process is neither rigorous nor fair. Since 1999—now 10 years—the Veterans' Administration has sent the names of 116,000 of its beneficiaries to the FBI for inclusion under the NICS list. Again, the NICS list means those 116,000 individuals can never purchase a firearm. None of these names were sent to the FBI because they were determined to be criminals or a danger to themselves or, for that fact, a danger to others; they were listed in NICS because they couldn't manage their own financial affairs. We should not take away a constitutional right because someone can't balance their checkbook on time.

VA's review process for assigning a fiduciary is meant to determine one's financial responsibility in managing VA-provided cash assistance, such as VA disability payments, pension benefits, and other benefits. For example, a veteran may be assigned a fiduciary if they have a credit problem. The VA focuses on whether benefits paid by the VA will be spent in a manner for which they were intended to be spent. If you held that threshold to every veteran, you would probably assign a fiduciary to all of them because we don't know in fact where the payments go or what they were intended for.

Nothing involved in the appointment of a fiduciary even gets to the question of whether an individual is a danger to themselves or others or whether the person should or should not own a firearm. Yet that is exactly what happens when the VA appoints a fiduciary to one of our Nation's veterans.

Let me put a human face on the issue, if I can. I want to read excerpts from a letter I received from Jennifer Briest. I have her approval to read it. Jennifer is the wife of Corey Briest. Corey served in Iraq. He was a paramedic. He was severely injured in an IED explosion in 2004, which caused severe burns, damage to his lungs, and severe traumatic brain injury after shrapnel entered his skull. Corey has spent the last 5 years recovering from his injuries. Jennifer reports that he is walking, talking, and enjoying life at home with his two children.

Now it gets really sad. Because of his head injury, Corey still requires help with certain things. The VA said he needed help managing his disability compensation payments, and they named Jennifer, his spouse, as his fiduciary. That is where I would like to read from her letter. Again, I quote from her letter:

On May 19, 2009, we had our annual fiduciary meeting with the VA field examiner. At the end of the meeting our field examiner said he needed to read a statement to us. He read the Brady bill statement and then stated that Corey can't own, possess, use, be around, et cetera, any firearms. He then went on to say that anyone in our household can't own a gun while living in this household.

I asked him about Corey going on adaptive hunting trips and he said that he couldn't. Corey stated that he had a gun that was handed down from his grandfather and that Corey was going to hand it down to his son and the field examiner told him that he couldn't have it. He stated to Corey that if he did own a gun or be around a gun that he would be threatened with imprisonment.

The way that field examiner talked to Corey about this issue was not appropriate. The field examiner said that I could challenge it and handed me a blank sheet of paper with a VA heading. I asked the field examiner for the statement he read to me, but he said that he had to ask his boss [if he could actually provide a copy of that statement]. After two weeks of me e-mailing him, I finally got the attached papers in the mail. I think the VA is taking this way out of concept and I would greatly appreciate your support.

Well, in case any of my colleagues think the government would never prosecute someone like Corey Briest for possession of a firearm, being around a firearm, I wish to read to my colleagues excerpts from a VA directive that went out to all VA regional offices on September 29, this year, on this very issue.

The directive is meant to inform fiduciary field examiners of their obligation if they were to witness a violation of the Brady Act. I am going to quote from this VA memorandum to their field examiners.

Field Examiners or other VA employees who encounter beneficiaries believed to be in violation of the Brady Act are required to notify the Fiduciary Activity Manager as soon as safely possible. At no time should the employee place him/herself in danger. The Fiduciary Activity Manager at the VA regional office of jurisdiction must immediately report the alleged violation to the Bureau of Alcohol Tobacco and Firearms at 1-800-ATF-GUNS.

That is straight out of the Department of Veterans Affairs memorandum to their field examiners. For 2 years I have gone through this in the VA Committee. I have tried to plead with my colleagues that this is a breach of the second amendment of our country's veterans, that no veteran who has had their name reported of the 116,000, have ever been judged by a court to have a mental deficiency. In most cases, this is because there is a fiduciary needed to make sure they stay up to date. But there is not an incapacity on their part that has been judged to be a flaw in

their judgment. Quite frankly, I find it offensive. I find the language of this directive offensive because the premise seems to be that our veterans are dangerous.

But as I mentioned, there is nothing about the current process that even gets to the question of an individual as dangerous. The current process is also a double standard. Only VA beneficiaries fall under these guidelines. The Social Security Administration assigns fiduciaries to help beneficiaries every single day. Yet it does not send their name to the NICS list.

We have a policy on the books that discriminates against individuals because they wore our Nation's uniform, because they fought on behalf of this country. I find it unacceptable and it must end.

I have a bill, S. 669, that would prohibit the VA from continuing this arbitrary and unfair practice. It would require a judge, a magistrate, or another judicial authority to determine that a VA beneficiary is a danger to themselves or to others before their name could be sent to the NICS list.

Twice the Veterans Affairs Committee approved this bipartisan legislation to afford veterans with due process before their second amendment right was snatched away from them. But twice the bill languished on the Senate floor. S. 669 was approved unanimously by the committee back in May. But it has gone nowhere. And the question is: Can veterans wait any longer or should veterans wait any longer?

I am not here to ask that we put guns in the hands of dangerous people. I am here to ask you, to plead with you, that we treat veterans fairly and that their rights are protected like every other citizen.

Many of our veteran organizations and other groups agree with me. The Veterans Second Amendment Protection Act has the support of the American Legion, the Veterans of Foreign Wars, AMVETS, the Military Order of the Purple Heart, the National Alliance on Mental Illness, the National Rifle Association, and Gun Owners of America.

I plead with my colleagues: Ask for S. 669 to be brought to the floor. Do not sit back and say this is an obscure thing that the VA sometimes engages in and sometimes does not. Again, September 29, 2009, 1 month ago, this directive goes out: Subject: Reporting violations of Brady Handgun Violence Prevention Act.

This letter provides guidance to our field personnel who may encounter violations—

Violations by a veteran who served his country, is not a danger to himself or to anybody else, but has been deemed to need fiduciary help even if it is a spouse and a second amendment right was yanked from his hands, and now the VA says to their field examiners: Report it because we will prosecute these individuals.

I am not exactly sure how to respond to Jennifer Briest. That letter she sent

me about: Corey continues to make progress after an IED explosion December 4, 2005.

How do you say to a kid who served his country, who is raising a family: One, we had to turn you in so you can never own a gun. And, two, that gun your father handed down to you, Corey, you have to get rid of it. You cannot hand it down to your child, because even if you handed it down today to your son living in your home, they cannot have that gun, because the Veterans Administration says you cannot.

But if a fiduciary was assigned to Corey's father or to his mother, the Social Security Administration does not send that in to the NICS list to deprive them of their second amendment right. This is the most unfair thing I have seen this country do. It is time we end this practice. It is time we respect our veterans. It is time we treat them fairly. It is time we uphold the Constitution of this United States.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2996

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2996, Interior appropriations, there be 2 hours of general debate on the conference report, with the time equally divided and controlled between the two leaders or their designees; that if any points of order are raised against the conference report, then any motion to waive the point of order be debated within the time limits provided for debate on the conference report; that upon the use or yielding back of time, and disposition of points of order, if the motions to waive are successful, then the Senate vote on adoption of the conference report, with no further motions in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I will be brief. I know the Republican leader is busy, but I just wish to make a couple of comments on a couple of nominations.

A woman by the name of Tara O'Toole has been nominated to be Under Secretary of Science and Technology at the Department of Homeland Security. This woman has such won-

derful qualifications. She is presently the CEO and director for the Center for Biosecurity at the University of Pittsburgh Medical Center. She is a professor of medicine and public health at the University of Pittsburgh. The Center for Biosecurity is an independent organization dedicated to improving the country's resilience to major biological threats.

Dr. O'Toole is internationally known for her work on biosecurity and on health and safety issues. She has written volumes, literally. She is published in areas of Anthrax, smallpox, plague, biological attacks, containment of contagious disease epidemics, biodefense research, hospital preparedness. These are areas that she has written in. She is coeditor in chief of the Journal of Biosecurity and Bioterrorism. She was a principal author and producer of "Dark Winter," an influential piece of work done in 2001. She has served on numerous government and advisory committees. Her education is significant: a bachelor's degree from Vassar College, a medical degree from George Washington University, and a master of public health degree from Johns Hopkins University. She has completed an internal residency at Yale and a fellowship in occupational and environmental medicine at Johns Hopkins. This is a remarkably powerful foundation for someone who is going to be the Under Secretary, the deputy, second in charge at the Department of Homeland Security. It is such an important job, Under Secretary of Science and Technology.

I had a call on Monday from the Secretary of Homeland Security, Janet Napolitano, saying: I am desperate for this woman. My staffing for bioterrorism is depending on her. She is a person I am going to depend on for the pandemic that the President declared with the H1N1 flu. So I am really concerned about not being able to get this woman confirmed.

I ask unanimous consent, therefore, that the Senate proceed to executive session to consider Calendar No. 331, the nomination of Tara O'Toole to be Under Secretary of Science and Technology at the Department of Homeland Security; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further motions in order; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. We do have some objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would renew my request and inquire about the possibility of a 2-hour time limit of debate on the nomination or any reasonable time agreement, or I will even take an unreasonable time agreement at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. There are objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I am going to ask unanimous consent that the Surgeon General be confirmed. This is a wonderful woman who has dedicated her life to taking care of the poor and underprivileged. She has done that for two decades on the gulf coast rather than going to some fancy place and seeing how much money she could make. She didn't do that. She has garnered nationwide praise for founding a rural health plan in Bayou La Batre, AL.

More than 40 percent of the town's 2,500 residents have no health insurance. In 2002 she became the first African-American woman to be president of the Medical Association of the State of Alabama. She would be a terrific Surgeon General. Her family situation directs attention to the need for taking care of people who need help. Her father died of diabetes and hypertension. Her brother died at 44 with HIV-related illness. Her mother died of lung cancer. She certainly is qualified and needed during this crisis.

I, therefore, ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Dr. Regina M. Benjamin to be Surgeon General of the Public Health Services of the United States; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further action in order; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, I think there is a good chance this nomination will be cleared. I need to hotline this nomination. If it comes out the way I anticipate, we should be able to confirm this nominee in wrap-up. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I thank the Chair.

UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back—and we are talking about the unemployment extension bill—and the motion to proceed be agreed to; that once the bill is reported, the following be the only first-degree amendments in order to the bill; that debate time on the listed first-degree amendments be limited to 60 minutes each, except the Baucus-Reid substitute, which would be debated within

the time limits provided for the bill; that general debate on the bill be limited to 60 minutes, with that time equally divided and controlled between the leaders or their designees; Baucus-Reid substitute amendment, which contains unemployment insurance extension and net operating loss provisions, as well as the negotiated home buyer tax credit language; the JOHANNIS amendment regarding an alternative substitute; that upon disposition of the amendments, the Baucus-Reid substitute amendment, if amended, be agreed to, the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will object, this is the same subject we have been going back and forth on for days. I have pared back our request for amendments significantly, but we are still unable to get even a modest three amendments on this side of the aisle. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, we have more than a million people, as we speak, who have no unemployment insurance. These are the most desperate of the desperate. They have long since lost their jobs. If we can recognize that what would stimulate the economy is giving somebody who has been out of work a long time a check, and they will spend it—we have more than a million people wanting to spend that money, maybe to pay rent or make a car payment they are behind on to stop the car from being taken sometime in the middle of the night.

We have agreed to a bipartisan amendment dealing with first-time home buyers that has been worked on by JOHNNY ISAKSON. It was his idea originally. We have Senator BUNNING, who offered an amendment dealing with net operating loss. We have agreed to that. I would even be willing to modify my unanimous consent request and include the Corker-Warner amendment regarding TARP trustees, another bipartisan amendment.

The Republicans have dropped their request for having an amendment on E-Verify, which took several days to work out. I appreciate that. They have dropped their request to do another in the long line of amendments dealing with ACORN. But now they are hung up on a TARP amendment that would basically sunset the program. This isn't the time to do that. This is just an effort to delay and divert attention from this most important issue.

Even if that weren't the case, the House of Representatives—I spoke to STENY HOYER at 3:30. I told him I would call him in the next half hour, 45 minutes. They will accept what we have talked about for first-time home buyers and the work we have done with net operating loss, but they are not going to accept terminating TARP. That is

basically what it is. It sunsets it. We know there is a time limit on it, anyway, statutorily. It seems to me there should be a better time to debate this, dealing with a multibillion-dollar program.

So I hope my modification, which basically would add to it the alternative substitute by Senator JOHANNIS and the Corker-Warner amendment regarding TARP, would be agreed to.

I say to the distinguished Republican leader that we will not be able to accept the request to do the sunset of TARP tonight. I think it is unfortunate that we cannot approve what we agree upon. Today is Thursday. I have already explained to the distinguished Republican leader—and he understood it, anyway—that this would put it over until Monday, and then Monday sometime we would attempt to get cloture on the bill. We got it on the motion to proceed to it. That takes another couple of days. It is a difficult thing for people to have to wait a week. I hope there will be an agreement to allow us to move forward.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I believe the majority leader propounded another consent agreement. Reserving the right to object, let me briefly recount for colleagues where we have been on this issue over the last days.

We initially offered a modest number of amendments—eight. Five of my Members have been willing to discontinue their request for votes on their amendments. The majority leader just indicated he is willing to have one TARP amendment. We have one more TARP amendment. That would make for a total of three amendments. We could enter into a consent agreement to have votes on these three amendments, with short time agreements, and be through with this bill this afternoon.

I hope this is not the way the majority leader is planning on handling the health care debate because the American people will storm the Capitol if they think the majority is going to dictate to the minority what amendments will be offered on a bill as significant as restructuring one-sixth of the economy.

I feel as if we have been extraordinarily reasonable. We are down to three simple amendments on which we would be willing to accept time agreements to complete this unemployment insurance compensation bill. I don't think that is unreasonable. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I guess reasonableness is in the eye of the beholder. Try to explain to someone who has been out of work for 8 months that their ability to get a check to pay the rent before they are evicted is going to be held up because this program, which is—I think the original TARP was \$700

billion, as I recall, after meeting with the Secretary of the Treasury, who first came up with the idea. The program has been moving along, and there may be some reason to modify the program, and there should be debate on that. I have no problem doing that. But we should not hold this up. Every amendment we have talked about here has been bipartisan in nature. The Isakson amendment is bipartisan, the Bunning amendment is bipartisan, and the Corker amendment is bipartisan. I cannot imagine why we would hold this up.

My friend the distinguished Republican leader said they are not going to approve this, and I think that is too bad for the nameless people out there—I can see them in my mind's eye being desperate for help.

Mr. MCCONNELL. Madam President, just to make sure there is no misunderstanding with the consent agreement I am willing to agree to, with votes on three amendments, with short time agreements, we could be finished with the unemployment compensation bill this very afternoon. This is not an effort to delay. If my friend is concerned about the amendment, he has 60 votes on his side; he could simply vote it down. That is an easy solution to the problem—to enter into the consent agreement, have short time agreements, and if my friend from Nevada opposes them, I am sure he can convince 60 Democrats to vote them down.

Mr. REID. Madam President, since we started this some 3 weeks ago, about 150,000 people have been added to the list of people who are eligible for what we are trying to do—150,000 people. Now there are well over a million people waiting to get this relief.

I have said that this matter will not be approved by the House. The House is going to move to health care next week. I received a call from Leader HOYER. He wants this matter to come over there with what we have agreed upon.

This is another effort to delay what we are doing. This is not a question of flexing muscles—who has 60 votes and who has 40 votes. It is a question of moving forward with legislation now, not next week, to help people in America.

Remember, since we started this—trying to get a simple extension of unemployment benefits, which is paid for, and it is not deficit spending—we have agreed to do what has been suggested by the Republicans. First-time home buyers, we agreed to that; net operating loss, we will agree to that; we will agree to what Senator CORKER wants, which is trustees appointed for TARP.

This is soon to be the fourth week of trying to simply get something done. The Republicans have been saying no, no, no to everything we do—"the party of no" is pretty well described. We have had 87 noes so far this year in the form of 56 filibusters, plus trying to move the bills some 30 more times. So you

can talk all you want about it. We should have been through with this 3 weeks ago.

Mr. MCCONNELL. Madam President, the way to finish this right now is to enter into a consent agreement to have votes on three amendments, with very short time agreements, and we can solve this issue. If my friend is worried about whether the House will accept it, he can vote it down, defeat the amendment. Around here, if you get the most votes, you win; if you don't, you lose. All I am suggesting is that we have three amendment votes, with short time agreements, this afternoon, and we can wrap up this bill.

I yield the floor.

Mr. REID. Madam President, this bill should have been wrapped up 3 weeks ago. It is always something. There is always a little something more to do, until time goes on and on. It is obvious that my friends don't care about these people who are desperate for money. I care about them. We care about them.

Madam President, would the Chair announce the next order of business. Under the provisions of the consent agreement the Republican leader and I agreed to, what is the matter before the Senate—or will be shortly?

DEPARTMENT OF THE INTERIOR,  
ENVIRONMENT, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The next matter before the Senate is the Interior appropriations bill conference report, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Wednesday, October 28, 2009.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I have an important announcement to make on another subject which is of interest to the American people. The era of the thousand-page bill is over. We now have a 2,000-page bill, a new health care bill introduced in the House of Representatives today by Speaker PELOSI. What we will do on the Republican side, and what I hope our friends on the Democratic side will do as well, and what every American expects us to do, is read all 2,000 pages and know exactly what it costs before we begin to vote on the congressional Democrats' health care bill.

For example, while we know just a few things about the bill, we know the

price tag is likely to be more than \$1 trillion. So it is 2,000 pages, more than \$1 trillion.

We know the physicians Medicare reimbursement rate, which is important to all of us to be included, is scheduled to be treated separately there. Well, it wasn't treated separately here. On what was the first vote on health care a week ago, 13 Democrats joined with 40 Republicans to say we are not going to begin the health care debate by increasing the deficit by  $\frac{3}{4}$  trillion. That was an important statement to the American people.

One of the questions we will be asking is how is the physician Medicare reimbursement plan, which is an essential part of any plan for health care over the next 10 years, how is it paid for? Does it add to the debt? We will be looking—and I know the distinguished Senator from New Hampshire who is the ranking Republican on the Budget Committee already is looking—at not just what happens in the first 5 years of this proposed bill but in the second 5 years and the 10 years after that, because our goal is to reduce the cost of health care, the cost of premiums to each of us and to our government. A preliminary look suggests that while the cost may go down to the government in the first 5 years, it might go up in the second 5 years as the plan is implemented.

Third, we want to look at the new taxes on small businesses we have been told about.

Next, we want to look at the provision in the bill which seems to say that an employer might have to pay 8 percent of his payroll as a penalty if the employer does not provide health care to his employees. Does that mean all employees? Does that mean full-time employees? Does that mean part-time employees? We want to read the bill. We want to know exactly what it says. We want to see a Congressional Budget Office estimate—a formal estimate—of what it costs.

There is in the bill a new government-run insurance plan. We have said before that our view on the Republican side—and I know some Democrats have concern about this as well—is the effect of a government-run insurance company—some call it the government option—is no option because if you are one of the 170 million or 180 million Americans who have health insurance through your employer, the combination of a bill such as this is you are more likely to lose your insurance and the government option is likely to be your only option. We will be asking that question and see what it costs.

There is a provision in the bill that expands Medicaid. This is the government-run program for the low-income we already have that has 60 million Americans in it. The State and the Federal Government share the cost of it. My preliminary understanding of this provision is, it increases the cost of the Medicaid expansion, which Governors all across the country are deep-

ly concerned about, and it adds a provision to require that physicians be reimbursed for Medicaid services at the same level as Medicare, which would basically double the cost of the Medicaid expansion. How much of this will the States pay?

There are a number of questions to be asked, but the news of the day is this: The era of the 1,000-page bill is over. We have a new 2,000-page health care bill. We will be reading the bill, and we will be trying to understand exactly what it costs.

Mr. GREGG. Will the Senator from Tennessee yield for a question, Madam President?

Mr. ALEXANDER. I will be glad to yield.

Mr. GREGG. A 1,000-page bill is pretty big. It is about this big, and a 2,000-page bill is about this big. We are going to find out when we see it printed. That probably weighs a lot, 4 or 5 bricks, 10 bricks maybe?

Mr. ALEXANDER. I don't know. The Senator from New Hampshire has a wide variety of experiences and may understand the weight of bricks better than I do. I just know the era of the 1,000-page bill is over. We have a 2,000-page bill, and we will need to read it.

I ask the Senator from New Hampshire how long should it take the Congressional Budget Office to provide a formal estimate of a 2,000-page bill, based upon his experience—I ask through the Chair—as former chairman of the Budget Committee and the ranking Republican member.

Mr. GREGG. Madam President, I say to the Senator from Tennessee, I presume it would be at least a week or maybe 10 days. I understand they are going to do an informal sort of "on the back of an envelope" estimate quickly. But the implications of this bill, 2,000 pages—it is akin to dropping 10 bricks on our seniors, isn't it? Doesn't this basically wipe out Medicare Advantage and massively impact Medicare benefits and move those savings over to fund a brandnew entitlement?

Mr. ALEXANDER. I thank the Senator from New Hampshire. Our concern has been, with the bills we have seen so far, that a bill that is supposed to reduce costs actually raises the cost of premiums, cuts Medicare, and raises taxes. The new government insurance plan will cause millions to lose their employer-based insurance and become a part of the government option and, unless the physicians Medicare reimbursement payment is a part of the plan, it also adds to the debt.

Mr. GREGG. If the Senator will entertain one other question. The Senator, in his comments on this new 2,000-page piece of legislation, which started out at significantly less, made a point that I believe the last 5 years of this bill—it is a 10-year bill and, of course, it is going to go on forever. They basically start the taxes at day one, but they don't start the expenditures until year five. It turns out, as I

believe the Senator said, the expenditures in the last 5 years exceed the income. So if you were to logically put this bill in a 10-year timeframe, where you had all the expenditures and income matched up, this bill is going to add a lot to the deficit. This is a \$1 trillion to \$2 trillion bill, and the deficit is going to go up a lot. That is common sense; is it not?

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

Mr. ALEXANDER. It seems to me it will.

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

Mr. ALEXANDER. I am always glad to yield for a question by the assistant Democratic leader.

Mr. DURBIN. Since we are dealing with health care reform that addresses one-sixth of the American economy, does the Senator from Tennessee believe there should be a maximum number of pages the bill would entail?

Mr. ALEXANDER. That is a very good question. I saw the Senator from Illinois on the floor the other day saying: A 1,000-page bill, who cares about a 1,000-page bill?

I don't think Americans like the idea of a 1,000-page bill. I think they will like even less a 2,000-page bill. I don't think we do comprehensive very well here.

I think what the American people want us to do, if I can say to the Senator from Illinois, is not have a comprehensive bill full of higher premiums, taxes, and surprises but to focus on reducing the cost of health care premiums and reducing the cost to the government and go step by step on things—

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

Mr. ALEXANDER. I am trying to answer his excellent question. Go step by step to meet that goal, such as a provision that would allow small businesses to combine resources and offer their employees insurance, such as provisions that would get rid of junk lawsuits against doctors, which virtually everyone agrees drives up the costs.

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

Mr. DURBIN. Will the Senator yield for one more question?

Mr. McCAIN. Will the Senator yield for an additional question?

Mr. ALEXANDER. Yes.

Mr. McCAIN. Does the Senator recall—and perhaps the Senator from Illinois recalls—does the Senator recall, during the last Presidential campaign, when the President of the United States said there will be Republicans and Democrats sitting down together and there will be C-SPAN cameras? I wonder if the Senator knows the C-SPAN cameras are still waiting outside this room over there. Does the Senator recall that commitment? I wonder—I wonder—whatever happened to that campaign promise that the American people would know who is on the side of the pharmaceutical companies and

who is on the side of the American people. If they came in now, it would be too late because they already cut a deal with the pharmaceutical companies in return for \$80 billion. They got \$100 million in positive ads for reform.

I wonder if the Senator from Tennessee recalls that commitment on the part of the President of the United States. I wonder if he might urge his colleague, the other Senator from Illinois, to get the C-SPAN cameras in there while these negotiations are going on.

Mr. ALEXANDER. I thank the Senator from Arizona for his excellent question. I am sure there is no one in this Chamber who more vividly remembers that promise than the Senator from Arizona. We all would like to know what is in this bill and what is going on behind closed doors.

Mr. DURBIN. Will the Senator yield for one more question, a very short question?

Mr. ALEXANDER. Only if—

Mrs. FEINSTEIN. Before he does, Madam President—

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Tennessee has the floor.

Mr. ALEXANDER. Without yielding the floor, I certainly would be glad—if I may reclaim the floor. I have the floor. I will be glad to allow the Senator from California to say whatever she would like, if I can have consent to have the floor back.

Mrs. FEINSTEIN. I appreciate that. The Senator from Tennessee is the ranking member of the Interior Appropriations Subcommittee. I alert the Senate that time is running on the bill. It is 2 hours, equally divided.

Let me ask the Parliamentarian this question: How much time remains on the Interior appropriations bill, and how much time has the Republican side used to this moment?

The PRESIDING OFFICER. The majority still has 1 hour, and the minority has used 12 minutes.

Mrs. FEINSTEIN. Just so you know.

Mr. ALEXANDER. I thank the chairman. I look forward to moving over there and working on the Interior appropriations bill. I think Senator McCAIN is here to speak about it. I was only, in an extravagant gesture of courtesy, trying to answer the question of the distinguished assistant Democratic leader from Illinois.

Mr. DURBIN. Will the Senator yield for one more question? Will the Senator yield for one short question?

Mr. ALEXANDER. Knowing the Senator is a very able trial lawyer, it is only because I am courteous that I will do that. Of course I do.

Mr. DURBIN. Very good. Can the Senator from Tennessee tell me how many pages the Republican health care reform bill is?

Mr. ALEXANDER. The Republican health care reform bill, Madam President, if I may talk about it, has been offered in a series of proposals. The proposal for a small business health in-

urance program is less than 1,000 pages, by several hundred pages.

What I think I will do is not take so much more of the Senator's time, but I will enumerate the proposals and give him the number of pages. While he is reading our proposals, I will read his, and we will see who gets through first. Of course, we will have to wait until they come out from behind closed doors with their bill.

I will get the small business proposal. I will get the proposal to end junk lawsuits against doctors. I will get the proposal to allow people to buy insurance across State lines, which will reduce the cost of insurance. I will get the proposal that would adjust tax incentives. There is a proposal that would also expand technology on which we have proposals on both sides of the aisle. So I will get five or six of the Republican proposals, most of which we hope will gain bipartisan support.

I see the assistant Democratic leader every day at the beginning of the day. Maybe we can even read them together, and then whenever his bill comes out from behind closed doors and we get the House bill, we can all read that 2,000-page bill.

I am going to accede to the wishes of the chairman of the Interior Appropriations Subcommittee, because I am her ranking minority member, and cease talking about the end of the era of the 1,000-page bill and let us get to Interior appropriations.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am very pleased to be at this moment. I join with my distinguished colleague, Senator ALEXANDER, as we begin consideration of the conference report on the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

This is the first year Senator ALEXANDER and I have worked together as chairman and ranking member of the Interior Appropriations Subcommittee, and I am happy to say it has been a very good experience. We consulted on several occasions and worked through several different issues as we crafted the original Senate bill and then again as we went to conference with the House, which I must say was a difficult conference. As a result, though, I think we have produced a bill that is fair, balanced, and workable. I personally thank him for all his work and cooperation.

The Interior conference report totals \$32.2 billion in nonemergency discretionary spending. That amount is \$4.6 billion above the equivalent 2009 level but \$60 million below the President's request. It is consistent with the subcommittee's 302(b) allocation for both budget authority and outlays.

As everybody knows, each appropriations subcommittee receives an amount within which they must produce an appropriations bill. We met our allocation. The problem was, the allocation for the House committee

was \$200 million bigger than our allocation. Then with some other items the House put in which raised it about \$300 million, it was very difficult to reconcile the two bills.

I will not go through each and every line item, but I would like to emphasize the great strides we have been able to make in five specific areas: water and sewer infrastructure; wildfire suppression and prevention of fire on public lands; bolstering our public land management agencies; investment in the Land and Water Conservation Fund; and helping the most vulnerable in Indian country.

First, this conference report provides \$3.6 billion for water and sewer infrastructure projects. That is a very significant increase over last year's level of \$1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill for these necessary and very basic infrastructure projects. And as you will hear, we are infrastructure short in this Nation.

I am a former mayor. I remember the day before bottled water. I remember the day when you could drink water right out of the tap. What we have seen is a deterioration in this infrastructure all throughout this great country. And when you factor in the \$6 billion that was included in the stimulus, we are providing nearly \$10 billion this calendar year to our State and local water authorities. That is a major investment, and one I believe both of us are very pleased to have achieved. Senator ALEXANDER was a Governor, I was a mayor, and we know the importance of water and sewers. This money will allow our State and local water authorities to begin to tackle 1,479 wastewater and drinking water projects across this Nation.

For those of you who might not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period our communities will need to spend over \$660 billion for drinking water and wastewater infrastructure repair and renovation. Obviously, we can't provide that level of funding during tough budgetary times. But what we were able to provide will go a long way toward helping our communities tackle their crumbling infrastructure and provide their residents with more reliable and cleaner water.

Secondly, the bill provides \$1.8 billion for wild land fire suppression activities—a very big deal. It is very important that we are providing that level of funding because that is the amount that was actually spent, on average, in each of the last 3 fiscal years. The problem is it wasn't budgeted for. So these big roaring fires take place and then everybody has to scramble to transfer funds to be able not only to fight the fires but to replace the money.

The conference report includes critical firefighting budget reform as part of the FLAME Act of 2009, which was

championed by Senator BINGAMAN. This act will help create a dedicated, steady, predictable funding stream for wildfire suppression activities.

As part of the \$1.8 billion provided for fire suppression, the bill contains \$474 million for the FLAME Fund reserve accounts for the Forest Service and Department of Interior. These FLAME Funds have been established to cover the costs of large or complex wildfire events and as a reserve when amounts of firefighting funds from the agencies' regular fire appropriations accounts are exhausted. So it is a reserve fund for big fires, of which we are having plenty in the West.

In addition to fully funding fire suppression, the conference report also includes \$110 million in grants to help States fund their own firefighting and fuels reduction efforts. That is a 22-percent increase over the 2009 level. It provides \$556 million for hazardous fuels reduction projects on Federal lands nationwide. That is a 7-percent increase over last year. These funds together will allow the Forest Service and the Department of the Interior to treat 3½ million acres of fire-prone Federal lands.

One of the things we know is that the past policy of suppressing fires—letting everything grow until they become a combustible mix that burns hotter, heavier, and longer—has to change. So to work these lands, to manage these lands, to remove hazardous fuels, is a real effort to protect our forests and our wild lands.

Third, the bill shores up our public land management agencies by providing a total of \$6 billion for basic operations and backlog maintenance at our national parks, forests, wildlife refuges, and on Bureau of Land Management lands. For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur this year. That is not done this year. Both the ranking member and I are very proud of that.

Included in these funds are \$2.3 billion for basic operations of 391 national parks, an increase of \$130 million. I think all of us would agree that our national parks are the crown jewels of this Nation. People go there by the tens of millions. For many, it is the only vacation they have. For most, it is a revelation of the amazing beauty of this great country. These monies will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, law enforcement officers, park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

In particular, I want to point out that the funding being provided in this bill will allow the Park Service to continue the drug eradication program started last year. This is a huge prob-

lem. In our vast national parks, Mexican nationals have come in. They are armed, they are dangerous, and they essentially grow acres upon acres of marijuana and then protect that marijuana. It is a real problem. So task forces have been put together—state, Federal, and local—to go into these parks and essentially roust the growers and arrest them.

This effort isn't limited to the Park Service. Included in the \$1.56 billion that this bill provides for operations of the national forests is a new \$10 million increase for the Forest Service's law enforcement program. These funds mean that the service will be able to hire up to 50 new law enforcement officers to battle the epidemic of marijuana in our parks and on public lands.

Fourth, the bill increases the protection and conservation of sensitive lands by providing \$450 million through the Land and Water Conservation Fund—and that is an important fund for all of us—consisting of \$278 million set aside for the four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; \$76 million for conservation easements through the forest legacy program; \$56 million for acquisitions associated with habitat conservation plans; and \$40 million for State grants through the Park Service's State assistance program.

Finally, the bill helps some of the most vulnerable among us by providing a total of \$6.7 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 level and includes increases of \$471 million in direct health care services; \$81 million in K-12 and college education programs; and \$58 million in law enforcement programs, which will allow for additional police officer staffing on streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would otherwise not happen. This means additional well baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian country. It means additional public health nursing visits to those in the rural areas.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. Interestingly enough, the \$81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the adequate yearly progress goals spelled out in the No Child Left Behind Act. For the first time, nearly half of all schools will meet this milestone. Half. That is very good.

Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian country. The bill makes a major increase in funds for repair and rehabilitation of detention facilities, and funds

will allow the Bureau to repair several local facilities so that officers spend less time in transit and more time on the streets.

Let me speak of some of the problem areas. The first one was Davis-Bacon. Davis-Bacon is prevailing rate standards for, in this case, water and sewer projects. The second area is emission control requirements for the Great Lakes. And third is restrictions on the reporting of emissions from, of all things, manure management systems.

Let me speak about Davis-Bacon. The House put in their bill a permanent extension of Davis-Bacon. That was clearly a problem. Therefore, the agreement—and thanks to the ranking member—was that the bill simply would contain a 1-year extension. In other words, Davis-Bacon would be included for water and sewer infrastructure for the fiscal year 2010. We compromised on that. I have always supported Davis-Bacon. I believe that prevailing rates should apply to these programs. But I also believe this is very much a necessary compromise, and it will serve as a bridge to allow the House and Senate authorizing committees—which is, after all, the proper place for this—to enact the necessary legislation.

The conference report also includes language that would exempt 13 steamships on the Great Lakes from certain marine fuel requirements. This was language that was included at the insistence of the House. Frankly, it was not my preference to include this language, but I understand Members from the Great Lakes States are very concerned about the economic impact of pending EPA emission control regulations on these 13 older ships.

After substantial negotiation and discussion with EPA, we have crafted a narrowly tailored compromise that recognizes these concerns in report language but will not impact air quality in California or any other seaboard city, or interfere with the ability of EPA to negotiate international controls on emissions from other ocean-going vessels.

I must say, this is a very important thing to California. In the L.A. port area—this is the area where 40 percent of all of the Nation's container ships come in—there is a real and growing asthma problem. Being able to regulate these ships is critical to pollution. Not only that, the L.A. basin is one of the two worst nonattainment areas in the Nation and in a few years will have sanctions on them because they cannot meet attainment standards. Therefore, being able to improve the emissions on these ships is important.

Third, the conference report includes language proposed by the House that exempts all manure management systems from reporting greenhouse gas emissions to the EPA for 1 year. I believe the Senate version, which requires 90 of the Nation's largest factory farms to report on their greenhouse gas emissions while protecting family

farmers from reporting, was a better approach. But in the interest of moving this bill we had to agree to the House language.

There is, however, one important point that must be made. The language contained in the conference report will still allow EPA to implement its underlying reporting rule and get good data on greenhouse gas emissions from nonagricultural sectors of the economy.

Finally, let me mention the CR, contained in division B of this conference agreement. As Members know, the current CR expires at midnight on Friday, which is why it is critical that we pass this conference report and get it to the White House to be signed into law. Without passage of the CR, the government shuts down. It is that simple. And no one believes this is an option.

When the Social Security checks don't go out, Medicare and everything else stops, it is a real problem.

As agreed to by the House and Senate leadership—not the ranking member and I, but the House and Senate leadership—this new CR will provide funding through December 18. That should allow enough time for the remaining appropriations bills to be completed—we hope.

All in all, this is a good bill. It is the product of a lot of hard work by Members in both the Senate and the House. I sincerely hope we could adopt what has been agreed to by the House and get this bill to the President.

I again thank my distinguished colleague from Tennessee for his cooperation and his work on this bill. Without him it would not have happened. So I thank him very much and it is now his turn.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, if I had to choose an appropriations subcommittee to serve on, this would be it. It includes the things I care the most about: the great American outdoors, clean air, our national parks. I couldn't have the privilege of working with a finer chairman than Senator FEINSTEIN. I like her especially because she says what she thinks. She was a mayor. A former Governor, as the Presiding Officer was, appreciates that. She can make a decision, and she sticks to it. She cares about the great outdoors. She has a long record of work on clean air and the environment, about our forests, about our deserts, so we see eye-to-eye about a great many things.

Senator MCCAIN is here to speak on our side in a few minutes. I think Senator SESSIONS would like 5 minutes. I would say to my Republican colleagues, I don't plan to take but 3 or 4 minutes. After they speak, I don't have any other remarks to make. We may be able to give back some of our time.

I thank the full committee, Chairman INOUE and Vice Chairman COCHRAN and Senators REID and MCCONNELL for their allowing us to move forward.

I am glad this bill will not be part of the omnibus. That is not the way to do business. There were lots of differences of opinion, both in the Senate and with the House—the chairman outlined those and talked about those. My preference, if I were the king, I wouldn't spend this much money on this bill this year. This is a tough time. But I doubt Americans will begrudge spending on national parks, on clean water, and on firefighting.

This is the 75th anniversary of the Great Smoky Mountain National Park that was created in the midst of the Great Depression. Each State appropriated \$2 million, and then schoolchildren gave their pennies. Even in tough times—maybe especially in tough times—we care about our national parks. President Bush set us on the road with the Centennial Initiative to properly fund them by the time we get to 2016, and this bill continues that.

It is also good it includes within the budget the firefighting costs which were outside the budget as emergency appropriations. That is a good way to do business. We do not want the U.S. Forest Service to become the U.S. Fire Service, even though we greatly value its work in firefighting. We want it to also be able to perform other important functions.

I am glad to see the support for Land and Water Conservation Funds. Local parks, city parks, are our most popular parks, the ones down the street.

The Senator mentioned the Davis-Bacon State revolving funds. I strongly object to that being in the bill. This is the first time it has ever been in. We have applied the Davis-Bacon Act to these state revolving funds. This will mean fewer jobs, higher costs, fewer projects. The States provide 20 percent of the match. They should be able to decide what the wage rates are in their States.

The bottom line is that we are appropriating \$3.5 billion to get done what last year would have only cost us \$2.6 billion to do. We are making a mistake. I fought hard to change that. I appreciate the fact that the conference committee supported my effort to move this from a permanent change to a 1-year change. This is appropriately being considered by the Senate Environment and Public Works Committee on which I serve. I will make my views known there.

I thank the chairman again for her courtesies. I see the Senator from Arizona is here. I will yield the floor and give him and other Senators a chance to speak on the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, what little time remains to this side of the debate?

The PRESIDING OFFICER. The minority has 41 minutes left.

Mr. MCCAIN. Forty-one minutes?

Mr. ALEXANDER. The Senator from Arizona may take as much time as he wishes.

Mr. McCAIN. I thank my friend from Tennessee, and I thank you, Madam Chairman.

As we know, we are considering the conference agreement for the fiscal year 2010 Interior, Environment and Related Agencies appropriations bill. I was deeply touched and moved by both the manager of the bill and the ranking minority member's lamentations about the budgetary constraints in which we are suffering—deeply moved, almost to tears, until I saw that this bill provides approximately \$32.2 billion, a 17-percent increase over last year's levels, and \$4.66 billion more.

You know, the bill comes after we already gave \$10.95 billion in the stimulus bill. It is remarkable, remarkable.

When the distinguished manager talked about how the budgetary constraints did not allow for us to have the necessary water infrastructure projects which are so vital, particularly to those of us in the West, we somehow found room for 542 earmarks totaling \$341.3 million.

I believe we might be able to find some more projects that are very badly needed for water infrastructure and even for firefighting if maybe we shifted those 542 earmarks totaling \$341.3 million over to the needed projects. As far as I know, not one of these earmarks was requested by the administration, authorized, or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars.

When I read some of these, I think it would be hard to argue that they would withstand any scrutiny, any competition. For example, \$500,000 for a tropical botanical garden in Hawaii. Not in Arizona, not in California—Hawaii—\$500,000 for a tropical botanical garden in Hawaii.

There is \$150,000 to renovate an opera house in Connecticut—renovate an opera house. The real unemployment in my State is now 17 percent. It is listed as less than 10 percent, but including those who have given up looking for work—17 percent of the people in my State are without a job, and we are going to spend \$150,000 to renovate an opera house in Connecticut.

We are going to spend \$500,000 for a native Hawaiian arts program in Hawaii.

We are going to spend \$1 million for improvements in the Sewall-Belmont House in Washington, DC. That is what I call a cozy relationship. The Sewall-Belmont House is next to the Hart Building—\$1 million. Couldn't this museum raise private money for these improvements?

There is \$2 million for an interpretive center at the California National Historic Trail in Nevada and another \$100,000 for the Tahoe Rim Trail in Nevada to build a 15-mile hiking trail from Reno, NV, to the Mount Rose Ski Resort near Lake Tahoe.

I get favorites every once in a while, but this is probably one of my favorites

recently. If we Twitter the top 10, I guarantee you this will make the top 10: \$1.2 million for rat eradication at the Palmyra Atoll National Wildlife Refuge; \$1.2 million worth of rat traps. This \$1.2 million in rat traps is for a 5-square-mile island, U.S. territory that is not occupied except for a few scientists from the Nature Conserve studying the island's coral reef, according to the Interior Department.

There is \$750,000 for a conservation training center in West Virginia. I am sure over the years my colleagues have gotten to hear certain States named—Hawaii, West Virginia, Nevada, California. I am sure all of those are strictly coincidental.

There is \$200,000 for historic preservation of the Richardson-Olmstead Complex in Buffalo, NY. I am not making this up. The Richardson-Olmstead Complex is actually the former Buffalo State Insane Asylum which was decommissioned in the 1970s. According to Richardson Center Corporation, which is a nonprofit managing the complex for historic preservation, this funding would go toward maintaining the former hospital as "an example of the humane treatment of the mentally ill."

There is \$750,000 for the Hudson Quadricentennial Commission in New York to celebrate the 400th anniversary of the Dutch explorer Henry Hudson sailing the Hudson River; \$500,000 to the Vermont Wood Products Collaborative, which provides grants to promote the development and marketing of wood products businesses in the State of Vermont. According to the Office of Management and Budget, Vermont Woods Products Collaborative is a continuing earmark that has received over \$780,000 from Congress over the past 4 years.

That is for the Vermont Wood Products Collaborative when my State has a 17-percent unemployment rate.

Some of these that I just described may have merit. There are 542 of them. Some of them may have merit, but we will not know that. We will not know whether or not they have merit. They have never been authorized, never been subjected to competition, they have never been scrutinized. But what has been done is they have been put in because of the relative power of certain Members of Congress.

I had intended today to bring over recent articles concerning the investigations that are being conducted on Members of Congress because of this practice of earmarking and porkbarrel spending.

One more example of this is the Environmental Protection Agency State and Tribal Assistance Grants Program, which funds wastewater and drinking water infrastructure projects throughout the country. Local communities that request assistance under this program have to do so under Federal and State systems for prioritizing the most important projects from a health and environmental standpoint.

But all it takes to sidestep the entire process is for a Member to slip an ear-

mark into an appropriations bill that benefits a special interest in their home State. Inevitably, communities that are worthy of EPA's help are left empty handed because they were not connected well enough in Washington.

The President's 2010 budget calls for terminating all of these earmarks. The President's budget asks that they should be eliminated. The administration says, the President says, these earmarks are "duplicative" and "not subject to the State priority-setting process which typically funds cost-effective and higher priority activities first."

Moreover, the administration points out these earmarks "single out projects and communities for a greater subsidy than otherwise available through existing programs," and "that these types of projects require more oversight and assistance than standard grants because many of the recipients are unprepared to spend or manage such funds." In other words, some communities are receiving earmarks so large that they do not know how to handle them.

Let's look at a few of these infrastructure earmarks. For the town of Moorefield, WY, \$2.5 million is earmarked for a wastewater treatment plant. The town of Moorefield has a population of 2,375. That is a subsidy of over \$1,000 per person.

Six million dollars goes to construct a drinking water reservoir in Fayette County, AL. Estimated population of Fayette County: 18,000.

There is \$1.2 million for sewer improvements in Plattsmouth, NE; population: 6,900. Finally, \$15 million for water infrastructure in remote Alaska Native villages, which exceeds the administration's request by \$5 million. In its budget submission, the administration proposed reducing spending for Alaska Native villages to \$10 million because:

Audits conducted by the EPA Office of the Inspector General identified several financial management problems, including improperly charging labor costs to grants and disbursing funds that were not tied to the actual project costs.

I am for helping our neediest and most rural communities. Some of these projects may be truly needed. But it is disregard for the procedure that should be followed that concerns me.

Last month the House and the Senate Democratic leadership airdropped a continuing resolution into the legislative branch appropriations bill to keep the government running until this Sunday. It is not the way to do business. There is nothing that prohibits the majority leader from calling up a continuing resolution as a stand-alone piece of legislation.

I want to say that I intend to raise a point of order. But, more importantly, if this bill passes the Senate, as it did the House earlier today, the President of the United States, if he is serious about eliminating waste and unnecessary spending, should eliminate a bill

that has a 17-percent increase over last year's levels, which is \$4.66 billion more, in addition to the \$10.95 billion that was appropriated to these accounts in the stimulus bill, and contains 542 earmarks totaling \$341.3 million. If that is not enough to earn the President's veto, I do not know what is.

I raise a point of order that the conference report violates the provisions of rule XXVIII, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I move to waive the relevant provisions of rule XXVIII. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Can the Chair state when the vote on the motion to waive will occur this evening?

The PRESIDING OFFICER. The motion to waive will occur after all time is used or yielded back.

Mrs. FEINSTEIN. How much time remains?

The PRESIDING OFFICER. The majority has 40½ minutes, the minority has 28 minutes.

Mrs. FEINSTEIN. My understanding is that the chairman of the Appropriations Committee is here if you have no objection, Mr. Ranking Member.

Mr. ALEXANDER. I certainly have no objection at all. The Senator from Alabama is here. As far as I know, he is the only other Republican Senator who wishes to speak at this time. I have no further comments. So if any other Republican Senator wishes to speak, they should come over. After Senator SESSIONS speaks, we will waive the rest of our time.

Mrs. FEINSTEIN. I yield the floor to the distinguished Senator from Hawaii.

Mr. INOUE. Madam President, the conference report before the Senate provides funding for the Department of the Interior and related programs. While the funds in this measure represent a significant increase over the funding levels provided in fiscal year 2009 they are greatly needed by the Environmental Protection Agency, the Forest Service, our national parks, and other agencies which provide critical support to all Americans.

I would also note that the increase is within the amounts approved by the Senate in the budget resolution. In fact, each bill and conference agreement that the Appropriations Committee has forwarded to the Senate has been within the amounts approved by the Congress. Those who object to the spending in these bills ignore that the Congress approved these funding levels earlier this year.

I would share my colleagues' concern with spending if the Appropriations Committee were exceeding the amounts approved in the budget, but in point of fact we are not. Moreover, in total the amounts that are in this bill

when combined with the other 11 appropriations bills are below the amounts requested by the administration.

That is only one reason, but an important consideration in why these bills have received nearly unanimous support from Senator COCHRAN and the other Republican members of the committee. Once again, this Interior conference report saw nearly unanimous support from the Senate conferees.

Over the past few months we have heard the repeated cries that we are spending too much. But to reiterate, the facts are we are spending less than requested by the administration and the same amount or less than was approved by the Congress.

Included in the conference agreement is a short term extension of the continuing resolution. Regrettably, an additional extension of the CR is necessary because we are still unable to complete action on all 12 bills. I want to remind my colleagues that upon assuming the chairmanship of the committee last January I vowed that we would strive to end the process of tying all 12 bills into an omnibus bill which affords all members less opportunity to debate and amend these important measures.

I was extremely pleased to learn last spring that every one of our Republican colleagues signed a letter to the majority leader urging him to provide ample floor time to consider these bills. And, I must thank the leader, and the minority leader as well for allowing these bills to be considered.

No one can accuse the majority of not trying to return to regular order. We have passed seven appropriations bills to date, and today the Senate is considering our fifth appropriations conference report. We hope to complete Senate action on two or more measures next week.

This has not been easy. Each time an appropriations bill has been called up a handful of Members have used their rights to slow down the process. Our managers have been forced to wait 2 and even 3 days before the same Members, time after time, are willing to call up amendments.

The Senate has been in session about 153 days this year. On 56 days, so far, the body has been considering an appropriations measure. That is more than 11 weeks. We have tried to elicit cooperation on these measures, but once again a few members, who seem to oppose the appropriations process, must believe that we are better off under a continuing resolution in which the executive branch makes all spending decisions than allowing the Congress to do its work. Because of this approach, we find ourselves in need of passing another CR.

Division A of this conference report represents the hard work of Senators FEINSTEIN and ALEXANDER along with all the members of the subcommittee and their staffs. It contains critical funding that is needed today. I support

the compromise that Chairman FEINSTEIN and Senator ALEXANDER brokered on a bipartisan fashion. I commend them for their fine work.

Division B of the conference agreement extends the current continuing resolution until Friday December 18. There are also two technical corrections in the bill that fix problems in the original CR. In addition, three new issues are added which generally have the support of the administration and should be noncontroversial.

First, the Small Business Administration will be allowed to use \$80 million to continue Small Business 7(a) loans during the CR period. Without this authority, SBA expects to have to turn off its loan program in November.

Second, up to \$200,000,000 of funds made available in the Omnibus bill will be allowed to be used to adjust allocations for public housing agencies to prevent cutting off assistance to poor families. Without this authority the administration believes up to 10,000 families would lose their housing assistance.

Third, the bill allows for government-sponsored mortgage holders to continue to loan funds at higher level loans so that high cost areas are still covered. The current law expires in December. The Department of Housing and Urban Development expects that in anticipation of the expiration of the authority lenders will start to stop credit for these high-cost loans as early as November.

The House has already approved this provision in its 2010 THUD Appropriations bill, but since that bill has not yet been completed, this action is necessary at this time.

Some of my colleagues may be concerned that we have attached the CR to this bill. It is clear as I have pointed out that we cannot expedite passage of appropriations bills this year because of a small number of opponents. Each bill has taken nearly a week to pass all because of a few Members wanting to delay.

For example, the Energy Water conference report which passed with nearly 80 votes took 3 days of delay before we were allowed to vote.

As such, regrettably this approach is necessary. I urge all my colleagues to support the swift passage of this bill to avoid a devastating shut down of government operations.

And, finally I urge my colleagues to cooperate with the managers of our appropriations bills in the coming weeks as we seek to pass our remaining bills. Without cooperation, we will no doubt be forced to return to an omnibus-type of approach which limits all Members' right to debate and amend the measures that the committee has recommended.

Mr. LEVIN. Mr. President, I will vote to approve this conference agreement and continuing appropriation resolution to provide over \$32 billion for a variety of important environmental, forest and land, national parks and infrastructure purposes; as well as to extend

funding for other Federal programs through December 18.

I am pleased this bill includes the full \$475 million for Great Lakes Restoration Initiative, GLRI, as requested in the President's budget. The GLRI is a multi-agency effort to address the array of current and historic threats facing the Great Lakes, such as invasive species, habitat loss, and pollution. The Environmental Protection Agency has prepared a spending plan for this money based on years of research and cooperative work with other Federal, State, tribal, and local partners, and the EPA will measure results to ensure accountability. This bill includes language, which I supported, to ensure that steamships in the Great Lakes are able to continue to operate. The compromise included in this bill allows the EPA to move forward with a proposed air emission regulation for maritime vessels operating on the coasts while the EPA works with the Great Lakes shipping community on compliance. Additionally, the EPA will conduct additional economic analysis for the Great Lakes region.

This bill provides \$2.7 billion for our National Park Service, an increase of \$200 million from last year's level, which I support. That increase would help maintain and protect the natural, historic and recreational resources of the six National Park units in Michigan. I am pleased conferees favorably responded to my request to waive the match requirement for Quincy Smelter funding, located within Keweenaw National Historical Park in the Upper Peninsula of Michigan. The bill includes \$1 million to stabilize the deteriorating buildings at the Quincy smelting complex, which is the best remaining example of a copper smelter of its era in the country, and possibly the world. The smelter has been identified by the Park Service as a core resource in the park, yet its structures have deteriorated significantly since the smelter closed in 1971. Over the past couple of years, some parts of the smelter buildings have collapsed and last year, a smokestack, which is a critical part of the landscape, had to be removed because it was in danger of imminent collapse. With the waiver language included, this funding can be used to stabilize the buildings to prevent additional structural failures, saving one of the most important resources of the park.

Importantly, the bill would provide \$1.4 billion to capitalize the Drinking Water State Revolving Fund and \$2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in this conference agreement more than doubles the amount provided in the fiscal year 2009 omnibus. Michigan would receive about \$41 million for drinking water and \$90 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

This appropriations conference agreement would provide a significant

boost to protect and clean up the Great Lakes, protect the environment, improve Michigan's parks and lands, provide communities with safe drinking water and improved wastewater infrastructure, and I support its passage.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, is there a time limit on this side?

The PRESIDING OFFICER. The minority still has 28 minutes remaining.

Mr. SESSIONS. I ask to be notified after 10 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Madam President, a number of appropriations bills, as Senator INOUE has said, have moved forward this year, and I do not think it is obstructive or an effort to delay to try to make sure those bills spend the taxpayers' money at a reasonable level and for things that serve the national interest.

Let me talk about the bill before us today. It is stunning in its increase in spending at a time when we are not able to spend at this level. Some people dismiss the persons at the tea parties who have been ringing our phones and sending us messages and e-mails about the reckless rate of spending. I believe, unfortunately, that as a body this Senate is in denial. The Senate is of the belief that it is business as usual, that we will get together and have these meetings in these committees and bills will be dropped on the floor, with unprecedented rates of spending increases, and everybody will vote for it and it is OK because that is what we always do.

Actually, what we are doing today is worse than what we have been doing in the past. The spending increase levels are at rates that are breathtaking. I have to talk about it.

I would like to support the Interior bill. I know the Environmental Protection Agency is an important agency. We are not trying to eliminate them. But let's take a look at a few things. The Senate bill this year for Interior and EPA has a 16.9-percent increase. At this rate, spending for the Interior-EPA would double in only 4 to 5 years, the whole budget would double in 4 to 5 years at this rate of increase. Inflation today is less than 1 percent. The Environmental Protection Agency spending increase is 37.7 percent in this legislation, a 37-percent increase. At that rate, the whole EPA budget would double in 2 to 3 years.

You say, surely you are considering some of the stimulus money we passed, the \$800 billion stimulus package that was supposed to create jobs, which was passed in February of this year. No, I am not. This is the baseline budget bill. If you add the stimulus for fiscal year 2010, we would have a 57-percent increase. The 2-year increase from 2008 to fiscal year 2010 would be 62-percent, assuming we are adding stimulus spending to FY2010. But that does not include the emergency funding that may occur for fires or floods or storms.

Some Senators have the gumption to come down here and ask: What are we doing? How can we continue to spend like this? Aren't we being irresponsible? Are you listening, fellow colleagues, to your phone calls, to your e-mails, to your letters and your town-hall meetings? Are you listening to them or do you think this is just business as usual? We make a few deals and we pass a bill. Everybody is happy, and we pat everybody on the back.

Let me show a few charts that relate to that issue. This is the Environment and Interior appropriations history for the last several years. A lot of my colleagues say President Bush spent so badly. Well, sometimes he did. But from calendar year 2001 through 2009, the spending increases averaged only 1 percent in these departments. Look at this year. It was an actual reduction. Now we have a 16-, 17-percent increase, and that does not include the \$11 billion from the stimulus package. That totals, then, a 57-percent increase in this Interior bill.

I can't vote for this. How can I go back home and tell my people, when I said I am concerned about spending and we have to do better, yes, constituents, I know we have to do better and then waltz into the Senate and vote for a bill such as this? No matter how much good people say is in it, we don't have the money.

This year the budget deficit hit, as of September 30, about four times the highest budget deficit we have ever had in the history of the Republic, \$1.4 trillion.

Look at the Ag bill. The Agriculture bill, we were waltzing along with a 2-percent average annual increase from 2001 through 2009. That includes 2009. We end up with another 14 percent increase in Agriculture. That does not count the stimulus package. Agriculture got a good bit out of the \$800 billion stimulus package.

What about the THUD? Boy, it is a thud in terms of what impact there will be on the deficit for the Nation. Discretionary appropriations from 1995 to 2009 averaged an increase of 5.2 percent. What about 2010? A 23-percent increase. That is budget baseline spending.

I ask my colleagues, is anybody listening to their constituents or are Alabama constituents the only ones who care about the financial future of this country? Are they the only ones who care about their grandchildren? I don't think so. I think my colleagues are hearing some of the same thing.

So how do we come up with these increases? Here is the State Department and the Foreign Operations bill. As I said, from 1995 through 2009, over 14 years, all our discretionary spending averaged an increase of 5.2 percent. What do we get today? Look at this, a 32 percent increase in 1 year. In 3 years, that doubles the whole foreign ops budget.

What does it mean? These are not exaggerations. I hope my colleagues and

the American people look at this chart. We ended fiscal year 2008 with a \$5.8 trillion total American debt. That is how much we owed to the public. In 2013, according to our own Congressional Budget Office, based on President Obama's spending plan, it will double to \$11.8 trillion, doubling the entire national debt in 5 years. By 2019, the 10-year budget window the President has submitted to us, his budget for that period, it would triple the debt to \$17.3 trillion. This takes us too close to having a debt equal to 100 percent of America's gross domestic product.

According to the Heritage Foundation, there are gimmicks in these numbers. They estimate it will be closer to \$20 trillion, and that is going to be about 100 percent of the entire gross domestic product, which is considered very bad in international circles and historically has always resulted in adverse economic ramifications.

One more thing. The numbers get so large. You talk about trillions and billions, and it is hard to get a grip on what we are talking about. Most of us can understand what interest is on our debt. We can understand that. We pay a mortgage. You take out a mortgage and most of the money you pay the mortgage company goes to interest until it begins to go down over a period. If we look at this chart, we will see what would happen to the government's interest payment. Despite these surging increases, the Interior budget for parks and the EPA budget combined for all this year is \$32 billion. That is a huge sum of money. Alabama's total budget, including education and general funds, is about \$7 billion, the whole State of Alabama. So we are spending 32 nationally on Interior and EPA. This past year, fiscal year 2009, we spent \$170 billion just to pay the interest on the money we borrowed for the \$5.8 trillion in debt we had when the year started. So we paid \$170 billion in interest. That is more than five times the Interior budget we are passing today, as big as it is and much as it has expanded. Look how it increases in only 10 years. According to the CBO, which is by far the most conservative analysis, it ends up at \$799 billion in interest in 1 year. That is not paid to some other government agency, it is paid to people who hold our Treasury bills because, during this period, instead of paying interest on \$5 trillion, we will be paying interest on \$17 trillion, and the interest rates are unusually low today. CBO experts expect those interest rates to increase.

The result is, we are talking about \$800 billion in interest. If there are higher rates of interest, as the blue chip outside economists project, they project it would be \$865 billion in interest in 1 year on the public debt, much of it interest paid to people in foreign countries, countries, states who own our treasury bills and buy our debt, leaving us weakened economically, politically, strategically, our security weakened, when we are that much in debt to people around the globe.

I believe Americans are getting it. That is why they are writing us. They would like to see us do better. Are we doing better? The charts I showed indicate we are doing worse. It is time to say: No, we don't have the money. The average household income for an American citizen fell 3.6 percent. So the average household is seeing a 3.6-percent reduction, and States all over America are reducing their spending and making improvements in efficiency and taking other tough steps to contain spending. We are spending like crazy. Remember, we passed an \$800 billion stimulus package in February. That is such a huge number. It is the largest spending bill this Republic has ever passed, \$800 billion in one fell swoop after a few weeks of being in session. It had to pass supposedly. Unemployment was going to go up if we didn't pass it. So in panic—not with my vote—this Congress passed that stimulus bill, and we have seen very little stimulus results from it.

Unemployment in my State is about twice what it was before this recession started. So we have a problem, and we are not going to just borrow our way out of it. In the long run, I am concerned about this spending level and the debt level because there is no plan to make it better. According to the Congressional Budget Office, in 2019, what will the deficit be? Will it be going down? Will we be beginning to pay off the debt, the money we have borrowed? No. In 2019, they project the annual deficit that year to be over \$1 trillion—in 1 year, over \$1 trillion—in 1 year to add to the total national debt.

This is irresponsible. There was an article in today's Washington Times by one of their economists who pointed out the tremendous—

The PRESIDING OFFICER. The Senator asked to be notified after 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair, and I will wrap up.

He just noted the severe risk this kind of surging debt—the likes of which the country has never before seen or participated in. Those risks are real. He emphasized our national security. But many people are emphasizing the risk to our economy and our future growth. We are going to have to pay, in 2019, \$800 billion, at least, in interest before we start buying the things America needs for its government to operate. Instead of \$170 billion, we are going to be spending \$800 billion.

Why? Because we cannot say no. Why? Because we are addicted to higher and higher spending. I think it is irresponsible. I certainly believe our colleagues who produce these bills think they are doing well and operate within reality, and it is hard, they think, to make any changes. But why can't we? States are making changes. People in their homes are making changes. Why can't we make changes?

I think we can. I do not think it is a little bitty matter. It is not a political matter. I keep hearing Democratic col-

leagues also expressing great concern about this debt. They try to blame it on President Bush and other things. But at some point it is our spending. President Bush did not propose to increase the Interior spending by 17 percent. The Democratic leadership proposed that, and all these other bills we have.

So we have to do better. I will be voting no, regretfully, and I hope more of my colleagues will join me because we need to begin to say: No, we cannot continue on this road. We are not in denial. We do believe our constituents have valid concerns about reckless spending, and we are going to try to act in a way that again wins their trust.

Madam President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I yield 10 minutes of our time to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me thank Senator FEINSTEIN and also Senator ALEXANDER for the work they have done on this bill. I used to be the ranking member of this subcommittee, and I understand many of the issues in this bill. The breadth and scope of it is very substantial, and I think they have done a good job.

I want to mention two things that are very small parts of this bill but, nonetheless, I think important. One is the issue of something called hydraulic fracturing. The reason I mention it is, there is a lot of discussion about how important it is for us to become less dependent on foreign energy. We need to become less dependent on oil from places like Saudi Arabia, Kuwait, Iraq, Venezuela and so on.

Madam President, about 70 percent of our oil comes from overseas. The fact is, we use a prodigious amount of oil.

The U.S. has about 5 percent of the world's population, but we use almost 25 percent of the oil. Seventy percent of it comes from off our shores from other countries, and 70 percent of all the oil we use is used for transportation. So we need to continue to develop resources at home if we are going to become less dependent on foreign energy.

There is a provision included in the Interior conference report related to hydraulic fracturing. This small provision requires a study by the EPA of hydraulic fracturing and drinking water. What I want to mention is this: In the subcommittee I chair on Energy and Water Development, I have continued to include research and development funding for oil and natural gas programs. We lead the world in unconventional oil and gas production, in part, because of this funding.

We are now discovering new fields in shale and tight sands reservoirs because we can use technologies that we

could not benefit from 5 and 10 years ago. Just think we now explore 2 miles beneath the surface of the Earth areas of shale and go into seams 100-foot thick. We have the ability to drill down 2 miles, make a big curve, and drill out 2 miles to reach the resource. So you have a 4-mile circuit with this one drilling rig and you go into a shale deposit more than out 2 miles out. To exploit the resource, companies use hydraulic fracturing by using water under high pressure. It allows them to break down that shale, and you have oil production.

The U.S. Geological Survey did a survey in North Dakota in an area called the Bakken shale. It is an area about 100-foot thick 2 miles down. They said using today's technology—today's technology—there is up to 4.3 billion barrels of recoverable oil in place. That is the largest assessment of recoverable oil they have ever found in the Lower 48 States. Think of that. But none of that resource would be available without the use of hydraulic fracturing.

By the way, this issue of hydraulic fracturing—water under high pressure to break that shale—we have been doing that for 60 years. There has been many studies, and there is simply no problem with it when properly applied. These studies show that it does not contaminate groundwater. In fact, the EPA itself did a study in 2004 and concluded there is no problem.

Well, some of our colleagues are concerned, and they have legislation to regulate hydraulic fracturing on a federal level. In the House Interior Appropriations bill, there was a requirement for the EPA to do a study. I would say the Senate did not have that requirement in its bill. I worked with other Senators and, but we requested that certain guidelines be in the study. Those requests were included in the conference report. I do not mind there being a study because I believe that it will demonstrate what we already know and what the EPA has previously discovered in their study. This issue of hydraulic fracturing is not a problem. We do need to continue to produce more energy in this country to make us less dependent on foreign oil and find ways to use more domestic natural gas. It is just a fact, and it will not continue unless we can continue the hydraulic fracturing that unleashes the opportunity of these oil and natural gas fields.

So that is a small piece of this very big bill, but I think one that is very important. I wanted to make that point.

I want to make one additional point, and this actually relates to the success of something we took out of this bill. I want to just describe it for a moment. Some things just sort of drive you batty about the way government works. Government gets big, and somehow it just leaves common sense behind from time to time. This was a circumstance where in a national park in North Dakota, the Badlands—the Theo-

dore Roosevelt National Park—they have to thin the elk herd. There are too many elk—about 900 elk. It can only handle about 250 or 300 elk. So you have to get rid of some elk; you have to thin the herd.

Like a lot of government solutions, the solution was, well, maybe we should hire Federal sharpshooters and then have helicopters we would hire to haul the meat out of the national park.

I said: I don't understand at all how you could think about that. There are plenty of people who are qualified hunters who would be happy to volunteer their time to thin the elk herd. You do not need Federal sharpshooters. You do not need helicopters. All you need is a barrel full of common sense.

So because we could not get that done, I put a piece in this Interior appropriations bill when we did it in the subcommittee, and all of a sudden everyone got serious about negotiating on how to do this. Kudos to the Interior Secretary and his staff. We have reached an agreement in principle now, and the Park Service has a proposal that it has set forth. My expectation is that this going to be solved in the right way. So we withdrew this provision from because we do not need it.

We have an agreement in principle, to use qualified North Dakota volunteers, deputized by the National Park Service, who will, under the guidance of the Park Service, thin the elk herd. We do not need to spend a lot of money doing it. All we need to do is just use some common sense, and that is exactly what we are doing.

I understand we have a circumstance where there is not quote, hunting, unquote, in national parks. So the first blush on all this was: Well, we can't do what you suggest, Senator DORGAN. We just can't do it. We are restricted.

Well, the fact is, we are going to use volunteers in a way that is consistent with both the law and common sense. We are not going to spend your money hiring sharpshooters. We are not going to spend your money hiring helicopters. We are going to do this the right way. It is not opening up a hunting season. It is just empowering qualified hunters, under the guidance of the Park Service, with the coordination of the State's game and fish department, to work as volunteers and do what we should just do. It is just a deep reservoir of common sense.

I am proud we have finally gotten that done. I know it is not the biggest issue in the world, but do you know what. There are a whole lot of folks in North Dakota who read about these "sharpshooters" and "helicopters" who said: Are you nuts? What are you thinking about? That is what got me involved. I understand, this does not meet the test at all. But now we have gotten it done, and we have the right solution.

So I want to thank Senator FEINSTEIN and Senator ALEXANDER. I thank the Interior Department for seeing a way to do this. There is a right way

and a wrong way. They saw the right way to do it, and I think it will be helpful to the American taxpayer. It will get the job done by thinning that elk herd and saving some money and giving some folks an opportunity to volunteer to serve their government.

So I wanted to mention that today and thank the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I want to thank the Senator from North Dakota, and tell him that misery loves company because in California we had a similar situation with the Point Reyes National Seashore Park, where there were growing numbers of whitetail deer, and the Park Service proceeded to do a somewhat similar thing, shoot them, and I believe in helicopters shoot them. All the residents got very upset because this is not an isolated community, and they began to call, and we worked out a solution—to use contraception, actually, to cull the herd.

But I do not know whether that is going to work. I think the Senator pointed out a good situation where the Park Service has to be more sensitive when it does some of these things.

I thank the Senator for the efforts he has made—and successful ones.

Mr. DORGAN. Well, Madam President, I would only say that we have not discussed contraception for elk in the national park, but contraception was once suggested for skunks in a wildlife refuge, and the question was who was going to get close enough to the skunks.

But I think we have solved this issue in a way that is satisfactory and especially beneficial to the taxpayer. I appreciate the work of the Senator from California.

Mrs. FEINSTEIN. Madam President, I say to the Senator, thank you. I appreciated his work.

Madam President, I yield 10 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

COMMENDING SENATOR EDWARD W. BROOKE

Mr. KIRK. Madam President, I thank the distinguished Senator from California and the Senator from Tennessee for allowing me to make a brief statement on a very important event that took place in this Capitol just yesterday.

I was privileged and deeply moved to witness a ceremony in the Rotunda of this building at which Edward W. Brooke, the distinguished former Republican Senator from Massachusetts, was honored with the Congressional Gold Medal.

This award, as you know, is the highest bipartisan award that Congress can bestow. The award to Republican Senator Brooke was the result of legislation sponsored by two history-conscious Democrats: Representative ELLEANOR HOLMES NORTON of Washington, DC, and Senator Ted Kennedy of Massachusetts, who served with Ed Brooke in the Senate for many years.

Senator Brooke was a trailblazer, a bridge builder, and a statesman. The grandson of a slave, he grew up in a segregated neighborhood not far from this Chamber. But he rose to become the first African American elected to the Senate.

I am proud, and the citizens of Massachusetts are proud, to have sent Ed Brooke to Washington. We saw yesterday what our State saw in him long ago: his strength, his wisdom, his decency, and his deep commitment to meeting the needs of the American people.

Ed Brooke was elected as a Republican, but the people of Massachusetts did not see him as a strident party man. They saw him as a great American and a model politician. They supported him because they understood that difficult times require statesmen who can work across party lines.

Returning to the Capitol yesterday, at the age of 90, Senator Brooke spoke powerfully about this Senate as a place where Members of both parties can and must work together for the common good. That was the spirit of the Senate in which Ed Brooke served. That was the spirit of the Senate that Ted Kennedy embraced, and the spirit that led to countless bipartisan accomplishments. It is a spirit we desperately need to revitalize as we work our way through the needed reform and repair of our broken health care system.

As an elder statesman of the Republican Party, this is what Senator Brooke said yesterday:

I'm here to tell you that politics is not an evil thing. It's a good thing, and when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the U.S. Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the Nation back in 1949, clear air and clear water, a health care bill.

Speaking to the Senate and to the House he went on:

You have awesome responsibilities. Not only this country, but this world looks to you. When Republicans and Democrats get together, they can do anything! And the country is waiting for you to do anything. They just want relief. You have that responsibility. You have that authority. You are the people on Earth who are going to save this country and save this world. Think about that. We have got to get together. We have no alternative. There is nothing left. It is time for politics to be put aside on the back burner.

With those words, the several hundred people in the Chamber came to their feet and cheered and applauded.

Like Senator Brooke, I have the perspective of someone who has spent the last few decades in private life. I can report that American families are deeply troubled by the economic hardship of the present and by the uncertainty of the future. It gives them no comfort to see the Senate so politically polarized and unwilling to come together in common cause without regard to politics to solve the critical problems before us.

As I said in my maiden speech in this Chamber 2 days ago, as the health care debate moves forward, we who are privileged to serve in this historic body on both sides of the aisle have the opportunity and the obligation to take the long view, to put partisan politics aside, and come together to seize this unique and critical moment in our history.

I have had the privilege in the past to serve as chairman of the Democratic Party of the United States, so I am no stranger to partisan politics. But I like to think I also know when it is time to put partisanship aside and work together.

As President Obama said yesterday, while we grace Senator Brooke with this honor today, perhaps a better tribute to him would be to embrace that spirit: to compete aggressively at the polls, but then work selflessly together to serve the Nation we love.

No words could serve as a better summons to the historic debate on health care that lies ahead of us. We are poised to enact the most significant domestic legislation since the civil rights era. I know each and every Senator has deeply held beliefs about how we can best reform our health care system and that those deeply held beliefs will sometimes collide. We should and we will have a vigorous debate in this Chamber. But that debate should reflect a level of cooperation that is equal to the magnitude of what is at stake for American families. It should reflect a spirit of teamwork and collaboration that we always saw in statesmen such as Ed Brooke and Ted Kennedy. Our times, and our Nation, demand nothing less.

I offer my sincere congratulations to Senator Brooke. I thank him for his service to this country and his wise counsel to those of us who are serving in the Senate today.

Madam President, I ask unanimous consent to have the remarks of Senator Brooke at yesterday's Congressional Gold Medal ceremony printed in the RECORD. I commend them to my colleagues, and I yield the floor.

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

Thank you for your very warm welcome. I want the record to show that I have turned on the sun since you came. Politicians sometimes take credit for things they had absolutely nothing to do with. But I'm proud, that after a rainy entry into Washington, that the sun is shining and that you will be able to enjoy this very beautiful city and this magnificent structure, the Capitol of the greatest country in the world. Majority Leader—Steny, how are you?

Republican Leader Mitch McConnell, Minority Leader John Boehner, and Minority Leader . . . oh you're back, thank you for coming back, my dear friend, the Speaker of the House. What a wonderful thing, to have the Speaker of the great House of Representatives, a lady.

I think that's progress, and I don't think it will be long before a lady will be the President of the United States.

Patrick, thank you for your kind words. It is very wonderful that you came to share in

this great moment of my life. You know how I feel about your family, you know how saddened I am that he's not on this platform today. In case you didn't know it, he started this together with Eleanor Holmes Norton. He called me one day and he said, Ed, come to my office, I'd like to see you. I went to his office and he said, we are introducing a bill to have you awarded the Congressional Gold Medal. I was shocked, I was in awe, but you can be sure I was pleased. Ted said don't you worry about a thing, you don't have to talk to anybody, you don't have to do a thing. I will do the Senate side, and Eleanor Holmes Norton will do the House side. And it happened. He had to get 76 United States Senators as co-sponsors of the bill, and poor Eleanor had to get only 290 Representatives to get it in the House of Representatives. But they were dauntless, and they went out and did their work, and before I knew it the Senate had passed the bill, the House had passed the bill, and I just got a call the other day that there was a debate on the floor, Madam Speaker, in order to use the rotunda of the Capitol for this occasion. And she said if you turn on C-SPAN, you'll see it. It will be a very spirited debate, and it was, and the vote was 417 to nothing. And if that isn't the way to win an election, I don't know what is. It's never been very easy.

This would be a perfect day for me in my life, if it weren't for the fact that my friend, my senior Senator, though he was much younger than I, would be here on this occasion. We don't control life and death, and we couldn't control Ted, or he would still be with us. But I am really honored to have with us on this occasion his wonderful wife Vicki, who has been such a wonderful person.

And to have my family, and my wife of 37 years, who's given me the best years of my life. My son and daughters, step-daughters, and grandchildren, so many aunts and cousins, I can't even begin to name you because it would take too long and the time the Speaker has given to this and the time the other members of the Senate and the House, I can't intrude upon their job.

This is a heady thing for me, it would be for anybody. I love this country, since the day I was born. And I was born here in the nation's capital, on October the 28th, 1919. Most of you weren't there at that time. And I'm here to tell you that politics is not an evil thing. It's a good thing and when used properly it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the nation back in 1949. Clear air and clear water, a health care bill—which I'm sure none of you want to hear about on this occasion. I'll give you at least a break from it. And I would not be presumptuous to tell you what to do, because I'm sure you don't know what you're going to do yourselves. You have awesome responsibilities. Not only this country, but this world looks to you. I was happy when you told me just a few minutes ago, Madam Speaker, that the Republicans and the Democrats played ball last night, and they played the Capitol Police. That was an awesome responsibility in and of itself. And that you won! It only meant to me that when Republicans and Democrats get together they can do anything!

And the country is waiting for you to do anything. They just want relief. You have that responsibility, you have that authority. You are the people on earth that are going to save this country and save this world. Think about that. Now we can worry about discouragement, what is it, when you can't stand the heat, get out of the kitchen? We can't

worry about that, Mitch McConnell, we can't worry about those things. We can't worry that you all can't get to that. We've got to get to it. There's nothing left. It's time for politics to be put aside on the back burner.

And we must lead by example and not by force. Security is foremost. This nation must always be strong militarily, if for no other reason than to protect itself. It's got to come first. And we've got to know how to use it. We got to use our diplomacy more and more and more. We've got to avoid these perils before they come before us, and then it takes too long. We can't keep fighting wars. We've got hungry people to feed, homeless people, homeless and ill-housed people to shelter, and young people to be educated. And so, on this occasion, I applaud the Congress for what it has done. Our three branches of government, as wonderfully founded by our Founding Fathers, our legislative branch is as strong as it wants to be. There is nothing that Congress can do that it can't correct. They have the power to do it. The President is powerful, but he has oversight of the Congress of the United States. We are part of that. And the judiciary must never politicize the Supreme Court and the Judiciary system. As Eleanor Holmes said, and I don't want to minimize this honor at all, but when she first told me that I got it I said Eleanor, I'll exchange the honor if the Congress will pass the voting rights act for the District of Columbia.

You know, Eleanor said one day, she called me when I turned 80. I was still playing tennis and riding horses in Virginia and living the life. My mother, bless her heart, lived to 100. She said to me, "keep moving, don't stop." But I wasn't feeling too well. Eleanor called me one day when I wasn't feeling too good. And I told her I didn't feel so well and didn't know if I would make it. And she said to me, "Senator, you can't die before the Congressional Gold Medal." So I kept my political promise to her.

Thank all of you. I wish I could call all of you by name and give you a hug and kiss you. You are all my friends and you are a part of my family and I love all of you. And I wish all of that could happen, but obviously it can't. I want you to know I am appreciative that you have come these distances to be with me on this occasion.

I'm going to conclude with the words of Him that I recite. My staff will tell you, and I had the best staff in the world, I know all of you think so, but they've been wonderful. "God of justice save the people from the wars of race and creed, from the strife of class and friction, make our nation free indeed. Keep her faith in the simple man stronger than when she became, until she finds her full fruition in the brotherhood of man."

Madam Speaker, Leaders of the Congress, Members of the Congress, my old colleagues, family and friends, I accept this honor with the deepest humility and everlasting gratitude.

Ms. LANDRIEU. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for fiscal year 2010 and to speak on the conference report language regarding hydraulic fracturing.

America's oil and natural gas industry is an important driver for the national economy. A recent study reveals this industry supports more than 9 million jobs and accounts for roughly 7.5 percent of the U.S. gross domestic product.

Developing untapped resources could add further value to the U.S. economy

and aid in economic recovery. According to a recent ICF international study, developing areas that are currently or were recently off limits could generate \$1.7 trillion for Federal, State, and local governments over the life of the resource, as well as contribute 160,000 jobs by 2030.

As our country moves towards a new energy future, oil and natural gas will continue to play a key role in our Nation's energy supply for years to come. According to the Energy Information Administration, energy demand will grow by 9 percent between 2007 and 2030. More than half of this demand is expected to be met by oil and natural gas, as is the case today.

How will the U.S. meet this growing demand? There are significant resources available to recover here at home. The Bakken formation in North Dakota, Montana, and South Dakota is estimated by USGS to contain up to 4.3 billion barrels of oil—a 25-fold increase compared to government estimates from 30 years ago.

In my home State of Louisiana, the recent development of the Haynesville shale formation will also contribute to supply the growing demand. Experts estimate that there is 250 Tcf of recoverable gas in the Haynesville shale. Last year, the U.S. consumed 23 Tcf, which means there is enough gas in just the Haynesville shale to supply the U.S. population for 11 years.

On July 28, 2009, the New York Times reported: "Nobody knows for certain how big an area the Haynesville Shale covers—no government entity has mapped it. But energy companies and experts say it is large, possibly the largest in the lower 48 states, with an estimated 250 trillion cubic feet of recoverable gas. It is up to 13,000 feet underground, extending into East Texas."

In addition, a recent study estimates that primarily due to the recent shale gas developments across the country, the U.S. has roughly a 100-year supply of natural gas reserves. The study was conducted by the Potential Gas Committee—a group of academics and industry experts supported by the Colorado School of Mines. This represents a 35 percent increase in reserves versus a couple years ago—the largest increase in the history of reports from the Committee.

However, these resources are not a guaranteed supply for the U.S. economy. Both the Bakken formation and the large new natural gas shale deposits—found in the Marcellus, Barnett, Haynesville, and other shale plays across the country—are developed using a combination of production technologies such as hydraulic fracturing and horizontal drilling.

Unfortunately, some opponents of oil and natural gas production are attempting to prevent the use of hydraulic fracturing. This could have significant impacts on the future of shale gas and oil production. A 2006 government-industry study found that 60–80 percent of the wells to be drilled in the next

decade will require hydraulic fracturing.

This technology can be used safely in an environmentally responsible manner. Hydraulic fracturing has been around for roughly 60 years. Current industry well design practices provide multiple levels of protection between any sources of drinking water and the production zone of an oil and gas well.

The conference report to H.R. 2996 proposes an EPA study of hydraulic fracturing's impacts on drinking water supplies. It is important to note that EPA studied this issue in 2004 and concluded "the injection of hydraulic fracturing fluids . . . pose little or no threat to (underground drinking water)." Any new study must be conducted in a comprehensive, scientific, credible, and transparent manner. It should include a review of other existing studies regarding hydraulic fracturing and its potential impacts, and it should involve interested stakeholders during key stages of the study.

Hydraulic fracturing can play a major role in our energy future, and this technology can continue to be used in a responsible manner. I urge EPA to undertake this study in a responsible manner.

Mr. VOINOVICH. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for 2010. This legislation will help our Nation perform a variety of vital functions that serve to protect the Nation's environment, properly manage its natural resources and provide funding for critical water infrastructure projects. The bill will fund the activities of a number of important initiatives such as the Clean Water and Drinking Water State Revolving Loan Fund, the Great Lakes Restoration Initiative, and the Diesel Emissions Reduction Act. This bill will help to ensure that we wisely spend our Federal monies in the most effective and efficient manner possible.

In particular, I would like to address the specific language in the conference report addressing the request for a study regarding the use of hydraulic fracturing, an extremely important tool that will help us unlock the vast potential of our own domestic oil and gas supplies. As we all know, it is in the best interests of our Nation to become more energy secure and to reduce our reliance on foreign oil supplies. Harmful reliance on foreign supplies can certainly have adverse national security and economic implications for our country. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. Current events compel us to proceed forward with the efficient development of our own domestic energy resources. Our continued economic prosperity, as well as the national security of the country itself, depends on the development of clean, secure and affordable energy supplies such as natural gas.

One of the most significant ways to help us tap our natural gas is through the use of hydraulic fracturing. Hydraulic fracturing is a technique that has been commonly used in industry for many decades to allow our gas reserves below ground to move freely from the rock pores where it is trapped to a producing well that can readily bring the gas to the surface. This technique is particularly used to help us tap the vast potential of our unconventional gas supplies in the United States, including tight geological formations like some coalbeds, sandstones and shales where huge amounts of gas presently are located. To obtain this gas, a well is drilled into this area and a fracturing fluid, usually consisting primarily of water and sand. This highly-reliable and cost-effective technology was developed in the late 1940s and has been continuously improved and applied since that time.

Hydraulic fracturing will undoubtedly play an important role in our future energy plans. Hydraulic fracturing will help us to develop our vast potential of oil and gas supplies more efficiently and will allow us to develop many resources that we would not otherwise be able to retrieve. Application of hydraulic fracturing to increase recovery is estimated to account for 30 percent of U.S. recoverable oil and gas reserves and has been responsible for the addition of more than 7 billion barrels of oil and 600 trillion cubic feet of natural gas to meet the Nation's energy needs. The National Petroleum Council estimates that 60 to 80 percent of all the wells drilled in the next decade to meet natural gas demand will require fracturing.

In 2004, the Environmental Protection Agency issued a report on hydraulic fracturing which the Agency characterized as the most extensive study of the technique ever performed. That study focused on hydraulic fracturing of coalbed methane wells, which was viewed as a "worst case" scenario in terms of the potential impacts on drinking water aquifers because hydraulic fracturing of these coalbed methane wells tends to take place at shallower depths than hydraulic fracturing of shales or other types of formations. This study carefully investigated all of the facts of hydraulic fracturing and was extensively reviewed by numerous EPA offices, other Federal agencies, a panel of technical experts and members of the public. Based on its investigation, this study again confirmed that there is no evidence that hydraulic fracturing has resulted in the contamination of drinking water supplies and that this technique poses little threat to human health and the environment.

In light of this work, the Congress reaffirmed in the Energy Policy Act of 2005 that hydraulic fracturing should not be regulated as underground injection under the Federal Safe Drinking Water Act except in very limited circumstances. Federal regulation would

not result in any additional environmental benefits and could impose unnecessary burdens on the use of this critical technology that would impede development of our domestic energy resources.

This new study that Congress is requesting of the Environmental Protection Agency is intended to review the risks, if any, that hydraulic fracturing poses to drinking water sources. Just like the Agency's prior study, this study should be conducted using a systematic, scientific approach that assures transparency, validity, and accuracy. The study should be based on accepted quality assurance guidelines to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include other appropriate Federal agencies as well as the State regulators who have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions, or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing. The 2004 study spent a considerable amount of time examining the hydraulic fracturing process, including the depth at which hydraulic fracturing activities take place as compared to the much shallower depths of drinking water aquifers, the physical characteristics of the rock formations that separate the zones targeted for oil and gas production and the drinking water aquifers and the creation of fractures during the hydraulic fracturing process.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the

study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Mr. REED. Madam President, I want to thank Chairman FEINSTEIN for her work on this bill.

I appreciate the attention that she has given to a number of key investments, particularly funding for the state revolving funds for sewer and drinking water infrastructure, which I have strongly supported. These investments are not just a matter of improving public health and environmental quality; they are a matter of job creation, which is all important at this time.

I am concerned, however, about a provision that was included at the insistence of the House of Representatives that will exempt certain vessels on the Great Lakes from regulation under a proposed EPA rule designed to limit emissions from marine diesel engines. I know that this provision is not one that was advanced by Chairman FEINSTEIN, and I appreciate her efforts to prevent a larger exemption than is in this bill.

Although the exemption included in this bill is limited to 13 vessels, the impact on public health has not been explained. In addition, the conference report includes language that encourages EPA to adopt additional exemptions for vessels on the Great Lakes in its final rule. As a result, I am alarmed about the potential impact on air quality in downwind States, like Rhode Island, which, I must note, will be required to comply with EPA's regulations on marine diesel engines.

Representing a State that has an unfortunately high unemployment rate, I have great sympathy for those who called for this exemption on the basis of potential economic impact on a local industry. On the other hand, my constituents bear the environmental and health burdens that come from pollution that originates from the Midwest.

Last week, the Northeast States for Coordinated Air Use Management, NESCAUM, which represents air quality agencies in Rhode Island, Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, wrote to express its deep concern about any effort to delay or limit EPA's regulations on marine diesel engines based on the potential environmental impacts and the impacts on international efforts to reduce emissions from marine engines. I will ask that this letter be printed in the RECORD.

I would hope that after a more thorough deliberation we will have a chance to revisit this issue and provide appropriate protection to downwind States.

Again, I appreciate the efforts of the chairman to limit the reach of this provision and for the important investments she has made in this bill. I am grateful for her leadership and am honored to serve with her.

Madam President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

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

NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT,  
Boston, MA, October 21, 2009.

Sen. JACK REED,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR REED: The Northeast States for Coordinated Air Use Management (NESCAUM) has recently learned of an effort to attach a rider to the FY 2010 Interior and Environment Appropriations Bill that would have the effect of delaying or limiting the U.S. Environmental Protection Agency's (EPA) ability to reduce air pollution from large marine vessels that operate in domestic waterways. NESCAUM is the association of eight northeastern state air pollution programs that includes Rhode Island along with Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Vermont. Consistent with our mission to protect and enhance air quality in the Northeast, NESCAUM opposes attempts to use the federal appropriations process to obstruct EPA's efforts to reduce emissions from large marine vessels.

Air pollution is not confined to state boundaries. Through long-range transport in the atmosphere, pollutants emitted in domestic waters, such as the Great Lakes, affect air quality in the Northeast. We point out that one of our member states, New York, has the third longest shoreline among the Great Lakes states. The fuel controls proposed by EPA will significantly reduce emissions of sulfur dioxide and nitrogen oxides (NO<sub>x</sub>), which contribute to ground-level ozone (smog), particulate matter, and acid rain. As a result, the Northeast will realize significant public health and other environmental benefits from implementing EPA's proposed rule not only in the Northeast's local waters, but in upwind waters as well.

In addition to the negative public health and environmental implications, a special exclusion for vessels predominantly operating in domestic waters sends the wrong message to the international community regarding the U.S. commitment to reduce emissions from ocean going vessels. The governments of the United States and Canada have applied to the International Maritime Organization (IMO) for designation of their coasts as an Emission Control Area (ECA). The ECA designation establishes stringent controls for fuel sulfur and engine NO<sub>x</sub> emissions for all ships, foreign and domestic, operating in coastal waterways. A significant change in U.S. policy at this critical juncture of the ECA application process, as signaled by such a rider to an appropriations bill, could jeopardize the standing of U.S.-Canadian application before the IMO. We should approach the IMO with "clean hands" by demonstrating our commitment to do for ourselves what we are asking others to do for us as well.

For these reasons, we urge you to oppose the impending rider to the FY 2010 Interior and Environment Appropriations Bill. Thank you for your consideration.

Sincerely,

ARTHUR N. MARIN,  
Executive Director.

Mr. FEINGOLD. Madam President, I support many of the provisions in the Interior appropriations conference report, including the amendment I passed to allow the Federal Government to partner with private entities to develop

new biofuels technologies. This provision is part of my E4 Initiative to promote the economy, employment, education and energy, and it will help us to find ways to break our addiction to oil, while also spurring job creation and enhancing rural development. The bill also includes funding for many other important programs that I support, including full funding for the new Great Lakes Restoration Initiative, as well as money for the Land and Water Conservation Fund, State wildlife grants, national wildlife refuges, and the Clean Water and Drinking Water State Revolving Funds, and funding to assist American Indian tribes through the Indian Health Services and tribal law enforcement programs.

I cannot vote for the bill, however, because it includes a continuing resolution, added in conference, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the global threats to our national security posed by al-Qaida.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

Mr. KYL. Madam President, I regret that I must vote in opposition to the fiscal year 2010 Interior Appropriations conference report. There are too many objectionable provisions—and spending levels are too high—for me to vote yes.

The Interior appropriations in this bill total 17 percent more than last year's level. That compares to an increase of 5 percent for Homeland Security functions and approximately 3.7 percent for Defense. At that level, the military will not even be able to recapitalize equipment used during the wars, or procure new modern equipment.

Consider some of the other spending increases provided in this bill: the Environmental Protection Agency will receive a 35 percent increase for fiscal year 2010. The National Gallery of Art will receive a 36 percent increase, for a total funding level for fiscal year 2010 of \$167 million.

Another concern I have involves wildland fire funding. During consideration of the fiscal year 2010 Interior bill, Senator BARRASSO and I offered an amendment to prohibit \$2.8 million in wildland fire funds from being spent in the District of Columbia for festivals and the Mayor's Green Job Corps program. Clearly, neither of these pro-

grams is fire related. The amendment was adopted, yet the Interior Appropriations conference report does not include the amendment. Instead, it allows these much needed fire dollars to go to a city that has never experienced a wildfire and does not have any national forest land.

While sensible provisions like the Barrasso/Kyl wildland fire amendment were struck from this conference report, other problematic provisions, that were not part of either the House or the Senate bill, were airdropped in. The Interior conference report now includes Davis-Bacon requirements for projects funded through the Clean Water Act and the Drinking Water Act Revolving Fund. EPA has not applied Davis-Bacon requirements to infrastructure projects funded through the State revolving funds since its authorization expired in 1995. In addition, the Act made it clear that Davis Bacon was limited in its application to water infrastructure projects constructed in whole or in part before October 1, 1994 with funds "directly made available by" capitalization grants. Davis-Bacon requirements have been found to increase the cost of these projects dramatically. This is a major policy issue that should be fully debated on the floor instead of being added to an appropriations bill behind closed doors.

Another provision of concern is the newly added exemption from Clean Air standards for steamships operating on Great Lakes. Whether or not it is a good idea to exempt the steamships, it is just another example of provisions being added in conference even though no similar provisions were included in either the House or the Senate bill.

I do support the continuing resolution that is included. For my part, I would have extended the CR beyond December 18. It would hold spending to fiscal year 2009 levels.

The bill also allows the limit on loans backed by the Federal Housing Administration, FHA, Fannie Mae and Freddie Mac to remain as high as \$729,750 in high cost markets through 2010. While the intent is to ensure that homebuyers can get government-backed financing, there are unintended consequences that we have to consider. By increasing the number of homebuyers who can qualify for government loans, we are in effect exposing these government entities and taxpayers to more liabilities. The FHA's loss reserve fund, for instance, is estimated to cover only 3 percent of all FHA loans. If delinquencies continue at the current rate and cause the reserve fund to fall below the 2-percent threshold set by Congress, another government bailout may be on the horizon.

This bill also contains a provision that purports to prohibit the use of funds for the transfer of Guantanamo Bay detainees to the United States or its territories. The problem with the restriction is that it contains a rather significant loophole: It would permit the use of funds appropriated by this

bill to transfer Guantanamo detainees to the United States for the purposes of trial. We do not need to bring detainees to the United States for trial. Congress has established military commissions for the express purpose of prosecuting these detainees, and these military commissions can be convened in the place of detention.

There are very good reasons why this bill should deny funding for pre-trial transfer and require instead that detainees be tried in military commissions outside the country. First, if detainees are brought to the United States, even for detention and trial, it increases the chance they may be released into the country. Officials from the Obama administration have acknowledged that detainees present in the United States likely have more rights including constitutional rights than those held outside the country. Second, past public criminal trials of terrorists, namely the Blind Sheikh and Ramzi Yousef trials, have compromised U.S. intelligence information on al-Qaida. Third, importing al Qaeda terrorists into U.S. domestic prison facilities would provide them access to a prisoner population that FBI Director Mueller has identified as particularly vulnerable to extremist recruitment. And finally, the logistics of the Zacarias Moussaoui criminal trial are not something we should foist upon local officials numerous times over. During his trial in Alexandria, VA, the Washington Post described the city as a "virtual encampment."

Military commissions are fair to the accused and they are the appropriate forum for prosecuting detainees who are being held at Guantanamo. Indeed, in the defense authorization bill, the Senate went on record that the appropriate forum for bringing to justice combatants is military commissions, not civilian courts. By permitting the transfer of detainees to the United States for trial, this bill ignores not only the clear import of legislative enactments, but also the significant practical problems of prosecuting terrorists in the United States.

Finally, I would caution that including \$382 million for climate change-related activities seems premature, given that the Senate has not yet even taken up climate legislation.

There are some good items in the bill that I should mention. First, the forest provisions. The bill includes \$2 million for the Southwest Ecological Restoration Institutes, with \$1.5 million going to the Ecological Restoration Institute, ERI, as is authorized by law and included in the President's budget. The Institute's program is important to providing the best available science to restore western forests and protect communities from unnaturally severe wildfires on a landscape scale.

In addition, the bill tries to address the Forest Service and Department of the Interior wildfire cost overruns that have lead to borrowing from their other programs to cover wildfire costs.

Of note is the instruction to the agencies to develop new methods that consider actual prior year expenditures for formulating fire suppression funding estimates as part of their fiscal 2011 budget request, instead of just using the agency 10-year average. It also includes \$474 million for two funds that will cover the costs of the largest and most expensive wildfires.

Second, the bill includes language that begins to address environmental concerns raised about the administration's push for renewable energy development on public lands. Specifically, the bill language expresses concern about the effect renewable energy projects will have on water resources. In addition, the language requires a report from the Department of Interior and the Forest Service outlining a strategic plan for renewable energy project development, and requires in that plan that impact on water resources be a part of any recommendation for specific project areas. These provisions are particularly important in western states where there are large amounts of public land and water supplies are limited.

It is unfortunate that I must cast a "no" vote today. As many know, Interior-related funds are critical to Arizona. But, too much spending, and too many ill-considered authorizing provisions, as I have outlined, forces me to vote no.

Mrs. HUTCHISON. Madam President, I rise today to talk about an issue of great importance to our Nation's energy supply and our ability to continue producing affordable and reliable domestic energy. In particular, I would like to speak about a provision in the fiscal year 2010 Department of Interior, Environment and Related Agencies Appropriations Act conference report which pertains to a study on the use of hydraulic fracturing, an extremely important tool that will enable us to unlock the vast potential of our domestic oil and gas supplies.

Hydraulic fracturing is a critical technique used in producing domestic oil and gas resources. Across the country, leaders are recognizing the growing importance of natural gas to our Nation's energy supply. Natural gas is the most abundant form of clean energy in the United States. Natural gas, including gas from coal beds and other unconventional sources, is becoming an increasingly important energy source for the United States. Most experts predict that demand for natural gas is likely to increase dramatically in the next decade. The increased production of natural gas will both enhance our energy security and help us address the problem of carbon reduction.

The Interior appropriations conference report includes a provision to study the relationship between hydraulic fracturing and drinking water. It is imperative that we ensure that any study conducted is based strictly on facts and science. Specifically, any study must be conducted in a com-

prehensive, scientific, credible and transparent manner. It must be based upon the best available science as well as independent sources of information. Additionally, it should allow for stakeholder participation and should be conducted in coordination with states and interstate regulator agencies. Finally, the study should seek input and participation from industry and be peer reviewed. This will ensure that the study is credible and useful.

I am confident that if properly conducted, the proposed study will clarify that the use of hydraulic fracturing will help to increase our domestic resource potential while posing no environmental harm.

Mrs. FEINSTEIN. Madam President, pursuant to rule XLIV of the Standing Rules of the Senate, all congressionally directed spending items contained in the Interior appropriations conference report are to be disclosed. The Statement of Managers that accompanies this conference report does, in fact, contain tables which disclose the required information. In an effort, however, to go well beyond the letter of the rule and provide an additional level of transparency, I would like to include in the RECORD supplemental information that will serve as further clarification with respect to some of these items. Because of the way the information is presented at the request of the House of Representatives, the full amount of funding specified for a particular project could, to some, be difficult to discern in those instances where the item of congressionally directed spending is in addition to the amount contained in the President's budget request. The list of items that I will place in the RECORD will make it easier for Members to make the distinction between what was in the President's budget and what is subject to disclosure under the rules of the Senate.

Madam President, I ask unanimous consent that the following material be printed in the RECORD.

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

CLARIFICATION OF CONGRESSIONALLY DIRECTED SPENDING TABLE

Bureau of Land Management—Land Acquisition: \$1,000,000 over budget, California Desert Wilderness (CA), Senator Feinstein.

Fish and Wildlife Service—Land Acquisition: \$6,900,000 over budget, James Campbell National Wildlife Refuge (HI), Senators Akaka and Inouye; \$500,000 over budget, Red River National Wildlife Refuge (LA), Senator Landrieu; \$250,000 over budget, Silvio O. Conte National Wildlife Refuge (CT, MA, NH, VT), Senators Dodd, Gregg, Kennedy, Kerry, Leahy, and Lieberman; \$250,000 over budget, Cherry Valley National Wildlife Refuge (PA), Senators Casey and Specter; \$800,000 over budget, Bear River Migratory Bird Refuge (UT), Senators Bennett and Hatch.

Environmental Protection Agency—Environmental Programs and Management: \$1,000,000 over budget, San Francisco Bay competitive grant program (CA), Senator Feinstein; \$1,566,000 over budget, Lake Champlain environmental improvement program (VT), Senator Leahy.

Environmental Protection Agency—State and Tribal Assistance Grants: \$3,000,000 over budget, Alaska Native Villages water infrastructure program (AK), Senator Murkowski.

U.S. Forest Service—Forest and Rangeland Research: \$400,000 over budget, Center for Bottomlands Hardwood Research (MS), Senator Cochran.

U.S. Forest Service—State and Private Forestry: \$1,000,000 over budget, Wood Education and Resource Center, Princeton (WV), Senator Byrd.

U.S. Forest Service—National Forest System: \$1,250,000 over budget, Tongass National Forest timber pipeline program (AK), Senators Begich and Murkowski.

U.S. Forest Service—Capital Improvement and Maintenance: \$800,000 over budget, Pacific Southwest, Hawaii Research Field Stations (HI), Senators Akaka and Inouye.

U.S. Forest Service—Land Acquisition: \$750,000 over budget, Angeles National Forest (CA), Senator Feinstein; \$500,000 over budget, Los Padres National Forest (CA), Senator Feinstein; \$200,000 over budget, Chattahoochee-Oconee National Forest (GA), Senator Chambliss; \$575,000 over budget, Hoosier National Forest (IN), Senator Lugar; \$150,000 over budget, Chippewa and Superior National Forests (MN), Senator Klobuchar; \$1,000,000 over budget, Gallatin and Custer National Forests (MT), Senators Baucus and Tester; \$2,000,000 over budget, Gila National Forest (NM), Senators Bingaman and Udall; \$640,000 over budget, Black Hills National Forest (SD), Senator Johnson; \$3,000,000 over budget, Cherokee National Forest (TN, NC), Senators Alexander, Burr, and Corcoran; \$2,000,000 over budget, Green Mountain National Forest (VT), Senator Leahy; \$1,125,000 over budget, Chequamegon-Nicolet National Forest (WI), Senator Kohl.

U.S. Forest Service Wildland Fire Management: \$2,000,000 over budget, California Fire Safe Councils (CA), Senator Feinstein; \$4,000,000 over budget, Lake Tahoe Community Fire Protection Project (CA), Senators Boxer and Feinstein.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I see no other Republican Senators who wish to speak, so I yield back our time.

Mrs. FEINSTEIN. Madam President, I think we can wrap this up. I see no other Senators on the Democratic side, so I yield back our time.

Madam President, if I may, I wish to take a moment to thank the staff for their work. On the Democratic side: Peter Kiefhaber, Virginia James, Scott Dalzell, Rachael Taylor, and Chris Watkins. On the minority staff: Leif Fannesbeck, Rebecca Benn, and Rachelle Schroeder. Everybody worked together. It was a very special effort and I thank them very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, could I add my thanks to the staff. They have worked hard. This hasn't been a very easy bill to do. Senator FEINSTEIN mentioned all of their names. I add my thanks to her thanks.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the relevant provisions of rule XXVIII.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays, 40, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—60

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

NAYS—40

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

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, the next vote will be the last vote this week. When we complete the next vote, that will be the last vote for the week. When we come in Monday, we are going to come in half an hour early; that is, we are going to have a vote at 5 o'clock on Monday. We have to do it at 5 o'clock so we can complete work before midnight the next day. So everyone should be here no later than a quarter to 6 because we are going to have to close the vote at a quarter to 6. We hope we can work something out between now and then, that we will not have to go the way we are planning on going.

The way things are now lined up, we are going to have unemployment compensation that will have the amendment of Senator ISAKSON and the amendment of Senator BUNNING in it. We hope we can complete that business and move on to other things next week.

I don't want to sound like the proverbial boy calling wolf, but there is a strong possibility—much more than 50 percent—that we will be in next weekend. Remember, we only work 2 days, the 9th and 10th, and then we are off the 11th, 12th, and 13th. I hope everyone will understand that. There has been full notice given to everyone. I hope we can work something out and that will not be necessary. I will work with the Republican leader to give everyone as much notice as possible.

The PRESIDING OFFICER (Mr. BEGICH). The question is on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—72

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

NAYS—28

Barrasso	Enzi	Lugar
Bayh	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Hatch	Sessions
Coburn	Hutchison	Thune
Corcoran	Inhofe	Vitter
Cornyn	Johanns	Wicker
DeMint	Kyl	
Ensign	LeMieux	

The conference report was agreed to.

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

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

Mr. COBURN. Mr. President, I ask unanimous consent to be recognized and that following my remarks Senator CASEY be recognized for 10 minutes, followed by Senator SESSIONS, who would control up to 40 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about the bill we just passed. I decided to save my remarks so my colleagues wouldn't miss their planes and trains and could get out of here and not delay them prior to the vote.

I listened intently to Senator SESSIONS and his discussion prior to the vote, and I wish to raise a word of caution for the American public. What we just did in the Senate was to set the government on a course to double in 5 years. The size of the Federal Government will double in 5 years if we keep doing what we have been doing on appropriations bills. There is a 16.9-percent increase in this bill, with a truly negative inflation rate as far as the

basket for American people and how we look at that.

I had several amendments in the bill. All but one of them became compromised after it came out. That is not necessarily the problem of Senator AL-EXANDER or Senator FEINSTEIN. But what we have done in this bill is prioritize the environment over the violation of our borders. We have hamstringed our Border Patrol, and the consequence of that is we are going to continue to see drugs, we are going to continue to see these "rape trees," through the bringing in illegally of people and then the people being brought in illegally to the country being raped.

This bill had 540 earmarks—71 pages of earmarks. We had an amendment in the bill for competitive bidding. The language came out of the conference report that competitive bids would be applied to everybody except people with earmarks. The American people need to understand what that means. That means the well-heeled in this country who have a connection to a Member of this body get a benefit, and so it doesn't even have to be competitively bid. That doesn't even address the question of whether it is a priority for the country. It addresses the question of whether we may be paying two or three times what we should be paying, even if it is a good project.

So I raise the question, for the people who are listening, and I say that what we are doing is wrapping a cord around ourselves and then tying the knot so we get to a point where we cannot fix what ails us. If you look at the U.S. dollar and the lack of confidence, and you look at the meetings that have been going on by people who purchase our debt, they are trying to create a new reserve currency. That is ongoing. They do not deny it. What will happen to us, we will be on an unsustainable course, where we can't pay the \$800 billion of interest in 10 years. That interest is based on an interest rate of 4 percent, not at zero percent today.

It could very well be that in 2019, the largest portion of the expenditures of the Federal Government—well over 45 percent—will be interest. What does that mean?

What does that mean to the average family in this country? What does that mean to your children, Mr. President? What does that mean to my grandchildren? What are the consequences?

Let me explain the conservative consequences and then I will finish. If you take everybody alive in this country today who is under 20 and you add everybody who is going to be born over the next 20 years—so we have everybody who is under 40, 20 years from now—here is what they are going to owe. These are not my numbers. These are actuarial numbers that have been certified. Every one of them is going to owe \$1.119 million. They are either going to be responsible for that portion of the real debt or that portion of the unfunded liabilities for which they will never gain any benefit.

So ask yourself: If we keep doing what we just did in this body, what are we doing to our kids and our grandkids?

We are absolutely abandoning the heritage of this country, and we do it cavalierly. I mean, there were 28 votes against this 16-percent increase on one bill. Only 28 votes. Only 28 Senators said a 16.9-percent increase in spending is too much, when most families' income has declined by 3.7 percent this year.

We don't get it. I don't understand why we continue to do it. I am as frustrated as the people outside this body. But I can tell you, there is a day of reckoning coming and not just for our country financially but for the Members of this body. The American people are going to wake up, they are going to see we have mortgaged their future, their children's future, and their grandchildren's future, and they are going to say: Enough. The hope would be it will not be too late.

With that, I yield to the Senator from Pennsylvania.

#### HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise tonight to speak about health care and all the issues we have been debating under the broad umbrella of health care reform. Obviously, I will not get to all of them tonight, but I am going to spend a few minutes talking about two general areas. One is a list of changes that I believe will take place when our work is completed in the Senate and after what I hope will be President Obama signing a bill on health care reform in a matter of weeks. That will change what I believe has been an unfair burden carried by the American people, at the expense of the American people but brought on by the power, sometimes the awesome power, of insurance companies. I will talk about that, but also I want to speak mostly about changes that need to be made in our health care system for children.

There are a couple of points on basic reform measures that I believe will be part of what we complete in the next couple of weeks. First, a basic list of consumer protections that we talked about for many years but we have never made illegal will prevent insurance companies from continuing what is often blatant discrimination. One of the things we have to do this year is end discrimination for preexisting conditions. If what I believe is the prevailing point of view in this body is successful, insurance companies will be prohibited from refusing you coverage because of your medical history. Out-of-pocket costs will be limited, as well as deductibles or copays.

Free preventive care: Why should we say on the one hand we encourage prevention, as we have for years, but now we are going to get serious about prevention in our health care system and make it part of every insurance policy and demand that we all engage in steps

that will be preventive in nature and we also will say, for example, for a woman a mammogram is important but why, in the face of all of that, do we say to women in America, as is the current policy, that women have to pay exorbitant costs for mammograms? Frankly, I believe they should have to pay nothing for something as essential to prevention. So preventive care should be free or at a very low cost.

If you are seriously ill, an insurance company should be prohibited from dropping your coverage. We should make that practice illegal.

We should make gender discrimination illegal as it relates to insurance companies. I find it hard to believe that in 2009 we have to legislate to prevent insurance companies from discriminating against women, but we have to because that in fact happens today. Insurance companies will not be able to charge you more because you happen to be a woman, as happens today.

Eliminating annual lifetime caps on coverage has to be part of the final health care legislation.

Extending coverage for young adults is critically important.

Guaranteed issue renewal: Insurance companies, I believe, should be required to renew any policy as long as the policyholders pay their premium in full and insurance companies will not be allowed to refuse to renew a policy because someone gets sick. If you get sick you should not lose your coverage, and if you get sick you should not have to bankrupt your family to pay for the health care you deserve.

Finally on this list, and it is not an exhaustive list but I think it is an important list to review: protecting small businesses. Small businesses should receive tax credits so they can give their employees comprehensive and affordable health care and include a limit on out-of-pocket costs.

These are some of the basic consumer protections I believe we should enact as part of this health care legislation.

I also believe if you want to focus on a particularly vulnerable group of Americans, a group of Americans we have made some progress with in terms of their coverage, though we have not done nearly enough yet, I speak of children. We have made tremendous progress with the Children's Health Insurance Program, for example, and also the children in America covered by Medicaid, so children have the opportunity to receive very good care in almost every instance.

But there are still some problems. Even in a State such as Pennsylvania, where you have, by last count, in a survey done in Pennsylvania last year for the Insurance Department, it showed that just 5 percent of Pennsylvanians up to the age of 18 were uninsured. That 5 percent is too high. We want to get that to zero, of course, but it is a lot lower than it would have been without the Children's Health Insurance Program or without other strategies.

Unfortunately in our State, and I think it is true of most States, when you look at the age category 19 to 64, in that category the uninsured rate is more than double the uninsured rate for children. Instead of being 5 percent uninsured for children age 19 to 64, it is 12 percent. In Pennsylvania what that means is, if you are between the ages of 19 and 64, you are one of more than 870,000 Pennsylvanians who are uninsured. We cannot build an economy or improve our economy in Pennsylvania if we have that many people uninsured for a long period of time.

I still believe, even with the progress we have made on children, we have much to do. For example, we have to do everything possible to increase outreach and facilitate enrollment for low-income families and children. We should not have a program such as Children's Health Insurance, or Medicaid, and then make it hard for families to enroll. So I led the effort in our HELP Committee this summer, even before we voted on a bill, to make sure that enrollment is made easier. I worked very closely with Senator DODD, who long has been a champion for children and a strong advocate for children's health insurance.

We should also focus on the benefit packages related to pediatrics, pediatricians. We had an amendment this summer in the HELP Committee that Senator MERKLEY and I cosponsored, ensuring that a pediatric representative would be part of any advisory commission to the Secretary of Health and Human Services regarding what should be in a benefit package. It is very important to have a pediatric representative at the table.

Another thing that is critical is to have a requirement that pediatric preventive care be included in the list of mandatory preventive services that insurance plans offer with a minimum of cost-sharing requirements for families.

No. 4 on this list, in terms of what happens to children in pediatric settings: In our committee bill we talked about medical homes—*not* a physical place, but a way to provide treatment, that is the idea for every American to have a primary care physician and then a network of specialists around them they have access to. That is certainly the ideal and the intent of a large part of the HELP Committee bill. Also it is important to remember that children are not just smaller adults or smaller versions of an adult; they have particular and special needs in terms of their treatment. So for children, their primary care doctor is a pediatrician and therefore pediatricians must be among those practitioners who are at the center of the care or the center of the medical home that surrounds a child.

Also ensuring critical health care for children involving their oral health care: We ensured in the HELP Committee this summer the establishment of an oral health care education prevention campaign at the CDC focusing

on preventive measures. We also increased funding for training for pediatric dentists in the bill we passed this summer out of the committee. It is critically important that children have access to that kind of health care in the early years of their life. We had a tragic, horrific example of what could go wrong when a child died here in the Washington region a couple of years ago—I believe actually the State of Maryland—when that child did not have access to a dentist and had horrific problems which led to that child's death. As a result of changes we make in our health care system, we must ensure that does not happen.

Strengthening the pediatric workforce: Along with both Senator BROWN and Senator DODD, this summer in our HELP Committee bill we added a loan repayment program for pediatric specialists and providers for mental health services for children. We can't say that we care about children and not build in these particular protections for them in our health care system. Part of that is a workforce issue. We heard a lot in this debate about the shortage of primary care physicians. The intent of our bill in the HELP Committee was to make sure we would have a building up, an increase, in the number of primary care physicians. Again, for a child, his or her primary care physician is a pediatrician and it is critically important that pediatric specialists be available to children when they have special needs and special challenges that need to be treated by a specialist.

I know I am over my time. I will conclude. One last point about the CHIP program: The Children's Health Insurance Program as we know is now a stand-alone program. There were some efforts this past summer and into the fall to have that program folded into any exchange that would be created as a result of the health care legislation. I thought that was a mistake. I made that very clear to others and to the Finance Committee as we were debating it. Thank goodness, Senator ROCKEFELLER worked so hard and led the fight to keep the Children's Health Insurance Program as a stand-alone program. We should not fix what "ain't broken," as the expression goes, and the Children's Health Insurance Program works well for millions of children today. Within the next couple of years, that program will cover 4 million children who will be given access to the kind of care we would hope every child has.

I think all these changes I have talked about, and more, come under the headline of "No Child Worse Off." That should be, and will continue, I believe, to be one of the goals of health care reform. At the end of this process no child in America, especially poor children and children with special needs, will be worse off.

We have a long way to go, lots more work to do. But if we are guided by that principle we will make sure our children have the kind of health care

that we all hope for and they have a right to expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

(The remarks of Mr. SESSIONS, Mr. LIEBERMAN and Mr. BOND, pertaining to the introduction of S. 2336 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, would the Chair state the matter before the Senate at this stage?

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of 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.

The PRESIDING OFFICER. Is there further debate on the motion?

The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant 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.

#### AMENDMENT NO. 2712

Mr. REID. Mr. President, on behalf of Senator BAUCUS and Senator REID of Nevada, I call up a substitute amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 2712.

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

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus-Reid amendment No. 2712 to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Max Baucus, Byron L. Dorgan, Edward E. Kaufman, Mark L. Pryor, Jeff Bingaman, Tom Udall, Roland W. Burris, Tim Johnson, Mary L. Landrieu, Patty Murray, Al Franken, Michael F. Bennet, Benjamin L. Cardin, Richard J. Durbin, Herb Kohl, Mark Begich.

## AMENDMENT NO. 2713 TO AMENDMENT NO. 2712

Mr. REID. Mr. President, I have a first-degree perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2713 to amendment No. 2712.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 2714 TO AMENDMENT NO. 2713

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2714 to amendment No. 2713.

The amendment is as follows:

In the amendment, strike "7" and insert "6".

## AMENDMENT NO. 2715 TO AMENDMENT NO. 2712

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2715 to the language proposed to be stricken by amendment No. 2712.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 2716 TO AMENDMENT NO. 2715

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2716 to amendment No. 2715.

In the amendment:

Strike "5" and insert "4".

## CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Max Baucus, Al Franken, Byron L. Dorgan, Michael F. Bennet, Edward E. Kaufman, Benjamin Cardin, Mark Pryor, Richard Durbin, Jeff Bingaman, Herb Kohl, Tom Udall, Mark Begich, Roland Burris, Tim Johnson, Mary L. Landrieu, Patty Murray.

## MOTION TO COMMIT WITH AMENDMENT NO. 2717

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee, with instructions to report back forthwith with an amendment numbered 2717.

The amendment is as follows:

At the end insert the following: "This section shall become effective 3 days after enactment of the bill."

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 2718

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amended numbered 2718.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 2719 TO AMENDMENT NO. 2718

Mr. REID. Mr. President, I have a second-degree amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2719 to amendment number 2718.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 3548 on Monday, November 2 at 4 p.m., and that the time until 5 p.m. be equally divided and controlled between the leaders or their designees; that at 5 p.m. the Senate proceed to vote on the motion to invoke cloture on the Baucus-Reid substitute amendment, and that the mandatory quorums required under rule XXII be waived.

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

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the legislation before us to extend unemployment insurance benefits for millions of out-of-work Americans. Families across this Nation are hurting, and 15.1 million Americans are currently unemployed. It is imperative that legislation to provide relief to those hardest hit by the economic downturn is passed without further delay.

The Unemployment Compensation Extension Act of 2009 would: Extend unemployment insurance benefits by 14 weeks; and, provide an additional 6-week extension for those living in States with unemployment rates of 8.5 percent or higher, such as California.

This adds up to a 20-week extension of unemployment benefits for those in the toughest job markets. The legislation is fully-offset, and would not increase the deficit or national debt.

Congress last acted to temporarily extend unemployment insurance benefits in November 2008. Additionally, the economic stimulus bill enacted in February increased benefits by \$100 a month, providing much-needed help to those struggling to make ends meet. But, the unemployment rate continues to rise. Jobless Americans need an extension of unemployment benefits, and they need it now.

As of September, the national unemployment rate stands at 9.8 percent—the highest in 26 years—263,000 jobs were lost last month, and 7.6 million have been lost since the recession began in December 2007.

My home State of California has been hit particularly hard. The unemployment rate has risen to 12.2 percent, significantly higher than the National average. The number of people unemployed in California as of September was 2,247,000.

There are 12 States with a smaller population than the number of unemployed Californians: Alaska, Delaware, Hawaii, Idaho, Maine, Montana, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming. Mr. President, 71,000 out-of-work Californians have already exhausted their unemployment benefits this month. According to the

California Employment Development Department—EDD, an estimated 170,000 Californians will exhaust their benefits by the end of 2009 if Congress does not act.

Not only are more workers losing their jobs, but it continues to be more difficult for the unemployed to find work again. The number of Americans who have been jobless for 6 months or longer has reached a record 5.4 million.

America has faced tough economic times before, including four periods of recession since 1980. During all of these recessions we see a disturbing pattern: laid-off workers exhausting their unemployment benefits. By the year's end, 1.3 million people across the nation will lose their unemployment insurance benefits, and 7,000 Americans are running out of benefits on a daily basis.

These are more than just statistics or numbers on a page. Every percentage, or data point, tells the story of another family impacted by downsizing, a factory shutting down, or a local small business forced to close its doors.

The numbers don't tell the full story of the pain, anxiety, and challenges out-of-work Americans are facing. Here are some personal examples from Californians who have written to my office.

A former Chemist from Solana Beach, California wrote:

I have a Masters in Chemistry in drug discovery and have worked for 15 years in this manner. And though I apply almost every day to any and all jobs I might be a candidate or hired (including entry level positions in and out of my field, waiter, grocery store, fast food, hardware store, etc) I have only had two interviews in the last 3 months and worked 2 weeks as a temp. No one wants to hire a Masters in Science for an \$8 per hour job even less in my traditional career. Please vote yes to extend unemployment insurance.

A single mother from Rio Dell, California wrote:

Please, PLEASE do what you can to help with the Federal extension for unemployment benefits. I will receive my final check in a matter of days. I am a single mother who is barely surviving and fear losing my place to live. I have already received one eviction notice from my landlord due to paying my rent late. I fear I will lose parental custody if I can't keep a roof over our heads. I have carefully documented my work search, but the hope of finding employment is dwindling along with my hope of providing the most basic necessities such as water, heat, and shelter as winter approaches. I live in Rio Dell where the base rate for water and sewer was just raised to \$90 per month. I'm now a month behind. I don't have a spouse or family to help me. I don't even have a car anymore. I know I'm not the only one in this position, but it is of little consolation. So please help. The farther a person gets down, the harder the climb back up. We are in a devastating situation that needs immediate attention and reparation. I sincerely appreciate your time and consideration."

A former Postal Service employee from Grass Valley, California wrote:

Dear Ms. Feinstein, I am writing regarding the unemployment extension. I am a single mother struggling to keep my daughter clean, fed and in school. I was laid-off from the US Postal Service and have been des-

perately looking for work with no luck. Please urge your colleagues to pass this legislation as soon as possible and then work on possible inequities between the states. Thank you very much for your time.

These are only a handful of the nearly 2,000 letters my office has received. It breaks my heart to read such stories, and I am sure that many of my colleagues are hearing from constituents facing the same tough circumstances.

The situation for those in high unemployment states, such as California, is urgent, and, it is not just about preserving a social safety net or helping those who have paid into the system while they were employed. The unemployment crisis feeds the foreclosure crisis which leads to continued instability in the housing market which was the catalyst for the economic downturn in the first place. Put another way, the longer this legislation is delayed, the longer our economic recovery is delayed.

This extension is a targeted action that will quickly put money into the hands of those who need it most, and are most likely to spend it immediately on everyday necessities. According to Mark Zandi, chief economist of Moody's Economy.com, every dollar spent on unemployment benefits generates a return of \$1.64. Given the gravity of the unemployment situation, we have an obligation to take responsible action. There is no time for further delay, or political gamesmanship.

Some will argue that we do not need to extend benefits again, but with the increasing unemployment rate, more job losses, and the jobless staying unemployed for longer periods, American families need a break. We must address the underlying causes of the economic instability facing our Nation. More incentives are needed to ease the flow of credit to businesses and consumers. Special attention must be given to the small businesses that in many communities are the primary engine for job creation and economic development. But, the choice before us today with this legislation is clear.

We should pass this legislation now.

I urge my colleagues to support this bill to provide immediate assistance to out-of-work Americans and aid our Nation's economic recovery.

#### MORNING BUSINESS

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

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

#### 40TH ANNIVERSARY OF THE INTERNET

Mrs. BOXER. Mr. President, I rise today to celebrate the 40th anniversary of an event that is referred to as the "birthday" of the Internet.

On October 29, 1969, Dr. Leonard Kleinrock of the University of California, Los Angeles, and his team successfully transmitted the first message to their counterparts at Stanford University, led by Dr. Douglas Engelbart, via a network system that was the predecessor of today's Internet.

I wonder if Drs. Kleinrock and Engelbart ever imagined the full impact and transformative nature of their experiment, not only on California and the United States, but also the world?

From those original tubes between UCLA and Stanford, the Internet has grown into a global network, facilitating important communication, commerce and services around the world. The Internet allows scientists to share research and findings. Consumers can shop almost anywhere in the world via the Internet and have their purchases delivered to their doorstep. Government services, from emergency information to registration of motor vehicles, can be accessed through the Internet.

The Internet has also been an important economic engine for our country, and I am proud that my state of California has been home to many innovators, such as Google and eBay, who transformed ideas into successful multinational businesses.

This anniversary also serves to remind us of the importance of collaborative research efforts between our government and universities, like the UCLA and Stanford. The first network system used by Drs. Kleinrock and Engelbart, called ARPANET, was developed through funding and collaboration between the universities and the Department of Defense.

Today, we must remember that universities and their researchers remain a vital resource in facing and solving the challenges of the future.

I want to close by congratulating the UCLA, Stanford University, and Drs. Kleinrock and Engelbart, for their hard work and contributions to the development of the Internet over the years. Forty years after that first successful message, the Internet continues to transform our lives and the world.

#### REMEMBERING SENATOR CLIFFORD HANSEN

Mr. HATCH. Mr. President, I rise today to speak about the passing of Clifford P. Hansen, a former Republican colleague of mine in the U.S. Senate and a devoted public servant whose contributions to this august body and to his home State of Wyoming will not soon be forgotten.

Clifford Hansen, who was the Nation's oldest living former Senator until his passing this week at age 97, loomed as large on the Wyoming political landscape as his beloved Grand Teton do on the natural one. This one-time Governor of Wyoming and two-term U.S. Senator leaves an impressive legacy of legislative achievement.

Clifford was born in Zenith, a town so small that it no longer appears on

State road maps. But growing up in Jackson, Clifford demonstrated the abilities and qualities needed to be successful in a wide variety of pursuits and political endeavors. After earning a degree in agriculture from the University of Wyoming, he rose quickly through the ranks, serving as a trustee of his alma mater, a Teton County commissioner, and later, in the mid-1960s, as Governor of Wyoming.

As Governor, Clifford Hansen brought an end to laws banning miscegenation, boosted the minimum wage, and secured higher retirement pay for State workers, among many other things. He also increased fair employment practices and secured more financial assistance for public schools and higher education. He then served two terms in the U.S. Senate and compiled an equally impressive list of accomplishments there.

I had the privilege of meeting Clifford Hansen in 1977, when I came to Washington as a wide-eyed freshman Senator. I will never forget the warmth and kindness Senator Clifford showed me, helping me get acclimated to my new surroundings and responsibilities. He was a conservative's conservative—a public servant of rock-solid integrity and unwavering devotion who believed in the time-honored principles of fiscal responsibility and less government. He was just as devoted to his beloved wife of more than 75 years, Martha, and their two children, Mary and Peter.

One of Senator Hansen's many gifts was his human touch. He always treated everyone the same, no matter what their station in life—with a warm smile, a hearty handshake, and unfeigned respect. No wonder he was so beloved by so many, everyone from Senate colleagues and staff to custodial and cafeteria workers.

More than three decades after coming to Washington, I am still privileged to serve in the Senate. And even though Clifford Hansen retired from the Senate in 1978, the years have not dimmed my memories of him and the high esteem with which I hold him. I cherish his memory and honor his service. And my thoughts and prayers at this difficult time are with his beloved Martha and other family members and devoted friends.

He will be missed.

#### NATIONAL NUCLEAR PROGRAM WORKERS DAY

Mr. BUNNING. Mr. President, today I rise to honor nuclear weapons program workers and uranium miners, millers and haulers. Tomorrow, October 30, 2009, has been designated by Congress as a national day of remembrance for these workers and their families.

During the Cold War, these men and women served the United States by working in the Department of Energy's nuclear plants, exposing themselves to hazardous materials. As a result of this exposure, many developed illnesses and sacrificed their well-being for the sake of our Cold War victory.

This day of remembrance is particularly important to Kentuckians, because of men and women who have worked—and still work—for the Paducah Gaseous Diffusion Plant in Paducah, KY, since 1952. During the Cold War, this plant enriched the uranium for the weapons that kept America safe. Back then, this plant provided jobs to a small town and helped Paducah grow. What these workers did not necessarily know then was that they were not just going to work for a paycheck, but they were sacrificing themselves to protect our national security. Now, during a time of high unemployment, the plant continues to provide jobs by cleaning up the nuclear waste of the Cold War era.

Our Nation's nuclear workers have bravely served our country at a time when we needed them most and they deserve to be honored. Today, I, alongside the Nation, recognize these fine men and women for the sacrifices they have made.

#### AUTISM

Mr. KIRK. Mr. President, I ask unanimous consent that the following op-ed article written by Doug Flutie and printed in the Boston Globe on October 17, 2009, be printed in the RECORD.

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

Massachusetts may have the best health care in the country, but it doesn't cover the treatment for the fastest-growing health threat to children—autism. Autism affects brain function and impairs communication, social interaction, and sensory modulation skills. The most recent statistics show that 1 in 91 children has autism, with the incidence four times as high in boys. More than 500 babies born this year in Massachusetts will soon be diagnosed with autism. What their parents will learn first—what my wife, Laurie, and I have learned from our son Dougie—is that while the hopes and dreams for their child may change, they will also intensify. Parents will learn that, with early intervention, children with autism can make significant strides—a fact backed up by extensive studies. They'll find that their pediatricians and neurologists will prescribe intense one-on-one speech, occupational, physical, and behavioral therapies. And then they'll be dismayed to discover that, though they've always paid their health care premiums, their health plans will not cover these services.

Why don't health plans cover treatments for the fastest-growing health threat to children? There is a contradiction between the role of schools versus that of medicine and health plans. Federal law stipulates that schools provide services necessary to allow all children to "access the curriculum." While critical to helping children with autism excel in the classroom, this in no way replaces their need for therapy to improve long-term brain functioning—not only to get through an average day, but to lay the foundation for the rest of their lives. School superintendents are powerful in asking health plans to step up to ensure that children with autism, like all others, are sent to school ready to learn. They expect health plans to provide glasses to students with poor eyesight, or even chemotherapy to children with cancer, so they have every right to expect

that children with autism will receive out-of-school autism therapy. Foundations like The Doug Flutie Jr. Foundation for Autism and Advocates for Autism of Massachusetts work hard to fill the gaps in services and opportunities for children with autism. We also work to make up for the absence of the lead player in supporting the treatment of any medical condition: health plans.

In the health plans' absence, parents are left to pay privately or see their children go without autism therapies.

Those of us who can afford it (comfortably or through extreme means) see the incredible difference these services make in our children's ability to communicate, learn, function as part of the family and the community, and simply stay safe.

Those who can't afford it face the pain of being unable to give their child services proven to radically improve their developmental outlook.

Autism coverage isn't just the right thing; it's the financially smart thing. This coverage will cost just \$2.28 per member per month. Alternatively, the average lifetime cost for an adult with autism is estimated at \$3.2 million. Research shows that with effective early intensive intervention up to 47 percent of individuals can lead independent lives without state-funded supports. Additionally, they will each make an estimated \$1.7 million contribution as taxpayers, bringing the actual savings of autism coverage per person to \$4.9 million. While not all individuals will achieve this outcome, even moderate gains result in significant savings to taxpayers.

The Legislature is considering a bill that requires health plans to treat autism as a medical condition and pay for its treatments. Fifteen states have already passed similar legislation. This state needs to join them in ending insurance discrimination against people with autism.

#### ADDITIONAL STATEMENTS

##### MICDS CELEBRATION

● Mr. BOND. Mr. President, on November 3, 2009, three former Senate colleagues will be honored in a special ceremony at Mary Institute and Saint Louis Country Day School, MICDS, in St. Louis, MO. Former Senators Jack Danforth, Tom Eagleton, and Pete Wilson will be celebrated in a bronze bas relief by artist Harry Weber.

When the three distinguished U.S. Senators served together from 1983 to 1987, it marked the first time in history that three Members of the Senate serving simultaneously were graduates of the same secondary school, at that time Saint Louis Country Day School. They are being honored as part of the School's Sesquicentennial Celebration. Please join me in congratulating my three Senate colleagues and MICDS on 150 years of shaping generations of leaders and preparing their students for lives of purpose and service.●

##### TRIBUTE TO ANN HIGDON

● Mr. BROWN. Mr. President, today I wish to congratulate Ms. Ann Higdon of Dayton, OH, who was recently awarded The Purpose Prize, sponsored by Civic Ventures, The Atlantic Philanthropies, and the John Templeton Foundation.

The Purpose Prize recognizes socially engaged leaders over 60 who have demonstrated that social innovation is not just a pursuit for the young.

Ann received this important award for her work with Improved Solutions for Urban Systems, an organization that helps Dayton-area dropouts earn diplomas while training for jobs in health care, construction, computer operations, and manufacturing.

Like too many young Ohioans today, Ann Higdon had to cope with the feeling of helplessness while growing up. Homeless as a child, she had no love and little desire to learn.

She finished school, however, with the encouragement and kind words of just one teacher. Over the years, Ann has dedicated herself to making sure that young Ohioans receive the same inspiration she did.

I applaud Ann's vision and leadership as she helps bring hope to disadvantaged youth in Ohio.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

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

#### MESSAGES FROM THE HOUSE

At 1:52 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### ENROLLED BILLS SIGNED

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officer Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

#### MEASURES DISCHARGED

The following bill was discharged from the Committee on Environment and Public Works, and referred as indicated:

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Commerce, Science, and Transportation.

#### MEASURES PLACED ON THE CALENDAR

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

S. 1963. A bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

H.R. 3617. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

#### 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-3492. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Scales; Accurate Weights, Repairs, Adjustments or Replacements After Inspection" (RIN0580-AB09) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3493. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice" (RIN0580-AA94) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3494. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred between fiscal years 2001 and 2008 relative to the District of Columbia Courts account; to the Committee on Appropriations.

EC-3495. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-3496. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract aircraft maintenance functions currently being performed by (109) military personnel at various locations; to the Committee on Armed Services.

EC-3497. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Administrative Offset Under Reciprocal Agreements with States" (RIN1510-AB23) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3498. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Fluorescent Lamp Ballasts (Standby Mode)" (RIN1904-AB77) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Energy and Natural Resources.

EC-3499. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities"; to the Committee on Energy and Natural Resources.

EC-3500. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communiqué" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-3501. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of civil aircraft equipped with the Biz Jet Matador Installation Kit (A-Kit); to the Committee on Foreign Relations.

EC-3502. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of civil aircraft equipped with the JETEYE Counter-MANSPADS Installation Kit (A-Kit); to the Committee on Foreign Relations.

EC-3503. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of civil aircraft equipped with the Guardian System Aircraft Provisioning Kit (APK); to the Committee on Foreign Relations.

EC-3504. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the Proton launch of the Telstar 14R Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3505. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of control section units and associated electronics modules for AIM-120 Medium Range Air-to-Air Missile for end-use by the United States of American in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3506. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Plastic Surgery Devices; Classification of Wound Dressing with Poly (Diallyl Dimethyl Ammonium Chloride) Additive" (Docket No. FDA-2009-N-0333) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3507. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on October 23, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3508. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled "Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Thrift Savings Plan" (5 CFR Parts 1604, 1641, 1653, and 1690) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3509. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government: Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-3510. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands" (RIN1125-AA67) received in the Office of the President of the Senate on October 28, 2009; to the Committee on the Judiciary.

EC-3511. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Commonwealth of the Northern Mariana Islands Transitional Worker Classification" (RIN1615-AB76) received in the Office of the President of the Senate on October 28, 2009; to the Committee on the Judiciary.

EC-3512. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XS34) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3513. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-140, Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons" (RIN0691-AA69) received in the Office of the President of the Senate on October 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3514. A communication from the Director, Bureau of Economic Analysis, Depart-

ment of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions" (RIN0691-AA67) received in the Office of the President of the Senate on October 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3515. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Jackson and Laurel, Mississippi" (MB Docket No. 09-156) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3516. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Traverse City, Michigan" (MB Docket No. 09-160) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3517. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; St. Petersburg, Florida" (MB Docket No. 09-159) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes (Rept. No. 111-93).

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further revised allocation to subcommittees of budget totals from the concurrent resolution, fiscal year 2010." (Rept. No. 111-94).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Carmen Milagros Ortiz, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Edward J. Tarver, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

\*David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MENENDEZ:

S. 2014. A bill to suspend temporarily the duty on horizontal machining center; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2015. A bill to suspend temporarily the duty on Albrite DMHP; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2016. A bill to suspend temporarily the duty on Bicorr 288; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2017. A bill to suspend temporarily the duty on Coflake; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2018. A bill to extend the temporary suspension of duty on certain organic pigments and dyes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2019. A bill to amend and extend the temporary duty suspension on certain capers in immediate containers holding 3.4 kilograms or less; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2020. A bill to extend the temporary duty suspension on certain capers in immediate containers each holding more than 3.4 kilograms; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2021. A bill to extend the temporary duty suspension on certain pepperoncini prepared or preserved otherwise than by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2022. A bill to extend the temporary duty reduction on certain pepperoncini prepared or preserved by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2023. A bill to modify and extend the temporary duty suspension on certain giardiniera prepared or preserved otherwise than by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2024. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2025. A bill to extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2026. A bill to extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2027. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2028. A bill to extend the temporary suspension of duty on Thymol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2029. A bill to extend the temporary suspension of duty on Menthyl anthranilate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2030. A bill to extend the temporary suspension of duty on Methyl cinnamate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2031. A bill to extend the temporary suspension of duty on o-tert-Butylcyclohexanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2032. A bill to extend the temporary suspension of duty on p-Methylacetophenone; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2033. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2034. A bill to extend the temporary suspension of duty on Methyl Salicylate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2035. A bill to extend the temporary suspension of duty on Trimethyl cyclo hexanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2036. A bill to extend the temporary suspension of duty on 4-Hexylresorcinol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2037. A bill to extend the temporary suspension of duty on certain sensitizing dyes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2038. A bill to extend the duty suspension on Allyl isosulfocynate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2039. A bill to extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl)propanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2040. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2041. A bill to suspend temporarily the duty on mixture of 1,2 Octanediol and 1,2 Hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2042. A bill to suspend temporarily the duty on certain reconstituted tobacco; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2043. A bill to suspend temporarily the duty on 3-amino-1,2-propanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2044. A bill to provide for the reliquidation of certain entries relating to orange juice from Brazil; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2045. A bill to suspend temporarily the duty on Cetalox; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2046. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose from the United Kingdom; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2047. A bill to suspend temporarily the duty on horizontal machining center; to the Committee on Finance.

By Mr. COCHRAN:

S. 2048. A bill to suspend temporarily the duty on Flumetralin Technical-2-chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine; to the Committee on Finance.

By Mr. COCHRAN:

S. 2049. A bill to suspend temporarily the duty on 2-Chloro-6-Fluorobenzyl Chloride; Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Finance.

By Mr. COCHRAN:

S. 2050. A bill to suspend temporarily the duty on 4-Chloro-3,5-Dinitrobenzotrifluoride; Benzene, 2-chloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. COCHRAN):

S. 2051. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER:

S. 2053. A bill to suspend temporarily the duty on women's sports bras of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2054. A bill to suspend temporarily the duty on knit tank tops of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2055. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2056. A bill to suspend temporarily the duty on trifloxysulfuron-sodium technical; to the Committee on Finance.

By Mr. CARPER:

S. 2057. A bill to suspend temporarily the duty on certain lamps used in liquid chromatography or spectrophotometry; to the Committee on Finance.

By Mr. CARPER:

S. 2058. A bill to suspend temporarily the duty on knit garments of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2059. A bill to suspend temporarily the duty on triasulfuron technical; to the Committee on Finance.

By Mr. CARPER:

S. 2060. A bill to suspend temporarily the duty on pyraflufen ethyl; to the Committee on Finance.

By Mr. CARPER:

S. 2061. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Finance.

By Mr. CARPER:

S. 2062. A bill to extend the suspension of duty on phosphoric acid, tris (2-ethylhexyl) ester; to the Committee on Finance.

By Mr. CARPER:

S. 2063. A bill to suspend temporarily the duty on mixtures of 2-[4-[(2-hydroxy-3-dodecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine and 2-[4-[(2-hydroxy-3-tridecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-bis(2,4-demethylphenyl)-1,3,5-triazine in propylene glycol monomethyl ether; to the Committee on Finance.

By Mr. CARPER:

S. 2064. A bill to extend the temporary suspension of duty on mixtures of poly[[6-

[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl]imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate; to the Committee on Finance.

By Mr. CARPER:

S. 2065. A bill to extend the temporary suspension of duty on diisopropyl succinate; to the Committee on Finance.

By Mr. CARPER:

S. 2066. A bill to extend the temporary suspension of duty on p-chloroaniline; to the Committee on Finance.

By Mr. CARPER:

S. 2067. A bill to suspend temporarily the duty on bupropion; to the Committee on Finance.

By Mr. CARPER:

S. 2068. A bill to suspend temporarily the duty on fenpropoximate; to the Committee on Finance.

By Mr. CARPER:

S. 2069. A bill to extend the temporary suspension of duty on flutolanil; to the Committee on Finance.

By Mr. CARPER:

S. 2070. A bill to extend the temporary suspension of duty on phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate; to the Committee on Finance.

By Mr. CARPER:

S. 2071. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Finance.

By Mr. CARPER:

S. 2072. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Finance.

By Mr. CARPER:

S. 2073. A bill to extend the temporary suspension of duty on 2-(isocyanatosulfonyl)benzoic acid, ethyl ester; to the Committee on Finance.

By Mr. CARPER:

S. 2074. A bill to suspend temporarily the duty on mixtures of 3-bromo-4-chloro-1-(3-chloro-2-pyridyl)-2-methyl-6-(methylcarbamoyl)pyrazole-5-carboxanilide; to the Committee on Finance.

By Mr. CARPER:

S. 2075. A bill to extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl)-methyl (S)-4-chloro-a-(1-Methylethyl) Benzeneacetate; to the Committee on Finance.

By Mr. CASEY:

S. 2076. A bill to suspend temporarily the duty on titanium dioxide; to the Committee on Finance.

By Mrs. BOXER:

S. 2077. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mrs. BOXER:

S. 2078. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mrs. BOXER:

S. 2079. A bill to reduce temporarily the duty on acai, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter; to the Committee on Finance.

By Mrs. BOXER:

S. 2080. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

By Mr. INHOFE:

S. 2082. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as floral sprays; to the Committee on Finance.

By Mr. INHOFE:

S. 2083. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as swags; to the Committee on Finance.

By Mr. INHOFE:

S. 2084. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as wreaths; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2085. A bill to extend temporarily the suspension of duty on THV; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2086. A bill to suspend temporarily the duty on certain mini component stereo systems; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2087. A bill to suspend temporarily the duty on certain power panels specifically designed for wind turbine generators to transfer electric power to and from a utility power grid at 2100 kW at 600 volts with a nominal full load of 2190 amps; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2088. A bill to suspend temporarily the duty on certain capacitor panels specifically designed for wind turbines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2089. A bill to suspend temporarily the duty on certain mixtures of perfluorocarbons; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2090. A bill to suspend temporarily the duty on certain perfluorocarbon morpholines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2091. A bill to suspend temporarily the duty on certain perfluorocarbon amines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2092. A bill to suspend temporarily the duty on certain perfluorocarbon alkanes; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2093. A bill to suspend temporarily the duty on Perfluorobutane sulfonyl fluoride; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2094. A bill to extend and modify the suspension of duty on certain catalytic converter mats of ceramic fibers; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

By Mr. KERRY:

S. 2096. A bill to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mr. WEBB, and Mr. ROCKEFELLER):

S. 2097. A bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2098. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus; to the Committee on Finance.

By Mr. LEVIN:

S. 2099. A bill to suspend temporarily the duty on certain heaters; to the Committee on Finance.

By Mr. LEVIN:

S. 2100. A bill to suspend temporarily the duty on certain sensors; to the Committee on Finance.

By Mr. LEVIN:

S. 2101. A bill to suspend temporarily the duty on certain drive motor battery transducers; to the Committee on Finance.

By Mr. LEVIN:

S. 2102. A bill to reduce temporarily the duty on certain electric motor controllers; to the Committee on Finance.

By Mr. LEVIN:

S. 2103. A bill to suspend temporarily the duty on certain static converters; to the Committee on Finance.

By Mr. LEVIN:

S. 2104. A bill to suspend temporarily the duty on certain chargers; to the Committee on Finance.

By Mr. LEVIN:

S. 2105. A bill to reduce temporarily the duty on certain lithium-ion battery cells; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2106. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND:

S. 2107. A bill to suspend temporarily the duty on certain women's leather or composition leather upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2108. A bill to suspend temporarily the duty on certain women's textile upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2109. A bill to reduce temporarily the duty on mixtures of imidacloprid ((1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine) with cyfluthrin ((R)-cyano-(4-fluoro-3-phenoxy)phenyl)methyl (1R,3R)-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane-1-carboxylate) or its beta-cyfluthrin isomer; to the Committee on Finance.

By Mr. BOND:

S. 2110. A bill to reduce temporarily the duty on Fluopyram; to the Committee on Finance.

By Mr. BOND:

S. 2111. A bill to suspend temporarily the duty on Indaziflam; to the Committee on Finance.

By Mr. BOND:

S. 2112. A bill to suspend temporarily the duty on certain children's textile upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2113. A bill to suspend temporarily the duty on mixtures containing 2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide and organic solvents; to the Committee on Finance.

By Mr. BOND:

S. 2114. A bill to extend the temporary suspension of duty on 3,6,9-Trioxaundecanedioic acid; to the Committee on Finance.

By Mr. BUNNING:

S. 2115. A bill to suspend temporarily the duty on Polycaprolactone Diol #1; to the Committee on Finance.

By Mr. BUNNING:

S. 2116. A bill to suspend temporarily the duty on Polycaprolactone Diol #2; to the Committee on Finance.

By Mr. BUNNING:

S. 2117. A bill to suspend temporarily the duty on Polycaprolactone Triol; to the Committee on Finance.

By Mr. BUNNING:

S. 2118. A bill to suspend temporarily the duty on nitrogenous; to the Committee on Finance.

By Mr. BUNNING:

S. 2119. A bill to suspend temporarily the duty on guanidine nitrate; to the Committee on Finance.

By Mr. BUNNING:

S. 2120. A bill to suspend temporarily the duty on certain hydrogenated polymers of norbornene derivatives; to the Committee on Finance.

By Mr. KOHL:

S. 2121. A bill to suspend temporarily the duty on double-fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. KOHL:

S. 2122. A bill to suspend temporarily the duty on single-fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. KOHL:

S. 2123. A bill to suspend temporarily the duty on continuous action, self-contained, fan-motor driven, battery-operated, portable personal device for mosquito repellent; to the Committee on Finance.

By Ms. CANTWELL:

S. 2124. A bill to modify and extend the temporary suspension of duty on 9, 10-Anthracenedione; to the Committee on Finance.

By Mr. CARPER:

S. 2125. A bill to extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro-a-(1-methylethyl)benzeneacetate; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2126. A bill to extend the temporary suspension of duty on electromechanical ice shavers; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2127. A bill to extend the temporary suspension of duty on certain AC electric motors; to the Committee on Finance.

By Mr. LEMIEUX:

S. 2128. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2130. A bill to extend the temporary suspension of duty on N,N-hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionamide)); to the Committee on Finance.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2131. A bill to extend the temporary suspension of duty on pentaerythritol tetrakis[3-(dodecylthio)propionate]; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2132. A bill to suspend temporarily the duty on 4-Chloro-1,8-naphthalic anhydride; to the Committee on Finance.

- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2133. A bill to suspend temporarily the duty on ESTER GUM 10D 25KG BG CHINA; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2134. A bill to suspend temporarily the duty on Poly-Pale, 25 KG Bag, China; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2135. A bill to suspend temporarily the duty on Cellulose, sodium carboxymethyl; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2136. A bill to suspend temporarily the duty on HPHP; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2137. A bill to suspend temporarily the duty on Pentalyn C; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2138. A bill to suspend temporarily the duty on o-Toluidine; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2139. A bill to reduce temporarily the duty on Syloboc K-200; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2140. A bill to extend the duty suspension on o-Anisidine; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2141. A bill to extend the duty suspension on 2,4-Xylidine; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2142. A bill to extend the duty suspension on 2-Methylhydroquinone; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2143. A bill to extend the duty suspension on Benzoic acid, 3, 4, 5-trihydroxy-, propyl ester; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2144. A bill to extend the duty suspension on Titanium Mononitride; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2145. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 85 W; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2146. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 105 W; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2147. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 72 W; to the Committee on Finance.
- By Mr. ALEXANDER (for himself and Mr. CORKER):
- S. 2148. A bill to suspend temporarily the duty on Sodium brick; to the Committee on Finance.
- By Mr. HARKIN:
- S. 2149. A bill to suspend temporarily the duty on orthotoluidine; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2150. A bill to suspend temporarily the duty on blocked polyisocyanate hardner; 2-Butanone, oxime, polymer with 1,6-diisocyanatohexane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2151. A bill to suspend temporarily the duty on grocery bags with an exterior surface of nonwoven fabric wholly of polypropylene; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2152. A bill to suspend temporarily the duty on grocery bags wholly of cotton canvas fabric; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2153. A bill to suspend temporarily the duty on grocery bags of nonwoven fabric wholly of polypropylene; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2154. A bill to suspend temporarily the duty on dodecyltrimethylammonium bromide; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2155. A bill to suspend temporarily the duty on carbazole violet/acrylic dispersion; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2156. A bill to suspend temporarily the duty on barium sulfate; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2157. A bill to suspend temporarily the duty on alkylated melamine formaldehyde resin; melamine, formaldehyde polymer, methylated, butylated; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2158. A bill to suspend temporarily the duty on alkylated amino resin solution, formaldehyde; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2159. A bill to extend the temporary suspension of duty on helium; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2160. A bill to suspend temporarily the duty on ion exchange resin, tertiary amine crosslinked polystyrene; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2161. A bill to suspend temporarily the duty on ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary ammonium chloride; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2162. A bill to suspend temporarily the duty on ion exchange resin, polystyrene crosslinked with divinylbenzene, chloromethylated, trimethylammonium salt; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2163. A bill to suspend temporarily the duty on poly(styrene) sulfonic acid; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2164. A bill to suspend temporarily the duty on Triethylenediamine; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2165. A bill to extend the temporary suspension of duty on 2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-ethyl-1-hexanol-blocked; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2166. A bill to extend the temporary suspension of duty on polyfunctional aziridine; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2167. A bill to extend the temporary suspension of duty on hexane, 1,6-diisocyanato-homopolymer, 3,5-dimethyl-1H-pyrazole-blocked solvents; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2168. A bill to extend the temporary suspension of duty on ortho/para-Toluenesulfonic acid, methyl ester (TSME); to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2169. A bill to extend the temporary suspension of duty on trimethylpropane tris(3-aziridinylpropanoate); to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2170. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2171. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 131 decitex but not more than 340 decitex; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2172. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 40 decitex but not more than 130 decitex; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2173. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 341 decitex but not more than 510 decitex; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2174. A bill to suspend temporarily the duty on polyoxethylene-alkylether-phosphate; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2175. A bill to extend the suspension of duty on thionyl chloride; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2176. A bill to extend the temporary suspension of duty on certain plasticizers; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2177. A bill to extend the temporary suspension of duty on Lewatit; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2178. A bill to extend the suspension of duty on tetraethylammonium perfluorooctanesulfonate; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2179. A bill to extend the temporary suspension of duty on Phosphoric acid, tris (2-ethylhexyl)ester; to the Committee on Finance.

- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2180. A bill to renew the temporary suspension of duty on macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2181. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer with diethylnbenzene; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2182. A bill to suspend temporarily the duty on a certain ion exchange resin powder; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2183. A bill to extend the suspension of duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads with low ash; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2184. A bill to extend the suspension of duty on 1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2185. A bill to extend the temporary suspension of duty on mixtures of tris(4-isocyanatophenyl)thiophosphate and ethyl acetate and monochlorobenzene as solvents; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2186. A bill to extend the temporary suspension of duty on copolymer of methyl ethyl ketoxime and toluenediisocyanate; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2187. A bill to extend the temporary suspension of duty on benzene, 1,3-diisocyanatomethyl-, polymer with 1,6-diisocyanatohexane dissolved in n-butyl acetate; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2188. A bill to extend the temporary suspension of duty on poly(toluene diisocyanate) dissolved in organic solvents; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2189. A bill to extend the temporary suspension of duty on 1,2,3-Propanetriol, polymer with 2,4-diisocyanato-1-methylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, methyloxirane and oxirane; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2190. A bill to extend the temporary suspension of duty on polyisocyanate cross linking agent products containing triphenylmethane trisocyanate in solvents; to the Committee on Finance.
- By Ms. COLLINS:
- S. 2191. A bill to extend the temporary suspension of duty on certain rayon staple fibers; to the Committee on Finance.
- By Mr. VITTER:
- S. 2192. A bill to extend the reduction of duty on Azoxystrobin; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2193. A bill to extend the temporary suspension of duty on 10,10'-Oxybishpenoxarsine; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2194. A bill to extend the temporary suspension of duty on ion exchange resin powder; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2195. A bill to extend the temporary suspension of duty on absorbent resin; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2196. A bill to extend the temporary suspension of duty on powdered ion exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulfonic acid, sodium form; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2197. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2198. A bill to suspend temporarily the duty on macroporus adsorbent polymer composed of crosslinked phenol-formaldehyde polycondensate resin in granular form having a mean particle size of 0.56 to 0.76 mm; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2199. A bill to suspend temporarily the duty on poly(4-(1-isobutoxy ethoxy)styrene-co-4-hydroxystyrene) dissolved in propylene glycol monomethyl ether acetate; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2200. A bill to suspend temporarily the duty on 2,6-Bis(2,4-dihydroxybenzyl)-p-cresol ester with 6-diazo-5,6-dihydro-5-oxo-1-naphthalenesulfonic acid and methane sulfonic acid; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2201. A bill to suspend temporarily the duty on 4-(1-Ethoxyethoxy) styrene-4-(t-butylcarbonyloxy) styrene-4-hydroxystyrene copolymer; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2202. A bill to suspend temporarily the duty on bis(2,4-dihydroxy-3-methylphenyl)methane ester with 6-diazo-5,6-dihydro-5-oxo-1-naphthalenesulfonic acid; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2203. A bill to renew the temporary suspension of duty on certain ion exchange resin; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2204. A bill to suspend temporarily the duty on 6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid ester with 2,3,4-trihydroxybenzophenone; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2205. A bill to suspend temporarily the duty on 6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid ester with 2-[Bis(4-hydroxy-2,3,5-trimethylphenyl)methyl]phenol; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2206. A bill to suspend temporarily the duty on benzoyl chloride; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2207. A bill to suspend temporarily the duty on chlorobenzene; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2208. A bill to suspend temporarily the duty on p-Dichlorobenzene; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2209. A bill to extend the temporary suspension of duty on ion-exchange resin powder comprised of a certain copolymer; to the Committee on Finance.
- By Mr. SPECTER (for himself and Mr. CASEY):
- S. 2210. A bill to extend the temporary suspension of duty on a certain ion exchange resin comprising a certain copolymer; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2211. A bill to suspend temporarily the duty on certain steam hair straighteners; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2212. A bill to suspend temporarily the duty on certain ice cream makers; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2213. A bill to suspend temporarily the duty on certain food choppers; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2214. A bill to suspend temporarily the duty on certain programmable dual function coffee makers; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2215. A bill to suspend temporarily the duty on certain electric coffee makers with built in bean storage hoppers; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2216. A bill to suspend temporarily the duty on certain food processors; to the Committee on Finance.
- By Mr. DODD (for himself and Mr. LIEBERMAN):
- S. 2217. A bill to provide for the liquidation or reliquidation of certain entries relating to top-of-the-stove stainless steel cooking ware from the Republic of Korea entered between January 1, 1999 and January 22, 2003; to the Committee on Finance.
- By Mr. LIEBERMAN (for himself and Mr. DODD):
- S. 2218. A bill to extend the temporary suspension of duty on Iponazole; to the Committee on Finance.
- By Mr. LIEBERMAN (for himself and Mr. DODD):
- S. 2219. A bill to extend the temporary suspension of duty on waste of camel hair; to the Committee on Finance.
- By Mr. LIEBERMAN (for himself and Mr. DODD):
- S. 2220. A bill to extend the temporary suspension of duty on noils of camel hair; to the Committee on Finance.
- By Mr. LIEBERMAN (for himself and Mr. DODD):
- S. 2221. A bill to extend the temporary suspension of duty on camel hair, carded or combed; to the Committee on Finance.
- By Mr. LIEBERMAN (for himself and Mr. DODD):
- S. 2222. A bill to extend the temporary suspension of duty on yarn of carded camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2223. A bill to suspend temporarily the duty on yarn of carded hair of Kashmir (cashmere) goats of less than 19.35 metric yarn count, not put up for retail sale; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2224. A bill to extend the temporary suspension of duty on fine animal hair of Kashmir (cashmere) goats, processed beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2225. A bill to suspend temporarily the duty on 2-Cyclopropylaminonicotinic acid; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2226. A bill to extend the temporary suspension of duty on woven fabrics containing 85 percent or more by weight of vicuna hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2227. A bill to extend the temporary suspension of duty on camel hair, processed beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2228. A bill to extend the temporary suspension of duty on camel hair, not processed in any manner beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2229. A bill to extend the temporary suspension of duty on yarn of carded cashmere of 19.35 metric yarn count or higher; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2230. A bill to extend the temporary suspension of duty on yarn of combed cashmere or yarn of camel hair; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2231. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2232. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2233. A bill to suspend temporarily the duty on suspended particle device film; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2234. A bill to extend the temporary suspension of duty on metal halide lamps designed for use in video projectors; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2235. A bill to suspend temporarily the duty on certain educational toys or devices; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2236. A bill to extend the temporary suspension of duty on certain bags for toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2237. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2238. A bill to extend temporarily the duty on S-Abscisic Acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2239. A bill to suspend temporarily the duty on Metconazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2240. A bill to suspend temporarily the duty on certain parts and accessories of measuring or checking instruments; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2241. A bill to extend and modify the temporary reduction of duty on artichokes, prepared or preserved by vinegar or acetic acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2242. A bill to suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2243. A bill to suspend temporarily the duty on certain rechargeable ultracapacitor long life flashlights; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2244. A bill to extend the temporary reduction of duty on artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2245. A bill to extend the temporary suspension of duty on certain children's products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2246. A bill to extend the temporary suspension of duty on Clethodim; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2247. A bill to extend the temporary suspension of duty on Fenpropathrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2248. A bill to extend the temporary suspension of duty on Bioallethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2249. A bill to extend the temporary suspension of duty on S-Bioallethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2250. A bill to extend the temporary suspension of duty on Bispyribac-sodium; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2251. A bill to extend the temporary suspension of duty on Dinotefuran; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2252. A bill to extend the temporary suspension of duty on Clothianidin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2253. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2254. A bill to extend the temporary suspension of duty on Etoxazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2255. A bill to extend the temporary suspension of duty on Pyriproxyfen; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2256. A bill to extend the temporary suspension of duty on Uniconazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2257. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2258. A bill to extend the temporary suspension of duty on Tetramethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2259. A bill to extend the temporary suspension of duty on flumiclorac pentyl ester; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2260. A bill to extend the temporary suspension of duty on Flumioxasin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2261. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2262. A bill to suspend temporarily the temporary suspension of duty on Resmethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2263. A bill to extend the temporary suspension of duty on Cypermethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2264. A bill to suspend temporarily the duty on certain subassemblies for measuring equipment for telecommunication; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2265. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2266. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2267. A bill to suspend temporarily the duty on multi interconnection board; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2268. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2269. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the temporary suspension of duty for certain DVD readers and writers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2270. A bill to modify and extend the temporary suspension of duty on certain cases or containers to be used for electronic drawing toys, electronic games, or educational toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2271. A bill to suspend temporarily the duty on certain infant products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2272. A bill to suspend temporarily the duty on s-Methoprene; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2273. A bill to extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2274. A bill to suspend temporarily the duty on Liquid Crystal Device (LCD) panel assemblies for use in LCD direct view televisions; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2275. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2276. A bill to extend temporarily the suspension of duty on BEPD70L; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2277. A bill to extend temporarily the suspension of duty on Allyl Pentaerythritol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2278. A bill to extend temporarily the suspension of duty on Butyl Ethyl Propanediol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2279. A bill to extend temporarily the suspension of duty on DiTMP; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2280. A bill to extend temporarily the suspension of duty on Polyol R6405; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2281. A bill to extend temporarily the suspension of duty on TMP Diallyl Ether; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2282. A bill to extend temporarily the suspension of duty on TMP Monoallyl Ether; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2283. A bill to extend temporarily the suspension of duty on Cyclic TMP Formal; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2284. A bill to extend temporarily the suspension of duty on 4 Chloro Aniline; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2285. A bill to extend temporarily the suspension of duty on 1,8 Naphthalimide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2286. A bill to extend temporarily the suspension of duty on Acetoacet-p-Anisidine; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2287. A bill to extend temporarily the suspension of duty on Pigment Green 7 Crude; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2288. A bill to extend temporarily the suspension of duty on p-Amino Benzamide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2289. A bill to extend temporarily the suspension of duty on Basic Red 1:1; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2290. A bill to extend temporarily the suspension of duty on p-Chloro-o-Nitro Aniline; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2291. A bill to extend temporarily the suspension of duty on certain sawing machines; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2292. A bill to suspend temporarily the duty on Capa 2505; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2293. A bill to extend temporarily the suspension of duty on Boltom H2003, H2004, H2100, H3100, H311; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2294. A bill to extend temporarily the suspension of duty on Boltom H20, H30, H40, H2085; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2295. A bill to suspend temporarily the duty on Caprolactone-Hexanediol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2296. A bill to suspend temporarily the duty on Caprolactone-Polybutylene Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2297. A bill to suspend temporarily the duty on Caprolactone-Neopentyl Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2298. A bill to suspend temporarily the duty on Caprolactone-Diethylene Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2299. A bill to suspend temporarily the duty on Capa Homopolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2300. A bill to suspend temporarily the duty on GPA-30, 2,4,6 Trisaminophenol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2301. A bill to suspend temporarily the duty on Boltorn U3000; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2302. A bill to suspend temporarily the duty on Capa 4000-series; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2303. A bill to suspend temporarily the duty on Caprolactone-Trimethylolpropane Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2304. A bill to suspend temporarily the duty on Caprolactone-Butanediol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2305. A bill to extend temporarily the suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2306. A bill to extend temporarily the suspension of duty on certain manufacturing equipment used for working iron or steel; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2307. A bill to extend temporarily the suspension of duty on certain extruders used in the production of radial tires; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2308. A bill to extend temporarily the suspension of duty on certain manufacturing equipment for molding; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2309. A bill to extend temporarily the suspension of duty on certain sector mold press machines; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2310. A bill to extend temporarily the suspension of duty on p-Toluene Sulfonyl Chloride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2311. A bill to extend temporarily the suspension of duty on Trimethylolpropane Oxetane; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2312. A bill to extend temporarily the suspension of duty on 3,3 Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2313. A bill to extend temporarily the suspension of duty on 2,5-Dichloro-e, 6-Bis(9-Ethyl-3-Carbazoylamino)-1,4-Benzoquinone(Dianil); to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2314. A bill to extend temporarily the suspension of duty on 4,4'-Oxydiphthalic anhydride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2315. A bill to extend temporarily the suspension of duty on 1,3-bis(4-Aminophenoxy)benzene; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2316. A bill to extend temporarily the suspension of duty on alpha Oxy Napthoic Acid; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2317. A bill to extend temporarily the suspension of duty on Acetoacet-o-Chloro Anilide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2318. A bill to extend temporarily the suspension of duty on 3 Chloro 4 Methyl Aniline; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2319. A bill to reduce temporarily the duty on parts of microwave ovens for the industrial preparation or manufacture of dried vegetable snack (small portions of food usually eaten other than at meal times) items; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2320. A bill to reduce temporarily the duty on parts of machinery for the industrial preparation or manufacture of dried vegetable snack (small portions of food usually eaten other than at meal times) items; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2321. A bill to extend the temporary suspension of duty on aqueous catalytic preparations based on iron (III) toluenesulfonate; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2322. A bill to extend the temporary suspension of duty on 3,4-Ethylenedioxythiophene; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2323. A bill to extend the temporary suspension of duty on aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly(styrenesulfonate) (cationic), whether or not containing binder resin and organic solvent; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2324. A bill to suspend temporarily the duty on 120 volt/60Hz electrical transformers; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2325. A bill to suspend temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2326. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2327. A bill to suspend temporarily the duty on Antarctic krill oil; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2328. A bill to extend the temporary suspension of duty on certain untwisted filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2329. A bill to suspend temporarily the duty on certain plastic fittings composed of perfluoroalkoxy (PFA) resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2330. A bill to suspend temporarily the duty on certain plastic fittings composed of perfluoroalkoxy (PFA) resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2331. A bill to suspend temporarily the duty on certain plastic fittings composed of perfluoroalkoxy (PFA) resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2332. A bill to suspend temporarily the duty on certain plastic fittings composed of perfluoroalkoxy (PFA) resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

By Mr. KERRY (for himself and Mr. KIRK):

S. 2330. A bill to suspend temporarily the duty on certain woven mesh fabric; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2331. A bill to suspend temporarily the duty on cellular plastic membrane sheets of polytetrafluoroethylene resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2332. A bill to suspend temporarily the duty on porous hollow filaments of perfluoroalkoxy (PFA) copolymer resin; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2333. A bill to extend the temporary suspension of duty on volleyballs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2334. A bill to extend the temporary suspension of duty on leather basketballs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2335. A bill to extend the temporary reduction of duty on basketballs other than leather or rubber; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization Act; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2337. A bill to suspend temporarily the duty on Pyrethrum Extract; to the Committee on Finance.

By Mr. VITTER:

S. 2338. A bill to extend the suspension of duty on Chloroacetone; to the Committee on Finance.

By Mr. VITTER:

S. 2339. A bill to suspend temporarily the duty on 2-Nitrophenol; to the Committee on Finance.

By Mr. VITTER:

S. 2340. A bill to extend the temporary suspension of duty on 2-Acetylnicotinic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2341. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Finance.

By Mr. VITTER:

S. 2342. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2343. A bill to suspend temporarily the duty on certain men's footwear covering the ankle, the height of which from the bottom of the outer sole to the top of the upper exceeds 19 cm, with waterproof molded soles, valued at more than \$30 per pair; to the Committee on Finance.

By Mr. VITTER:

S. 2344. A bill to suspend temporarily the duty on certain women's footwear covering the ankle, the height of which from the bottom of the outer sole to the top of the upper exceeds 19 cm, with waterproof molded soles, valued at more than \$30 per pair; to the Committee on Finance.

By Mr. VITTER:

S. 2345. A bill to extend the temporary suspension of duty on methoxyacetic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2346. A bill to extend the temporary suspension of duty on Mesotrione; to the Committee on Finance.

By Mr. VITTER:

S. 2347. A bill to suspend temporarily the duty on s-Metolachlor; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2348. A bill to temporarily suspend the duty on reusable surgical drapes of textile materials; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2349. A bill to reduce temporarily the duty on frames and mountings for spectacles, goggles, or the like, the foregoing of plastics; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2350. A bill to extend temporarily the duty on Rhenogran TP-50; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2351. A bill to extend temporarily the suspension of duty on Rhenogran Geniplex-70; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2352. A bill to extend temporarily the suspension of duty on Rhenogran Diuron-80; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2353. A bill to extend the temporary suspension of duty on Rhenogran CLD-80; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2354. A bill to extend temporarily the suspension of duty on RC Retarder 1092; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2355. A bill to suspend temporarily the duty on 1,3-Propanediaminium, N-[3-[[[dimethyl[3-[(2-methyl-1-oxo-2-propenyl)amino]propyl]ammonio]acetyl]amino]propyl]-2-hydroxy-N,N,N',N'-pentamethyl-, trichloride, polymer with 2-propenamide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2356. A bill to suspend temporarily the duty on a mixture of 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-ethan-1-one (and isomers); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2357. A bill to suspend temporarily the duty on 2-cyclo-hexylidene-2-phenyl acetonitrile; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2358. A bill to suspend temporarily the duty on certain warp knit open-work fabric; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2359. A bill to renew temporarily the suspension of duty on 1-Octadecanaminium, N, N-dimethyl-N-octadecyl-, (SP-4-2)-129H, 31H-phthalocyanine 2-sulfonato(3- $\kappa$ .N29,  $\kappa$ .N30,  $\kappa$ .N31,  $\kappa$ .N32Jcuprate(1); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2360. A bill to suspend temporarily the duty on certain fire retardant materials used to make mattresses; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2361. A bill to reduce temporarily the duty on Butylated reaction product of p-cresol and DCPD (dicyclopentadiene); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2362. A bill to extend temporarily the suspension of duty on Thermostabilizer KL3-2049; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2363. A bill to extend and modify temporarily the suspension of duty on Methylionone; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2364. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(Dimethylamino) Propyl Amide, Di-Me Sulfate-Quarternized 50% Polyricinoleic Acid; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2365. A bill to suspend temporarily the duty on Polymer Acid Salt/Polymer Amide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2366. A bill to suspend temporarily the duty on 50 Percent Amide Neutralized Phosphated Polyester Polymer, 50 Percent Solvesso 100; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2367. A bill to suspend temporarily the duty on 12-Hydroxyoctadecanoic acid, Reaction Product with N,N-Dimethyl, 1,3-Propanediamine, Dimethyl Sulfate, Quarternized; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2368. A bill to suspend temporarily the duty on 40% Polymer acid salt/polymer amide 60% Butyl acetate; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2369. A bill to suspend temporarily the duty on certain plastic laminate sheets; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2370. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as clips; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2371. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as picks; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2372. A bill to suspend temporarily the duty on artificial flowers of man-made fibers as candle rings; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2373. A bill to suspend temporarily the duty on certain pencil pouches; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2374. A bill to suspend temporarily the duty on certain microwave oven and range hood combinations; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2375. A bill to suspend temporarily the duty on certain laundry work surfaces; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2376. A bill to suspend temporarily the duty on certain dimming ballasts for fluorescent lighting; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2377. A bill to suspend the duty on certain book sleeves of man-made fabric; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2378. A bill to suspend temporarily the duty on certain three-ring binders with small, built in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2379. A bill to suspend temporarily the duty on certain three-ring binders wholly or

predominantly covered with polyester fabrics; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2380. A bill to suspend temporarily the duty on certain carry-all sleeves with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2381. A bill to suspend temporarily the duty on certain desk accessory cases with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2382. A bill to suspend temporarily the duty on parts of frames and mountings for spectacles, goggles, or the like; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2383. A bill to suspend temporarily the duty on reusable surgical wrappers of textile materials; to the Committee on Finance.

By Mrs. HAGAN:

S. 2384. A bill to extend temporarily the suspension of duty on mucochloric acid; to the Committee on Finance.

By Mrs. HAGAN:

S. 2385. A bill to extend the temporary suspension of duty on 2-Naphthalenesulfonic acid, 7-[(5-chloro-2,6-difluoro-4-pyrimidinyl)amino]-4-hydroxy-3-[(4-methoxy-2-sulfophenyl)azo]-, sodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2386. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-[[2-methoxy-5-[(2-sulfooxy)ethyl]sulfonyl]phenyl]azo]-3-[[4-[(2-sulfooxy)ethyl]sulfonyl]phenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2387. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3,6-bis[[4-[(2-sulfooxy)ethyl]sulfonyl]phenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2388. A bill to extend the temporary suspension of duty on 3-Pyridinecarbonitrile, 5-[(2-cyano-4-nitrophenyl)azo]-2-[[2-(2-hydroxyethoxy)ethyl] amino]-4-methyl-6-(phenylamino)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2389. A bill to extend the temporary suspension of duty on Acetic acid, cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-yl idene]-, pentyl ester; to the Committee on Finance.

By Mrs. HAGAN:

S. 2390. A bill to suspend temporarily the duty on Acid Blue 234; to the Committee on Finance.

By Mrs. HAGAN:

S. 2391. A bill to extend the temporary suspension of duty on Benzenesulfonic acid, [(9,10-dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3, 1-propanediyl]]]bis-, disodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2392. A bill to extend the temporary suspension of duty on Acetic acid, [4-2,6-dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3-yl]phenoxy]-, 2-ethoxyethyl ester; to the Committee on Finance.

By Mrs. HAGAN:

S. 2393. A bill to extend the temporary suspension of duty on Benzo[1,2-b:4,5-b']difuran-2,6-dione, 3-phenyl-7-(4-propoxyphenyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2394. A bill to modify and extend temporarily the duty reduction on PHBA; to the Committee on Finance.

By Mrs. HAGAN:

S. 2395. A bill to renew the temporary suspension of duty on 9,10-Anthracenedione, 1-amino-4-hydroxy-2-phenoxy-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2396. A bill to extend the temporary suspension of duty on 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2397. A bill to extend the temporary suspension of duty on Chromate(2-), [2,4-dihydro-4-[[2-(hydroxy-kO)-4-nitrophenyl]azo-kN1]-5-methyl-3H-pyrazol-3-onato(2-)-kO3][3-[[4,5-dihydro-3-methyl-1-(4-methylphenyl)-5-(oxo-kO)-1H-pyrazol-4-yl]azo-kN1]-4-(hydroxy-kO)-5-nitro benzenesulfonato(3-)]-, disodium; to the Committee on Finance.

By Mrs. HAGAN:

S. 2398. A bill to extend the temporary suspension of duty on 9,10-Anthracenedione, 1,8-bis(phenylthio)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2399. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[methyl(2-methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo-5-hydroxy-, lithium potassium sodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2400. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2401. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2402. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2403. A bill to extend the temporary suspension of duty on filament tow of rayon; to the Committee on Finance.

By Mrs. HAGAN:

S. 2404. A bill to extend the temporary reduction of duty on acrylic or modacrylic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2405. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2406. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2407. A bill to reduce temporarily the duty on lithium carbonates; to the Committee on Finance.

By Mrs. HAGAN:

S. 2408. A bill to extend the temporary suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Finance.

By Mrs. HAGAN:

S. 2409. A bill to extend the temporary suspension of duty on sodium petroleum sulfonic acids, sodium salts; to the Committee on Finance.

By Mrs. HAGAN:

S. 2410. A bill to extend the temporary suspension of duty on 1,3-Benzenedi-

carboxamide, N, N'-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2411. A bill to extend the temporary suspension of duty on reaction products of phosphorous trichloride with 1,1'-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol; to the Committee on Finance.

By Mrs. HAGAN:

S. 2412. A bill to extend the temporary suspension of duty on preparations based on ethanediamide, N-(2-ethoxyphenyl)-N'-(4-isodecylphenyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2413. A bill to extend the temporary suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione; to the Committee on Finance.

By Mrs. HAGAN:

S. 2414. A bill to suspend temporarily the duty on certain window shade material in rolls measuring between 300 and 500 square feet; to the Committee on Finance.

By Mrs. HAGAN:

S. 2415. A bill to suspend temporarily the duty on certain window shade material; to the Committee on Finance.

By Mrs. HAGAN:

S. 2416. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2417. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2418. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2419. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2420. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2421. A bill to extend the temporary suspension of duty on Chloroacetic acid, sodium salt; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2422. A bill to suspend temporarily the duty on certain leather upper sports footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2423. A bill to suspend temporarily the duty on certain non-women's leather footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2424. A bill to suspend temporarily the duty on certain sports footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2425. A bill to suspend temporarily the duty on certain women's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2426. A bill to suspend temporarily the duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2427. A bill to suspend temporarily the duty on certain women's non-work footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2428. A bill to suspend temporarily the duty on certain men's non-work footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2429. A bill to suspend temporarily the duty on certain children's sandals and similar footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2430. A bill to extend the temporary suspension of duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2431. A bill to extend the temporary suspension of duty on certain men's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2432. A bill to extend the temporary suspension of duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2433. A bill to extend the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2434. A bill to extend the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2435. A bill to suspend temporarily the duty on microcrystalline anatase-type titanium dioxide; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2436. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol (tetrahydro-3-methylfuran, polymer with tetrahydrofuran); to the Committee on Finance.

By Mr. BROWNBACK:

S. 2437. A bill to modify and extend the temporary suspension of duty on certain emergency illumination lights designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2438. A bill to modify and extend the temporary suspension of duty on certain vacuum relief valves designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2439. A bill to modify and extend the temporary suspension of duty on certain seals designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2440. A bill to extend the temporary suspension of duty on marine sextants of metal designed for use in navigating by celestial bodies; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2441. A bill to suspend temporarily the duty on certain windsock type decoys; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2442. A bill to suspend temporarily the duty on certain yard ornaments depicting school mascots; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2443. A bill to suspend temporarily the duty on certain implements for cleaning hunted fowl; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2444. A bill to suspend temporarily the duty on certain children's textile upper footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2445. A bill to suspend temporarily the duty on certain leather upper footwear; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2446. A bill to extend the temporary reduction of duty on rubber basketballs; to the Committee on Finance.

By Mr. CORNYN:

S. 2447. A bill to extend and modify the temporary reduction of duty on propiconazole technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2448. A bill to extend and modify the temporary reduction of duty on paraquat technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2449. A bill to extend and make technical corrections to the temporary suspen-

sion of duty on 4-chloro-N-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-2-(2-propynyloxy)benzeneacetamide; to the Committee on Finance.

By Mr. CORNYN:

S. 2450. A bill to extend the temporary suspension of duty on 1,3-benzenedicarbonitrile; to the Committee on Finance.

By Mr. CORNYN:

S. 2451. A bill to suspend temporarily the duty on mixtures of Paclitaxel 2SC; to the Committee on Finance.

By Mr. CORNYN:

S. 2452. A bill to renew and make technical corrections to the temporary suspension of duty on paclitaxel technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2453. A bill to extend the temporary suspension of duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Finance.

By Mr. CORNYN:

S. 2454. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of yttrium oxide and europium oxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2455. A bill to extend and modify the temporary reduction of duty on pigment preparations based on cerium sulfide or mixtures of cerium sulfide and lanthanum sulfide; to the Committee on Finance.

By Mr. CORNYN:

S. 2456. A bill to extend the temporary reduction of duty on potassium sorbate; to the Committee on Finance.

By Mr. CORNYN:

S. 2457. A bill to extend the temporary reduction of duty on sorbic acid; to the Committee on Finance.

By Mr. CORNYN:

S. 2458. A bill to extend the temporary reduction of duty on certain liquid-filled glass bulbs; to the Committee on Finance.

By Mr. CORNYN:

S. 2459. A bill to suspend temporarily the duty on bis(4-t-butylcyclohexyl)peroxydicarbonate; to the Committee on Finance.

By Mr. CORNYN:

S. 2460. A bill to suspend temporarily the duty on dilauroyl peroxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2461. A bill to suspend temporarily the duty on didecanoyl peroxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2462. A bill to suspend temporarily the duty on electric pneumatic airsoft rifles; to the Committee on Finance.

By Mr. CORNYN:

S. 2463. A bill to suspend temporarily the duty on Normal Paraffin M; to the Committee on Finance.

By Mr. CORNYN:

S. 2464. A bill to suspend temporarily the duty on 2-hydroxyethyl-n-octyl sulfide; to the Committee on Finance.

By Mr. CORNYN:

S. 2465. A bill to reduce temporarily the duty on arrangements of artificial flowers of man-made fibers; to the Committee on Finance.

By Mr. CORNYN:

S. 2466. A bill to reduce temporarily the duty on artificial flowers of man-made fibers assembled as floral stems; to the Committee on Finance.

By Mr. CORNYN:

S. 2467. A bill to suspend temporarily the duty on photomask blanks; to the Committee on Finance.

By Mr. CORNYN:

S. 2468. A bill to suspend temporarily the duty on sound-isolating earphones; to the Committee on Finance.

By Mr. VITTER:

S. 2469. A bill to extend the suspension of duty on DEMBB; to the Committee on Finance.

By Mr. VITTER:

S. 2470. A bill to renew the suspension of duty on Prodiamine; to the Committee on Finance.

By Mr. GRAHAM:

S. 2471. A bill to provide for the liquidation or reliquidation of certain entries of manufacturing equipment entered on or after October 21, 1998, and before July 10, 1999; to the Committee on Finance.

By Mr. GRAHAM:

S. 2472. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after March 21, 2006, and on or before June 20, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2473. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after July 7, 2004, and on or before July 12, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2474. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after September 7, 2005, and on or before August 15, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2475. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after November 3, 2004, and on or before September 14, 2005; to the Committee on Finance.

By Mr. GRAHAM:

S. 2476. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after April 19, 2006, and on or before August 23, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2477. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after April 13, 2004, and on or before December 28, 2004; to the Committee on Finance.

By Mr. GRAHAM:

S. 2478. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after January 6, 2005, and on or before June 21, 2005; to the Committee on Finance.

By Mr. GRAHAM:

S. 2479. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. GRAHAM:

S. 2480. A bill to suspend temporarily the duty on certain hot feed extruding equipment used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2481. A bill to suspend temporarily the duty on certain mold curing devices used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2482. A bill to extend the temporary suspension of duty on sulfur black 1; to the Committee on Finance.

By Mr. GRAHAM:

S. 2483. A bill to extend the temporary suspension of duty on cyanuric chloride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2484. A bill to extend the temporary suspension of duty on certain sawing machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2485. A bill to extend the temporary suspension of duty on certain machines for molding or forming pneumatic tires; to the Committee on Finance.

By Mr. GRAHAM:

S. 2486. A bill to extend the temporary suspension of duty on 2,6-Dichlorotoluene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2487. A bill to extend the temporary suspension of duty on crotonic acid; to the Committee on Finance.

By Mr. GRAHAM:

S. 2488. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Finance.

By Mr. GRAHAM:

S. 2489. A bill to suspend temporarily the duty on 2-Chloro-6-(methylthio)toluene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2490. A bill to extend and modify the temporary suspension of duty on certain machine tools for working wire of iron and steel; to the Committee on Finance.

By Mr. GRAHAM:

S. 2491. A bill to extend and modify the temporary suspension of duty on certain shearing machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2492. A bill to extend and modify the temporary suspension of duty on certain sector mold press machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2493. A bill to extend and modify the temporary suspension of duty on certain machinery for molding or otherwise forming rubber; to the Committee on Finance.

By Mr. GRAHAM:

S. 2494. A bill to renew the temporary suspension of duty on cobalt boron; to the Committee on Finance.

By Mr. GRAHAM:

S. 2495. A bill to renew and modify the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. GRAHAM:

S. 2496. A bill to suspend temporarily the duty on mixtures of tetrakis(hydroxymethyl)phosphonium chloride, polymer with urea, tetrakis(hydroxymethyl)phosphonium chloride, formaldehyde, and water/inters; to the Committee on Finance.

By Mr. GRAHAM:

S. 2497. A bill to provide for the liquidation or reliquidation of certain entries of manufacturing equipment entered on or after May 11, 1997, and before October 21, 1998; to the Committee on Finance.

By Mr. GRAHAM:

S. 2498. A bill to provide for the liquidation and reliquidation of certain entries of manufacturing equipment entered on or after May 11, 1997, and before October 21, 1998; to the Committee on Finance.

By Mr. GRAHAM:

S. 2499. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment entered on February 9, 2002; to the Committee on Finance.

By Mr. GRAHAM:

S. 2500. A bill to suspend temporarily the duty on p-fluorobenzaldehyde; to the Committee on Finance.

By Mr. GRAHAM:

S. 2501. A bill to renew the temporary suspensions of duty on acetyl chloride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2502. A bill to suspend temporarily the duty on Dianil; to the Committee on Finance.

By Mr. GRAHAM:

S. 2503. A bill to suspend temporarily the duty on nPBAL; to the Committee on Finance.

By Mr. GRAHAM:

S. 2504. A bill to suspend temporarily the duty on Primid XL-552; to the Committee on Finance.

By Mr. GRAHAM:

S. 2505. A bill to extend the temporary suspension of duty on 1,4-Benzenedicarboxylic acid, polymer with N,N'-bis(2-aminoethyl)-1,2-ethanediamine, cyclized, methosulfate; to the Committee on Finance.

By Mr. GRAHAM:

S. 2506. A bill to provide for the liquidation or reliquidation of certain entries of artificial foliage; to the Committee on Finance.

By Mr. GRAHAM:

S. 2507. A bill to suspend temporarily the duty on Primid QM-1260; to the Committee on Finance.

By Mr. GRAHAM:

S. 2508. A bill to reduce temporarily the duty on 4-ADPA; to the Committee on Finance.

By Mr. GRAHAM:

S. 2509. A bill to extend the temporary suspension of duty on Mixtures of N-phenyl-N-(trichloromethylthio)-benzenefulfonamide, calcium carbonate, and mineral oil; to the Committee on Finance.

By Mr. GRAHAM:

S. 2510. A bill to suspend temporarily the duty on Grilamid TR 90; to the Committee on Finance.

By Mr. GRAHAM:

S. 2511. A bill to suspend temporarily the duty on Grilbond IL 6-50°F; to the Committee on Finance.

By Mr. GRAHAM:

S. 2512. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. GRAHAM:

S. 2513. A bill to suspend temporarily the duty on himic anhydride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2514. A bill to suspend temporarily the duty on o-Dichlorobenzene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2515. A bill to suspend temporarily the duty on silver sodium hydrogen zirconium phosphate; to the Committee on Finance.

By Mr. GRAHAM:

S. 2516. A bill to suspend temporarily the duty on nonwoven diffusion media; to the Committee on Finance.

By Mr. GRAHAM:

S. 2517. A bill to suspend temporarily the duty on 2,2'-Dithioisobenzothiazole; to the Committee on Finance.

By Mr. GRAHAM:

S. 2518. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. GRAHAM:

S. 2519. A bill to suspend temporarily the duty on certain tirebuilding machines used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2520. A bill to suspend the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 328. A resolution commemorating the 20th anniversary of the fall of the Berlin

Wall, the end of the division of Europe, and the beginning of the peaceful and democratic reunification of Germany; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. Res. 329. A resolution recognizing the month of October 2009 as "National Principals Month"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 118

At the request of Mr. KOHL, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 456

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), the Senator from Indiana (Mr. LUGAR), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental

Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

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

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1234

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1234, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. LEAHY) 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. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1521

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1521, a bill to amend titles XVIII and XIX of the Social Security Act to require provider payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions.

S. 1524

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign

assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1538, a bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) 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. 1653

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1653, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1713

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1713, a bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes.

S. 1792

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cospon-

sor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property.

S. 1832

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1862

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1862, a bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System.

S. 1938

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 268

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

S. RES. 316

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise to speak about the role nuclear energy can play in moving our country toward a more secure energy future. For some, news that a Udall is speaking favorably about nuclear power will come as a stark and perhaps unpleasant surprise. But I also believe public and expert opinion on the risks and benefits of nuclear power has changed.

The environmental and energy security challenges that we faced in the 1970s, when that decade closed in the shadow of Three Mile Island, have changed significantly. When my father Mo Udall campaigned for President in the New Hampshire primary in 1976—and the Presiding Officer remembers that era—and when he was asked about the controversial Seabrook nuclear facility, no one had climate change on their list of environmental concerns.

Today, more than 30 years on, we have a less parochial and more global view about the challenges of energy security, climate change, and the problems associated with carbon-based energy production.

Given the economic, national security, and environmental threats our current energy system creates, we need a comprehensive and cleaner national energy policy. In this regard, clearly, nuclear energy has emerged as an important player in our search for a stable and domestic energy source that has less greenhouse gas emissions.

A cleaner energy economy will spur innovation in and accelerate the shift to clean and domestic energy sources.

It will create a new industrial sector, employing millions of Americans in the research, development, manufacturing, sale, installation and servicing of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world.

Moreover, like it or not, we must address the climate challenge we face. My State of Colorado is already seeing the indirect impacts of carbon pollution in the form of a devastating bark beetle infestation that is killing our forests.

Looking beyond environmental concerns and as we face perhaps our greatest economic crisis since the Great Depression, we also need an “all of the above” solution to jump-start our economy. That means continuing our development of renewable energy sources such as wind, solar, and biomass, as well as traditional energy resources like coal and oil, and cleaner fuels like natural gas.

That also means we should continue to invest in energy efficiency and conservation technology. And that means that nuclear energy and new nuclear power plants must be a part of the mix.

As I said earlier, a growing number of skeptics and even opponents of nuclear power are taking a second look at this industry. I count myself among them, and these are some of the reasons why:

First, in the last few decades, the performance and safety record of nuclear plant operations in the United States has greatly improved. Safety is and always must be the No. 1 priority at nuclear facilities. There is always more we can do on safety, but the industry has built a good record and we should recognize that fact.

Then there are the environmental benefits to nuclear power. Unlike fossil fuel plants, nuclear plants do not emit appreciable amounts of sulfur dioxide, nitrogen oxides, mercury or particulate matter. That means they cause less acid rain, as well as fewer asthma complications and other health ailments.

Further, nuclear plants release minimal amounts of carbon pollution. In fact, nuclear power plants are one of the few low-carbon, large-scale sources of baseload power that we know how to build today.

Let me note that carbon-capture and storage technologies at coal and natural gas plants could also potentially provide low-carbon baseload power at large scales too. And it is very important that we build these first commercial CCS plants and do all we can to develop economically viable carbon-capture and sequestration technologies.

I have long been a supporter of renewable energy and energy efficiency, and I will continue to be. But the scale of the energy changes we must make dictates that we be open to the widest variety of energy options, particularly those with domestic potential and those with cleaner emissions. In other words, there is no silver bullet that will solve all of our energy challenges; we are going to need, in the parlance of

the West, silver buckshot. Examining all the pros and cons, I have come to the view that nuclear energy is a part of that silver buckshot.

I know there are many who remain skeptical of nuclear power, including good friends of mine. Nuclear power is not trouble-free. No energy source is. I hope we can all agree, however, on our clean energy goals: more jobs, greater energy security, and a cleaner environment for our children.

Supporters and opponents of nuclear power share another concern in common. Neither knows for sure how much new nuclear plants are going to cost. We have a new licensing process that has never been tested. We have not ordered a new nuclear plant in three decades. Many nuclear technology components, for at least the first wave of nuclear plants, will likely be manufactured in other countries, and the future cost of construction materials is unknown. These uncertainties, along with others, led the National Academy of Sciences to estimate that electricity from new nuclear plants would likely cost in the range of 8 to 13 cents per kilowatt hour, which is a considerable span. Given the large potential of nuclear energy, however, we need to build new nuclear plants over the next decade.

This first wave of new plants will go a long way toward telling us whether new plants can be built on budget and on schedule in the United States. I hope the answers are yes and yes, and that the final cost of electricity is at the lower end of the uncertainty range. I say this because if nuclear energy is to survive as a viable option, it will need to compete against other low-carbon technologies in the long run.

Some may object to the building of new nuclear plants before we have a long-term solution to the question of what to do with nuclear waste. It is true we do not have a permanent solution right now. It is also true that the answers about the viability, both environmental and political, of Yucca Mountain as a permanent waste facility continue to elude us. I fully acknowledge that as a Member of the House of Representatives, I shared these concerns and voted accordingly. But uncertainty about a long-term and permanent solution to waste storage is not a reason to halt nuclear power. I am confident that we have the technical capabilities and knowledge to safely and responsibly store nuclear waste for the required time periods. This is not a technology problem. It is a challenge to find a fair and safe path forward, and I support the President's intention to appoint a blue ribbon commission to make such a recommendation.

In the meantime, dry cask storage provides a safe, proven option for at least 100 years. We have time to get this right, so let us not rush into anything out of a false sense of emergency.

Let me turn to another subject tied to nuclear power production, and that

is reprocessing. It has been suggested that we should build commercial scale facilities in the United States to reprocess our spent fuel as France and Japan do. I do not believe that makes sense. Why? First, the French system of reprocessing is not a comprehensive waste management strategy, and so far the benefits from that approach have been fairly marginal. In other words, they have not solved their waste challenge with reprocessing. Secondly, we do not need to recycle spent nuclear fuel to enable the expansion of nuclear power in the United States and elsewhere. Uranium supplies are sufficient to support a worldwide expansion of nuclear power during this next century. Third, the international proliferation risk associated with reprocessing is a concern. The process used in France creates separated plutonium which could be diverted for weapons production. I do not want to see separated plutonium in any country but especially in those that are unfriendly to us. And we are in a weaker position to try and dissuade those countries from reprocessing if we are doing it ourselves.

My conclusion is that a near-term decision to deploy reprocessing facilities would be unwise and unnecessary. I do support research into advanced proliferation-resistant technologies, though none of those will be ready for deployment anytime in the near future. In general, our goal should be to keep nuclear power as low-cost and proliferation-resistant as possible.

To that end, today I am introducing a bipartisan bill, the Nuclear Energy Research Initiative Improvement Act of 2009. This bill, which is cosponsored by Chairman BINGAMAN and Ranking Member MURKOWSKI, authorizes the U.S. Department of Energy to conduct research into modular and small-scale reactors, enhanced proliferation controls, and cost-efficient manufacturing.

We are going to be debating clean energy later this Congress. I know several of my colleagues on both sides of the aisle would like to see a strong nuclear title. I hope we can come to a reasonable compromise that advances nuclear power and allows us to finally put a price on carbon pollution. That will give the energy sector the certainty it needs to begin planning and building our clean energy future and to begin creating clean energy jobs.

Nuclear plants to date provide jobs for thousands of Americans, and new plants would provide thousands more. New plants would also generate millions in tax revenues for State, local, and Federal governments struggling with large deficits from the economic downturn. Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope we can build some nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow.

I invite all of my colleagues, from both sides of the aisle, to join Senator

BINGAMAN, Senator MURKOWSKI, and me in cosponsoring the Nuclear Energy Research Initiative Improvement Act of 2009.

One of my energy fellows, Matt Bowen, is leaving my office to join the Department of Energy. I thank Matt for his work in my office, including on the bill I am introducing today, and I wish him well at the Department of Energy. We have been well served as a country by Matt Bowen's patriotism and work ethic.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to describe legislation I have introduced that will help businesses, sustain and create jobs, spur economic development for a struggling industry and benefit the environment.

The locomotive industry in the U.S. directly employs over 125,000 people and supports a wide-range of secondary industries which contribute to the locomotive manufacturing process through operations located around the country. This vital industry has experienced a significant decline in business over the past several years, which has regrettably resulted in furloughs and layoffs. It is my understanding, though, that these circumstances are not due to a lack of demand for new locomotives, but rather, yet another symptom of our Nation's weak economy and insufficient capital among potential customers.

Accordingly, I along with my colleague Senator BOB CASEY, have introduced the Locomotive Fleet Investment and Tax Credit Act of 2009. This legislation will provide a tax credit for the acquisition of new and newly remanufactured locomotives, including freight, long-haul, passenger, and switch locomotives. The tax credit we have proposed is substantial but time-limited, so as to have the maximum impact in short order. The bill provides a tax credit of 30 percent of the purchase cost of a new or newly manufactured locomotive, but stipulates that the new locomotives must be placed in service before December 31, 2013, to qualify for the credit.

In addition to the economic impact, the Locomotive Fleet Investment and Tax Credit Act will also benefit the environment, as new and newly manufactured locomotives are typically more fuel efficient and emit fewer harmful pollutants. Moreover, new locomotive models are often more reliable and have better safety records. In short, it is in the best interest of operators, manufacturers and the general public

to remove from the rails as many old, outdated rail cars as possible and replace them with new locomotives.

Our economy has suffered through a crisis of historic proportions, and though there are early signs of recovery, conditions are still grim. On October 2, 2009, the Department of Labor reported that national unemployment had risen to 9.8 percent, with the loss of 260,000 jobs in September and the total loss of 7.2 million jobs since the recession began. The rail industry and America's manufacturing base has been hard hit by the economic downturn and the Federal Government ought to help foster an environment in which these businesses can rebound and thrive once again. I am confident that our economy will indeed improve, and when it does, it is important that our country still has a robust capacity to manufacture locomotives domestically.

The Locomotive Fleet Investment and Tax Credit Act of 2009 will provide a much-needed boost to locomotive manufacturers, sustain and create jobs and help establish a safer, environmentally friendlier and more reliable rail industry.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the National Great Black Americans Commemoration Act. I am proud to sponsor this legislation along with Senator CARDIN. African Americans have a rich history that must be cherished and remembered. This bill will honor African American leaders from across the country by helping to preserve their names, faces, and stories for generations to come.

This legislation will provide continued Federal assistance to expand exhibits and educational programs at the National Great Blacks in Wax Museum and Justice Learning Center in Baltimore, MD. Some of the memorialized figures are household names, like: Frederick Douglass, Dr. Martin Luther King, Jr., and President Barack Obama. Yet many more are unfamiliar, like the 22 African Americans who served in Congress in the 1800s. It is time we give these pioneers the recognition they deserve.

Maryland is proud to be home to so many important figures in African American history. From the dark days of slavery through the civil rights movement, Marylanders have led the way. The brilliant Frederick Douglass was the voice of the voiceless in the struggle against slavery. The courageous Harriet Tubman delivered 300 slaves to freedom on the Underground Railroad. The great Thurgood Marshall, a man who was no stranger to the restriction of educational opportunity, successfully argued the Brown

v. Board of Education case before the Supreme Court, and later became a Supreme Court Justice himself. These three amazing individuals were Marylanders.

It is fitting that the national Great Blacks in Wax Museum and Justice Learning Center also calls Baltimore home. The museum and learning center is a popular and respected African American history museum. Approximately 300,000 people a year from around the country and the world visit the museum. Many are school children, who can see historical figures come to life in the museum's exhibits. Expansion will allow the museum to teach even more visitors about the important contributions of African Americans.

Private donors have contributed too. Now it is time for the Federal Government to reaffirm its commitment.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the National Women's History Museum Act of 2009, a bill that would clear the way to locate a long-overdue historical and educational resource in our nation's capital city.

In each of the last three Congresses, the Senate has approved earlier versions of this bill by unanimous consent. I appreciate that past support, and I appreciate the cosponsorship today from 19 of my colleagues, Senators LIEBERMAN, GRASSLEY, MIKULSKI, BOXER, FEINSTEIN, MURRAY, SNOWE, LANDRIEU LINCOLN, VOINOVICH, CANTWELL, STABENOW, MURKOWSKI, PRYOR, MCCASKILL, KLOBUCHAR, GILLIBRAND, HAGAN, and SHEEHAN.

American women have made invaluable contributions to our country in government, business, medicine, law, literature, sports, entertainment, the arts, and the military. The need for a museum recognizing the contributions of American women is of long standing.

A Presidential commission on commemorating women in American history concluded that, "Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital."

That report was issued in 1999. A decade later, although Congress has commendably made provisions for the Na-

tional Museum for African American History and Culture, the National Law Enforcement Museum, and the National Museum of the American Indian, there is still no institution in the capital region dedicated to women's role in our country's history.

The proposed legislation calls for no new federal program and no new claims on the budget. It would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum on a tract of land near the Smithsonian Museums located at 12th Street, SW, and Independence Avenue, SW.

The National Women's History Museum is a nonprofit, non-partisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the nation in their various roles in family, the economy, and society.

This museum would help ensure that future generations understand what we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present the stories of pioneering women like abolitionist Harriet Tubman, founder of the Girl Scouts Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, and astronaut Sally Ride.

That women's roll of honor would also include a distinguished predecessor in my Senate seat, the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and decency. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

Again, I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

By Mr. HARKIN:

S. 2149. A bill to suspend temporarily the duty on orthotoluidine.

Mr. HARKIN. Mr. President, the legislation I am introducing would suspend temporarily, through the end of 2011, the import duty on orthotoluidine, a chemical compound used by several U.S. companies in manufacturing an important agricultural herbicide used for crops including corn, soybeans, peanuts, and cotton. One of the manufacturing plants is a facility in Muscatine, IA, that employs 500 work-

ers. Other U.S. companies use the compound in manufacturing dyestuffs, pigments, optical brighteners, and pharmaceuticals. This legislation is drafted and intended for inclusion in the miscellaneous tariff bill being assembled by the Committee on Finance.

Currently, there is only one U.S. manufacturer of orthotoluidine, and that company has already announced plans to end production of the compound by the end of this year. Manufacturers in the U.S. will soon have no choice but to import this ingredient and to pay a duty of 6.5 percent unless it is suspended. Suspending this duty will help to control U.S. production costs, keep jobs at home, and enhance the competitiveness of U.S. businesses, workers, farmers, and the communities in which they are located.

I encourage my colleagues to support this legislation.

By Mr. SESSIONS (for himself,

Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization Act; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I sent to the desk earlier legislation that is cosponsored by myself and Senator JOE LIEBERMAN and Senator KIT BOND. In essence, it reauthorizes certain provisions of the PATRIOT Act which expire, if we do not act, on December 31 of this year. It is an important matter and I am proud to be working with the distinguished chairman of the committee that has oversight over homeland security, and Senator BOND, who is the ranking Republican on the Intelligence Committee and has worked on these issues for quite a long time.

I wish to be notified after 10 minutes, if you would, please.

In recent years, Federal agents have exposed a series of potentially devastating terrorist plots across our country. If successful, these planned attacks would have caused unthinkable harm and claimed the lives of countless Americans. In the years following 9/11, there have been constant attempts to strike again on American soil. There could have been a dozen 9/11's, perhaps, were it not for the skill and courage of those who labor in defense of our country and our countrymen, and were it not for the measures passed by this Congress that have finally given them the support and the legal and financial resources they need to combat the terrorist threat.

But unless Congress acts, these very measures will soon expire. Unless Congress acts, our agents will be stripped of some of the legal tools they have used to foil attack after attack on our homeland and to avert catastrophe time and again.

Three of the most critical national security provisions passed by this body must be renewed by December 31 of

this year. Those provisions are found in the USA PATRIOT Act, which has played an essential part keeping our families and communities safe for these last 9 years. It at last gave the intelligence community the capabilities it needed to detect and deter terrorism inside our borders.

These capabilities have long been used in routine law enforcement, but could not be used in national security matters. Why would we not pursue terrorists with the same tools we can use to pursue drug dealers and mobsters?

Anyone who has followed the news in recent weeks knows just how vital these tools are. Four major terrorist plots have been foiled in the last 6 weeks—four in the last 6 weeks.

Just yesterday, we learned that two Chicago men were charged with plotting to attack the facilities and employees of a Danish newspaper that printed cartoons depicting the Islamic prophet Muhammad. The planned attack included weapons and explosives. According to reports, one of the men admitted working with a Pakistani group which has been designated by our government as a foreign terrorist organization.

The government recently charged Najibullah Zazi with conspiring to use one or more weapons of mass destruction—specifically, explosive devices—against persons or property within the United States. The New York Times described the government's case against Mr. Zazi as “a set of damning accusations” that begin “with explosives training in Pakistan followed by purchases of bomb-making materials in Colorado, experiments in a hotel room, and a cross-country trip to New York, which the authorities feared might have been the target of his attack.”

According to reports, Mr. Zazi was in contact with senior al-Qaida operatives, including the leader of al-Qaida in Afghanistan. Attorney General Holder has described Zazi's plot as one of the worst since 9/11.

In another case, Hosam Maher Husein Smadi stands accused of conspiring to set off an explosive attached to a vehicle at the base of the 60-story Fountain Place office tower in Dallas, TX. In yet another case, Tarek Mehanna was charged with material support of terrorism related to a plot to kill U.S. troops in Iraq, assassinate top politicians, and gun down shoppers in U.S. malls.

But these attacks never occurred. They never occurred because we had the tools in place to prevent them and because of the untiring agents who carry out their noble, often thankless mission day after day. But out of an abundance of caution, Congress created a time limit on some of these investigative procedures and tools, and in 2006 those authorities were renewed because it was clear they were working and were needed.

It is worth noting that even though these authorities had not been abused by our hard-working terrorism offi-

cial, numerous revisions to them were made in 2006. Then, we reauthorized the provisions, while also strengthening civil liberties protections. That 2006 legislation was passed with overwhelming bipartisan support. It passed with 89 votes, among them our current President, who was a Member of the Senate; the Vice President, who was then a Member of the Senate; and the Secretary of State, who was then a Member of the Senate.

The PATRIOT Act is again up for renewal with three critical authorities set to expire. While we in the Judiciary Committee have been debating whether these expiring PATRIOT Act authorities should be approved for another 4 years, our agents are actively working hard to protect this country and its people from the constant threat of terrorism. Is there anyone in this Chamber who thinks that we should make it harder for our national security investigators to catch terrorists? Is there anyone here who believes the American people want us to make it harder for our investigators to catch terrorists?

I know Chairman LEAHY has worked hard, as we all did, to try to come up with a PATRIOT Act reauthorization bill in the Judiciary Committee that could attract strong bipartisan support. I commend him for that effort. He really worked at that. We worked together at that. However, the bill that eventually emerged from the Judiciary Committee does not meet the key test for any national security legislation: first, do no harm. The bill reported by the committee would make the jobs of our national security officials more difficult. The Obama administration has raised serious misgivings about the legislation that passed out of the committee.

So, I think we need to make a fresh start. Let's go back and take the bill we voted so strongly for before, add the minor things that need to be added to it to make it better—to deal with recent court of appeals rulings—and then let's move that forward to make sure we get that done before the legislation expires on December 31.

The bill we introduced today represents the best parts of the legislation that emerged from the Judiciary Committee, the parts almost everyone agreed upon. I will go into some of these details later but would just say that I am honored to be able to participate in the filing of this legislation with two fine cosponsors, Senators LIEBERMAN and KIT BOND.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I am very proud to rise today to join with Senator SESSIONS, my friend from Alabama, in introducing this legislation to reauthorize provisions of the PATRIOT Act that will expire at the end of the year if we do not act. These are critically important provisions.

I was about to say something that may sound odd to say, which is that

the PATRIOT Act got a bad name, which it did not deserve. It is hard to imagine that anything with the name “patriot” in it could have gotten a bad name. There may have been a lot of reasons for it—misunderstandings, maybe, frankly, suspicions of the previous administration. But on the merits, this legislation was critically necessary in the time after September 11. And as Senator SESSIONS has made clear, because of what seems to be an escalating series of threats to our homeland security from Islamist extremists using terrorism to attack us, these provisions are actually probably more critically necessary today than they have been in years past. But they have been critically important.

I say the PATRIOT Act got a bad name because of the three provisions that our legislation—Senators SESSIONS, BOND and I—will continue to authorize, including the roving wiretap, business records provisions, and the so-called lone wolf provision.

When Senator SESSIONS goes into these in some detail in a few moments, I think anybody coming to the discussion with an open mind will see that these are very commonsense provisions. In fact, they are provisions that law enforcers in our country have today with regard to traditional crimes. And we are taking them and applying them to these kinds of investigations regarding terrorist threats against the United States of America.

The Judiciary Committee labored with very good intentions, brought a bill out that was a compromise and did get some bipartisan support, I gather, which I was pleased about. But it does, as Senator SESSIONS says, make some changes and it puts some pressure on the enforcement of these critical provisions of the PATRIOT Act that will weaken them, will undermine their effectiveness. And I think we should go for everything we can get here which has worked so well for the past years.

The fact is, we have seen a series—I want to come to this. I want to go back because there was mention—I said the PATRIOT Act got a bad name. There was a particular focus and concern in the library community and advocates for libraries—we all love libraries, and I myself have such memories of the role the public library in my hometown of Stamford, CT, played in my education—that somehow the government could break into libraries through the PATRIOT Act and check on what books people were taking out and compromise peoples' freedom of, I guess, intellectual pursuit, freedom of interests, if you will.

There was a lot of concern, a lot of debate back and forth. Finally, after some period of time in which the Attorney General refused to answer questions about how often that provision of the PATRIOT Act had been utilized, the Attorney General actually came forth—I forgot the circumstances—and said it had never been utilized, and it was cleaned up, and that is not in effect anymore.

Now a new administration—President Obama, Attorney General Holder—changed, different parties, in some sense different perspectives, but yet the President and the Attorney General took a sensible and I would say unbiased look at the challenge they faced from terrorism in this country and then looked at the provisions of the PATRIOT Act and said: We need it. It is fair. It is constitutional. It does not deprive people of rights. And more to the point, it will be critically useful in stopping the extremists and the terrorists from depriving people not only of their rights here in America but of their lives.

The PATRIOT Act provisions in question here have been a critical part of, I would say, a remarkable, impressive improvement in the capacity of the U.S. Government to stop terrorism, this unconventional enemy we face which aims to attack and kill Americans and, indeed, to undermine if not to defeat our fundamental way of life, our freedom, our values, our diversity, our tolerance.

We have seen, since 9/11, I am proud to say facilitated or encouraged by some legislation we passed, the Department of Homeland Security created, the 9/11 Commission Report, reforming the intelligence community, the Department of National Intelligence.

Probably one of the great unsung national assets we have, something called the National Counterterrorism Center, exists outside of Washington. It is a facility in which all of the relevant agencies of the Federal Government are there side by side 24/7, 365 days a year sharing information, connecting the dots. What did we all say after 9/11 and after the Commission Report? We had a lot of information in different places in the Federal Government; that if it had been brought together in one place, I personally think we would have stopped 9/11, the murder of 3,000 people on American soil. We did not have it together. But now those places exist—NCTC, the National Counterterrorism Center; the tremendous work by our intelligence community, by our military community, by our law enforcement community, working together cooperatively and cooperating with foreign intelligence, law enforcement and military communities.

The FBI has created and beefed up a counterterrorism division that I think has become the best in the world. And it is what makes the arrests that have occurred, a series of events, the ones Senator SESSIONS mentioned, the Zazi case—Najibullah Zazi, Afghan from birth, came here, permanent legal resident—this is the nightmare case—becomes radicalized, commits himself to Islamist extremism, goes over to Pakistan and connects with the highest levels, allegedly, of al-Qaida, receives training. One presumes—we do not know—he was directed or encouraged to do the things he came back here to do and started to work to put together, to acquire, according to the indict-

ment, the material to explode several bombs in New York City, which would have done devastating damage.

The slightest bit of evidence—I am not compromising anything, but you might say metaphorically, Zazi appeared on one screen, a shred of evidence about him, and it alarmed some of our law enforcement people, and all of the resources of our government—foreign intelligence, American intelligence, CIA, DNI, FBI, Department of Homeland Security, local law enforcement—came together with that little piece to build a picture that helped us to follow him and find him and stop him before he was able to do terrible damage in New York City. Do you know what else helped with that? The PATRIOT Act. It has helped in so many of these cases we stopped. There has been a ring of them this year.

Earlier, about a month ago in our Homeland Security Committee, Senator COLLINS and I convened a hearing on the state of homegrown terrorism and our efforts to stop it. We had the Secretary of Homeland Security, the head of the National Counterterrorism Center, and the head of the FBI. As my last question, I kind of said it wide open to each of them: Tell me the one thing Congress could do to help you do the extraordinary, critically important, life-and-death work you are doing to prevent terrorist attacks against the United States. You might say I was giving them a blank check. Frankly, I thought they would say: We need more money for this program or that program.

When we came to Bob Mueller, the Director of the FBI, he gave a simple answer to the question: What is the one thing Congress could do to help you continue to do the extraordinary work you and the rest of our American team are doing to stop terrorist attacks. Director Mueller said: Reauthorize the PATRIOT Act. Without it, without those three simple provisions—lone wolf, roving wiretaps, and the business record provisions—we will not be able to do the job you want us to do.

This is so critical to our security that we should settle for nothing less than exactly the best. The Department of Justice recently submitted a letter urging renewal of the expiring PATRIOT Act provisions and emphasized the importance of us not doing anything “to undermine the effectiveness of these important authorities.” Despite the clear admonition—you might say plea—from the Obama administration and the Department of Justice, those who use these tools to keep us safe, I am concerned that proposals to impose some new requirements and restrictions on the FBI’s ability to use these tested, existing PATRIOT Act authorities and national security letters will diminish the ability of the law enforcement community to protect us from these terrorist attacks.

As an individual Senator from Connecticut, as a Senator privileged to serve as chairman of the Homeland Se-

curity Committee, I am proud to join with Senators SESSIONS and BOND in introducing this clean, total reauthorization of the expiring PATRIOT Act provisions and urge my colleagues to support swift passage of this simple, proven, and vitally important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, our intelligence community should never be forced to question whether our priority is protecting America’s safety or protecting the privacy of terrorists. This bill makes clear to intelligence professionals that keeping our Nation safe is their highest responsibility and assures they have the tools needed to get the job done. That is why I am so pleased to join with my colleagues, Senators LIEBERMAN and SESSIONS, in reauthorizing three FISA provisions—lone wolf, wiretap, and section 215—which would otherwise expire.

This legislation we have introduced today, without change, reauthorizes these three national vital security tools for 4 more years. While I believe each of these tools should be made permanent and Congress plays a dangerous game with national security every time we impose arbitrary sunsets, it is essential that the community’s ability to collect lifesaving foreign intelligence should continue unimpeded.

Our bill also makes conforming changes to the disclosure requirements for national security letters in light of the Second Circuit’s decision last year. These issues are so critical and so urgent to our well-being and security as a nation, nothing else will matter, even the current health care debate, if we fail in national security.

I have spoken before on this floor about the need for President Obama to make a decision about Afghanistan. I will not repeat those points today. But as our military, intelligence, and law enforcement professionals defend the United States and its allies in Washington, there is an effort afoot to make this fight much harder than it needs to be.

The U.S. PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act were passed overwhelmingly in the aftermath of the September 11 terror attacks. For years, terrorism was treated as a law enforcement matter.

Our Nation responded to terrorist attack after terrorist attack, to the deaths of our servicemembers and embassy personnel, with indictments and arrest warrants. As Congress failed to give our intelligence operators the tools they needed to act quickly, our terrorist enemies became even more emboldened and determined to strike our homeland. September 11 was a wake-up call.

Our driving mission appropriately, after that, became prevention and disruption of terrorist attacks at home against our troops overseas and against

our allies. That is why the legislation we passed provided the necessary tools. In 2005, the PATRIOT Act was reauthorized with minor changes, but three FISA provisions remained subject to sunset. Here is an opportunity for us to reauthorize these three vital provisions. There is little disagreement among people who know that these provisions should and must be reauthorized.

FBI Director Mueller testified before the Judiciary Committee that each is important to the FBI's work in national security and criminal investigation. But because of the enhanced information sharing rules and procedures, other community entities, such as the Counterterrorism Center, are often dependent upon information collected under these authorities. Their loss would adversely impact their ability to analyze and share important national intelligence information. As an example, if the FBI obtains a court order under FISA for a roving wiretap targeting a terrorist subject in New York, foreign intelligence information obtained there may be shared with the CIA, enabling them in turn to target associates overseas.

Events over the past few months underscore the importance of giving the FBI and other agencies all the tools and authorities they need to stay ahead. From the disrupted terror plots in New York and Colorado to those in Illinois, Texas, and North Carolina, we have seen firsthand why the FBI must have the flexibility to get the information they need as quickly as possible to prevent these attacks.

The benefit of our intelligence collection authorities, however, does not just benefit our own citizens. Just as overseas terror threats may impact our safety, threats posed by some within our country do not always end here. We learned two men in Chicago were conspiring with associates to commit terrorist attacks in Denmark. This case is a good example of how FISA authorities can save lives in allied countries. There is a belief among some that as long as the intelligence community eventually gets the information it needs, time is not of the essence. That is not true. Timing was everything, whether it was introducing an undercover agent to a target at the right moment or conducting surveillance at the right time. No intelligence collector is going to say that getting the same information 3 weeks later is good enough.

I cannot comment on specific tools that were used in foiling all of these plots. We know both from public and classified testimony and information that the tools provided that we are authorizing today have been invaluable to our efforts to stay ahead of the terrorists. As I mentioned earlier, the FBI's ability to obtain a roving wiretap under FISA will end this year unless Congress acts.

According to Director Mueller, the FBI has used the authority 140 times in

the past 5 years. The ability to track terrorists even when they repeatedly use and dump their cell phones to avoid interception is, as Director Mueller testified, "tremendously important." He also noted with all the new technology, it is nothing for a target to buy four or five cell phones and use them in quick succession. I couldn't agree more.

Our enemies know our laws better than some of us do. They understand the hoops and hurdles government must clear to catch up or stay ahead. Roving wiretap authority sends a clear message that the time-honored trick of frequently changing a cell phone will not work like it used to.

Obtaining a roving wiretap requires, first and foremost, that the FBI establish probable cause that the target is an agent of a foreign power. Some critics of this provision claim it allows the FBI to avoid meeting this standard as surveillance moves from phone to phone. That is not true. Each wiretap application is approved by a FISA Court judge. If a target changes his cell phone and the FBI moves to surveil the new phone, the court is notified. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while the authority is a tremendous asset for the FBI, it poses no additional civil liberties concerns. It should be renewed.

On business records, over the past 5 years, a rallying cry against these measures has centered on section 215, allowing the FBI to obtain business records such as hotel information or travel records upon a showing of the requisite burden of proof to a FISA Court judge. We have heard time and again the FBI is using this authority to spy on people's reading habits at the local library. This is simply highly charged rhetoric not supported by facts. While the FBI has used section 215 more than 250 times in the past 5 years, no library records have been obtained. But we do know that terrorists and their associates have used library Internet access to communicate with each other and, in the appropriate case, the FBI must have the ability to obtain any relevant records relating to that usage.

Congress should not pass any legislation that would allow terrorists to use libraries or any other public facility as a safe haven for their illegal activities. If we did that, guess where all the terrorists would congregate. Do you want them all in your libraries? I don't think so.

The inspector general of the Department of Justice conducted several audits of the FBI's use of section 215 and found no abuse of authority. These audits also considered the time it takes for the FBI to obtain a 215 order. The Director has testified that business records sought by terrorism investigations by the FBI are "absolutely essential to identifying other persons who may be involved in terrorist activi-

ties." The records obtained under this authority are no different from what the FBI could obtain in a criminal investigation using grand jury subpoena authority. There is rarely any delay in obtaining a grand jury subpoena. DOJ should strive to ensure that section 215 court orders are obtained in a timely and expedient manner.

Given the vital information that can be obtained, I have asked the DOJ to take steps necessary to minimize future delays. As with roving wiretap authority, I believe section 215 has adequate measures already built in to ensure that the private interests of U.S. persons are protected. I have not heard any reasonable critique of this authority, and I believe it should be authorized without changes, without delay.

The sole expiring provision that has not been used by the FBI is the lone wolf definition of an agent of a foreign power, prompting some critics to demand its repeal. Under this definition, the FBI can obtain a FISA Act search or electronic surveillance against a non-U.S. person who is not readily identifiable with a particular foreign power.

We all should be familiar with the story of Zacarias Moussaoui, the 9/11 coconspirator who was identified prior to the 9/11 attacks. But the FBI could not connect him with a particular terrorist organization and, therefore, did not submit a formal request for a FISA search order. We know Moussaoui was ultimately convicted in the Eastern District of Virginia and is now serving a life sentence for his part in the 9/11 conspiracy.

If FISA had included a lone wolf provision, the FBI could have searched his belongings and possibly gained advanced intelligence about the 9/11 plot. Once again, Director Mueller has emphasized in his recent testimony that the FBI must retain the ability to target an individual who cannot be specifically tied to a particular foreign power. The Director specifically cited the Moussaoui case as a prime example. We should never again take the risk that another Moussaoui will be identified by the FBI but escape scrutiny to prevent an attack because he could not be tied to a specific terrorist organization.

I see the "lone wolf" provision as a necessary tool that will only need to be used in limited circumstances. It is kind of like those "in case of emergency, break glass" boxes that cover certain fire alarms and equipment. We need to keep these tools available for the rare situations where they would be needed.

As I mentioned earlier, the Senate Judiciary Committee reported a PATRIOT Act reauthorization bill that makes a number of changes to section 215 authorities and other national security tools. I believe the Judiciary bill is deeply flawed, and I hope my colleagues will listen carefully and support our bill instead. There will be ample time down the road to lay out in

detail all my objections to the Judiciary bill, but let me just make a few key points.

I disagree strongly that there should be a first time ever sunset for national security letters. It is irresponsible to risk letting the law revert back to pre-9/11 status, where NSLs were largely underutilized because the burden of proof and approval levels were too high for an investigative tool.

The so-called abuses that are so often cited were actually related to something called exigent letters. Exigent letters are essentially a request to third parties, usually phone companies or Internet service providers, for immediate access to records, contingent upon a promise to provide a grand jury subpoena or a national security letter promptly.

It is important to understand that these exigent letters are not national security letters or grand jury subpoenas. While there is statutory authority for carriers to voluntarily provide the FBI with the contents of the communication if the carrier has a good-faith belief that an emergency involving death or serious physical injury requires disclosure of the communication without delay, the DOJ IG found that these exigent letter requests were issued on a routine, rather than an exigent, basis.

Interestingly, the people relying on the now corrected exigent letter problem to justify their proposed restrictions on NSLs are not calling for similar restrictions to be placed on grand jury subpoenas. They know better than to try that because there would be immediate and overwhelming objections from the Department of Justice and nearly every U.S. attorney in the country. We cannot go back to pre-9/11 days, when national security investigative techniques were significantly more difficult to use than ordinary criminal investigative techniques.

Setting aside the problems with the exigent letters, I have said, time and time again, that the errors identified by the DOJ IG were almost exclusively administrative. The FBI has acted quickly to correct these errors, and we should not respond by hamstringing their investigations.

I also disagree with requiring minimization procedures for both pen registers/trap-and-trace devices and NSLs. The FBI has been clear about the operational harm that will likely result if minimization procedures are required for the type of preliminary data, such as telephone toll records, obtained by these tools.

Aside from the basic problem of how the FBI would even go about minimizing this type of information, I do not see why it is necessary. We certainly would never impose these types of restrictions on grand jury subpoenas or other types of administrative subpoenas.

Supporters claim we need minimization procedures to protect U.S. persons, but they conveniently overlook

the fact that the records we are talking about here are in the hands of third parties and are not entitled to the same type of protections that other information is subject to.

The constitutional protections were discussed in *Smith v. Maryland*, and the Supreme Court held we simply do not have a reasonable expectation of privacy with respect to these sorts of third-party records.

Ironically, because the FBI cannot tell from the type of information obtained by these tools if someone is a U.S. person, they would actually have to do more investigation and be more intrusive before figuring out whether the information should be minimized.

Finally, I have significant concerns about the change the Judiciary Committee bill makes to the notification period for sneak-and-peak search warrants—down from 30 to 7 days. These warrants, which are approved by a court upon a finding of probable cause, are an important tool in drug and certain terrorism cases. We know from the FBI—and I am sure if we asked the DEA, they would agree—that 7 days is not enough time before giving a target notice that a search was carried out. In a terrorism investigation, likely involving many overseas associates and evidence, it is unreasonable to have to disclose the investigation within a week, when other activities connected to that may be just beginning to be collected.

Depending on the type of information recovered from a search, testing and analysis may not even be done within 7 days. Are we going to risk blowing these investigations because of a random conclusion that 30 days is too long? I understand the government can ask for more time after the 7 days, but we do not have unlimited resources. We should not make our law enforcement agencies jump through more hoops when a court has already found that a search is proper in the first place.

I have other concerns about this bill, including the wisdom of a separate standard for library records, which I view as an even greater invitation for terrorists to use libraries to communicate with each other, and new reporting and auditing requirements. I have to wonder what additional administrative burdens these requirements will put on the FBI at the same time they are trying to focus on preventing and disrupting further attacks on our Nation.

Because of the significant operational concerns raised by the Judiciary Committee's bill, I believe that it should not be considered by the full Senate until the Intelligence Committee—as a whole—has had the opportunity to consider its implications for our national security, after hearing from Director Mueller about the impact of this entire bill on FBI operations.

There are many issues about the Judiciary bill—both classified and unclassified—that need to be addressed. The

best venue in which to do that is the Intelligence Committee. Don't forget that three of the five crossover members from the Intelligence Committee voted against the Judiciary Committee bill. I would hardly call that a ringing endorsement. I believe full consideration by the Intelligence Committee would greatly improve the measures we will be acting on, on the floor.

Unfortunately, my efforts to give the Intelligence Committee the opportunity to weigh in on the Judiciary bill have thus far been unsuccessful. But at the same time, we cannot risk letting these crucial authorities lapse. For that reason, I have decided to cosponsor the legislation we are introducing today because, under this bill, I can categorically state it will have no provision that will have an adverse impact on intelligence community activities or operations.

It is not insignificant, in my opinion, that the bill we are introducing today is cosponsored by the chairman of the Homeland Security Committee, the ranking member of the Judiciary Committee, and by me, as vice chairman of the Intelligence Committee.

Each of these committees has a role to play in safeguarding our domestic security. Chairman LIEBERMAN, Ranking Member SESSIONS, and I all understand the stakes in failing to reauthorize these expiring provisions are high. The stakes in adding new and flawed provisions or creating unreasonable burdens are just as high. It serves no legitimate purpose to give the FBI or any other law enforcement or intelligence agency tools that are rendered ineffective because Congress imposes arbitrary conditions without fully appreciating their ramifications.

The sponsorship of this legislation is also noteworthy because it sends a clear and loud message that giving our law enforcement intelligence professionals the authorities and tools they need to keep the country safe is not and should not be a partisan issue.

In the last Congress, we saw firsthand the negative impact of partisanship and pandering to extreme special interests. The FISA Amendments Act was supported by a strong bipartisan margin out of the Senate Intelligence Committee. Unfortunately, as the bill wound its way through the Senate and eventually the House, it became a political football. As a result, we came too close for comfort to losing the intelligence collection authorities we had worked hard to preserve.

I am hopeful we can avoid similar partisanship and political interests to take over what should be a straightforward legislative process. The surest way of doing that is to pass the bill we introduce today.

For years, we have hammered away at the notion that there should be walls between criminal and national security investigations. We have embraced the idea that the same tools that are used to capture drug dealers and child molesters should be available

to track terrorists and spies. While the idea has been generally accepted, the execution has been lacking. Our laws still impose unnecessary divisions between administrative and grand jury subpoena authority and national security letters. Those divisions are exacerbated by the Judiciary Committee bill, which imposes new unheard of requirements on national security letters and the FISA pen register/trap-and-trace information.

Over the past 8 years, Congress has placed heavy demands on the FBI to be a full participant in the intelligence community. While the transportation has not been without some hiccups, they have come a long way since the days leading up to 9/11, when the word "FISA" was foreign to much of the rank and file FBI.

Now is not the time to saddle them with additional administrative burdens or to impose conditions on the use of certain tools so drastic they become useless. There are so many current and clear-cut examples of domestic terror threats before us. I have to wonder why anyone thinks this would be a good time to experiment with the vital authorities used to keep us safe.

The legislation we are introducing today will ensure our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions. Our Nation has been fortunate not to have suffered a sequel to the 9/11 attacks. Some may call it luck, but much of the credit goes to the dedicated work of our intelligence and law enforcement professionals and the availability of these tools that we are reauthorizing in this bill.

We owe our thanks to the personnel who use them. We also owe them the recognition that their jobs are as difficult as they are, and we should not be taking any steps that will make their profound responsibility to protect this country any more difficult. That is why I urge my colleagues to support this measure.

I thank my cosponsor and our lead sponsor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator BOND for his thorough analysis of the legislation that came out of the Judiciary Committee, and for bringing to bear on these great issues his vast experience as vice chair of the Intelligence Committee and his commitment to national security and protecting this country.

He and Senator LIEBERMAN represent the best of this body. They have the ability to cut through "flapdoodle" and to get to the heart of matters, and I appreciate so much their leadership.

Senator LIEBERMAN, the Chairman of the Homeland Security Committee, has been so involved in all of these matters. From the beginning, he tried to identify, as the 9/11 Commission did, the deficiencies in our system and tried

to work toward a new way of doing business—all consistent with our great heritages of liberty and civil rights.

I do think it is important to recognize that when Senator LIEBERMAN asked the Director of the FBI: Is there one thing that we can do to help you do your job, the Director's answer was: Reauthorize the PATRIOT Act.

The bill we are introducing today represents the best parts of the legislation that emerged from the Judiciary Committee—the parts almost everyone agreed upon. Our bill renews the three expiring PATRIOT Act authorities: the rolling wiretaps authority, the business records provision, and the "lone wolf" section of the Intelligence Reform and Terrorism Prevention Act of 2004. Our bill also fixes a deficiency in the procedure for challenging the non-disclosure requirements of a key national security tool, the national security letter.

Section 206, the roving wiretap provision, is a commonsense tool that is absolutely necessary in this day and age. It gives our agents the ability to monitor a terrorist's phone call, even when he switches phones. Director Mueller told the Judiciary Committee this authority was extremely important, considering how easy it is for terrorists to switch cell phones.

Without this authority, a terrorist would be able to switch phones and defeat any order an investigator might have to wiretap a certain telephone. As agents run back and forth to court to get repeated permissions to monitor telephone numbers, the suspect is able to avoid surveillance.

Let me note that, in 1986, Congress approved a roving wiretap statute for domestic law enforcement. As Senator BOND and Senator LIEBERMAN said, so many of the provisions in the PATRIOT Act had already existed in the law for regular federal criminal investigations.

But it did help to create a system where national security matters could be handled expeditiously before the FISA Court, a Federal court that is experienced in these types of cases. The FISA Court maintains confidentiality without the possibility of leaks, and is readily advised on all the relevant case law involving terrorism matters.

So that is how the system works, and I think it is not at all unusual what we are proposing to do here in this bill.

Section 215—which my colleagues have referred to as the business records provision—allows agents and other Federal investigators to ask the FISA Court for permission to get certain business records. Generally, these records would be in the possession of third parties, not the individual himself or herself. Examples would include records in the possession of a phone company, hotel records, bank records, or car rental information. How important is that in a terrorism investigation? It can be absolutely critical because, for instance, terrorists often use cell phones and rental cars.

This is the type of information for which people have a diminished expectation of privacy. These are not their records, they are the rental car company's records. These are not their telephone toll records, they are the phone company's records. Everybody at the phone company or the car rental agency has access to these records. These records are not secret in the same way as something in your desk, in your home, or in your car, which would require the use of a search warrant to be obtained by law enforcement. That is why subpoenas have been issued for these types of records for years. The Drug Enforcement Administration can issue administrative subpoenas right now to obtain many of these types of records, including bank records and telephone toll records. These can be obtained by the Drug Enforcement Administration without any court approval at all.

So I want my colleagues to know that the allegation that the PATRIOT Act represents an unprecedented transfer of power to the national security investigators who are trying to protect us from terrorist attacks is not correct. The way things work in reality is that private banks, telephone companies, and motels would be perfectly willing to give records to investigators, and indeed they used to do that in days past without any subpoena because these records belong to them. But lawyers have gotten into it, and these entities have gotten worried. So very frequently today hotel chains and other companies expect a subpoena before they can turn over records pertaining to their customers. That is what section 215 is designed to deal with.

When investigating terrorism, time can be critical. Section 215 allows a court to order a company to turn over records in its possession. This key information is usually not in the possession of person under investigation, but in a third party's possession. Section 215 merely allows a court to order a business to do what is legally permitted to do anyway: help our officials pursue and catch terrorists. This is very similar—almost identical—to grand jury subpoena authority, which has been used by Federal prosecutors, State prosecutors, State attorneys general, county attorneys, and Federal investigators routinely for decades. This is not some sort of collapse of American freedoms and liberties.

The "lone wolf" section of the Intelligence Reform and Terrorism Prevention Act of 2004 is a commonsense provision we need to continue the fight against terrorists in the 21st century. Even though it has not been used yet, it is there to defend against a very real possibility, like the Moussaoui matter Senator BOND made reference to. It deals with the rogue terrorist who is not linked to a larger terrorist group, or at least where there is no proof of that link at a given time. In the past, the law required that national security agencies show a connection between

the terrorist and a terrorist group or foreign power in order to monitor him. This could cause a problem if a terrorist or a foreign agent left a terror group, perhaps because of a dispute. Let's say you have a lawful, court-approved wiretap and the individual being monitored says on it: You are not aggressive enough. You are too timid. I want to blow up this building in Washington, DC; you don't. Count me out. I am no longer a part of your group.

Well, since this suspect would be disconnected from a terrorist organization, under previous law he would not subject to key national security surveillance techniques. So, you can have a "lone wolf" under certain circumstances. In the Moussaoui case, investigators were not able to get a search warrant for his computer because it was felt that there was not sufficient proof that he was connected to a specific terrorist organization. This was even though Moussaoui's own activities created so much danger that an FBI lawyer went to great lengths to try to get approval to get that search warrant, but ultimately failed to do so. Had that search warrant been approved and that computer examined, many think 9/11 may not have occurred.

This "lone wolf" provision has had bipartisan support in the past. It was originally authored by Senator SCHUMER, our Democratic colleague from New York. It is a commonsense way to deal with this very real issue and should be reauthorized without delay.

Finally, our bill fixes the problem found by the U.S. Court of Appeals for the Second Circuit in the case of *Doe v. Mukasey*. That case addressed the legal standard courts use to review nondisclosure requirements: for example, where a motel would be required not to tell a terrorist staying there that it has given records to the FBI. The Second Circuit held that the legal standard at issue was too deferential to the government. Our bill would fix this problem in the same manner, almost word for word, as the legislation that emerged from the Judiciary Committee in the past few weeks. In other words, we have given more protection to civil liberties, as the court suggested.

So as the recent slew of terrorism arrests makes so painfully clear, the threat of violent Islamic extremism is severe and ongoing. We cannot afford to let our guard down for a single moment. The threat is too great and too real and the stakes too high.

Our agents risk their lives every day to investigate terrorist plots and prevent another attack against the United States. Congress must move with the same urgency to reauthorize these life-saving provisions before they expire. I believe this bipartisan bill is basically the same bill as we approved before and provides a commonsense and non-controversial path to a timely reauthorization, and I hope my colleagues

will support it. We simply need to get busy and get this work done.

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. 2336

*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 "USA PATRIOT Reauthorization Act of 2009".

#### SEC. 2. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "2009" and inserting "2013".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 601(a)(1)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)(D)) is amended by striking "section 501;" and inserting "section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);".

(2) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2477) is amended by striking the period at the end and inserting " , except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

'(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);'."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2013.

#### SEC. 3. EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended to read as follows:

"(b) SUNSET.—

"(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

"(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013."

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting "pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note);".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on December 31, 2013.

#### SEC. 4. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511(b) of title 18, United States Code, is amended to read as follows:

"(b) NONDISCLOSURE.—

"(1) IN GENERAL.—

"(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

"(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for any district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

"(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

"(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

"(A) a danger to the national security of the United States;

"(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

"(C) interference with diplomatic relations; or

"(D) danger to the life or physical safety of any person.

"(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

"(A) a danger to the national security of the United States;

"(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

"(C) interference with diplomatic relations; or

"(D) danger to the life or physical safety of any person."

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—COMMEMORATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL, THE END OF THE DIVISION OF EUROPE, AND THE BEGINNING OF THE PEACEFUL AND DEMOCRATIC REUNIFICATION OF GERMANY.

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 328

Whereas, between 1945 and 1961, more than 2,500,000 people, or 15 percent of the total population of the German Democratic Republic (referred to in this preamble as "East Germany"), left the country to pursue economic opportunity and enjoy the benefits of liberty and political freedom in the Federal Republic of Germany (referred to in this preamble as "West Germany") and other countries;

Whereas, at midnight on August 13, 1961, East Germany sealed its border with West Berlin and began construction of a 100-mile barrier that would later include bunkers, watchtowers, searchlights, minefields, barbed wire, concrete walls, and armed guards, to prevent the emigration of the people of East Germany to seek freedom and opportunity elsewhere;

Whereas, during the 28 years the Berlin Wall existed, approximately 5,000 people successfully fled East Germany for West Germany and West Berlin, more than 75,000 people were imprisoned for attempting to leave East Germany, and an estimated 1,200 people were killed trying to escape;

Whereas Presidents John F. Kennedy and Ronald Reagan declared their vision of Berlin as a free city, in the heart of a free Germany;

Whereas Chancellor Willi Brandt of West Germany and others demonstrated great foresight in their pursuit of "Ostpolitik", a policy of engagement that lowered tensions and ultimately helped undermine the authoritarian rule of the wall-builders;

Whereas more than 22,000,000 Americans served in the Cold War, supporting the efforts to bring military, economic, and diplomatic pressure to bear in the defense of Germany and the West, and ultimately helping more than 400,000,000 people gain their freedom from the bondage of communism in the Soviet Bloc;

Whereas the Solidarity Movement in Poland demonstrated that the will of a people united could not be silenced by winning a surprise landslide victory in elections to the Contract Sejm in June 1989;

Whereas, on August 23, 1989, Hungary officially opened the border between Hungary and Austria, resulting in 13,000 refugees from East Germany fleeing into West Germany through Hungary;

Whereas, on September 4, 1989, after prayers for peace in the Nikolai Church, crowds that would eventually number in the hundreds of thousands gathered in Leipzig, East Germany, to repeatedly and peacefully protest the authoritarian regime of East Germany and to demand basic freedoms;

Whereas, in September 1989, thousands of people in East Germany took refuge in the embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader

Erich Honecker, who had predicted that the Wall "will stand in fifty or a hundred years," resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowki announced that the government would allow "every citizen of the German Democratic Republic to leave the GDR through any of the border crossings," and East German leader Egon Krenz promised "free, general, democratic and secret elections";

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the "Festival of Freedom";

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

SENATE RESOLUTION 329—RECOGNIZING THE MONTH OF OCTOBER 2009 AS "NATIONAL PRINCIPALS MONTH"

Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI) submitted the following reso-

lution; which was considered and agreed to:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as "National Principals Month";

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of "National Principals Month" would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of October 2009 as "National Principals Month"; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of "National Principals Month".

AMENDMENTS SUBMITTED AND PROPOSED

SA 2710. Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 2711. Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2712. Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3548, supra.

SA 2713. Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2714. Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2715. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2716. Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2717. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2718. Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2719. Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2720. Mr. REID (for Mr. SCHUMER (for himself and Mr. BENNETT)) proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 2710.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . REQUIREMENT FOR RECIPIENTS OF UNEMPLOYMENT COMPENSATION BENEFITS TO PARTICIPATE IN THE E-VERIFY PROGRAM.**

(a) IN GENERAL.—No individual may receive unemployment compensation benefits under any State or Federal law until after the date that the individual's identity and employment eligibility are verified through the E-Verify Program under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(b) EFFECTIVE DATE.—The requirements of subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

**SA 2711.** Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF TARP EXTENSION AUTHORITY.**

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking “(a) **TERMINATION.**—”;

(2) by striking subsection (b).

**SA 2712.** Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) proposed an amendment to the 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; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Worker, Homeownership, and Business Assistance Act of 2009”.

**SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.**

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “If” and all that follows through “paragraph (2)” and inserting “At the time that the amount established in an

individual's account under subsection (b)(1) is exhausted”;

(B) in subparagraph (A), by striking “50 percent” and inserting “54 percent”;

(C) in subparagraph (B), by striking “13” and inserting “14”;

(2) by striking paragraph (2); and

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

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(d) **THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter “second-tier emergency unemployment compensation”) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter “third-tier emergency unemployment compensation”) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

“(e) **FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter “fourth-tier emergency unemployment compensation”) equal to the lesser of—

“(A) 24 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 6 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking “and (d)” and inserting “, (d), and (e) of section 4002”; and

(2) by striking “or (d)” and inserting “, (d), or (e) (as the case may be)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

**SEC. 5. COORDINATION.**

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

“(f) **COORDINATION RULES.**—

“(1) **COORDINATION WITH EXTENDED COMPENSATION.**—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009),

if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

“(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.”

#### SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;”.

#### SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

“(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

“(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor); and

“(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

#### SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002

of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual’s eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

#### SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), is amended—

(1) in clause (iii)—

(A) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by adding at the end of clause (iv) the following: “In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated \$175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.”

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: “In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”

#### SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010 and the first 6 months of calendar year 2011”,

(2) by striking “calendar year 2010” in paragraph (2) and inserting “the remainder of calendar year 2011”, and

(3) by inserting “(or portion of the calendar year)” after “during the calendar year”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

#### SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(A) by striking “December 1, 2009” and inserting “May 1, 2010”.

(B) by striking “SECTION.—This section” and inserting “SECTION.—

“(1) IN GENERAL.—This section”, and

(C) by adding at the end the following new paragraph:

“(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting ‘July 1, 2010’ for ‘May 1, 2010’.”

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking “, and before December 1, 2009”.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting “AND 2010” after “2009”.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

“(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).”

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual’s spouse) who has owned and used the same residence as such individual’s principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.”

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be applied by substituting ‘\$6,500’ for ‘\$8,000’ and ‘\$3,250’ for ‘\$4,000’.”

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i) of section 36 of such Code is amended by striking “\$75,000 (\$150,000)” and inserting “\$125,000 (\$225,000)”.

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds \$800,000.”

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual’s spouse, for qualified official extended duty service—

“(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

“(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

“(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term ‘qualified official extended duty service’ means service on qualified official extended duty as—

“(I) a member of the uniformed services,

“(II) a member of the Foreign Service of the United States, or

“(III) an employee of the intelligence community.

“(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.”.

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

“(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual’s spouse—

“(A) paragraphs (1) and (2) shall each be applied by substituting ‘May 1, 2011’ for ‘May 1, 2010’; and

“(B) paragraph (2) shall be applied by substituting ‘July 1, 2011’ for ‘July 1, 2010’.”.

(g) DEPENDENTS INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, or”, and by adding at the end the following new paragraph:

“(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.”.

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting “, and”, and

(3) by inserting after subparagraph (N) the following new subparagraph:

“(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.”.

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of the Internal Revenue Code of 1986 is amended by striking “and before December 1, 2009.”.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008.

#### SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as

meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer’s spouse meets such age requirement.”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting “(b)(4),” before “(c)”.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “or” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, or”, and by adding at the end the following new paragraph:

“(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.”.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “(or, if married, such individual’s spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting “, and”, and by inserting after subparagraph (O) the following new subparagraph:

“(P) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

#### SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

“(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

“(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for ‘2’,

“(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for ‘2’, and

“(III) subparagraph (F) shall not apply.

“(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term ‘applicable net operating loss’ means the tax-

payer’s net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

“(iii) ELECTION.—

“(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

“(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

“(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

“(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer’s taxable income (computed without regard to the net operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

“(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

“(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

“(v) SPECIAL RULES FOR SMALL BUSINESS.—

“(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting ‘2 taxable years’ for ‘1 taxable year’.

“(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term ‘eligible small business’ has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting ‘\$15,000,000’ for ‘\$5,000,000’ each place it appears.”.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or”.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

“(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for ‘3’.

“(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term ‘applicable loss from operations’ means the taxpayer’s loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

“(C) ELECTION.—

“(i) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

“(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

“(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

“(i) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss under subparagraph (A) shall not exceed 50 percent of the taxpayer’s taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

“(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).”

(d) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary’s designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008,

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment funds from the Federal Government in exchange for an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution (as defined in section 3 of

such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

**SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking “this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure” and inserting “the American Recovery and Reinvestment Tax Act of 2009”, and

(2) in subparagraph (2) by striking “clause (1) of”.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

**SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.**

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2010” and inserting “December 31, 2017”.

(b) CONFORMING AMENDMENT.—Section 864(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.**

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$89” and inserting “\$195”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

**SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.**

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

“(A) IN GENERAL.—The Secretary shall require that any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

“(i) such return is filed by such tax return preparer, and

“(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

“(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term ‘specified tax return preparer’ means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

“(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term ‘individual income tax return’ means any return of the tax imposed by subtitle A on individuals, estates, or trusts.”

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking “The Secretary may not” and inserting “Except

as provided in paragraph (3), the Secretary may not”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

**SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 percentage points.

**SA 2713.** Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS) for himself, Mr. REID, AND Ms. SNOWE) to the 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; as follows:

At the end of the amendment, add the following:

This section shall become effective 7 days after enactment.

**SA 2714.** Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the 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; as follows:

In the amendment, strike “7” and insert “6”.

**SA 2715.** Mr. REID proposed an amendment to the 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; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

**SA 2716.** Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the 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; as follows:

In the amendment, strike “5” and insert “4”.

**SA 2717.** Mr. REID proposed an amendment to the 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; as follows:

At the end insert the following: This section shall become effective 3 days after enactment of the bill.

**SA 2718.** Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr.

REID to the 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; as follows:

In the amendment, strike "3" and insert "2".

**SA 2719.** Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the 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; as follows:

In the amendment, strike 2 and insert 1.

**SA 2720.** Mr. REID (for Mr. SCHUMER (for himself and Mr. BENNETT)) proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "United States Capitol Police Administrative Technical Corrections Act of 2009".

**SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.**

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

"(a) CHIEF ADMINISTRATIVE OFFICER.—

"(1) ESTABLISHMENT.—There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

"(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

"(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police."

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police"; and

(B) in subsection (b)(1), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police".

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Chief of the Capitol Police, in carrying out the duties of office, is

authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

"(B) SPECIAL RULE FOR TERMINATIONS.—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

"(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

"(i) the exercise of any authority under subparagraph (A); or

"(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police."

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the "Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876", which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking "the Capitol Police Board," and inserting "the United States Capitol Police."

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking "Capitol Police Board" each place it appears and inserting "United States Capitol Police"; and

(B) in subsection (a)(2), by striking "Capitol Police Board" and inserting "Chief of the United States Capitol Police".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior no-

tification to" and inserting the following: "prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and".

(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161; 2 U.S.C. 1981) is amended by inserting "the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate" after "the Senate."

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 30 days after the date of enactment of this Act and apply to payments made on or after that effective date.

**SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.**

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the "General Counsel"), who shall report to and serve at the pleasure of the Chief of the United States Capitol Police.

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) LIMITATION.—The annual rate of pay for the General Counsel may not exceed an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) TECHNICAL AND CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking "the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police" and inserting "the General Counsel to the Chief of Police and the United States Capitol Police".

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

**SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.**

(a) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(B) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(B)) is amended by striking

“the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police” and inserting “the Employment Counsel to the Chief of Police and the United States Capitol Police”.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

(b) NO EFFECT ON CURRENT EMPLOYMENT COUNSEL.—Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

#### SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP-SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—

(A) OVERTIME PAY DISBURSED BY HOUSE.—Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(B) OVERTIME PAY DISBURSED BY SENATE.—The last full paragraph under the heading “Administrative Provisions” in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an “exempt individual” is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

#### SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to “House of Representatives Office Building” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes”, approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking “other than officers and privates of the Capitol police” each place it appears and inserting “other than the United States Capitol Police”.

(2) SENATE OFFICE BUILDINGS.—The item relating to “Senate Office Building” in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking “other than for officers and privates of the Capitol Police” each place it appears and inserting “other than for the United States Capitol Police”.

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110-178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading “Capitol Police” in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading “Capitol Police” in title I

of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence “The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.”, which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, div. H, title I, 117 Stat. 368) is repealed, and the sentence “The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.”, which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking “, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

#### SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS CONGRESSIONAL EMPLOYEES.

(a) DEFINITION OF CONGRESSIONAL EMPLOYEE.—Section 2107(4) of title 5, United States Code, is amended by inserting “or employee” after “member”.

(b) DUAL PAY AND DUAL EMPLOYMENT.—

(1) DEFINITION OF AGENCY IN THE LEGISLATIVE BRANCH.—Section 5531(4) of title 5, United States Code, is amended by striking “and the Congressional Budget Office” and inserting “the Congressional Budget Office, and the United States Capitol Police”.

(2) DUAL PAY.—Section 5533 of title 5, United States Code, is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”; and

(ii) in paragraph (2), by inserting “or the Chief of the Capitol Police” after “House of Representatives”; and

(B) in subsection (d)(5)(A), by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”.

(c) FEES FOR JURY AND WITNESS SERVICE.—

(1) CREDITING AMOUNTS RECEIVED.—Section 5515 of title 5, United States Code, is amended by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”.

(2) FEES FOR SERVICE.—Section 5537(a) of title 5, United States Code, is amended by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907).

**SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-ARMS AND DOORKEEPER OF THE SENATE.**

(a) IN GENERAL.—The Sergeant-at-Arms and Doorkeeper of the Senate shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant-at-Arms and Doorkeeper of the Senate have the qualifications specified in subsection (b).

(b) QUALIFICATIONS.—The qualifications referred to in subsection (a) are the following:

(1) A minimum of 5 years of experience as a law enforcement officer before beginning service as the Sergeant-at-Arms and Doorkeeper of the Senate.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

**NOTICE OF HEARING**

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 4, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Fixing the Federal Acknowledgment Process.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 29, 2009, at 10:30 a.m., to conduct a hearing entitled "Modernizing Affordable Housing for Seniors and People with Disabilities."

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 29, 2009, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Pensions in Peril: Helping Workers Preserve Retirement Security Through a Recession" on October 29, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 29, 2009, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

AVIATION OPERATIONS, SAFETY, AND SECURITY SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Aviation Operations, Safety, and Security Subcommittee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on October 29, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m. to conduct a hearing entitled, "More Security, Less Waste: What Makes Sense for our Federal Cyber Defense."

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on October 29, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee and my personal office be allowed floor privileges during consideration of the unemployment insurance bill: Mary Baker, Blaise Cote, Margaret Franklin, Maryum Janjua, Bridget Mallon, and Audrey Schultz.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Regina Benjamin to be Surgeon General of the United States; that the nomination be confirmed, the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to the nomination 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:

IN THE PUBLIC HEALTH SERVICE

Regina M. Benjamin, of Alabama, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Mr. REID. Mr. President, I am happy we are going to have a Surgeon General. We have waited far too long. This is a good woman. She deserved this a long time ago. I appreciate whoever was holding her up allowing us to go forward. It is important for the country. We have a flu pandemic that has been declared. It is an emergency. We have so many other problems. We need this doctor who has devoted her life to taking care of the ill to take care of the entire country.

Mr. ENZI. Mr. President, I rise today in support of the nomination of Dr. Regina Benjamin to be Surgeon General. The vetting process for executive nominees is thorough, and Dr. Benjamin has successfully completed that process. Her nomination was approved unanimously by the HELP Committee on October 7 by a voice vote.

The mission of the Surgeon General is to be America's "top doctor," and to act as the chief medical educator and communicator on public health and safety issues. Dr. Benjamin has a distinguished career in providing health care to low-income individuals. We also share an understanding of the unique challenges facing people in rural and underserved areas. I am confident that Dr. Benjamin will be able to articulately inform Americans on matters of health safety.

Dr. Benjamin will become Surgeon General at a key time during the H1N1 pandemic influenza epidemic and subsequent supply shortage of the H1N1 vaccine. I am pleased she

will soon be able to assist with these efforts and play a role in updating the American people on the status of the epidemic.

I was pleased to vote for Dr. Benjamin's nomination in the HELP Committee and look forward to her swift confirmation today.

#### LEGISLATIVE SESSION

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

#### CREDIT CARD TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 3606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3606) to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3606) was ordered to a third reading, was read the third time, and passed.

#### EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 1929.

The Presiding Officer laid before the Senate a message from the House, as follows:

S. 1929

*Resolved*, That the bill from the Senate (S. 1929) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) *IN GENERAL*.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-66, is amended by striking "October 31, 2009" each place it appears and inserting "January 31, 2010".

(b) *EFFECTIVE DATE*.—The amendments made by subsection (a) shall take effect on October 30, 2009.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur

in the amendment from the House; that the motion to reconsider be laid upon the table, there be 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.

#### UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 1299, and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1299) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

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

Mr. REID. Mr. President, Senators SCHUMER and BENNETT of Utah have an amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements related to this matter be printed in the RECORD.

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

The amendment (No. 2720) was agreed to.

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

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

The bill (H.R. 1299), as amended, was read the third time and passed.

#### NATIONAL PRINCIPALS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 329 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) recognizing the month of October 2009 as "National Principals Month."

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 329) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as "National Principals Month";

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of "National Principals Month" would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of October 2009 as "National Principals Month"; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of "National Principals Month".

#### DISCHARGE AND REFERRAL—S. 1938

Mr. REID. Mr. President, I ask unanimous consent the bill, S. 1938, be discharged from the Committee on Environment and Public Works and that it be referred to the Committee on Commerce, Science and Transportation.

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

#### ORDERS FOR FRIDAY, OCTOBER 30, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Friday, October 30, at 10 a.m.; following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

#### PROGRAM

Mr. REID. There will be no rollcall votes during tomorrow's session. The

next rollcall vote will be on Monday, November 2, at 5 p.m. It will be on cloture on the substitute amendment to H.R. 3548, the Unemployment Compensation Extension Act.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. 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 7:56 p.m., adjourned until Friday, October 30, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

FRANK KENDALL III, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS. (NEW POSITION)

THE JUDICIARY

WILLIAM M. CONLEY, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE BARBARA B. CRABB, RETIRING.

BRIAN ANTHONY JACKSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE FRANK J. POLOZOLA, RETIRED.

DEPARTMENT OF JUSTICE

JAMES P. LYNCH, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE JEFFREY L. SEDGWICK, RESIGNED.

DEPARTMENT OF COMMERCE

SURESH KUMAR, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE ISRAEL HERNANDEZ, RESIGNED.

IN THE ARMY

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

*To be lieutenant general*

MAJ. GEN. GUY C. SWAN III

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

*To be lieutenant general*

BRIG. GEN. WILLIAM N. PHILLIPS

IN THE NAVY

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

*To be vice admiral*

VICE ADM. BERNARD J. MCCULLOUGH III

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, October 29, 2009:

PUBLIC HEALTH SERVICE

REGINA M. BENJAMIN, OF ALABAMA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

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 29, 2009 withdrawing from further Senate consideration the following nomination:

FRANK KENDALL III, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE JAMES I. FINLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON AUGUST 5, 2009.