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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Merciful God, sustainer of our lives, provide for all the needs of our lawmakers. Give them strength for struggles and successes, for shadows and sunshine, for valleys and mountain summits. Awaken in all of us a fresh appreciation for this great land, inspiring us to keep alive a real sense of freedom.

Lord, thank You for our Nation's Founders, for their ideals and principles. We are grateful also for the long line of patriots who have kept freedom's flame burning brightly. As American citizens, give us a love for righteousness so that, receiving Your grace, we may bless the world for the praise of Your glory.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2010.

To the Senate:

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

appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN 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, the Senate will proceed to a period of morning business. Senators will be allowed to speak for up to 10 minutes each. That will be until 12:30 today.

ORDER OF PROCEDURE

I ask unanimous consent that the Republicans control the first 30 minutes and the majority control the next 30 minutes.

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

Mr. REID. Madam President, today I hope we can return to the small business jobs bill. I am confident amendments should already have been exchanged. We are in a difficult situation. It is a tax bill. We can go back and look through many Congresses in the past. Whenever we get close to an election, there is a tax bill on the floor, so we have to be very careful how the amendment process works. I hope we can move forward in good faith, have amendments offered by each side. I have had calls from two Republican Senators wanting to move forward on this bill. I hope we can do that. The fact that the so-called tree is filled should not bar any constructive consideration of this legislation. There is no effort being made to stop amendments,

other than amendments that will get us into areas we need not get into. This is a bill to promote jobs through small business, where most jobs are created. I hope we can do that. I also expect to consider the Wall Street reform conference report sometime later in the day.

ORDER FOR PRINTING OF SENATE PRAYER

Mr. REID. Madam President, I ask unanimous consent that the prayer delivered by our Senate Chaplain on Thursday, July 1, when the Senate gathered to remember Senator Robert C. Byrd, be printed in the RECORD and as a part of the memorial book of Senate tributes.

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

PRAYER FOR SENATOR ROBERT C. BYRD
(By Dr. Barry C. Black, Thursday, July 1, 2010)

Let us pray.

God our refuge and strength, close at hand in distress and giver of all comforts, we thank You for giving us the gift of Senator Robert Carlyle Byrd. Lord, we appreciate his wit and wisdom, his stories and music, as well as his indefatigable commitment to the principles of freedom that make America great. Thank You for blessing us with his passion for history and his willingness to challenge conventional wisdom in his quest to keep our Nation strong. Deal graciously with all who mourn, that, casting every care on You, we may know the consolation of Your love.

Lord, comfort Mona and Marjorie and all of Senator Byrd's loved ones, dispelling their fears with Your love, easing their loneliness with Your presence, and renewing their hopes with Your promises.

In Your mercy turn the darkness of death into the dawn of new life, and the sorrow of parting into the joy of heaven.

We pray in Your Holy Name. Amen.

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

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

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



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The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. BARRASSO. I ask unanimous consent to speak for up to 30 minutes in a colloquy with a number of colleagues.

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

APPOINTMENT OF DR. DONALD BERWICK

Mr. BARRASSO. Madam President, I rise to discuss a recess appointment made last week when many of us were traveling to visit with constituents to talk about the issues of the day.

During that time, I was in Wyoming, and one of the main issues brought up at senior centers was the appointment by the President of Dr. Donald Berwick to be the head of Medicare and Medicaid. I heard the concerns of these folks because of statements Dr. Berwick had made about the British health care system and his love of the National Health Service in England. They are concerned as to how this gentleman, who has taken positions and made a number of statements, would run Medicare and Medicaid. Specifically, they had concerns because they had heard his statement:

The decision is not whether or not we will ration. The decision is whether we will ration with our eyes open.

Seniors around the State were concerned about what this means. Then to hear that the President made a decision to do a recess appointment of this very individual, without hearings in the Congress, without an opportunity for the American people to hear specifically his response to questions we might have—is this what the American people want? Absolutely not. We have a President who campaigned on a pledge of accountability and transparency. To me, this makes a mockery of that pledge because this nominee will not have to answer questions about statements he has made.

I see my colleague from Arizona, a State where people on Medicare are concerned, where we have many seniors, a State with a Medicaid popu-

lation that will be impacted. Yet we now have a director of Medicaid and Medicare, finally named by the President after a full year of debate on a health care law that cut \$500 billion from seniors on Medicare and crammed 16 million more Americans onto Medicaid, a program that is currently very broken. I say to my colleague from Arizona, my goodness, the impact on the folks in Arizona is astonishing.

There was an article today in one of the papers that talks about a Medicaid stalemate. They talk about his home State of Arizona. They say Arizona has had to cut about a dozen benefits from its Medicaid Program, including hearing aids, podiatrist services, capped physical therapy visits. Yet there was nobody in charge of Medicaid when the President and the Democrats in this body said: Hey, don't worry. We are going the cram another 16 million more Americans onto Medicaid—a system we know is broken.

So I turn to my colleague from Arizona and ask him his thoughts on this recess appointment at a time when seniors and folks around the country are concerned about the debt, the deficit, the economy, and now we are seeing the President making a mockery of his previous comments about accountability and transparency.

Mr. MCCAIN. Could I say to my friend, I think this issue is an alarming and disturbing one—perhaps one of the most disturbing, for two reasons: One is that this nomination had not even gone through the earliest stages of scrutiny by the relevant committee, not to mention the entire Senate; and the other, of course, is the individual himself who was being nominated, who could only be viewed as extreme, especially concerning many of his comments. One of his greatest rhetorical hits is: “any health-care funding plan that is just, equitable, civilized and humane must—must—redistribute wealth from the richer among us to the poorer and less fortunate.” That in itself is a remarkable statement.

But I wish to, for a second, with my friend, Dr. BARRASSO, go back to this process. The fact is, our colleagues on the other side of the aisle blocked for over 2 years the nomination for this position by President Bush, and this nomination was barely 3 months old. He had not even filled out the questionnaire, much less attend a hearing. So the rationale used by the administration was: Well, the Republicans are going to block it. Well, we may have. And given the comments and record of Sir Donald—he is a knight, I understand, knighted by Queen Elizabeth—well, the comments by Sir Donald certainly do give one extreme pause. But shouldn't we at least go through the process of the hearing?

I have been around here a long time, and I have not paid attention to every nominee and the process they have been through, but I cannot remember a time where blocking the nomination took place—or announcement of pre-

venting the nomination from moving forward was done before a hearing took place, or even the questionnaire.

In fact, I was very interested to see the comment of the chairman of the Finance Committee, under whose supervision in his committee this nomination would go through. I quote Senator BAUCUS:

I'm troubled that, rather than going through the standard nomination process, Dr. Berwick was recess appointed. Senate confirmation of presidential appointees is an essential process prescribed by the Constitution that serves as a check on executive power and protects Montanans and all Americans by ensuring that crucial questions are asked of the nominee—and answered.

So not a single question was asked of the nominee, much less answered. And, of course, I understand. Having been a committee chairman myself, I will take great umbrage of my party, the President, or the other party that the process was completely bypassed. Because the Senate has the responsibility of advice and consent. And over time, I must admit that both Republican and Democrat administrations have abused the recess appointment process. Yes, they have abused it. But I must say, this takes it to a new high or low depending on which way you view it.

We have now seen in this administration the appointment of various “czars,” people given responsibilities over vast areas of government as “czars.” They have got more czars than the Romanoffs. So this is another step, in my view, of incursion and encroachment by the executive branch on the legislative branch, a coequal branch of government. So that in itself is extremely disturbing.

Are we going to have nominations made—an announcement of those nominations, and then automatically are we going to have “recess” appointments made? What was the hurry? There is going to be another recess in August. There is going to be another recess in October, unless we go out for elections. But yet in their zeal and haste, they had to do it over the Fourth of July recess.

I tell you, my friends, this is more than just one individual. This is a gradual and steady erosion of the responsibilities of the Senate of the United States called advice and consent, which can set dangerous precedence for the future. I say to this administration, and my friends on the other side of the aisle—and I appreciate the comments of the chairman of the Finance Committee—if we allow this to go on, it will hurt the Senate as an institution, not just Republicans, not just Democrats, but it will hurt this institution, if we allow, unresponded to, a situation where a nominee—his name comes over, and not even a hearing, not even a question is asked—and immediately that nominee is recess appointed, which means they are in a position of enormous power and authority for a long period of time. And this appointment—this appointment—has enormous consequences in light of the passage of the most sweeping overhaul of

the health care system in America, having just taken place over our obviously strenuous objections.

But it happened. Now the individual in charge, the individual who will bear great responsibilities, has not answered a single question posed by Members of this body on either side.

I say to my colleagues, this is a dangerous precedent and one that should not go unresponded to by either Democrat or Republican because of our responsibilities as a coequal branch of government. I see my colleague, the Republican leader.

Mr. MCCONNELL. I say to my colleague from Arizona, I just came on to the floor and am not quite certain what happened earlier in this colloquy, but there is no doubt about it that they did not want Dr. Berwick's name to surface during the health care debate. They did not want any questions asked of him in public. We have had recess appointments, of course, by Presidents of both parties. Typically, they have gone through a hearing, a committee vote, and end up out here on the calendar so that at least there was some exposure to the nominee's views.

What we do know about this nominee is what he has said in the past about the British health care system. It is stunning that anybody in this country could look at the national health service in England and decide they were in love with it. So I would say to my friend from Arizona, and my friends from Wyoming and South Dakota, there is no question what they were up to here. They wanted to sneak this guy through with a minimum amount of exposure.

Mr. MCCAIN. Could I mention to my friend that even one of our not so strong allies from the Washington Post, Ruth Marcus, wrote a column saying:

There are legitimate explanations for Berwick's more incendiary comments on health care. It's too bad he didn't get to offer them. A cynic—who, me?—might think that the administration simply preferred not to suffer the political downside of a public airing.

A cynic might wonder, with Arkansas Democrat Blanche Lincoln facing a tough reelection fight, whether Berwick could even get through committee on a party-line vote. A cynic might think that the last thing Senate Majority Leader Harry Reid wanted before the election was a floor fight about rationing health care.

A cynic might look at the White House explanation—that it was urgent for CMS, without a confirmed administrator since 2006, to have a leader—and ask: Then why did you dither for 15 months before nominating someone?

In announcing the appointment, the president complained that “many in Congress have decided to delay critical nominations for political purposes.” True, but where's the evidence of delay in Berwick's case? You can't fairly accuse the other side of political gamesmanship when you short-circuit the process and storm off the court before the first set.

“To some degree, he's damaged goods,” then-Sen. Barack Obama said in 2005 about John Bolton's recess appointment as United Nations ambassador.

Would the president say the same about Berwick?

An excellent column.

Mr. MCCONNELL. And that was Ruth Marcus.

Mr. MCCAIN. I think it puts it pretty well. But none of us, of course, being cynics, would accept such an explanation by a columnist from the Washington Post.

I see my colleague from South Dakota.

Mr. THUNE. I would say to my friend from Arizona and to the leader that a cynic might also raise the issue of why it took the President 454 days to nominate Donald Berwick and then have a lot of his surrogates go on in front of the media and say: We had to do this because we needed to get this position filled. Madam President, 454 days—if this position was so critical and so important to this country, you would think they would have moved in a more expeditious fashion to get a nominee out there. They did not even have a hearing in front of the committee.

They could have had a hearing. They could have had a vote at the committee level. They could have brought him to the floor. They did not do any of those things that would be called for in the regular order because, as I think the Senator from Kentucky has pointed out, they did not want to take a tough political vote.

When you look at this man's record and the things he has said about the British health care system and some of the other comments he has made—I want to point out something here too which I thought was sort of interesting because he is going to be called upon to implement a 2,700-page bill, which, when the regulations are written, is going to be thousands and thousands of pages, not to mention the fact that as we debated this on the floor of the Senate, it ended up being about \$1 trillion, and when fully implemented \$2.5 trillion. So he has trillions of dollars under his jurisdiction. He has a 2,700-page bill that he is going to implement. And he came out and said:

I don't feel like a leader, so it's very hard for me to project myself into that situation. But inattention to detail is my biggest defect. I'm always leaning forward into something new. I can create a mess. Luckily, I have people who are willing to create the detail around the idea or, if they're really smart, know which ideas to ignore.

He is basically saying he is not a detail guy, and yet this massive new health care program, which is literally going to be thousands of pages, including regulations—and 2,700 pages, as I mentioned, in terms of the legislation itself—he will be called upon to implement it. And he has a vision clearly that the model he supports is the British health care system, the national health care system, which, as we all know, countries in Europe are moving away from. Why we would be moving in that direction, and why they would appoint somebody like this to this important position defies explanation.

But, more importantly, I think, as well, is they could have done this in the regular way. He could have come before the Senate and answered questions as any other nominee would. He should have had a hearing where he was able to respond to some of these statements he has made in the past. Yet they chose to do it in this way, with a recess appointment, notwithstanding the fact that it was 454 days before they put his name forward for nomination, and since that time 79 days, and they are blaming the Congress, and they are blaming the Republicans specifically for not moving this nomination, when, in fact, it was the President and his administration who waited that long to put somebody in this position.

Mr. MCCAIN. Could I ask the Republican leader a question. He has been around here a fair amount of time, as I have. I ask the Republican leader, has he ever heard of or recalled of a nominee who was recess appointed without even the questionnaire from the relevant committee of oversight being responded to or a hearing before that committee? For the life of me, I cannot recall that.

Mr. MCCONNELL. I say to my friend from Arizona, I do not know the answer to that. But we do know it was a curious, maybe not totally unprecedented but certainly unusual situation where a nominee is subjected to so little scrutiny and oversight—no questions, no opportunity to testify. This is a truly unusual situation. I think we know the answer as to why. This guy is in favor of rationing health care—openly, unabashedly, an advocate of rationing health care. I do not think they wanted to have him have to answer the questions. He may not have been very good at details, I say to my friend from South Dakota, but he got the big picture. And the big picture in his mind is:

The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes [wide] open.

That is what he intends to do.

Mr. MCCAIN. So a nominee whose clear philosophy of record indicates redistribution of wealth, as he describes it, and a use of health care in a way that includes greater and greater “leveling of the small distribution of income in America”—does that give us some indication of the real intentions of the administration when they proposed health care reform in this package, despite the statements made by the President that if you like the health insurance policy you have, you can keep it; there will be no tax increases for people below \$250,000, et cetera? Does this appointment of an individual with a clear-cut philosophy that this is a way to redistribute wealth in America indicate that maybe the real—again, not being a cynic, but would give us some idea of a real intent of this “health care reform” we resisted so strenuously for more than a year?

Mr. McCONNELL. I think my friend from Arizona has it exactly right. Every single Member of the Democratic Party in the Senate voted for a bill that is going to impose \$500 billion of Medicare cuts over the next 10 years.

We have a physician, fortunately, in the Senate: Dr. BARRASSO. He intends to reach that target, does he not, I would inquire of my friend from Wyoming, by rationing health care?

Mr. BARRASSO. Madam President, I believe the President of the United States, I say to my colleague and friend, now has what he wants: his health care rationing czar—not someone approved by the Senate but someone he has appointed and put into place without an open hearing.

It is so interesting, as my colleagues from Arizona and South Dakota talk about, that the failings of the British health care system—a system that Dr. Berwick says, “I am romantic about; I love it; it is a national treasure, a global treasure,” but then the headline today is: “U.K. Will Revamp Its Health Service.” It says: Health care experts called the plan one of the biggest shakeups in the national health service’s 62-year history. Its new coalition government in Britain, grappling with weak public finances and rising health care costs, announced an overhaul of the state-funded health system that it said would put more power in the hands of the doctors and involves cutting huge swaths of bureaucracy.

This is at a time when we have just in this country passed not what we voted for but what the Democrats and the President voted for: a bill that increases the bureaucracy, including \$10 billion for Internal Revenue Service agents and higher and higher numbers of government workers and bureaucrats taking power away from the doctors, away from the patients. Now it is government-centered health care at a time when Britain is moving away from it, and the person the President of the United States has put in as his health care rationing czar is someone who calls that approach a national treasure; cutting \$500 billion from our seniors depending on that for Medicare, not to save Medicare but to start a whole new government program.

Britain is trying to revamp because they know that someone with cancer in the United States has a much better chance of survival than somebody in Britain. It is not because our doctors are better in the United States—and I have practiced medicine in Wyoming for 25 years—it is because people get care in the United States that is delayed and therefore denied in Britain. But Dr. Berwick is romantic. He has fallen in love with that national health service, a service that is not good for patients, and it is not good for providers.

I see my friend from South Dakota, another rural community and State. I am sure he is seeing and hearing the same things from his seniors there, their concerns about what is going to

happen to the cost of their care, the quality of their care, and the availability of the care, especially with Dr. Berwick now in charge.

Mr. THUNE. The Senator from Wyoming knows full well how difficult it is to deliver health care in rural areas. Being a physician himself, he knows the challenges we face.

It seems to me that notwithstanding the comments to the contrary, we have to look at what people do. In this case, what the administration has done is appointed somebody to run this massive new health care program who clearly is on the record by his previous statements in favor of redistribution of wealth, in favor of rationing of health care, in favor of government-run health care. He is romantic about the British national health system, which, as the Senator from Wyoming mentioned, is having all kinds of complications and problems, including runaway costs, and now they are trying to figure out how to move away from it. The problem they have is that 1.6 million people are employed by the British national health system, a huge employer in their country, so the economic impact, the political impact of making changes in that system is very difficult. That being said, it doesn’t seem as though they have any choice because they are facing such difficult fiscal circumstances in their country and they are seeing these runaway health care costs contributing in a very significant way to that.

So it seems to me, at least, that what we have done here with this massive health care bill passing in the U.S. Congress—\$2.5 trillion when it is fully implemented over a 10-year period—what we are already seeing now is the Actuary at CMS coming out and saying it is going to bend the cost curve up and it is going to cost considerably more above and beyond the normal year-over-year inflationary increases in health care Americans have already been seeing. Then we also have the CBO now coming out and saying it is not going to achieve the deficit savings that were advertised here on the floor when we had the debate. There is all this information coming out which validates the argument we were making at the time, and that is that we don’t want to move toward the government-run health care system that rations care. Then they put somebody in charge who believes in redistribution of wealth, rationing of health care, government-run health care—all things we argue this would lead us toward. Clearly, the administration really shows their hand when they appoint someone such as this to run this important, comprehensive, wide-reaching, and expensive bureaucratic program that very much will resemble, in terms of the model, what they are doing in Britain, which Britain is moving away from.

Mr. McCAIN. Madam President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal

editorial of July 12, 2010, entitled “Who Pays for ObamaCare? What Donald Berwick and Joe the Plumber both understand.”

I have some relationship to Joe the Plumber, not to Donald Berwick.

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

[From the Wall Street Journal, Editorial
July 12, 2010]

WHO PAYS FOR OBAMACARE?
WHAT DONALD BERWICK AND JOE THE PLUMBER
BOTH UNDERSTAND

Among Donald Berwick’s greatest rhetorical hits is this one: “any health-care funding plan that is just, equitable, civilized and humane must—must—redistribute wealth from the richer among us to the poorer and less fortunate.” Count that as one more reason that President Obama made Dr. Berwick a recess appointee to run Medicare and Medicaid rather than have this philosophy debated in the Senate.

We are also learning that “spreading the wealth,” as Mr. Obama famously told Joe the Plumber in 2008, is the silent intellectual and political foundation of ObamaCare. We say silent because Democrats never admitted this while the bill was moving through Congress.

But only days after the bill passed, Senate Finance Chairman Max Baucus exulted that it would result in “a leveling” of the “maldistribution of income in America,” adding that “The wealthy are getting way, way too wealthy, and the middle-income class is left behind.” David Leonhardt of the New York Times, who channels White House budget director Peter Orszag, also cheered after the bill passed that ObamaCare is “the federal government’s biggest attack on economic inequality” in generations.

An April analysis by Patrick Fleenor and Gerald Prante of the Tax Foundation reveals how right they are. ObamaCare’s new “health-care funding plan” will shift some \$104 billion in 2016 to Americans in the bottom half of the income distribution from those in the top half. The wealth transfer will be even larger in future years. While every income group sees a direct or indirect tax increase, everyone below the 50th income percentile comes out a net beneficiary.

At least at the start, Americans in the 50th through 80th income percentiles—or those earning between \$99,000 to \$158,000—are nearly beneficiaries too, if not for the taxes on insurers, drug makers and other businesses that will be passed on to everyone as higher health costs. This group will eventually get soaked even more—probably through a value-added tax—once ObamaCare’s costs explode. But at the beginning the biggest losers are the upper middle class, especially the top 10% of income earners, mainly because a 3.8% Medicare “payroll” tax surcharge will now apply to investment income. ObamaCare, in short, is almost certainly the largest wealth transfer in American history.

Distributional analyses like the Tax Foundation’s are usually staples in any Beltway policy debate, especially when Republicans want to cut taxes. Yet aside from this or that provision, none of the outfits that usually report for this duty—the Tax Policy Center of the Brookings Institution and Urban Institute, the Center for Budget and Policy Priorities—have attempted to estimate the full incidence of ObamaCare’s taxes and subsidies.

In part this may be because ObamaCare is such a complex rewrite of health, tax, welfare and labor laws. But it’s also embarrassing to liberals that much of ObamaCare’s redistribution will merely move income to

the lower middle class from the upper middle class, and the President habitually promises that people earning under \$200,000 will be exempt from his tax increases. We now know they won't be.

With his vast new powers over what government spends, Dr. Berwick will be well situated to equalize outcomes even more, and he certainly seems inclined to do so. The most charitable reading of his redistribution remarks, delivered in a 2008 London speech, is that any health insurance system will involve some degree of redistribution to the "less fortunate," that is, to the sick from the healthy.

Yet Dr. Berwick made those comments in the context of a larger, and bitter, indictment of the U.S. health system, even though the huge public programs he will run already account for about half of all national health spending. From his point of view this isn't enough. And his main stance was that individual clinical choices must be subordinated to government central planning to serve his view of social justice and health care guaranteed by the state.

The great irony is that this sort of enforced egalitarianism imposes higher taxes and other policies that reduce the total stock of wealth and leave less for Dr. Berwick to redistribute. Economic growth has been by far the most important factor in improving health and longevity, especially for those whom Dr. Berwick calls "the poorer and less fortunate."

Americans have learned the hard way over the past two years that this Administration believes in wealth redistribution first, economic growth second. Or as Dr. Berwick also put it in his wealth-redistribution speech, it is crucial not to have to rely on "the darkness of private enterprise."

Mr. MCCAIN. Madam President, I will quote the important part of the Wall Street Journal editorial, speaking of Dr. Berwick, Sir Donald:

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Americans have learned the hard way over the past two years that this administration believes in wealth redistribution first, economic growth second. Or as Dr. Berwick also put it in his wealth-redistribution speech, it is crucial not to have to rely on "the darkness of private enterprise."

That is an individual who is now going to oversee over half the health care provided in America who believes

that "the darkness of private enterprise" should not be relied on.

So I wish to say to my friends again, there are two issues here of great concern: the individual himself, his record, and what he clearly intends for the finest health care system in America—not on restraining costs but obviously a redistribution of wealth; second, this entire process of an individual not even filling out a questionnaire—a nominee—or any semblance of a hearing before the relevant committee before a "recess" appointment is made. This is an erosion of the constitutional responsibilities of advice and consent of the Senate.

Mr. THUNE. Madam President, if the Senator from Arizona will yield, just to put a final point on that, again, 454 days before the administration put forward this nominee, there have been 79 days since, and they are blaming Republicans for holding up this nominee—again, notwithstanding the fact that it was 454 days before they ever put it forward. If we don't have a hearing and he doesn't have to come in and answer questions about these at least what I would characterize as outlandish statements, again, it is an abrogation of the responsibility the administration has of working with the Senate, the Senate's power of advice and consent, to at least have a hearing, to at least have a vote, to at least have some public discussion about this gentleman's qualifications and his attributes with regard to this important position to which they are going to appoint him.

I wish to point out as well that there is one other example of this. The TSA Administrator, which is another very important job, by the time they actually got somebody submitted who could be acted upon here in the Senate, 482 days had lapsed. It was 521 days when the new TSA Administrator was finally approved, but we went 240 days when the post was vacant, from the time the post was vacated in January of 2009 until they appointed their first nominee, who then had to withdraw because of problems. Then they appointed somebody else who withdrew because of problems. They finally submitted somebody who was actually approved, but it took 521 days. That is not us. That is not the Republicans in the Senate holding things up, nor is it the case with Berwick's nomination where 454 days lapsed before the administration put his name forward. Then they just quickly, without giving us an opportunity—the Senate an opportunity—to do our job recess-appointed him to a position where he is going to be responsible for thousands of employees, obviously billions and trillions of dollars when it comes to the health care delivery in this country, and that is very unfortunate.

So, as the Senator from Arizona has pointed out, it is partly about this gentleman and what he stands for and what he intends to do with this position, but it is also the process by which he was actually put into this position

and how it completely short-circuited and bypassed what is regular order and what should be under our Constitution the responsibility of the Senate to provide advice and consent.

Mr. BARRASSO. Madam President, if I could just ask my colleague, talking about the Constitution and how we as Americans see ourselves, Senator MCCAIN just quoted a comment made by Dr. Berwick about the darkness of private enterprise. Dr. Berwick coauthored a book called "New Rules." In it, he argues that one of the primary functions of health regulation is to constrain decentralized, individual decisionmaking—constrain individual decisionmaking—and to weigh public welfare against the choices of private consumers. I mean, could anything fly further in the face of what Americans believe? The decisions, the choices of private consumers—that is how we make decisions in America. That is what I recommend for patients: Make your individual choice. What is best for you? How to help keep down the cost of your care; prevention, coordinating care; working and making smart choices for you as an individual. Who knows better? Who knows better how to spend your money? You do. Who knows better how to make choices for your life? You do.

That is not what Dr. Berwick is saying in this book, "New Rules." It is to weigh public welfare against the choices of private consumers.

So I inquire of my colleague from South Dakota, what would people from South Dakota think about that? This is somebody who is saying: Government knows better than you do. People of Wyoming have never felt that way, and I would imagine the people from South Dakota have never felt that way either.

Mr. THUNE. I say to my neighbor from Wyoming, he understands his constituents very well, and we share a border, but we also share a lot of other things, including a common set of values and a sense of individual responsibility and belief in freedom.

I think what this gentleman represents in terms of his view is completely contradictory to what the majority of my constituents and I am sure the majority of the constituents of the Senator from Wyoming would say with regard to how you ought to approach issues. The American individual, the American consumer is in a much better position to make decisions about their own health care than some government bureaucracy here in Washington, DC.

Essentially what Mr. Berwick has concluded over time—and he has had a long career analyzing and studying many of these issues—is that a government-run system where some government bureaucrat is in a position of making these decisions that are important to an individual—in this case, his health care or her health care—that is clearly a model he endorses and supports.

It is very contradictory, I would say, to what I think is the view of a majority of Americans. Frankly, one of the reasons I think many of us opposed the health care bill when it was under consideration in the Senate—and the Senator from Wyoming made some excellent comments during the course of that debate about his experience with health care as a practicing physician—is that clearly the American model is one that is very different from the European model.

What we have with Mr. Berwick is somebody who wants to remake the American health care system in the image of the model that we see in places such as Europe. His example of the British health care system, about which he is romantic, is a good example of how he intends to implement the health care bill passed in the Senate.

We have argued all along that the intention of those behind it is to move us in the direction of a more single-payer, European-type system as opposed to what we have experienced in this country and have enjoyed for such a long time, and that is one that has its basis at least in the market where we have individuals who are in charge of making many of the decisions, as opposed to some government bureaucrat.

This is very unfortunate in terms of the fact that this was an appointment that was made in the recess without the normal process being adhered to, with this gentleman coming in front of the Senate to answer questions and actually having a vote in the Senate.

For our colleagues on the other side to argue that the reason they had to do this was because Republicans were slowing or somehow delaying this process is completely inconsistent with any of the facts. As I said before, 454 days before the President put his nomination forward. Certainly, it is not the Republicans' fault they did not have a nominee up here. Then the fact that they did not have a hearing and there has not been a vote in the committee and now not a vote on the floor of the Senate is unfortunate, given the consequences and the impact the person who occupies this position is going to have with regard to delivery of this new health care reform legislation.

Mr. BARRASSO. It was interesting, on this floor someone on the other side of the aisle stood and said: If you are against Dr. Berwick, then whose side are you on? As I see my colleague from South Dakota, I can answer that question, and he can answer that question. If you are against Dr. Berwick, then whose side are you on? I am on the side of the American people—the American people who are concerned about \$500 billion in cuts to their Medicare, not to help Medicare, not to strengthen Medicare, but to start a whole new government program.

I am on the side of the people who believe we should not redistribute wealth in this country. I am on the side of my patients and friends in Wyoming who do not want the rationing of care. I am

on the side of my friends and patients in Wyoming who do not want government-run health care. But that is what we have now.

We have a President-appointed czar, essentially—a czar—to ration health care. That is not what the American people want. It may be what the Democrats in Congress want. It may be what the President of the United States wants. I view this as an arrogant use of Presidential power at a time when I think the American people were intentionally misled all during the fall because the President refused to appoint somebody, would not name anybody to be in charge of Medicare and Medicaid when the whole debate was going on. Only after the bill was signed into law—only then—would he announce to the country his choice was somebody way outside the mainstream of how we in America deliver health care, want our health care, how we care as patients, how we care as physicians—way out of that mainstream, someone whose approach is a very different one, who loves a system where we know people with diseases are denied care, where care is delayed, and where today the whole country is saying: I think we got it wrong. We need to relook at this. They see what is happening, and I think the American people will know what will happen to us as a nation if we go down the path of a nationalized health system where we redistribute wealth, ration care, and government runs the health care system of our Nation.

It is the wrong decision by the President. It is the wrong direction to go. The American people know it, and they do not like it.

Once again, the American people are not going to have their voices heard because the American people are going to be denied an opportunity to voice their opposition to this nominee to their elected representatives because the President decided he knew better than this Congress and made a decision to appoint someone at a time when the American people wanted their voices heard.

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

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

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO DR. EDDIE BERNARD

Mr. KAUFMAN. Madam President, I rise once again to recognize one of our Nation's great Federal employees. Here are all the employees we have recognized to date.

Madam President, we in Washington are in the midst of a summer heat wave. I know it is the same for millions

of Americans across the country. This comes on the heels of a harsh winter where the Capital City endured heavy snowfall that shut down businesses and even certain government offices. The powerful forces of nature continue to challenge us.

Many Americans only notice weather in its extremes. The hard-working men and women of the National Oceanic and Atmospheric Administration, or NOAA, spend their careers making it easier for us to address nature's challenges. This year is NOAA's 40th anniversary. It was created in 1970 from three former agencies, and since that time NOAA employees have been at the forefront of weather prediction, oceanography, and fishery management.

Whenever anyone turns on the television and sees an alert from the National Weather Service, that is NOAA at work. If you go to the Pacific coast and enjoy the beaches, you can feel safe knowing that NOAA's tsunami warning system stands at the ready. NOAA personnel are also leading the way to ensure the long-term sustainability of our coastal fisheries so those who make their living from the sea can continue to do so for generations to come.

The great Federal employee I am recognizing today won the 2008 Service to America Medal for Homeland Security for his work at NOAA helping to detect and warn against destructive tsunamis. Dr. Eddie Bernard has served as Director of NOAA's Pacific Marine Environmental Laboratory in Seattle, WA, since 1982. One of the leading experts on tsunamis, he has published over 80 scientific articles and edited books on the phenomenon.

For 3 years Eddie directed the National Tsunami Warning Center in Hawaii, and he was the founding chairman of the National Tsunami Hazard Mitigation Steering Committee, a joint Federal-State effort.

In addition to his work on tsunamis, as Director of the Pacific Marine Environmental Laboratory Eddie oversees a number of important oceanographic research programs such as El Nino forecasts and studies of underwater volcanoes.

Eddie received his bachelor's degree in physics from Lamar University, and he holds master's and doctoral degrees in physical oceanography from Texas A&M.

In order to protect our coastlines against damage from Pacific tsunamis such as the one that devastated the coasts of South Asia in 2004, Eddie led the development of the innovative DART system. As a tsunami wave moves under the ocean, DART—which stands for deep ocean assessment of tsunamis—uses buoys to report data back to the Tsunami Warning Centers.

It took years to perfect, and Eddie and his team had hoped to get close to a 60-percent accuracy rate in predicting the scope and intensity of incoming tsunamis. As it turns out, they

were able to achieve over 90 percent accuracy with DART. Their system became the basis for the Tsunami Warning and Education Act, which passed the Congress in 2006. Eddie was instrumental in helping to draft that legislation which strengthened tsunami detection, warning, and mitigation programs to ensure that we are prepared for even the worst-case scenarios.

The work of NOAA employees is often not glamorous, but it saves lives, protects property, and helps to prepare our coastal communities to meet the challenges of nature. My home State of Delaware is filled with coastal communities, and the work NOAA performs in a range of areas to help coastal States such as Delaware in so many ways.

I hope my colleagues will join me in thanking Dr. Eddie Bernard and all those at NOAA who continue to monitor the seas and skies on our behalf. They are all truly great Federal employees.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

INCREASED PAPERWORK BURDEN

Mr. JOHANNIS. Mr. President, I rise today to speak about something I think is enormously important in terms of our businesses and job creation. There are many unintended consequences contained in the health care bill that was recently passed, but I think one of the most egregious is the effect on small businesses that are, by all agreement, the engine of our economic growth. In fact, various analyses have been done, and they conclude that 65 percent of the new jobs created come from the small business engine in our Nation.

Section 9006 of the new health care law will have a profound impact on small businesses in Nebraska—but not just Nebraska, across this great Nation. Beginning in 2012, if a business purchases more than \$600 of goods from another business, it will be required to provide the business and the Internal Revenue Service a 1099 tax form. Previously, such disclosures were only required for the purchase of services. Now routine business expenses will be subject to an increased paperwork burden at tax time.

Let me give some examples of the impact that is going to have. Think about the phone costs for that small business, Internet, simple office products, even the cost of shipping goods from point A to point B now are going to generate this requirement of a 1099 tax form.

Back in my State what that means is, if a rancher buys \$100 worth of feed

every month, then that rancher is going to have to submit a 1099 to the feed store and then file it with the IRS. If the restaurant owner up the street buys \$600 worth of napkins or ketchup or menus or garbage bags over the course of a year, guess what. They start building that stack of 1099s.

Think about how that paperwork is going to burden that small business. This includes transactions with corporate as well as noncorporate entities. It also applies to government entities at the local, State, and Federal levels.

Businesses in my State, but I am confident across the country, are absolutely up in arms about this provision, and they should be. Last week, the National Taxpayer Advocate, an Internal Revenue Service ombudsman, issued a report with some very startling admissions. This provision, they say, will affect 40 million businesses, including about 26 million sole proprietorships not counting farms. That is 10 times the number of job creators than the administration asserts will benefit from the small business tax credits.

We need to look for ways to help small businesses, not hammer them. A Nebraska small business owner wrote to me recently. This business owner pointed out that he owns three small town lumber yards and wanted to weigh in on this provision. I am quoting from that letter:

As you know, it is difficult to survive as a small business in rural communities. . . . Putting on additional burdens involving time, paperwork and money does not help.

That small business owner went on to say this:

The building supply industry is struggling to survive the housing and economic crisis and employers like myself would be severely impacted by the additional costs and paperwork burdens of the 1099 proposal.

I could not agree with this business-man more. This new provision is a one-two punch for our small businesses. It will require them to spend more money and time on paperwork and reporting. It does nothing to create jobs other than maybe at the Internal Revenue Service. This increases the overhead costs of staying in business. It will require them to spend more time and more money on paperwork and, no doubt about it, it is going to be tough for them to comply with the standards set so low at \$600.

Expenses to comply with Federal tax compliance regulations are already astounding. According to the Small Business Administration, small businesses that employ fewer than 20 people spend on average \$1,304 per year per employee. In contrast large companies spend on average \$780 average per year per employee. So we can see the IRS tax compliance regulations already disproportionately disadvantage small businesses compared to large companies. Why are we adding insult to injury with this new requirement? We should be doing all we can to reduce overhead costs, help them to be more competitive not increasing their bur-

dens. Why on Earth are we slapping Americans with more mandates that are counterproductive? Congress should be reducing businesses' overhead, helping them stay competitive.

Section 9006 creates a perverse incentive for companies to consolidate suppliers. Think about that. Guess who loses in those circumstances. Our small businesses, the same small businesses that we are counting on to create the new jobs and lift us out of this recession. Larger, more diversified suppliers will be more attractive as a way for the purchaser to reduce the paperwork. The fewer different transactions that total \$600 or more, the less paperwork. So the little guy loses.

The National Taxpayer Advocate said recently they are "concerned that the new reporting burden, particularly as it falls on small businesses, may turn out to be disproportionate as compared with any resulting improvement in tax compliance."

The Advocate report lays out several reasons this new provision of the law is causing so much concern. The report questions whether the new data will lead to better tax compliance. "The IRS will face challenges making productive use of this new volume of information reports."

For example, the new 1099's will not match tax returns due to returned goods or other technical reasons. The report predicts the IRS will improperly assess penalties for not filing forms. Again, I am quoting:

It must abate later, after great expenditure of taxpayer and IRS time and effort.

Finally, a chilling prediction in the report says:

Small businesses that lack the capacity to track customer purchases . . . may lose customers, leaving the economy with more large national vendors and less local competition.

It is clear that section 9006 attacks small businesses across this country. That is why I am introducing legislation to eliminate this barrier. My effort, which I call the Small Business Paperwork Mandate Elimination Act, would fully repeal section 9006 of the health care law and eliminate this ridiculous paperwork burden. I urge my colleagues to support me in this effort. Overburdening our job creators is not good policy, especially in this time in our economic recovery.

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

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

Mr. WHITEHOUSE. Mr. President, may I speak for up to 15 minutes as in morning business?

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

BERWICK NOMINATION

Mr. WHITEHOUSE. Mr. President, I heard that some of my colleagues on the other side were here earlier engaged in a colloquy of condemnation of the appointment of Dr. Berwick to run CMS. I wanted to come back and respond because I think this body is making a mistake and is taking a very wrong path by attacking and criticizing this particular nominee.

To provide just a moment of context to his appointment, when I was here yesterday I had a graph that showed that in 1955, the year that I was born, we spent about \$12 billion on health care as a nation. Last year we spent \$2.5 trillion, 200 times as much. The graph showed not only the steep curve that took us from \$12 billion to \$2.5 trillion a year, but also the fact that curve was accelerating. It was getting steeper. In the last year the year-to-year increase was \$134 billion in health care expenditures.

That is the biggest year-to-year increase in the history of the Republic. If we kept at it, by 2016 a family of four in Rhode Island would be paying \$26,000 in premiums for a basic health care policy. Medicare Advantage plans jumped 14 percent last year nationally, on average. We are in both an unsustainable and an accelerating health care cost increase environment. Something absolutely has to be done about it. I suspect almost everybody in this Chamber would agree with that.

That is the backdrop—unsustainable, accelerating health care costs that now gobble up more than 17 percent of our gross domestic product. There is a huge discrepancy between us and every other nation in terms of the amount of our economy that we burn on health care. I believe the closest to us is now at 12 percent of GDP, and we are at 17 percent, and it climbs every year along with that accelerated, unsustainable rate of health care cost increase.

The question is, What are we going to do about it? This is a terrific burden on our economy. It is uncompetitive against other nations, it hugely depresses our manufacturing sector, and it clobbers families who have to pay for health care that is so expensive. It simply has to be addressed.

There are two ways we can do it. We could preserve the status quo and simply cut benefits that people receive. We could make Social Security health care benefits knocked down. We could make Medicare benefits knocked down—disability health care benefits for Social Security. We could make Medicaid benefits knocked down. We could spend less, I suppose, on TRICARE in the Veterans' Administration and provide fewer services, pay for less, or require more copays. That is one way to go about doing it, but it is not a very smart way and it is not a very humane way.

A lot of the costs in our health care system is waste; it is waste and inefficiency. If we look at the report of the President's Council of Economic Advis-

ers, they come at it in two ways, and both ways come to the same number, about \$700 billion a year—a year—in waste and excess costs.

The New England Healthcare Institute did a study—\$850 billion a year in waste and excess cost.

The Lewin Group and former Bush Treasury Secretary O'Neill have both arrived at a different number, but they agree the number is \$1 trillion a year in waste and excess cost.

So if we have a huge cost problem, and if we have waste and excess costs as high as \$1 trillion a year—to give us an idea of the scale, remember it was about \$2.5 trillion last year. It is supposed to be \$2.7 trillion this year. If the Lewin Group and Secretary O'Neill's number is right, that means one-third of the cost, more than one-third of the cost is waste in excess care, unnecessary cost. So going after that waste and excess cost should be a priority to deal with the cost burden that our health care system puts on the country.

How would we go about doing that? Well, we are actually fortunate in one respect. In all of the mess of our health care system we are fortunate in one respect; that is, there is a proven correlation in many areas between improving the quality of care and lowering the cost of care.

Probably the most famous example is dealing with hospital-acquired infections. A hospital-acquired infection costs maybe \$60,000 on average to treat, and it is avoidable. It is completely preventable. So if we crack down on hospital-acquired infections, if we fix the process failures that permit hospital-acquired infections to occur, we improve the quality of care, we save people's lives, we get them out of the hospital sooner and healthier, and we save money, all together. But because of the bizarre economics of our health care system, it is not in anybody's financial interest to do that who is also in a position to do that. So over and over, we have these failures where we could have huge win-win situations in which we improve the quality of care for the American people while reducing the cost of the health care system.

It happens with hospital-acquired infections. It happens with administrative overhead. Medicare runs about 3 to 5 percent of overhead. The private insurance market runs at about 20 to 27 percent overhead. It has more than doubled in the last 6 years, from 2000 to 2006. In 6 years it has more than doubled, just the administrative overhead, not health care itself, the administrative overhead of the private insurance industry. That is part of the waste and excess costs.

We can tackle those things. We can drive them down. We can improve, for instance, maternal mortality rates in this country. Believe it or not, America is 39th in maternal mortality. Maternal mortality is a cold, statistical way of describing a mother dying in childbirth, giving birth to her baby,

and we are 39th in the world; 38 countries do better at protecting moms while they are giving birth to their children than we do.

If we can improve that rate, we can save money because the same process failures that lead to those deaths lead to expensive complications, additional days in the hospital, sometimes lead to lifelong injuries to the baby as it is being delivered, which create huge cost. So, again, it is a win-win when we improve the quality of care to lower the cost of medicine.

Now, why do I say all of that? Why do I talk about the importance—first of all, the urgency of the cost problem and the importance of pursuing this win-win strategy to reduce the cost of care by improving the quality of care for Americans? I mention that because Don Berwick is probably the leading pioneer in this area.

The bible of the quality of improvement movement was a book called "To Err is Human," written, I believe, by the National Institutes of Health. Dr. Berwick was one of the lead authors of that report. It was followed by another report called "Crossing the Quality Chasm." Those two reports have been the foundation for the quality reform movement.

I am very familiar with the quality reform movement because I founded something in Rhode Island called the Rhode Island Quality Institute which has led in this area. The legislation we passed, the health care legislation, contains an immense number of reforms of the delivery system that are designed to capture this win-win, that are designed to improve the quality of care in ways that lower the cost of care.

One economist has called it the most significant action on medical spending ever proposed in the United States. A Noble Prize-winning economist has noted that official estimates don't give the plan much credit for the cost-saving efforts in the proposed reform, but realistically the reform is likely to do much better at controlling costs than any of the official projections suggest.

An MIT professor, who is a leading health economist, said: I cannot think of a thing to try that they did not try. They make the best effort anyone has ever made. Everything is in here. You could not have done better than they are doing.

So the bill created an array, a portfolio of tools for beginning to change our broken, dysfunctional health care delivery system and move it more in the direction of better patient care that costs less money.

The lead practitioner of that, the lead advocate of that, the person who has thought about this the most and done the most work on it is Dr. Don Berwick. So it makes perfect sense he would be the person brought over by President Obama to lead CMS and to apply these principles of improving the quality of care, to reduce the cost for America. He is an expert at it. I think

we wrote good legislation on the delivery system reform. I think it was actually very good legislation. But it does not matter how good the legislation is that we write if the executive branch does not get out there and implement it in a dynamic, thoughtful, iterative way. We learn something, we move on.

We have to be creative and continue the pressure on this. We have to take what we learn in different projects and bring them together and try something now and constantly be in a process of innovation and improvement in order to be effective. Nobody will do that better than Professor Berwick. That is why both President Bush, H.W. Bush, and President Bush, W. Bush, their CMS directors have applauded this nomination.

Gail Wilensky, the Administrator of CMS under President George H.W. Bush, said: Berwick has longstanding recognition for expertise and for not being a partisan individual.

George W. Bush's CMS director, Tom Scully, said: You are not going to do any better than Don Berwick.

So from the other side of the aisle, from the partisan side of executive management of this, the previous CMS directors know how qualified this man is. I know my Republican colleagues want to talk about rationing. They would love to paint rationing and socialized medicine and death panels all over the health care bill. Obviously they cannot resist the opportunity to do that using Dr. Berwick.

But, frankly, it is not fair, and I think it puts them on the wrong side of history. It puts them on the wrong side of reform. It raises the question, Whose side are they on? When we have somewhere between \$700 billion and \$1 trillion of waste every year and the person who George Bush's CMS director says we are not going to find any better to come in and fix that program than the nominee, and they are against the solution to that, whose side are they on?

Well, it is pretty clear they are on the side of the \$700 billion to \$1 trillion a year in waste. That is a choice they can make. But I do not think it is a wise choice. When we are dealing with doing things such as eliminating hospital-acquired infections in order to save money, and they are against the person who is the leading proponent of this and who is going to lead us in that direction, who are they for? Are they for the families who lose a loved one to a hospital-acquired infection? It does not seem that way. It seems like a vote in favor of the status quo. It seems like a vote in favor of the status quo and the continuing unbelievable number of deaths and casualties from hospital-acquired infections.

One of the findings of the "To Err is Human" report is that 100,000 Americans die every year, 100,000 Americans die every year because of avoidable medical errors. When we clean up the medical errors, when we clean up the process failures that lead to those medical errors, we save money. That is Don

Berwick's expertise. When they oppose him, whose side are they on? Are they on the side of 100,000 Americans who lose their lives every year because of avoidable medical errors? I do not think so. It sounds as if they are on the side of the 100,000 medical errors.

Let this guy have a chance. He has bipartisan support. He is an expert in this area. The area he is expert in is the best path to lead us to cost savings in health care because it is a win-win path. We do not have to take something away from somebody to create the savings; we can earn the savings by reforming the delivery system so it provides better health care.

He has founded the Institute for Healthcare Improvement. He has worked as a board member on the American Hospital Association on Quality Initiatives. He chaired the Advisory Council for the Agency for Health Research and Quality. He goes back to the Clinton era, where he was on President Clinton's Advisory Commission on Consumer Protection and Quality. He is the real deal.

So I urge my colleagues, as I did yesterday, to step back from the partisanship, to step back from the posturing. We have heard enough about rationing. There is not rationing in this; this is quality reform. We have heard enough about death panels and socialized medicine and all of that nonsense.

We have a serious problem in our health care system. We need to address it seriously. There is a path to address it that is a win-win for our country, for our people, for our society that reduces costs and provides Americans better care. To me, it is embarrassing that we should be 39th in maternal mortality. There are 38 countries that keep mothers alive through childbirth better than we do. That is the kind of thing we should be fixing. That is the kind of quality reform we need. That is the kind of quality reform Don Berwick gets behind.

This should be an area where we can all get behind this. Some of the work he has done has been in Republican States, in States with Republican Senators. I just know, off the top of my head, that Utah is a leading State in the quality reform area. The North Carolina Medicaid effort on Medical Home is one of the leading early studies on this issue. These people have Republican Senators who can report on how successful those have been. Yet they have made the choice not to look at Berwick for the person he is, for the expert he is, for the purpose he brings to this job, but just as an excuse to try to go back to the slogans and try to sloganeer their way through what is a real and significant problem for our country.

So unless you want to wish failure on America in this task, unless you want to wish failure on America in reducing the 100,000 deaths every year from avoidable medical errors, unless you want to wish failure on America in improving our status so we are the best in

the world on maternal mortality rather than 39th, unless you want to wish failure on America in the only win-win path to reducing the terrible burden of health care costs, the accelerating burden, unsustainable burden of health care costs on our country, unless you want to wish America failure in that, you ought to support Don Berwick because he knows how to follow this path, this win-win path, toward health care savings that come from improving quality. That is a path we should be on.

There is no one better suited to lead CMS down that path than Dr. Berwick. So I hope we can find a way in this body to be better than that. I think Dr. Berwick gives us the occasion to be better than that. At long last, I hope that soon we become better than that.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INHERITANCE TAX

Mr. SANDERS. Mr. President, let me begin by making a few points about which there is not a whole lot of disagreement.

First, the United States today is in the midst of the worst economic downturn since the 1930s. Over 16 percent of working age Americans are unemployed or underemployed, working 20 hours a week when they want to be working 40 hours. Long-term unemployment is the highest on record. In other words, when people are losing their jobs now, it is not a question of weeks to gain a new job but, in some cases, 6 or 8 months or perhaps not at all. In the midst of this economic crisis, millions of Americans have lost their homes, savings, and pensions.

Second point: The United States today has a \$13 trillion national debt and a record-breaking \$1.6 trillion deficit. Last year alone, the Federal Government spent over \$186 billion paying interest on that debt. We are leaving our children and grandchildren a huge financial obligation which not only will impact them personally but will affect the well-being of the entire country in the midst of a strong and competitive global economy.

Third point: The United States today has the most unequal distribution of wealth and income of any major country. Today, as this chart indicates, the top 1 percent earns more income than the bottom 50 percent. Let me repeat that. The top 1 percent earns more income than the bottom 50 percent. And the top 1 percent owns more wealth than the bottom 90 percent. The top, 1 percent; bottom, 90 percent. What we have is a nation in which in many ways we are moving toward an oligarchic

form of society, with a small number of people on the top seeing a huge increase in their wealth and income while the middle class lapses and poverty increases.

During the Bush years, when the middle class saw a \$2,200 decline in median family income, the 400 wealthiest families saw their income more than double. Meanwhile, while the very rich became much richer, their effective income tax rates were slashed almost in half over the past 15 years. The rich get richer. Their effective income tax rate goes down. The wealthiest 400 Americans have now accumulated \$1.27 trillion in wealth, while the highest paid 400 Americans had an average income of \$345 million in 2007 alone. As a result of Bush's tax policy, these very high-income people pay an effective tax rate of 16.6 percent, the lowest on record. The rich get richer. Their effective tax rates go down—lowest on record.

Warren Buffett, one of the wealthiest people on the planet, has often made the point that he, a multibillionaire, pays a lower effective tax rate than his secretary.

Last point I wish to make: Last month a gentleman named Dan Duncan, who happened to be the wealthiest person in Houston, TX, passed away. He left his family some \$9 billion. For the first time since 1916, almost 100 years, somebody in the top echelon bracket like a Mr. Duncan will have a situation where his heirs will pay zero inheritance tax, not a nickel. That is the first time that a multimillionaire or billionaire has died in 100 years and their family has not paid one penny in inheritance taxes. This occurred as a result of President Bush's \$1.35 trillion tax break enacted into law in 2001. In other words, at a time when this country has a devastatingly high rate of unemployment, at a time when the Senate refused to extend unemployment benefits to desperate people who, through no fault of their own, have lost their jobs and have no income, at a time when we have a huge national debt, at a time when we have massive unmet needs, including a crumbling infrastructure and the need to transform our energy system, at a time when we have a growing gap between the very rich and everyone else, we have a situation now where the very wealthiest people are seeing, when one in their family dies, their estate tax is zero.

A century ago, President Teddy Roosevelt, a good Republican, called for a graduated inheritance tax on wealthy estates. In 1916, Congress passed that law. Interestingly enough, here is what Republican Teddy Roosevelt said in 1910:

The absence of effective state, and, especially, national, restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power. The prime need is to change the conditions which enable these men to accumulate power which is not for the general welfare that they should hold or exercise . . . No man should receive

a dollar unless that dollar has been fairly earned.

Let me repeat: No man should receive a dollar unless that dollar has been fairly earned.

Every dollar received should represent a dollar's worth of service rendered, not gambling in stocks but service rendered. The really big fortune, the swollen fortune, by the mere fact of its size, acquires qualities which differentiate it in kind as well as in degree from what is passed by men of relatively small means. Therefore, I believe in a graduated income tax on big fortunes and in another tax which is far more easily collected and far more effective—a graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing rapidly in amount with the size of the estate.

Teddy Roosevelt, 1910.

There are not many Republicans I agree with today, but I do agree with what Teddy Roosevelt said 100 years ago. That is exactly what the responsible estate tax act I have introduced, along with Senators HARKIN, WHITEHOUSE, FRANKEN, and SHERROD BROWN, will do. Specifically, this legislation exempts the first \$3.5 million of an inheritance from paying any Federal estate tax whatsoever. Doing this means that 99.7 percent of Americans who receive an inheritance will not pay one penny in Federal estate taxes. This legislation would impact only the very wealthy, the top three-tenths of 1 percent.

Under my legislation, the value of estates above \$3.5 million and below \$10 million would be taxed at 45 percent; the value of estates above \$10 million and below \$50 million would be taxed at 50 percent; and the value of estates above \$50 million would be taxed at 55 percent, the same as the 2001 level before the Bush tax cuts. Further, this legislation includes a 10-percent surtax on the value of estates above \$500 million or \$1 billion for couples.

According to the Joint Committee on Taxation, this legislation, over a 10-year period, would bring in \$315 billion—a significant step forward in addressing our national debt. But this legislation would do something even more important. In the midst of these enormously difficult times, this legislation makes clear we are one country and all Americans must accept shared responsibility. In my view, it is immoral, it is unfair that while the middle class struggles to survive, millionaires and billionaires get tax breaks.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

MILITARY CONSTRUCTION PROGRAM

Mrs. HUTCHISON. Mr. President, I rise today to talk about our military

construction program and some concerns I have about an apparent shift in strategy, what this means for our American soldiers and their families and for the growing debt and deficits we are seeing on the taxpayers of this country.

Without question, our military construction program should be fiscally responsible and driven by the future security posture of the U.S. forces. Dating back to the end of the Cold War, the U.S. military determined that our Armed Forces would be best trained and equipped for service when stationed at installations on U.S. soil.

Our military adopted a force projection strategy that allows our U.S.-stationed service men and women to deploy from home rather than being based primarily overseas.

This Congress has been very supportive of the Army's transformation to a more modular and expeditionary force structure, allowing more troops to be stationed in the United States.

In 2005, the Overseas Basing Commission reaffirmed the force projection strategy. It applauded the vision behind the Pentagon's efforts to transform the military and restation tens of thousands of military personnel back on U.S. soil.

So the Pentagon's strategy, endorsed by the Overseas Basing Commission, has guided the way Congress directs resources and funding for military construction facilities. We have invested more than \$14 billion to build housing, stationing, training, and deployment capabilities at major military installations in the United States. We have proven we can best train and deploy from the United States and do it more cost-effectively.

Despite these taxpayer-backed investments, the Pentagon's current MILCON program is shifting military construction projects, military forces, and taxpayer dollars overseas. Strategically, this would set in motion a worldwide transformation of U.S. basing that would actually expand our overseas presence, and this at a time when the aid given to American efforts in the war on terror is, with a few exceptions, not impressive.

Fiscally, the Department of Defense is pursuing expensive and, in some cases, duplicative military construction projects in Europe, Korea, and Guam without demonstrating adequate cost efficiencies or projected future costs. This shift in global posture fundamentally disconnects with stateside basing capabilities and reverses the Overseas Basing Commission's recommendations.

Europe: In Germany massive plans are underway to move U.S. Army headquarters from Heidelberg to Wiesbaden. I question this move because European and African Commands already have substantial infrastructure in Stuttgart where efficiencies would be available. The Government Accountability Office does not believe the Army will achieve any cost savings. Not only would these

huge and costly projects create thousands of foreign jobs, but they would require continuous taxpayer funding to maintain facilities and training capabilities. The United States has averaged spending \$278 million per year in Germany in the last 5 years, but the Department of Defense now plans to raise that spending to \$750 million per year. It costs nearly 15 percent less to build in the United States than to build in Germany, and while American taxpayers have invested \$1.4 billion in German infrastructure from 2006 to 2010, Germany's contribution has averaged \$20 million per year, or less than 10 percent.

This is a poor taxpayer investment considering the serious limitations to U.S. military training and deployment capabilities overseas. It would also create duplicative headquarters at several locations in Germany. Our troops must have access to training areas where they can maneuver freely, conduct live-fire exercises, and work with night vision devices. Many overseas locations prohibit such intensive training. Others allow only certain aspects of the training to be done under closely monitored circumstances. These limitations hinder the readiness of our troops while taxing our citizens more.

Deployment impediments also exist in Europe. During times of peace and war, our troops face restrictions traveling through many countries. In 2003, deploying American forces from Germany into Iraq was complicated when several European countries denied U.S. troops access to air and ground routes. Merely having our troops forward-deployed is no guarantee they will be available when and where we need them.

Korea: The Department of Defense is also planning to spend millions to build deployment facilities in Korea. The Pentagon is proposing to shift 1-year deployments for troops alone to 3-year tours that include their families. This change would expand U.S. presence in Korea from 30,000 service personnel to approximately 84,000, counting dependents. Substantial taxpayer funding would be required to build adequate housing, schools, hospitals, fitness centers, childcare facilities, commissaries, and more. We have asked for the numbers that would be projected for this. The Department has not given us any numbers nor any projections on the costs of adding 50,000 more people into Korea than we now have. Investing these resources into Korea makes no sense when we are already building up infrastructure and deployment capabilities at U.S. bases where amenities support military families and are well established.

Guam: Plans to shift Marines currently stationed in Japan to the tiny island of Guam are also problematic. There are significant environmental concerns with trying to accommodate such a large number of military personnel in such a small space, and the island lacks sufficient existing infra-

structure. In addition to that, the timeline for transitioning marines stationed in Japan is implausible and the costs are staggering. They are now estimated at \$16 billion. With these considerable barriers, better basing alternatives should be explored. Again, we have asked the Department to look into this, to give alternatives. We have suggested alternatives, but we have received no feedback from the Department.

The Department of Defense has indicated this new military construction program is intended to build partnership capacity. Some argue that U.S. presence overseas provides assurance to our allies and deterrence to our adversaries. History has shown this is not always the case. Basing American military personnel at key locations in Europe did not deter the Russians from conducting military operations against Georgia in 2008. Even with our 30,000 troops in Korea, North Korea did not hesitate to attack a South Korean naval vessel in May of this year.

Let's look at what the partnership agreements we are seeking have given us so far. We are in a war on terror in which the United States now has more than 78,000 troops. Germany has 4,350. The United Kingdom has double what Germany has. So the United Kingdom, which has a smaller population, has more troops by double than Germany. Yet we are looking at all of this build-up in Germany for building partnership capacity. Germany contributes 4 percent of NATO troops to Afghanistan, but they have strict rules of engagement that include not going on offense and restrictions on night operations. So if we are going to do so much ourselves, does it make sense for the American taxpayer to be building what would be about a billion and a half more in Germany, in facilities that we already have in the United States? Or if there needs to be more Army building in Germany, at least do it in Stuttgart where the Army already has a headquarters, instead of a whole new operation in Wiesbaden.

If the United States wants to make sure our assure our allies and deter our enemies, we should do it with strong military capabilities and sound policy, not by keeping troops stationed overseas, siphoning funds from equipment and arms, and putting it into duplicative military construction.

Instead of breaking ground on military projects abroad and advancing the Department's new goal of building partnership capacity, we should be building American infrastructure. We are carrying the heaviest load by far in the war on terror, and we are carrying it for freedom-loving people throughout the world. We need to build up bases in our country which we have already done to accommodate the strategy since the Cold War. Yet now we appear to be reversing that strategy, and I am asking why. I have asked the Department of Defense. I have asked the Secretary of Defense for answers and

have not yet been able to receive anything that would show why we would make such a huge investment in these foreign bases, with training constraints and deployment constraints, when we could do the same thing at home and deploy our troops at will.

Following World War II, the United States constructed bases in Europe to establish a strong presence as nations rebuilt. We stayed in Europe and placed bases in Korea to protect the interests of America and its allies during the Cold War. The world has changed, and with it our Nation's military priorities must also change. Our military construction investment should reflect our strategic principles. It should meet the needs of military families. It should maximize the force flexibility of our modern military, and it should demonstrate the fiscal discipline that taxpayers rightly expect.

Secretary Gates has made fiscal discipline a priority at the Department of Defense. He has said we are going to cut defense spending. So this military construction plan is puzzling. I am not sure the military and the Department heads are on the same wavelength because we are looking at \$1 billion of foreign construction we do not need with capacity we have already built in America.

So I am asking the Department of Defense to look at this and to make sure we are in every way having respect for the taxpayers and making sure our military and our families have the security and support they need, and I believe that can be done with bases at home.

I will offer amendments to reduce the level of spending in overseas construction and possibly in administrative costs at the Department of Veterans Affairs that do not affect veterans health care or benefits. There is more at stake for our future, for our economy, and for the American taxpayer.

Out-of-control spending is putting the short- and long-term fiscal health of the United States at risk. The national public debt hit an historic \$13 trillion in May. This year, the Federal Government is borrowing 40 cents out of every dollar it spends, and it is spending 67 percent more than it brings in. In pursuit of its costly and damaging big government agenda, the Obama administration has increased the total public debt by \$2 trillion in less than 2 years, an increase of 23 percent in 16 months. If the spending continues at this rate, at the end of President Obama's first term he will have added an additional \$6 trillion to the public debt. If we go along with the requests of the White House, \$6 trillion more will be added to our debt in this term. This is irresponsible and unsustainable.

As the appropriations process moves forward, I will offer amendments to bring military construction back down to levels that are consistent with the Secretary of Defense's own stated objective, which is to cut military spending. I am going to offer amendments I

believe will be responsible, will protect our forces, and will be better for our military families, and it will achieve the spending cuts the Secretary has said he believes are necessary.

We need to make the tough decisions. I am offering a way forward. I am offering commonsense cuts that will assure we will be able to meet the needs of our military, the security of our military, the security of the American people, and a respect for this enormous deficit. We can cut back on this deficit with responsible spending.

I have outlined some of these concerns in today's *Politico* magazine, and I ask unanimous consent that my op-ed be printed in the RECORD.

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

[From *Politico*, July 13, 2010]

(By Senator Kay Bailey Hutchison)

MILITARY'S FOUNDATION MUST BE MADE IN U.S.A.

For the future security posture of U.S. military forces and for the fiscal health of our nation, our military construction agenda should be guided by these words: build in America.

At the end of the Cold War, the U.S. military determined that our armed forces would be best trained and equipped for service when stationed on U.S. soil. Thus, our military adopted a "force projection" strategy that allows service members to deploy from home, rather than being based primarily overseas.

The Overseas Basing Commission reaffirmed the force projection strategy in 2005. It lauded the insights and vision behind Defense Department initiatives to transform the military and re-station tens of thousands of military personnel back on U.S. soil. Congress has legislated and appropriated accordingly.

We've now invested more than \$14 billion to build housing, stationing, training and deployment capacities at major military installations. Deployment of U.S. forces from Germany to Iraq, for example, was complicated by denials of air and ground routes through several European countries. We have proved we can best deploy from the United States—and we can do it more cost effectively.

However, the DoD's current military construction proposal would set in motion a worldwide transformation of U.S. basing that would expand our overseas presence. DoD is pursuing expensive, and in some cases duplicative, military construction projects in Europe, South Korea and Guam, without demonstrating adequate cost efficiencies, projected costs or a broader basing strategy.

This shift in global posture fundamentally disconnects with stateside basing capabilities and reverses the Overseas Basing Commission's recommendations.

In Germany, massive plans are under way to move U.S. Army headquarters from Heidelberg to Wiesbaden—though European and African commands already have substantial infrastructure in Stuttgart, where more efficiencies would be available.

Not only would the projects create thousands of foreign jobs; they would also require continuous taxpayer funding to maintain facilities and training capabilities. This is a poor investment given the serious limitations to U.S. military training and deployment capabilities overseas. And it would create duplicate headquarters at several locations.

It costs nearly 15 percent less to build in the United States than in Germany. In addition, the U.S. military has invested \$1.4 billion in German infrastructure from 2006 to 2010, while Germany's contribution has averaged \$20 million per year—or less than 10 percent.

Our troops must have access to training areas where they can maneuver freely, conduct live-fire exercises and work with night-vision devices. Many overseas locations prohibit such intensive training. Others allow only certain aspects of the training to be done under closely circumscribed conditions.

These limitations hinder the readiness of our troops, while taxing our citizens.

Deployment impediments also exist in Europe. During times of peace and war, our troops face restrictions traveling through many countries.

In 2003, for example, our NATO ally Turkey refused to let U.S. troops travel through its territory, even in its airspace, in support of Operation Iraqi Freedom.

Merely having troops forward-deployed is no guarantee that they will be available when and where we need them.

DoD is also planning to spend millions to build deployment facilities in South Korea. The Pentagon proposes shifting deployments from one year to three years, including troops' families. This expands the U.S. presence from 30,000 service personnel to approximately 84,000, counting dependents. It will require substantial taxpayer funding to build adequate, housing, schools, hospitals, fitness centers, child care facilities and commissaries.

Investing these resources in South Korea makes no sense when we are already building up infrastructure and deployment capabilities at U.S. bases, where amenities for military families are well-established.

Similarly, plans to shift Marines now stationed in Japan to the tiny island of Guam are problematic. This proposal is fraught with significant environmental concerns, insufficient infrastructure, an implausible timeline—and staggering costs, now estimated at \$16 billion. With these considerable barriers, better basing alternatives should be explored.

Some argue that the U.S. overseas presence provides assurance to our allies and deterrence to our adversaries. History has shown otherwise.

Having U.S. troops in Europe did not deter the Russians from conducting military operations against Georgia in 2008. More recently, the U.S. military in South Korea did not deter North Korean aggression against a South Korean naval vessel.

We should assure our allies and deter our enemies with strong military capabilities and sound policy, not merely by keeping our troops stationed overseas.

Instead of breaking ground on military projects abroad—and advancing DoD's new goal of building "partnership capacity"—we should be building American infrastructure.

After World War II, the U.S. constructed bases in Europe to establish a strong presence as nations rebuilt. We stayed in Europe and placed bases in South Korea to protect the interests of America and its allies during the Cold War.

The world has changed—and with it, our nation's military priorities. Our military construction investment should reflect our strategic principles, meet the needs of military families, maximize the force flexibility of our modern military and demonstrate the fiscal discipline that taxpayers rightly expect.

I hope the Defense Department will continue to build the foundation of our military right here on American soil.

Mrs. HUTCHISON. Mr. President, I very much appreciate the opportunity

to lay out the strategy I am offering to the administration. I hope we can come back to the strategy adopted by Congress over the last 10 years that would have American troops in America, would create American jobs in military construction, will save taxpayer dollars, and will assure that when our troops go into harm's way, they will not be blocked by European countries that do not allow us to use airspace or train troops on the ground. We cannot afford that kind of luxury in this kind of environment.

Mr. President, I yield the floor.

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

REMEMBERING GEORGE STEINBRENNER

Mr. SCHUMER. Mr. President, today America heard the sad news that George Steinbrenner, one of Major League Baseball's most influential team owners, died at the age of 80. I rise today to express my condolences to George's family and share my intention of offering a resolution today, along with Senators GILLIBRAND, BILL NELSON, and LEMIEUX to honor his memory.

He is survived by his beloved wife Joan, his sisters Susan and Judy, his children Hank, Jennifer, Jessica, and Hal, and his 13 grandchildren.

Like New York and like the Yankees, George Steinbrenner was a champion. He was someone about whom you can truly say there will never be another one like him.

Before we even get into baseball, George Steinbrenner was a very accomplished man. He served his country for 2 years in the Air Force. He was the owner of the American Ship Building Company, the dominant shipbuilding company in the Great Lakes region during its existence. He donated his time and money to countless charitable causes and was a driving force in the U.S. Olympic Committee, where he made sure America's athletes could reach their full potential, bringing home gold medals and making sports fans around this great country proud of our athletes.

Many of us know George as being a giant in Major League Baseball. There is no denying he changed the face of baseball forever.

Before George Steinbrenner, the New York Yankees were in shambles. The once great franchise had become moribund.

I have always been a Yankees fan, even though I am from Brooklyn. By the time I was old enough to appreciate baseball, the Dodgers had just left for Los Angeles, and it would be several years before the Mets were created. So the Yankees were the only team in town, and like most of my friends on the streets of Sheepshead Bay, Brooklyn, I became a rabid Yankee fan.

Those were the glory years of Mantle, Maris, Ford, Howard, and Berra. But by the midsixties, my heroes began

to retire, and the once great Yankees began to slide.

Those were not easy years to root for the Yankees. People forget. Throughout the late sixties and early seventies, the Yankees were consistently one of the worst performing teams in Major League Baseball.

But all that changed when George Steinbrenner bought the team in 1973. He brought to the Yankees a new hope that turned around this period of decline. By 1976, the Yankees were back in the World Series, and in 1977 and 1978, we brought the championship back home to New York.

Since then, the Yankees have once again become a household name in New York and around the country. They have won 11 American League pennants and 7 World Championships. The Yankees went, the day George Steinbrenner took them over, from being a mediocre team to the pre-eminent sports franchise in the world.

George Steinbrenner did that. He turned a scrappy group of baseball players into a team New Yorkers are proud to support.

The Yankees of his day are reminiscent of the Yankees of the twenties, thirties, forties, fifties, and the early sixties. All New Yorkers and baseball fans owe George Steinbrenner a huge thank you for changing the face of American baseball.

He was even beloved in Florida. Legends Field, the Yankees' spring training facility in Tampa, was renamed Steinbrenner Field in March 2008 in his honor by the Hillsborough County Commission and the Tampa City Council.

He was a giant in baseball innovation, making baseball a truly global game.

I, along with millions of Yankee fans—many not even in the State of New York—are thankful for the countless hours of joy we have experienced watching his team at the stadium or following them on television or radio. George Steinbrenner was truly a New York icon.

My thoughts and my condolences go out to his loved ones, to the whole Yankee family, and to the millions of New York baseball fans. We have lost our giant.

RECESS

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

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

Mrs. MURRAY. 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. 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.

FREEZING APPROPRIATIONS

Mr. ALEXANDER. Mr. President, I have a statement that I would like to make, first on a letter and announcement that all the Republican members of the Senate Appropriations Committee have sent to the chairman of the committee today.

Because Federal spending and debt are at crisis levels, Republican Senators on the Senate Appropriations Committee are asking our Democratic colleagues to join us in supporting the Sessions-McCaskill freeze on discretionary Federal spending. Every Republican—every one of us—and 17 Democratic Senators already have voted for the Sessions-McCaskill amendment this session several times.

The amendment would basically freeze Federal discretionary appropriations—both military and nonmilitary—which constitute about 38 percent of the Federal budget. This action by the Senate members of the Appropriations Committee is especially important this year because the Democratic Congress has refused to produce a budget.

Here we are, at a time when almost every American is deeply worried about the level of Federal debt and the level of Federal spending, and the first thing we would expect the Congress to do before it plans for next year is to produce a budget that would be able to restrain this spending—both the discretionary part of it, the kind we appropriate year after year—and begin to deal with the entitlements—the mandatory spending that is on automatic pilot. The Democratic Congress has not produced that budget for next year, and it indicates it will not. So it, therefore, is the first job of the members of the Appropriations Committee to decide how much we can spend.

Year in and year out we decide where and how we spend the money. That is the constitutional responsibility of Congress under article I, and that is the job we do. Perhaps we haven't paid as much attention to the first responsibility as we should. Perhaps we have relied too much on the Budget Committee. Well, not this year. What we are saying is, if we are going to be members of the Senate Appropriations Committee, and if our responsibility is to deal with Federal spending, then the first question we should decide is how much Federal spending.

At a time when Federal spending and debt is at crisis levels, when the President's 10-year budget, up through the year 2018, would double the debt and triple the debt, it is our responsibility to get this under control.

So our recommendation—and it is a serious recommendation, and one we hope and believe our colleagues who are Democrats on the Appropriations Committee will be able to accept because it is a bipartisan proposal that has already, as I mentioned, received

between 16 and 18 Democratic votes on the floor of the Senate, and every single one of the 41 Republican Senators—is that we essentially freeze spending in the discretionary accounts, both military and nonmilitary, between this year and next year.

The Federal debt is a crisis that is imposing a burden on our children and our grandchildren that they will not be able to pay. It is our responsibility to deal with it and to begin to deal with it now. A Sessions-McCaskill freeze on Federal discretionary spending for next year is an important first step. The next step would then be getting entitlement spending under control, which we should move on as rapidly as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter from Republican members of the Senate Appropriations Committee which I referred to earlier in my remarks.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 13, 2010.

DEAR MR. CHAIRMAN: As Republican members of the Appropriations Committee, we are writing to express our views regarding the Fiscal Year 2011 appropriations process.

The Committee is operating in a particularly difficult environment during this Congress. The enormity of the Federal debt poses a direct threat to our national security and demands restraint of Federal spending. Developing a consensus approach to funding the operations of the Federal government in such an environment is a significant challenge.

Despite the clear need for a long term plan that would bring our nation's debt under control, it is apparent that Congress will be denied the opportunity to debate a Federal budget this year. Our Committee will instead be compelled to choose a discretionary top-line number outside the context of a comprehensive budget resolution.

Over the last two years discretionary spending has increased by 17%, not including stimulus spending. With stimulus spending included the increase soars to 84%. We note that a bipartisan majority of the Senate has voted several times in recent months on the Sessions-McCaskill proposal to impose a discretionary top-line for Fiscal Year 2011 that essentially freezes non-defense spending, and which would result in significant reductions in spending from the President's budget proposal. This is a clear indication of the broad concern that exists about levels of Federal spending.

We are confident that, working together, our Committee can produce bills that responsibly address fundamental government needs in a fiscally responsible manner. We will not, however, be able to support appropriations bills that do not conform to this top-line number.

Sincerely,
Mitch McConnell, Thad Cochran, Judd Gregg, Lamar Alexander, Susan Collins, Bob Bennett, Kit Bond, Richard Shelby, Kay Bailey Hutchison, Sam Brownback, George V. Voinovich, Lisa Murkowski.

NUCLEAR POWER

Mr. ALEXANDER. Mr. President, 40 years ago, at the time of the first

Earth Day, Americans became deeply worried about air and water pollution and a population explosion that threatened to overrun the planet's resources.

Nuclear power was seen as a savior to these environmental dilemmas. It could produce large amounts of low-cost, reliable clean energy. Unlike oil, nuclear power did not need to be hauled in leaking tankers from countries that did not like us. Unlike coal, it did not spew tons of pollution out of smokestacks.

Then Three Mile Island and Chernobyl happened. The world pulled back, fearful of nuclear technology—even though no one was hurt at Three Mile Island. In fact, no one has ever died as a result of a nuclear accident at an American commercial nuclear reactor or on a U.S. navy ship powered by reactors. Chernobyl was the tragic result of a flawed technology never used in the United States. Still, the United States has not licensed a new reactor since 1978.

Now the rest of the world is returning to nuclear energy. France is 80 percent nuclear and has among the lowest per capita carbon emissions and cheapest electricity costs in Western Europe. Italy, Britain, Finland and Eastern Europe all are exploring new reactors. Russia, India, China and Japan are moving ahead. South Korea is selling reactors to the United Arab Emirates.

These countries realize that exploding populations demand large amounts of cheap, reliable electricity to help create jobs and lift people out of poverty. And nuclear power provides just that. The National Academy of Sciences in a 2009 report said that the cost of nuclear power is equal to or lower than natural gas, wind, solar, or coal with carbon capture. Reactors can operate for 80 years while wind and solar last about 25 years. And nuclear reactors operate 90 percent of the time while wind and solar are only available about a third of the time. Remember: wind and solar power can't be stored today in significant amounts. Most people do not want their lights and computers working only when the wind blows.

Nuclear plants occupy a fraction of the land required for wind or solar. For example, 20 percent of U.S. electricity comes from 104 nuclear reactors on about 100 square miles. Producing the same amount of power from wind would require covering an area the size of West Virginia with 183,000 50-story turbines as well as building 19,000 miles of new transmission lines through scenic areas and suburban backyards.

Nuclear fuel is available in the U.S. and is virtually unlimited. We do not have to drill for it. We do not have to mine it nearly as much as we do for coal. And thanks to technology, we can safely recycle "nuclear waste" and turn most of it into more fuel. After recycling, the French are able to store all of their final waste from producing 80 percent of their electricity for 30 years in one room in La Hague.

A more recently realized benefit of nuclear power is its ability to combat climate change. Nuclear power emits zero greenhouse gases. Today it produces 20 percent of our Nation's electricity but 70 percent of our carbon-free electricity. Wind and solar provide less than 2 percent of our electricity and 6 percent of our carbon-free electricity today.

The United States uses 25 percent of all the energy in the world. At a time when we need to produce large amounts of clean power at home at a cost that will not chase jobs overseas looking for cheap energy, Americans can't afford to ignore nuclear power.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. GREGG. Mr. President, I rise to continue the discussion which was raised by the Senator from Tennessee relative to the letter which has been signed by all the Republican members of the Appropriations Committee. This is a unique event, in my experience. I have had the great honor and privilege of serving on this committee now for 14 years, and I have never participated in this type of an undertaking, which is basically the Appropriations Committee Republicans, at least, stepping up and doing the responsible thing in the area of trying to control the fiscal policy of this country when the Budget Committee has left the field.

The Budget Committee didn't leave the field arbitrarily; it is just that the other side of the aisle decided they did not want to do a budget for some reason. Actually, I know the reason. The reason we are not doing a budget of the country as we are supposed to do is that the budget shows we are in dire straits. We are going to have a \$1.4 to \$1.6 trillion deficit this year. It looks as if next year we are going to have a deficit in the range of \$1.4 trillion. And for the next 10 years, every year under the Obama budget and under the spending plans of the Democratic leadership of this Congress, we are talking an average of \$1 trillion a year of deficits. That adds up to a doubling of the debt in 5 years and a tripling of the debt in 10 years. The American people understand that we cannot do this, we cannot continue that type of profligate spending, that type of out-of-control spending.

But, unfortunately, the other party, which now controls with significant majorities both the House and the Senate, is unwilling to step up and produce a budget which brings those numbers down, which makes us more respon-

sible in the area of spending and reduces the debt burden on our children. So the Republican members of the Appropriations Committee have said: Enough. We want to stop this out-of-control spending. We want to have a spending proposal in place that makes sense. And we picked a number that is very reasonable. It is essentially a freeze at last year's levels. It is a number which has been supported, interestingly enough, on this floor when it was offered as the Senator SESSIONS-Senator MCCASKILL amendment on four different occasions, by a majority of the Senate, with all of the Republican Members of the Senate voting for this type of essential freeze and with a number—I think between 16 and 18—of Democratic Senators voting for this. That is because there is a full understanding, at least on our side of the aisle and by some Members on the other side of the aisle who did vote for this, that we have to do something about controlling spending around here.

This letter essentially says that before we start marking up any bills in the Appropriations Committee, we have to have an understanding as to how much we are going to spend. Is that an unusual idea? Is it a terribly radical idea, that we should reach a number, an overall agreement on an overall number as to what we are going to spend around here before we start producing spending bills? No, it is not. It is exactly what the budget is supposed to do. But we do not have a budget for the reason I mentioned earlier—people do not want to talk about how big the deficit is around here because they are afraid the American people have already figured this out and will just get more outraged about it.

What we are doing and what we are suggesting in this letter and what we are saying in this letter is that we as Republican members of the Appropriations Committee expect there to be a budget for the Appropriations Committee even though there was not one passed here, with the top-line number being essentially the number in the Sessions-McCaskill, what amounts to a freeze proposal—freezing at 2010 levels, essentially—and that we will test every committee appropriations bill that comes forward on the basis of that number, and we hope our colleagues on the other side of the aisle, those on the Appropriations Committee and those who are not on the Appropriations Committee, will join us in this effort because it is a sincere effort and a reasonable effort since it was already voted on here with all of our side voting for it and a majority of the Senate voting for it. It is a reasonable number to set forward as the goal.

Yes, it does mean a significant reduction. We have to be forthright about this, and this is what we need to do, quite honestly. It does mean a significant reduction from what the President requested. It means a significant reduction from what the Senate Budget

Committee passed in committee, which budget was never brought to the floor of the Senate because they did not want to shine lights even on that budget. There is no question it is a reduction and a fairly significant reduction from those numbers. But it is a reasonable number and it is an important number because it says we are willing to be disciplined about our spending around here and that is what we are going to have to do. We are going to have to make these types of tough choices. This is an effort by the Republican members of the Appropriations Committee to make clear that we are willing to make those types of difficult choices.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from New Hampshire would accept a question?

Mr. GREGG. Yes, I would accept a question from the Senator from Tennessee.

Mr. ALEXANDER. I ask the Senator from New Hampshire, who served as chairman of the Budget Committee of the Senate and is now its ranking member—and there is no one in the Senate more familiar with the numbers in the Senate budget—is it not true that this request by Republican members of the Senate Appropriations Committee, since it comes at a time when many Americans and most Senators believe the level of the Federal debt is at crisis levels and threatens the security of our country and since it comes at a time when the Congress has not produced a budget and it comes at a time when there have been substantial increases over the last year and a half in the 38 percent of the budget that is discretionary spending, would the Senator from New Hampshire, who has long served on the Budget and Appropriations Committees, not agree that the first job of Senate appropriators is not to decide where to spend the money but to decide how much money there is to spend, especially this year when there is no budget?

Mr. GREGG. I think the Senator from Tennessee is absolutely right. How can we run a country and a government of a country if we are not willing to decide on how much we are going to spend and then stick to it? The reason we are so out of control around here in spending is because every week for the last 8 to 10 weeks we have seen a new bill brought to the floor of the Senate which has added to the debt and the deficit of this country.

Interestingly enough, 8 weeks ago we passed a bill on this floor, with great fanfare from the other side of the aisle, called pay-go.

That bill said all the bills that came to the floor of the Senate were going to be subject to a test, which essentially said that before you spent any money, you paid for what you are spending.

Since we passed that bill, over \$200 billion—billion—has been proposed or passed by the Senate which violated the very rule we allegedly passed to try to discipline the Senate. So it is very

clear that unless you set out some hard parameters, unless you set out some very specific spending limits—and that is what the letter from the Appropriations Republicans does—you are not going to get any discipline around here. We will just bring bill after bill out of committee and we will spend money we do not have.

Where does it all go? Well, it all goes to our children as debt, and we have to borrow it from the Chinese or we have to borrow it from somebody else. Then we have to pay the interest on that. That interest does not do us any good as a nation.

In fact, under the President's own projections, his own budget, the interest on the Federal debt will exceed any other item of spending in the Federal budget on the discretionary side within 7 years. We will spend more on interest, because we are adding all of this deficit and debt, than we spend on national defense. What a waste of money that is. So unless we get some discipline around here on the spending side, this deficit is going to grow, the debt is going to grow.

I saw a most interesting figure. I think the Senator from Tennessee has seen it too. Since President Obama has been President, for every second since he has become President, \$56,000 has been added to the debt of the United States—\$56,000. That is the mean income of Americans today. So every second he has been in office he has wiped out the income of some American who is working, because that income is all going to have to be spent to pay off that debt.

Granted, not all that debt was his fault. But interestingly enough, as we go further into his administration, a large amount of it is his decisions and the decisions of this Congress, such as the \$200 billion in debt that we have been adding or about to add that violates pay-go.

This week we are going to take up another supplemental bill. Does the Senator know how much deficit and debt that bill will add if it is passed in the form the administration and the Democratic leadership have asked, just this week? I think it is somewhere in the vicinity of \$20 billion to \$30 billion of new deficit and debt.

Mr. ALEXANDER. Mr. President, I wonder if I could ask the Senator another question. The Senator was talking about the increasing debt. Am I correct that it took the first 43 Presidents of the United States and the Congresses they served with about 230 years to run up \$5.8 trillion in debt, but President Obama's 10-year proposal, through 2018, would add another \$11.8 trillion?

In other words, am I right that the first 43 Presidents piled up \$5.8 trillion in debt, and this President's 10-year budget, through 2018, would double that?

Mr. GREGG. Triple it. The Senator was off by 100 percent but close. In the next 5 years, the President will double

the national debt under the deficits which he is projecting under his budget. And in the next 10 years he will triple the national debt. As you say, if you take all of the Presidents from George Washington through George W. Bush, put all of the debt they have added on the books of the United States through all of those administrations, cumulatively, add every one together, President Obama will have added more debt than all of the prior Presidents added, the first 43 Presidents of this country, in the first 4½ years of his administration.

Mr. ALEXANDER. Mr. President, I have one other question, if I may, for the Senator from New Hampshire. I know we sometimes hear the American people say, or commentators say: Well, why don't those Senators work across party lines and get a result?

My question to the Senator from New Hampshire, who has years of experience on Appropriations and Budget, is, in the present circumstances where we have a debt crisis, and where we have no budget, no budget for next year, and we will not have, would he not agree that at the beginning of the process, taking a number that has been voted on by a majority of the Senate and has widespread bipartisan support, is a constructive bipartisan approach that ought to be able to gain the respect of Democratic appropriators and Democratic Senators, and that we could work together this year to essentially freeze discretionary spending as a first step toward reining in Federal spending?

In other words, sometimes we see amendments around here that are called message amendments, each side trying to score a point. Is this not a proposal that deserves respect as a serious attempt to restrain the debt and that should earn bipartisan support?

Mr. GREGG. I thank the Senator from Tennessee for his point. That is absolutely valid. This is a bipartisan proposal for all intents and purposes. It has been voted on. I think it got 57 votes once. I think that was the most it got; maybe it got 58. There are only 41 Republicans, so clearly it had a large number of Democratic votes from the other side of the aisle, because the number is reasonable.

“Freeze” is a reasonable number on the nondefense discretionary side, at a time when we are running deficits that are over \$1.4 trillion. You have got to start somewhere. You know, all great journeys begin with a step. So this is the place we should start, right here, by freezing nondefense discretionary spending. We, as Republican appropriators, have said we are willing to do it. I certainly think the Senator from Tennessee is absolutely right; this is an attempt to reach across the aisle and bring in a bipartisan coalition to accomplish this, using a number which has already received significant bipartisan support.

Mr. ALEXANDER. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

KAGAN NOMINATION

Mr. KAUFMAN. Mr. President, I rise in support of the nomination of Solicitor General Elena Kagan to be an Associate Justice on the U.S. Supreme Court.

Last month, the Judiciary Committee held 4 days of hearings on General Kagan's nomination, including 2 very full days of testimony from the nominee herself.

I came away from the hearings deeply impressed with General Kagan's intellect, thoughtfulness, demeanor, and integrity. These characteristics, already plainly evident in her lifetime of accomplishment, were on full display during her testimony.

Last year, when Justice Souter announced his retirement, and again when Justice Stevens announced his retirement this April, I suggested that the Court would benefit from a broader range of experience among its members.

My concern was not just the relative lack of women or racial or ethnic minorities on our Federal courts, though that deficit remains glaring.

I was noting the fact that the current Justices all share very similar professional backgrounds. Every one of them served as a Federal circuit court judge before being appointed to the Supreme Court.

Not one of them has ever run for political office, like Sandra Day O'Connor or Earl Warren or Hugo Black.

I am heartened by what this nominee would bring to the Court based on her experience working in and with all three branches of government, the skills she developed running a complex institution like Harvard Law School, and yes, the prospect of her being the fourth woman to serve on our Nation's highest court.

Some pundits, and some Senators, have suggested her lack of judicial experience is somehow a liability. I could not disagree more.

While prior judicial experience can be valuable, the Court should have a broader range of perspectives than can be gleaned from the appellate bench.

In the history of the U.S. Supreme Court, more than one-third of the Justices have had no prior judicial experience before being nominated. And a nominee's lack of judicial experience has certainly been no barrier to success.

When Woodrow Wilson nominated Louis Brandeis in 1916, many objected on the ground that he had never served on the bench.

Over his 23-year career, however, Justice Brandeis proved to be one of the Court's greatest members. His opinions exemplify judicial restraint and his approach still resonates in our judicial thinking more than 70 years after his retirement.

Felix Frankfurter, William Douglas, Robert Jackson, Byron White, Lewis Powell, Harlan Fiske Stone, Earl Warren and William Rehnquist all became Justices without having previously been judges. They certainly all had distinguished careers on the Supreme Court.

As Justice Frankfurter wrote about judicial experience in 1957:

One is entitled to say without qualification that the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero.

We have all now had the opportunity to review General Kagan's extensive record as a lawyer, a policy adviser, and administrator, and to listen to her thoughtful and candid answers to a wide range of probing questions.

Throughout her career, she has consistently demonstrated the all-too-rare combination of a first-rate intellect and an intensely pragmatic approach to identifying and solving problems.

Last summer, during then-Judge Sotomayor's confirmation hearing, and again during General Kagan's hearing, I focused on the current Court's handling of business cases.

I am convinced, by education, experience, and inclination, that the integrity of our capital markets, along with our democratic traditions, is what makes America great.

Today, however, while we have a real need for significant financial regulatory reform, we also face a Supreme Court too prone to disregard congressional policy choices.

My concern is that a Court resistant to Federal Government involvement in and regulation of markets could undermine those efforts. I am not suggesting that we face a return to "a New-Deal-era Court—a Court determined to strike down regulatory reform as beyond the authority of Congress.

But a Court predisposed against government regulation might chip away at the edges of reform, materially reducing its effectiveness.

That is why my questioning of Solicitor General Kagan focused on business cases and on her philosophy concerning deference to congressional judgment.

During the hearing, she emphasized the importance of "judicial deference to the legislative process." She also acknowledged Congress's "broad authority" under the commerce clause to regulate the financial markets.

Finally, she stated emphatically her views on results-oriented judging. I really liked what she said on this point, so I'm going to quote it in full:

I think results-oriented judging is pretty much the worst kind of judging there is. I mean the worst thing that you can say about a judge is that he or she is results-oriented. It suggests that a judge is kind of picking

sides irrespective of what the law requires, and that's the absolute antithesis of what a judge should be doing, that the judge should be trying to figure out as best she can what the law does require, and not going in and saying, "You know, I don't really care about the law, you know, this side should win." So to be a results-oriented judge is the worst kind of judge you can be.

Based on General Kagan's ability to communicate her thoughts and ideas during the committee hearings last month, I am confident that other Justices and, by extension, the entire Court, will benefit by the addition of her voice to their deliberations.

One of the aspirations of the American judicial system is that it render justice equally to ordinary citizens and to the most powerful.

We need Justices on the Supreme Court who not only understand that aspiration but also are committed to making it a reality. I believe Elena Kagan, through her truly impressive record of accomplishment, and through the entire confirmation process, has demonstrated that commitment.

In short, this nominee has all the qualities necessary to serve well all Americans, and the rule of law, on our Nation's highest court.

I urge my colleagues to confirm her without delay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF DONALD BERWICK

Mr. WHITEHOUSE. Mr. President, I came to the Senate floor earlier today to speak about the nomination of Don Berwick to run the CMS and talked a little bit this morning about the area in which he specializes, which is how to lower the cost of the American health care system by improving the quality of care; that it is a win-win and to call it rationing is incredibly misleading and raises a legitimate question about whose side somebody is on who wants to attack this kind of reform of the health care system.

I went back to my office and found an article in the Washington Post today, which is entitled "Hospital infection deaths caused by ignorance and neglect, survey finds." So if I could just read a few pieces from it, then I will ask unanimous consent to have this article printed in the RECORD.

An estimated 80,000 patients per year develop catheter-related bloodstream infections, or CRBSIs. . . . About 30,000 patients die as a result, according to the Centers for Disease Control and Prevention, accounting for nearly a third of annual deaths from hospital-acquired infections in the United States.

So 80,000 people get hospital-acquired infections in their blood from the catheters that go into them when they are

in a hospital. Of those 80,000, 30,000 die, and that is about one-third of the annual deaths from all hospital-acquired infections, which means about 90,000 Americans die every year from hospital-acquired infections.

This article goes on to say those deaths are preventable. We have known this for a long time. This article is confirming something that has been studied for a long time.

... evidence suggests hospital workers could all but eliminate [catheter-related bloodstream infections] by following a five-step checklist that is stunningly basic: (1) Wash hands with soap; (2) clean patient's skin with an effective antiseptic; (3) put sterile drapes over the entire patient; (4) wear a sterile mask, hat, gown and gloves; (5) put a sterile dressing over the catheter site.

A lot of this came out of original work that was done in Michigan, the so-called Keystone Project. We have taken that in Rhode Island and adapted it to try to reduce these hospital-acquired intensive care unit infections. But this is preventable. The point is, when we prevent it, we save money because those 80,000 patients per year developing catheter-related bloodstream infections—as to the last information I saw, I believe it costs about \$60,000 to treat hospital-acquired infections. So I cannot do the math in my head, but multiply \$60,000 times 80,000 patients per year getting these catheter-related bloodstream infections and we get into very big money very quickly.

Don Berwick is the leader of the health care reform effort that tries to take exactly that kind of problem and solve it so this process, this stunningly basic process that can prevent these infections, actually gets implemented over and over and over, every time, so we can eliminate these infections. When we eliminate them, we eliminate the cost of treating it; we eliminate the excess days that had to be spent in the hospital while the patient was treated for the infection; and, of course, most importantly, we eliminate 30,000 people dying from a hospital-acquired, catheter-related bloodstream infection every year.

What is not to like about that? That is the theory of health care reform that Don Berwick is the lead proponent of. So I came back to the floor because this story is so clearly on point as to exactly the kind of reform he has been a proponent of—from his years on the Clinton Consumer Quality and Protection Commission—I do not have its exact name right now, but it was a Clinton-era quality reform initiative—from his leadership writing “To Err Is Human,” the initial report that kicked off the health care quality reform movement, and the follow-on report, “Crossing the Quality Chasm.”

This is what this guy specializes in and this ability to go into the American health care system and find these ways where, by improving the quality of care, we lower the cost. Again, whatever 80,000 patients is times—I may have the number wrong, but my recollection is about \$60,000 per infection—

we get into pretty big money in a pretty big hurry. It is preventable, and it is that kind of savings that is going to help turn the corner for American health care.

So I ask unanimous consent that this Washington Post article entitled “Hospital infection deaths caused by ignorance and neglect, survey finds” by N.C. Aizenman, dated Tuesday, July 13, 2010, be printed in the RECORD.

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

[From the Washington Post, July 13, 2010]

HOSPITAL INFECTION DEATHS CAUSED BY IGNORANCE AND NEGLECT, SURVEY FINDS

(By N.C. Aizenman)

Deadly yet easily preventable bloodstream infections continue to plague American hospitals because facility administrators fail to commit resources and attention to the problem, according to a survey of medical professionals released Monday.

An estimated 80,000 patients per year develop catheter-related bloodstream infections, or CRBSIs—which can occur when tubes that are inserted into a vein to monitor blood flow or deliver medication and nutrients are improperly prepared or left in longer than necessary. About 30,000 patients die as a result, according to the Centers for Disease Control and Prevention, accounting for nearly a third of annual deaths from hospital-acquired infections in the United States.

Yet evidence suggests hospital workers could all but eliminate CRBSIs by following a five-step checklist that is stunningly basic: (1) Wash hands with soap; (2) clean patient's skin with an effective antiseptic; (3) put sterile drapes over the entire patient; (4) wear a sterile mask, hat, gown and gloves; (5) put a sterile dressing over the catheter site.

The approach also calls for clinicians to continually reconsider whether the benefits of keeping the catheter in for another day outweigh the risks and to use electronic monitoring systems that allow them to spot infections quickly and assemble a rapid response team to treat them.

A federally funded program implementing these measures in intensive-care units in Michigan hospitals reduced the incidence of CRBSIs by two-thirds, saving more than 1,500 lives and \$200 million in the first 18 months. Similar initiatives across the country helped bring the overall national rate of these and related bloodstream infections down by 18 percent in the first six months of 2010, according to the CDC.

“Our research shows that the cost of implementing [such programs] is about \$3,000 per infection, while an infection costs between \$30,000 to \$36,000,” said Peter Pronovost, a professor at Johns Hopkins University School of Medicine who led the program. “That means an average hospital saves \$1 million.”

So why aren't hospitals leaping to adopt these best practices?

The survey released Monday, which was conducted by the Association for Professionals in Infection Control and Epidemiology and funded by Bard Access Systems, a maker of catheters, pointed to ignorance and neglect at the top.

More than half of the 2,075 respondents, most of whom were infection control nurses employed by hospitals, reported that they use a cumbersome paper-based system for tracking patients' conditions that makes it harder to spot infections in real time. Seven in 10 said they are not given enough time to train other hospital workers on proper proce-

dures. Nearly a third said enforcing best practice guidelines was their greatest challenge, and one in five said administrators were not willing to spend the necessary money to prevent CRBSIs.

Pronovost said part of the problem was that many hospital chief executives aren't even aware of their institution's bloodstream infection rates, let alone how easily they could bring them down.

When hospital leaders decide to create a culture in which preventing infections is a priority, he added, nurses feel empowered to remind physicians to follow the checklist when inserting catheters, physicians are provided antiseptic soaps as part of their catheter kits and infection control personnel have the best tools to monitor patients.

“If anyone in that chain of accountability doesn't work, you won't get your [infection] rates down,” he said. “But it's the hospital's senior leadership that is ultimately responsible.”

Mr. WHITEHOUSE. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I just want to take a moment to ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an editorial dated today from the Arizona Republic. That is my hometown newspaper in Phoenix, AZ.

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

(See exhibit 1.)

Mr. KYL. The editorial is entitled “End run denies public a debate on health care.” The point of the editorial is that while we had a very long debate over the so-called health care legislation—I think the name of the act was the Patient Protection and Affordable Health Care Act—we never had the kind of debate that would have edified the American public on the general question of a government-run health care system versus one that was more amenable to the doctor-patient relationship and the privacy that Republicans were suggesting was a better way to go.

What the editorial says is that the President's recess appointment of Dr. Berwick obviated the kind of debate that could have occurred had he gone through the regular nomination process and had a hearing at which his views could be elicited, and we could have then debated whether he, with his views, was the right person to head the CMS, which is the entity that will be running the program.

The editorial concludes with these comments, after noting that even Democratic leaders in the Senate were perplexed by the recess appointment, noting Senate Finance Committee chairman, MAX BAUCUS, saying he was “troubled” by the move. The editorial concludes:

Considering how dubious the public remains about Obamacare, there is every reason to believe the Republicans really did want an exchange with the candid, erudite Berwick. The recess appointment strongly suggests the White House simply did not want to have another fight over the contentious health care issue.

Political parties can be devious. History is littered with appointments delayed to death out of little more than spite.

This wasn't one of those appointments. Dr. Berwick will head a federal agency that spends \$800 billion a year. The public deserves to know what he thinks.

The point is, we would have had an opportunity to know what Dr. Berwick thinks and for the American people to express themselves on that issue through their representatives in the Senate had we gone through the regular nomination process. But because the President decided to short-circuit that while we were off and back home on our July 4th recess, and made the recess appointment, we will never have that opportunity. As the editorial notes, that is lamentable. It denies the public an opportunity they would have had to understand better what his point of view was and perhaps to have a debate about the general underlying nature of the health care bill that was passed.

EXHIBIT 1

[From the Arizona Republic, July 13, 2010]
END RUN DENIES PUBLIC A DEBATE ON HEALTH CARE

Crazy as it sounds, we did not have a real "debate" over health care 10 those many months prior to the passage of the Patient Protection and Affordable Care Act in March.

Basically, the warring factions had an 18-month fight over interpretations.

President Barack Obama and Democrats interpreted the new law as one that would, affirmatively, lower costs, preserve existing options, extend coverage near-universally and improve care overall.

On defense against the interpretations of mostly Republican critics, they argued the plan did not constitute socialized medicine, was not a Washington power grab, would not explode costs, would not create "death panels," would not reduce insurance options, would not foist new burdens on the states, and wouldn't increase federal deficit spending.

It was a debate over the meaning of a constantly evolving bill, not one of competing philosophies.

But a debate over the efficacy of a centralized, government-led health-care system vs. a decentralized, mostly private system? Rarely was the epic struggle ever that straightforward.

Senate hearings on the appointment of Obama's nominee to head the Centers for Medicare & Medicaid Services, Dr. Donald Berwick, would have been a great opportunity to hear those debates, at long last.

Unfortunately, that isn't going to happen. The president short-circuited those hearings by using his power to make appointments during congressional recesses. According to a White House spokesman, the president anticipated Republican obstructionism, and so performed the end run. That explanation is debatable. There was no discernable "impasse" on the Berwick appointment.

Republicans claim they greatly anticipated the Berwick hearings, given the Harvard-educated pediatrician's candid com-

mentary over the years about his enthusiasm for a single-payer health-care system similar to that of Great Britain. Likewise, Democratic leaders in the Senate also were perplexed at the recess appointment. Senate Finance Committee Chairman Max Baucus of Montana said he was "troubled" by the move.

Considering how dubious the public remains about Obamacare, there is every reason to believe the Republicans really did want an exchange with the candid, erudite Berwick. The recess appointment strongly suggests the White House simply did not want to have another fight over the contentious health-care issue.

Political parties can be devious. History is littered with appointments delayed to death out of little more than spite.

This wasn't one of those appointments. Dr. Berwick will head a federal agency that spends \$800 billion a year. The public deserves to know what he thinks.

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

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

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

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

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

UNEMPLOYMENT BENEFITS

Mr. BROWN of Ohio. Madam President, it is, I believe, day 42 since 41 Members of the Senate have blocked us through filibuster, through obstructionism, through threat of tying up the Senate and shutting it down basically so that we have not been able to extend unemployment benefits to workers in Charlotte, in Ashville, NC, and Columbus and Cleveland, OH. It is unconscionable. It is unfair to those workers who have worked for 20 years and lost their jobs through no doing of their own. It is bad economics.

Presidential candidate MCCAIN's economic adviser, Mark Zandi, during the Presidential campaign said every dollar of unemployment benefits generates \$1.60 in economic growth. He examined various kinds of expenditures—everything from tax cuts to a whole bunch of other government programs—and what would stimulate the economy best, from road construction to small business tax breaks, all the kinds of things that we could do for job growth.

He said—this is Republican JOHN MCCAIN who voted against unemployment extension—his economic adviser in the Presidential race said the best stimulus for the economy is unemployment benefits because every dollar that goes into the pocket of an unemployed worker in Lima, Gallipolis, Steubenville, or Miamisburg, OH, generates

\$1.60 in economic activity. That means they spend that dollar quickly because they need that money to pay their rent, to pay for utilities, to buy groceries, to go to the drugstore—to do all the things that are necessities of life that are obviously so important.

As the Akron Beacon Journal analyzed, Summit County emergency cash assistance cases rose 27 percent from May 2009 to May 2010. Food stamp cases climbed 22 percent over the same period.

It is an economic equation, to be sure, that extending unemployment benefits is the best thing for our economy. It is also a human equation, for all the problems people face in our country of not being able to simply provide for their families.

We can talk about the statistics; 90,000 Ohioans have seen their unemployment benefits expire. Forty-one Members of this body—40 of them Republicans—have said no to extending these benefits. We know these numbers. We see them all the time. We are blinded sometimes by all the statistics.

I would like to, as I do many days, put a human face on this issue and share what people in my State write to me telling me what these unemployment benefits mean to them.

Lisa from Cuyahoga County, the Cleveland area:

Please do not strand us here on the sea of uncertainty and washed up on the shore of ruin. That statement may be dramatic, but that is how it feels out here.

In my case, if I was guaranteed a 40 hour a week job working at a fast food restaurant, I would take it in a heartbeat.

I am currently taking care of my elderly mother college age daughter on \$213 a week after taxes. Do you know how far that goes? I have to pay rent, electric bills, and put food on the table. I am a single mother. How am I supposed to live?

I sit in a bedroom away from my mother and daughter and cry because I feel I have failed by family and we are headed for ruin. We already lost the family home due to unscrupulous lenders. Now I am one rent check away from being homeless.

Please, I am begging you to be my voice and the voice of the unemployed in Washington.

Again, these are people who want to work. Some of my colleagues, some of the 41 who vote no consistently—we have tried week after week to bring this legislation to a vote—seem to think unemployment is welfare. It is not welfare. Many of the letters I get are from people who worked in the same job 20 and 30 years and lost that job and are trying to find work, as they are required to under the law. If you draw unemployment benefits, you are required to continue to look for work. You send out resumes, make visits to the plant, the office, or restaurant to try to get a job.

Every one of these workers paid in. This is not welfare; this is insurance. Every one of these workers paid into the unemployment insurance fund, and now when they are unemployed, they are deserving of collecting on their insurance, if you will.

Rebecca from Lorain County—that is the county in which I live in west Cleveland—works for Catholic Charities helping the unemployed:

My job is trying to find resources for the people in need. Every day I am deluged with requests for rental and mortgage assistance by many who have exhausted their unemployment benefits and have not been able to find other employment.

One gentleman in particular is an unemployed steelworker of over 25 years who is raising a 2-year-old son by himself. His home is about to be foreclosed on and his employment benefits have run out. What else can he do? What can I do to assist him?

I look across the aisle when we are all in this Chamber and I think: 41 people voted against the extension of unemployment benefits. I think all of us are a bit too isolated in this job. We are paid well. We get a lot of attention. We all have good staffs, fairly large staffs of 40, 50, 60 people both in Washington and our States, in Columbus, Cleveland, Cincinnati, and Lorain. I don't know that we talk with enough people who have been in a situation that she writes about the steelworker—25 years and raising a 2-year-old son by himself.

Lisa from Cuyahoga County is taking care of her elderly mother and college-age daughter and already lost her home. I know empathy is in short supply in this world and particularly in the Senate. I wish each of us would read these letters and sit down and talk with somebody such as Lisa who first lost her job. Then she lost her health care. Then she has to explain to her daughter: Honey, we are not going to be able to stay in this house much longer because we cannot afford the rent—or got foreclosed.

Mom, where are we going to live?

I don't know yet.

Am I going to be able to go to the same grade school I go to now?

I don't know yet, honey, if that is going to happen.

How are we going to move? How are we going to move our stuff?

I don't know. We have to figure that out.

These are questions people such as us do not have to answer very often, are not faced with. If my 41 colleagues would sit down and listen to people who deal with these problems, who experience these problems, it might be a different situation.

The last letter I will read is from Marjorie from Summit County. That is in the Akron area:

I have been unemployed since January. My husband lost his job shortly before that. We are both college graduates. My husband has a master's degree.

Since we are both 61 years of age, employers are not hiring us because we are not the right fit for the position because we are either overqualified and/or too old.

Our house is on the market because we are reaching a point where we will be unable to make mortgage payments.

We have always done the right thing raising our children and being responsible citizens. But now we can't even keep a roof over our heads.

Something is not right when people make generalizations—as they are doing now—about people like us who want to work, who want to take care of themselves, and who are tired of being shunned because we are “one of those people.”

We do not like the deficit growth, but we paid our taxes, and we did not create this recession.

Please share our story with those who are in a position to, at least, help us with something.

I don't know Marjorie, but I received this letter from her. I know from every indication that she and her husband have worked their whole lives. They are highly educated. Both have college degrees. One has a master's degree. They are not people who are unmotivated. They have lived in this house a long time. They do not want to sell their house, but they do not have much choice.

Why can't 60 of us, with these sometimes dysfunctional Senate rules, with just one person from the other side of the aisle, one Republican, join in voting, or a couple of them come over here and vote for this extension so we can get the 60 votes we need? They are only going to get \$300 a week in unemployment benefits. Most of these people have paid into these funds for 10, 20, 30 years, never collecting anything. But they are only going to get \$300 a week.

They are not going to be rich. It is not so much money that they will think: I don't want to bother going to work. I don't want to keep looking for a job. They have to keep looking for a job.

It is the right thing to do morally. It is the right thing to do because of the values we hold dear in this country. It is the right thing to do for economic reasons. As Senator MCCAIN's chief economic adviser in his Presidential race said: Nothing stimulates the economy more than putting this money into the community in Ravenna or Mansfield or Warren or Findlay and getting this generation of economic activity which will help to create more jobs and help to get us out of this recession.

I implore again my colleagues to support the extension of unemployment benefits.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

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

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

Mr. BURRIS. Madam President, we are on the small business bill; is that correct?

The PRESIDING OFFICER. The Senate is still conducting morning business.

NEED FOR BOLD ACTION

Mr. BURRIS. Thank you, Madam President.

For the past 2 years, this country has been held in the grip of an unprecedented economic crisis. The housing market collapsed, the bottom dropped out of Wall Street, and for the first time in generations many Americans felt their hard-earned economic security begin to slip away.

Here in Washington, Members of the House and Senate were faced with a harsh reality: For decades, regulators and policymakers alike had fallen short of their responsibilities. A divisive political process drove them to duck the tough issues and kick the can down the road time and time again.

This failure of regulation and the absence of political will allowed Wall Street fat cats to let their greed get the better of them. They gambled with our economic future. They designed complicated financial products and placed high-stake bets against them. In short, they built a house of cards, and when it finally came crashing down, the American economy lay in ruins.

There can be no quick fixes after a disaster of this magnitude. But under President Obama's leadership, our elected leaders finally took the bull by the horns and did what was necessary to stop the bleeding and set our country back on the road to recovery. I was proud to join many of my colleagues in supporting the American Recovery and Reinvestment Act—a landmark stimulus bill that helped reverse the rising tide of economic misfortune. Thanks to this legislation, we have made some significant progress, though we still have a very long way to go. But this is an election year, and that means partisan bickering is in the air and it is on the rise. So I believe my colleagues and I have a decision to make: We can focus on winning the next news cycle—pitting Republicans against Democrats, and falling into the same tired political battles that usually consume election years in Washington—or we can reach for something better. We can tune out the partisan fights, reject the failed policies that got us into this mess, and prove to the American people that we have the will to make tough decisions.

Our recovery is far from complete. I believe if we fail to continue the bold policies that pulled us back from the brink of disaster, if we shrink away from difficult decisions that will move this recovery forward, then we place our economy at grave risk of slipping back into a recession. This is a time for bold action, not pointless ideological battles. This is a time to move forward, not backward.

I call upon my colleagues to seize this opportunity. Let us keep America on the road to recovery, and restore the hard-earned security of ordinary folks who have suffered because of bad decisions on Wall Street. It won't be easy, but it is our responsibility, and it is the right thing to do.

We should start by increasing our support for small businesses, especially those disadvantaged and minority-owned businesses. These companies foster progress and innovation. They have the power to create jobs and direct investment to local communities, where it can have the greatest impact. Small businesses form the backbone of our economy, but in many ways they have suffered the most as a result of this economic crisis.

That is why I have filed an amendment that will improve and expand the Small Business Administration's 8(a) Program. This measure would increase the continued eligibility amount from the current \$750,000 net worth to \$2.5 million so more small businesses could benefit from this assistance.

It is no secret that minority-owned businesses, particularly those in poor or urban areas, have been hit hardest by the current economic downturn. That is why these are the areas we should target for our strongest support. By expanding the existing 8(a) program, we can increase its economic impact without having to reinvent the wheel. We can rely on a proven initiative to inject new life into disadvantaged areas.

I ask my colleagues to support my amendment when it comes up for a vote, as well as the underlying Small Business Lending Act as a whole, which we will be debating shortly on the floor. I ask them to reject the tired politics that got us into this mess and embrace the spirit of bipartisanship that can lead us out.

On behalf of small and minority-owned businesses, I call upon this body to take action in that regard. Our economic future may be uncertain, but with my proposal, the Small Business Lending Act, we have the rare opportunity to influence that future. So let's pass these measures to guarantee some degree of relief for the people who continue to suffer the most. Let's renew our investment in America's small businesses and rely on them to drive our economic recovery. Let's do it now. We need no more rhetoric, no more politics. Let's move forward and help small businesses in general, minority- and women-owned businesses in particular.

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

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

Mr. UDALL of Colorado. Mr. President, we are working here on the floor of the Senate to encourage a strong economic recovery, but it still remains clear that too many Americans are unable to find work. We know small businesses are the real job engines in our

economy, so I am particularly pleased that the Senate is right now debating a small business lending bill.

I rise today because I would like to further improve the bill through an amendment that would take a simple step to safely increase lending to small businesses. We do that mainly by getting government out of the way so that credit unions can increase their small business loan portfolios.

Today, in every single State of the United States, there are credit unions that have cash on their balance sheets, and they are ready to respond with loans for more money. There are many worthy small businesses in communities across our country, in Colorado and Illinois, that need the loans, but Federal law currently prohibits Federal credit unions from fully helping our entrepreneurs. Especially in this economy, we need to change that. We know small business expansion is what is going to pull us out of this recession.

Small businesses have always been the job engine of our economy. In the last 15 years, small businesses have generated nearly two-thirds of all new jobs created in our country, and they currently employ more than half of all Americans.

I traveled across Colorado this year and last year, as you have in your State, Mr. President. I constantly visited with scores of small business owners, and they continually ask me: Where is the lending? I thought the banks were supposed to start lending again.

I heard this. I think every Senator in the Chamber has heard this. But despite remaining profitable, small businesses have been unable to secure the loans they need to make investments in inventory, expand, and ultimately hire new workers. That is why I am introducing this amendment to allow credit unions to ramp up their small business lending without costing taxpayers a single dime.

Back in December of last year, I was joined by Senators SNOWE, SCHUMER, LIEBERMAN, BOXER, COLLINS, BENNET of Colorado, our Majority Leader REID of Nevada, SPECTER, BILL NELSON, SANDERS, and GILLIBRAND in introducing the Small Business Lending Enhancement Act.

The bill would have increased lending for small business by lifting the arbitrary cap on credit union small business loans. Why is that a problem and why is that a cause of concern? Right now credit unions are required to limit small business lending to 12.25 percent of their total assets. But many credit unions have run up against that cap and the only thing keeping them from jump-starting their local economies is an outmoded law I acknowledged.

After introducing our bill last year, we heard from scores of banks that were concerned about the safety and soundness of allowing credit unions to increase their small business loan portfolios. I realize that dealing with banking credit unions can be like injecting

yourself between the Hatfields and the McCoys, but I feel so strongly about helping small businesses and unlocking the credit markets that I am willing to take some lumps in the process.

I have gone back to the banks, listened to their concerns, and we went to the drawing board. I spoke to the Senate Banking Committee, Treasury Department, and even the credit unions' own regulator, the National Credit Union Administration, to see if there was something we could all agree on.

That work has paid off, which is why I am proud to introduce a new compromise that will safely and soundly increase small business lending by credit unions without costing Americans a dime. Best of all, this legislation could lead to large-scale job creation in my home State of Colorado and all around our great country.

If the Members would indulge me, I wish to explain what is in the compromise. In response to questions about the safety and soundness of allowing credit unions to expand their small business lending all at once, our new proposal institutes strict eligibility criteria. Under this amendment, the credit union must first be well capitalized. Second, they must have offered small business loans for at least the last 5 years; third, proof they have sound underwriting and strong historical management practices; and, fourth, it must show they have been running up against their previous loan cap. Credit unions that meet all of those strict criteria then go to the NCUA, their regulator, and apply to increase their small business lending. Then when they are approved, that cap would increase slowly from the current 12.25 percent to a maximum of 27.5 percent, and even that transition would be overseen by regulators to ensure it is done in a measured and prudent fashion.

Nobody can argue that this is irresponsible. I would challenge anybody to tell me this is not a sound and sure-fire way to grow our economy by increasing credit unions' capacity to lend to small businesses. The Credit Union National Association estimates that these sensible reforms would increase small business lending by over \$10 billion a year, including—and let me talk about Colorado—an increase of \$200 million in my home State of Colorado.

This new access to credit is also predicted conservatively to produce more than 100,000 new jobs nationwide. I think everybody would agree this is the sort of pro-business, pro-jobs policy we need.

The small business community, led by the National Small Business Association, the National Association of Realtors, and even chambers of commerce such as those in Texas have even gotten behind our effort and are now asking the Congress to pass this important provision.

We all know what shape our economy is in today. Small businesses continue to struggle to access credit, as large

banks have significantly cut back on Main Street lending.

Mr. President, you been here the last 18 months and you have noted, I know, that the 22 banks that received the most funding through the Troubled Assets Relief Program, TARP, actually have cut their collective small business loan balance, and then America's community banks which, by and large, did not receive any Federal bailout funds, are still struggling to fill that Main Street credit vacuum that was created by these large financial institutions.

We need to do better. Small businesses are counting on us all across our country. I mentioned earlier we have all met business owners. One Coloradan I was particularly compelled by is Stacy Hamon. Stacy is a small business owner in Thornton, CO, who started her own business, the 1st Street Salon. Initially she went to a bank only to be turned away because credit was in short supply, not because of any problem with her credit history. So Stacy turned to make her dream come true to her local credit union, and that credit union granted her a loan through a second mortgage on her home. Since that time her salon has become even more successful. I visited her business. I was impressed. She hired more workers. She created real American jobs. Her story is a shining example of the economic expansion that awaits us if we will increase the amount of lending that credit unions can undertake.

Another Coloradan, because this is about real people who are eager to build their business, is Lisa Herman. She e-mailed me a story about a loan she secured from a credit union to expand her business, called Happy Cakes Bakeshop. It is in the Highland Square area of Denver. She has been in business since 2007. Despite a tough economy, her revenue has been up by about 25 percent since the summer of 2008. She has booked over 20 weddings a month, and her retail operation has expanded to the point that she needed to build and move into a new shop.

Her traditional bank lender could not expand her credit, but her local credit union could. She went on and expanded her business. This meant more jobs and more business for her community. That is the American way, is it not?

As I begin to close, some would have you believe that this is about banks or credit unions. I mentioned the Hatfields and the McCoy's earlier. But it is about small business; not about the banks, not about the credit unions, it is about small business.

In this kind of a climate, we cannot turn away entrepreneurs such as Stacy and Lisa. I doubt there is a single Member of this Senate who wants to look a small business owner in the eye who could not get a loan because of an arbitrary government cap on small business lending. We all have an enormous responsibility to do all we can to unlock credit markets for small businesses in Colorado and across our country.

This amendment is an important part of that effort. I look forward to working with all 98 of my colleagues to move this amendment, to add it to this important small business lending package and allow our Nation's small businesses to again set our country on a path toward job growth and future prosperity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

UNEMPLOYMENT

Ms. STABENOW. Mr. President, I come to the floor, as I have on a number of occasions, to urge colleagues to extend unemployment benefits for now well over 1 million people who have lost their benefits because of the stalling, the filibustering, unfortunately, by colleagues on the other side of the aisle.

I am very appreciative of the fact that we have two Republican colleagues joining with us to stop a filibuster, but as the Presiding Officer knows, that is not enough. We need one more Member to come forward to join us, not to get a majority to pass unemployment benefits—we have a majority—but we do not have a supermajority. That has now been required on every single issue that has come before the Senate in order to try to get things done for the American people.

When I was home last week—of course I jump on a plane every Friday and come back on Monday; I view this as a long distance commute to work—I heard over and over concerns from families who have been employed all their life, had good middle-class lifestyles, have had the ability to take care of their families, have had not only the ability to have a home but maybe a cottage or a mobile home to be able to enjoy beautiful northern Michigan and the Great Lakes in the summertime, and folks who have felt confident they could send their kids to college, who literally had the rug pulled out from under them through no fault of their own.

We can go through all that brought us to this point: a decade of policies under the previous administration that created huge deficits, policies that did not work, making sure that those doing very well in this country received tax cuts, but middle-class families were left out there on their own; not enforcing trade laws so that more and more of our jobs were being shipped overseas.

That needs to change. And, in fact, it is changing. Despite what this President inherited, what we inherited 18 months ago when President Obama

came into office, 750,000 jobs a month being lost, we have begun to turn that around. We are now gaining jobs every month rather than losing jobs. But we know there is so much more to do.

While we are doing that, while we are focused on creating jobs, partnering with small businesses and manufacturers to create jobs, we have millions of people, over 15 million people, who have been caught in this economic tsunami, through no fault of their own. They are simply asking that something called unemployment insurance—and, by the way, it is insurance. You pay into it when you are working, you receive assistance when you are not. But they are asking that we do what every other Congress has done, Democratic President, Republican President. Anytime we have seen unemployment numbers such as we are seeing today, the Congress of the United States has understood and stepped up to extend unemployment benefits—except now. In the midst of every other initiative being stalled, the folks on the other side of the aisle who have been dubbed the party of no have, in fact, been saying no to everything, including no to families who are in situations now where it is literally about whether they will have a home, whether they can pay their bills and put food on the table, whether they can go to school—as we have all said, we will go back to school and get retraining. People are doing that.

But they are taking that small amount, that \$250 or \$300 a week, that is the difference between their being able to stay in school with a roof over their head or having to drop out and not be able to start a new career.

I wish to share a few letters of thousands of letters I have received. I am sure the Presiding Officer receives them as well. But they represent people who are asking us to stop the politics for 5 minutes and understand what is happening to people in this country, and step up and do the right thing.

Kim from Bellmont, MI, wrote me:

Thank you for trying your best to extend unemployment benefits. My husband worked 24 years in a factory and then he was laid off. I have a hair salon I run from my home. We were a happy middle-class family. But now life has been turned upside down, to put it mildly. I now work three jobs. Two are very low paying. I never see my kids or my husband. So darn tired. But I knew with the help of unemployment and my husband applying for a job, and his going to back to school, we could sustain ourselves until something came along.

Only 6 months have gone by. Now along with his job loss, we will lose our home, which means my business also. I do know you have tried. Please keep trying.

I will. But what needs to happen is, we need to find at least one more Member who will join with us to get beyond this roadblock of a filibuster so that Kim doesn't have to lose her home. She can keep her business she runs out of her home, her hair salon, and keep things going while her husband goes back to school so he can get another job.

Judith from Taylor wrote me:

We did not do anything to have this horrible circumstance come our way. Both my husband and I appreciate the work you are doing but please don't give up on us. This week we received notice that our mortgage bank has started foreclosure proceedings on our home. The frustrating thing about this is, we have been trying to sell our house since February of 2009. We have had buyers who were interested [but the] bank stopped proceedings saying they wanted more money out of us. We have been waiting since April for the bank's decision on the present purchase agreement. And the only thing we have gotten from this bank is a letter of foreclosure proceedings this week. Not like we didn't have enough to contend with, our youngest son left from Ft. Campbell, KY to the war in Afghanistan on June 9th. This is a very scary and emotional time for our family. We are definitely on overload but we are just one family of millions who are experiencing how life has changed in this world. We have strong faith in the Lord and a strong belief that life will get better. I love this country but grow weary as to the direction the country is heading. Politics should not play games with the American people's lives.

That is what is happening right now. I should mention that one of the leaders in the Republican caucus has indicated that when it comes to extending tax cuts for the wealthiest Americans, we should not worry about the debt. We should not worry about paying for those. But when it comes to helping people who are out of work, then the rules ought to be different. When it comes to helping people out of work, then we should change the rules that have been in place calling it emergency spending and require something different. If 15 million people out of work isn't an emergency, I don't know.

Dawn from Hudsonville writes:

I listen daily to the radio and I have heard the lack of progress regarding unemployment. I am blessed to have a loving and generous family so my son and I won't be homeless but there will be significant upheaval. My son will graduate from high school next year (if I'm not forced to move) . . . I have done everything I can think of to continue living here; cut expenses to the bone, free lunches for my son, visits to the food pantry—so many things I never thought I would have to do. I realize the scarcity of jobs, my age (51) is a definite factor, but I honestly never imagined the depth of this recession.

Melvin from Auburn Hills:

I urge you to please encourage your peers to reconsider their vote. Personally, I am 41 years old, had a job since I was 16, and have never collected unemployment until 2009. During the past 16 months, I returned to school and I am about to take another course. I have taken any opportunity possible to work which has included three jobs that were low paying, part time, or short term, and I don't know what I will do if these extensions stop. I have already moved to Michigan to live with family because I couldn't afford rent in Illinois anymore. However, I will be forced to live under an overpass if I can't even contribute to household expenses during this difficult time in my life. It saddens me that a hardworking person like myself is lumped into a category of "losers and mooches" by the attitude of some elected officials, when my lifetime of hard work without ever receiving any unemployment (or any other government assist-

ance) should clearly identify me as a victim of what is the worst economic time in my entire adult life. I want to work and return to a job, and that is why I am doing additional schooling to make myself stand out to potential employers. In the meantime, please help folks like me sustain our modest existence. Please encourage another vote in the Senate to extend unemployment insurance benefits.

I thank Melvin for working hard and for hanging in there. That is what we do in Michigan, we work hard. If we are knocked down, we get back up, and we go back to work. The people whose letters I have shared this evening are people who are working one or two or three part-time jobs trying to hold it together. But mom and dad may have both lost their jobs. They are trying to hold it together for their families. As Melvin said:

I don't like being lumped into a category of "losers and mooches" by the attitude of some elected officials.

People in Michigan are not losers. They are not mooches. They are people who have been caught in the middle of an economic tsunami. They didn't cause it. They weren't the ones who were reckless on Wall Street who caused us to lose jobs and lose credit availability and home mortgages and pensions and 401(k)s. They were not the ones who made the decisions that got us to this point. It is critically important they not continue to pay the price.

I see our distinguished leader on the Senate floor. I thank him for his passion and commitment for people who have lost their jobs and his commitment as soon as possible to bring this up for a vote one more time. But it is very sad that we have had to get to this point where over 1 million people have already been hurt losing their unemployment benefits and others are just holding their breath about what is going to happen. We are committed to continuing to do everything we can until we can get this done—extending unemployment benefits and remaining laser focused on jobs for the American people. We will continue to do that.

But it would be very nice if somehow one more person from the other side of the aisle would step up tonight or tomorrow and we could end what has been a nightmare for millions of Americans wondering what is going to happen to themselves and their families.

The PRESIDING OFFICER. The majority leader is recognized.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

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

WALL STREET REFORM AND CONSUMER PROTECTION ACT—CONFERENCE REPORT

Mr. REID. I now move to proceed to consideration of the conference report to accompany H.R. 4173.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment, and the Senate agree to the same, that the House recede from its disagreement to the amendment of the Senate to the title and 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 June 29, 2010, book II.)

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant bill 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 conference report to accompany H.R. 4173, the Wall Street Reform and Consumer Protection Act.

Harry Reid, Christopher J. Dodd, Charles E. Schumer, Sheldon Whitehouse, Amy Klobuchar, Thomas R. Carper, Benjamin L. Cardin, Jeff Merkley, Kay R. Hagan, John F. Kerry, Tom Harkin, Jack Reed, Frank R. Lautenberg, Mark Begich, Barbara Boxer, Mark R. Warner, Joseph I. Lieberman.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, very briefly, because the hour is late and we will have a longer time to engage in a debate about the conference report, I wish to begin this evening, as I will try to repeat during the next 2 days, with my deep appreciation to the majority leader, HARRY REID. While there were a lot of people involved in this process over the last several years who have brought us to this moment for us to consider this very important landmark piece of legislation regarding reform of our financial services, none of this ever happens unless you have a leader who makes it possible to happen.

While that is a simple enough sentence to say, there is so much that

goes into that sentence—the organization, bringing people together, seeing to it that the time is available, making sure the procedures that we will work under allow us to have a full-throated debate, as we were able to on this bill.

This bill went through almost a month of consideration on the Senate floor. We considered almost 60 different amendments offered by both parties, many of which were adopted to change the bill, added value to it. It then proceeded to a conference with the other body in which we spent another 2 weeks, well into the all-night session until June 25 in which another 60 or 70 amendments were considered, and then came back to this Chamber where we are now in the position of adopting the conference report. None of that happens without having leadership in a body that makes it possible for those events to unfold.

While there will be a lot of talk over the coming days about how this happened and what is in the bill, it is important that as we begin the conversation over the next several days, before we vote whether to accept this conference report, that I begin by expressing my gratitude to the majority leader and his staff and others who made it possible for us to arrive at this historic moment as to whether we will change the status quo and set up a regulatory structure that makes it possible for us to address future economic crises, as certain as they will occur, with the ability to deal with them early on, to avoid them becoming larger problems as this one did because we failed to have the regulatory process in place, we failed to have the kind of oversight, we failed to have the kind of protections for consumers that this bill drafts and provides for.

I thank the majority leader for his leadership. While he was not directly involved day to day, there wasn't a single occasion when I could not pick up that phone or walk into his office, cite a problem I had on how to get from point A to point B in which he didn't stop everything he was doing to make sure we could work our way through those difficulties. A lot goes on unseen on how we operate in this Chamber. But, again, when this bill is adopted, as I hope it will be, there are many people who deserve gratitude and expressions of thanks. We ought to begin by thanking the majority leader for making it possible. To him and to his staff and others, I say thank you. I look forward over the next 2 days to the debate.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I hope the distinguished Senator from Connecticut and I have an opportunity, which we will, to sit down and talk about what we have been through the last 2 years. We had a difficult situation with the banks, financial institutions going bankrupt, going to close, and we worked our way through that. We had credit card legislation that was

so very difficult. We had the housing legislation that was so extremely difficult. And, of course, we have had this.

This piece of legislation is really a masterpiece. To think that we have been able to get as far as we have—for example, in today's newspaper, it did not go unnoticed by me that Secretary Paulson said some extremely nice things about this piece of legislation. He did not have to do that. He did it because he thought it was the right thing to do. Here is a man who came to Washington inexperienced in government in any way and was given this plate of a really bad situation that developed. So we have the present Secretary of Treasury and the past Secretary of Treasury saying this is an extremely fine piece of legislation, which it is.

I have been around not as long as my friend from Connecticut in the Congress of the United States, but I have been around a long time and this really, I repeat, is a masterpiece. I think it is appropriate to acknowledge the work he has done in this legislation. He was saying nice things about me—I appreciate that—but that is really not very meaningful for someone who was watching him work his way through this legislation.

The vote is not complete yet, and we hope it will all turn out well. But there are a number of people who have been very courageous in allowing us to move forward. We will talk more about them later. They are three or four in number and we will talk about them later. But my friend and I have developed a forever friendship based on the crisis we have gone through together, and I so admire him. There will be another time for talking about his more complete service, but I can say this without any hesitation or reservation, I will so miss this man who has done such a remarkably good job for the State of Connecticut and our country in his long service. He has been an exemplary Senator to me, and I am so fortunate I have gotten to know him as well as I have.

SMALL BUSINESS LENDING FUND ACT

Mr. President, we have been on the small business jobs bill trying to work our way through, and there are a lot of issues we could work our way through, but my friends on the other side of the aisle made a decision today—maybe not tomorrow but today—to not let us move forward. I had a conversation with the Republican leader an hour or so ago and he said he wants to do some legislating on the bill tomorrow. I hope that, in fact, is the case because we are ready to do that.

This small business jobs bill is extremely important. It is a bipartisan bill and I hope we can get it completed. Having said that, I sadly report there will be no votes tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REGULATORY CAPTURE

Mr. WHITEHOUSE. Mr. President, the majority leader indicated today that he would be preparing legislation on energy to deal with a number of different issues, among them the response we should make to the terrible spill, geyser of oil gushing into the Gulf of Mexico and all the damage that has ensued in the gulf States as a result.

I come to the floor this evening to say a few words about a problem I believe we need to address in the context of this catastrophe. That problem is the problem of regulatory capture of the captive regulator. Although it comes up in the context of the failure of the Minerals Management Service to do its job to see that the private sector deepwater drilling in the gulf was done properly, it is a problem that is not limited just to the geyser of oil gushing into the Gulf of Mexico and the failure of MMS to have taken adequate steps to prevent it. It occurs in other areas as well.

One that leaps to mind is the Securities and Exchange Commission, the so-called securities watchdog which was sound asleep at the switch as the economy careened towards the huge financial meltdown with repercussions we are still seeing today.

The Senator from Michigan, Ms. STABENOW, was just talking about the catastrophes in her State and the pain that the lack of unemployment insurance is creating. That goes back to the original Wall Street meltdown, and that launched a tsunami of misery across the country that we are still dealing with today.

So if you take a look at those two catastrophes—the giant financial meltdown catastrophe, the consequences of which we are still living, that families in Rhode Island, families in Illinois, families in Michigan are still dealing with; and the disaster in the gulf that has created a catastrophe throughout Louisiana, Alabama, Florida—they have a common theme. The common theme is this issue of regulatory capture.

My hometown paper editorialized pretty trenchantly about the gulf problem. They said:

The Deepwater Horizon accident has made it painfully clear that, in its current form, MMS is a pathetic public guardian. Neither it nor BP was prepared for a disaster of this magnitude, and MMS' cozy relationship with industry is a big reason why.

The issue of regulatory capture has been written about for a long time. In 1913, Woodrow Wilson wrote:

If the government is to tell big business men how to run their business, then don't you see that big business men have to get closer to the government even than they are now? Don't you see that they must capture the government, in order not to be restrained too much by it?

“ . . . they must capture the government, in order not to be restrained too much by it.”

The first dean of the Woodrow Wilson School, Marver Bernstein, wrote, 55 years ago, that regulators tend over time to “become more concerned with the general health of the industry” and that they try “to prevent changes which will adversely affect” the industry. He said, it “is a problem of ethics and morality as well as administrative method.” He called it “a blow to democratic government and responsible political institutions.” And ultimately he said it leads to what he called “surrender.” He said, “The commission finally becomes a captive of the regulated groups.”

Even recently, the Wall Street Journal editorial page contained an article by a senior fellow at the Cato Institute, saying:

By all accounts, MMS operated as a rubber stamp for BP. It is a striking example of regulatory capture: Agencies tasked with protecting the public interest come to identify with the regulated industry and protect its interests against that of the public. The result: Government fails to protect the public.

So from Woodrow Wilson, in 1913, through Marver Bernstein, 55 years ago, to the Wall Street Journal editorial page just this month, the identification of the problem at MMS with the doctrine of regulatory capture I think is clear.

So the question is, What are we going to do about that? It has been a recurring problem, and the difficulty is that for the regulatory agency, they are constantly engaged with the regulated industry. The industry is there all the time. The industry is pushing on them all the time. The industry is on the other side of the revolving door of jobs, often. The industry has lawyers and lobbyists working the agency. The industry threatens lawsuits if it gets regulations it does not like, and is accommodating and friendly when it gets regulations it does like. In some cases, such as MMS, the relationship gets completely toxic and you get social events with industry representatives, including illegal drug use and sex. You get staff failing to collect millions of dollars in royalties owed to the American people. You get senior executives steering contracts to an outside company created by those executives. You get district managers telling investigators: Hey, obviously we are all oil industry. You get employees accepting gifts from the companies regulated by MMS, trips to the Peach Bowl on a private airplane, skeet shooting contests, hunting and fishing trips, golf tournaments.

You get an MMS inspector inspecting the oil drilling platforms of a company that he has a job application in with. While they are considering whether to hire him, he is inspecting their oil drilling rigs. I guess it comes as no surprise that in those oil rig inspections he found no violations. But that is an environment in which the regulatory

agency has yielded to this long recognized problem of regulatory capture. So I think it is time we did something about it.

It is a doctrine that has been known for many years, and clearly both at the Securities and Exchange Commission and at MMS it has been realized, and it has been realized in ways that are extraordinarily painful and damaging for America. It has been realized in ways that are truly catastrophic—in one case, for our economy, in another case, for the environment of the gulf area.

What I have proposed is that we authorize the Attorney General of the United States, at the direction of the President or upon the invitation of a Cabinet official who senses a concern about that agency, to make a determination whether that agency is still truly independent of the industry it is supposed to regulate. If the President or the Cabinet official deemed that component no longer credibly independent of the corporation or the industry it is supposed to regulate, then the Attorney General is allowed to step in and clean up.

It is as simple as that. They would be charged to hire and fire and take personnel actions; to ensure the integrity of the personnel within the component; to establish interim regulations and procedures; to ensure the integrity of a process in the component of government. They would be charged to audit the permits and the contracts and ensure that the component of government has signed off on them legitimately, and if it appears that the permits or contracts have been affected by improper corporate influence, to recall them and renegotiate them so that they are done fairly and squarely and not a friendly negotiation in which both sides of the negotiation are, in effect, working for the industry and no one is representing the public interest. They would be charged to establish an integrity plan for that component and then to clear out once his or her job is done.

We have known about regulatory capture now for a century. We have seen it in action throughout that period. We have had two of the most catastrophic examples of regulatory capture happen just now on our watch, and in all this time we have never really come up with a mechanism for addressing it, because the pressure on these regulatory agencies is systemic, because it is constant and persistent, because it is done quietly. The industry doesn't come in and say: We are taking over. News flash to the world: This isn't going to be an independent agency any longer.

No. Quietly, as quietly as they can, they slip their tentacles deeper and deeper and deeper into the agency until they quietly control it—surreptitiously, stealthily, but they own it—and the interest that agency wants to serve is now the corporate interest and not the public interest.

So if we are going to face up to a problem that is that persistent, that

constant, which has been recognized for a century and has recently yielded the two biggest disasters, economic and environmental, this country has recently seen, we have to create a persistent counterpressure. I think the threat of the Attorney General of the United States, our top law enforcement officer, coming in and cleaning house is that kind of persistent counterpressure we need.

So I urge my colleagues, as we discuss the different provisions we are going to bring to bear that are going to be our lessons learned from the gulf catastrophe, that we not overlook what is probably the biggest lesson of all: the lesson we have known for a long time about the problem of regulatory capture and the incidence of regulatory capture in these particular cases bearing such painful, damaging fruit, such bitter harvest for the American people.

I will continue to push. If colleagues have ideas they think would improve it, I would be delighted to discuss those ideas. I think we will have failed in our duty to the public if we do not take away from the financial disaster caused by the deliberately blind eye of the Securities and Exchange Commission and the catastrophe caused by the complete co-opt of MMS—if we don't take away from those the lesson that this can't be tolerated anymore.

Regulatory capture is no longer a theory; it has been proven to be a disastrous practice in at least those two agencies, and we don't know how many more agencies are in a similar position. The disaster may not yet have happened, but they may be just as captive. When you think of the billions and billions of dollars of taxpayer value in Federal land, in timber leases, in mining leases within the continental United States, in contrast with giant corporations; when you think of that huge pile of public wealth from which the giant corporations feed, it is hard to imagine they are not working just as hard to co-opt the regulators who protect that wealth as they work to successfully co-opt the regulators who are supposed to be watching the Wall Street financiers and who are supposed to be watching big oil as it drilled in the gulf.

So let's not overlook this lesson. I am willing to consider a lot of ideas that will help get us there. I put this out because it is the best one I have come up with yet, and I look forward to working with folks. It is too important that we don't go away from this having failed in our duty to protect the American public from the next disaster.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO MARCA BRISTO

Mr. DURBIN. Mr. President, I rise today to honor my dear friend Marca Bristo and recognize her work as a disability rights activist and the community-based disability agency, Access Living, that she founded 30 years ago in my home State of Illinois.

Access Living opened its doors in 1980 to ensure that people with disabilities had equal rights.

Three decades ago, people with disabilities faced a world of dependency. Even though Congress had enacted important legislation such as the Rehabilitation Act of 1973 to prevent discrimination and the Individuals with Disabilities Education Act of 1975 to expand learning opportunities for those with disabilities, people with disabilities still lacked equal rights. Social prejudice fueled discrimination against people with disabilities in housing, employment and basic public accommodations. The concepts of independent living, wheelchair accessible public transportation and quality jobs were not yet part of everyday life.

Access Living was founded to insist on independent living options and higher quality of life for people with disabilities. The agency is governed and staffed by people with disabilities and operates under a fundamental belief that people with disabilities must become a political force if they are to effect social change. Marca Bristo, Access Living's president and CEO, knows that pride and commitment to social change is the most effective way to ensure that civil rights are enforced.

This passion stems from a personal experience. A diving accident at the Pratt Boulevard Beach pier left Marca partially paralyzed in 1977. Through this tragedy, she re-imagined her capabilities to work and thrive from a wheelchair. However, the adjustment was not always easy, because cultural and even physical barriers stood in her way.

Early in Marca's disability, the city of Chicago lacked curb cuts on public streets, which made it hard for her to travel up and down city blocks in her wheelchair. This restriction prevented Marca from accomplishing basic errands such as a trip to the grocery store or a pick-up from the dry cleaners and from using public transportation to commute to work.

Marca and Access Living's vision of equality led to architectural and attitudinal changes in the city of Chicago

and throughout the country. Years of litigation led the Chicago Transit Authority to add wheelchair lifts to their mainline buses. The city has also incorporated scrolling marquees, audible street announcements and thousands of curb cuts to make transportation feasible for people with disabilities.

Beyond these physical changes, Marca has also worked tirelessly to break down cultural barriers and integrate people with disabilities into community life. Access Living's work fosters dignity, pride, and self-esteem in people with disabilities. With that in place, they can choose individualized, satisfying lives.

It turns out, I am not the only person who has been impressed by Marca's leadership and vision for change. She was appointed by President Clinton to chair the Nation Council on Disability. She was here, fully engaged in the fight, when Congress wrote the Americans with Disabilities Act of 1990. She has also served as president of the National Council on Independent Living and is currently president of the U.S. International Council on Disabilities—USICD.

But the ADA means only as much as its implementation. We have work to do eliminating discrimination in employment, public services and public accommodations in the United States. As the ADA turns 20 in this month, we recognize the law's and Access Living's work to increase the visibility of people with disabilities in our country.

We as a Nation should also look to be global leaders in this arena. Through her work with USICD, I am confident that Marca will continue to focus the energy, expertise and resources of the U.S. Government and disability community to improve the lives of people with disabilities worldwide.

Fair and equal treatment is a cornerstone of our society and political system. Access Living and Marca Bristo's dedication to ending discrimination against people with disabilities have improved the lives of families in Chicago and nationwide.

TRIBUTE TO KENTUCKY HONOR FLIGHT MEMBERS

Mr. McCONNELL. Mr. President, today I rise to recognize 35 Kentucky veterans who recently came to Washington, DC to visit the memorial they helped to inspire. A few weeks ago, this group of distinguished men and women were able to visit our Nation's Capital, some for the first time, because of the Honor Flight Program.

The Bluegrass Honor Flight chapter has brought over 600 veterans from Kentucky to Washington, DC, providing these brave patriots the opportunity to see firsthand the memorial built in their honor. The program provides transportation, lodging and food for these veterans, who otherwise may not have been able to visit the Capital or the monuments they inspired.

These brave individuals answered the call to duty by stepping up when their

Nation needed them most. The sacrifices they made were extraordinary. With unyielding commitment to our great Nation, these men and women bravely served and defended the freedom and rights that we cherish. The courage shown by America's veterans will be long appreciated and never forgotten. And after their years of service, I am proud to be able to honor them today.

I would ask that my colleagues join me in honoring these Kentucky veterans:

Dewey Abrams, Charles Adams, Geneva Address, Algernon Rowland, Jim Booher, Ralph Brewer, George Capito, Paul Chandler, Donald Cooper, Roland Davis, Miram Dewart, Cecil Dunn, Charles Wilson, Harris Gibboney, George Hauck, Joe Hutchins, Gerald Kincaid, Robert Koegel, Anne Laing, John Fultz, William Malcolm, Edward Martin, Cecil McGee, Frank Milburn, Howell Moore, Kenneth Oster, Obie Owens, Reverend Thomas Pittman, John Krabbenhoft, Dewitt Rowland, Elmer Susemichel, Donald Thom, Roger Tyler, William Warde and Richard Zapp.

RECOGNIZING THE URSULINE SISTERS OF LOUISVILLE

Mr. McCONNELL. Mr. President, I rise today to bring to my colleagues' attention the work of the Ursuline Sisters of Louisville, which will soon receive a special recognition from the Commonwealth of Kentucky for their decades of service.

The Ursuline Sisters began their ministry in Kentucky in 1858 when three Sisters from Germany, led by Mother Salesia Reitmeier, answered a call to teach at St. Martin School in Louisville. Within 2 weeks of their arrival, the Sisters were teaching 50 students and had plans to construct a convent and boarding school on the corner of Chestnut and Shelby streets in Louisville, KY. The building was completed in 1859 and became the home of the Ursuline Academy. The new boarding school for girls offered classes from elementary through high school.

Soon the Ursuline Sisters were asked to operate and staff other schools. They established Sacred Heart Academy in 1877. Within 100 years of their establishment in Kentucky, the Ursuline Sisters had staffed or were staffing 23 parochial schools in the Louisville area, as well as schools in other States. They owned and operated Ursuline College, Ursuline Academy, Sacred Heart Academy, Sacred Heart Model School and the Ursuline Speech Clinic. The original Motherhouse and Convent for the Ursuline Sisters is located near the original school in downtown Louisville that was established by those three German immigrants 152 years ago and is listed in the National Park Service's National Register of Historic Places.

These Sisters serve as educators, spiritual ministers, health care professionals, and administrators. They operate programs for the poor and disenfranchised and continue to search for ways to assist others to grow personally and spiritually.

On July 25, 2010, the Ursuline Sisters' history of ministry and service will be recognized by the Commonwealth of Kentucky with the placement of a historical marker outside that original location on Chestnut Street. This marker will note the founding and mission of the Ursuline Sisters and inform people of the contributions these Sisters have made to the community.

While the true record of their good deeds will continue to be chronicled in a place not of this Earth, it is entirely appropriate for the Commonwealth to take note of the good work the Ursuline Sisters have done for my hometown. And I hope my colleagues will join me in congratulating the Ursuline Sisters for all their hard work of ministering to mind, body and spirit.

REMEMBERING SENATOR ROBERT C. BYRD

Ms. SNOWE. Mr. President, I join with my colleagues today to express my profound and heartfelt sadness on the passing of Senator Robert C. Byrd, as the U.S. Senate, the people of West Virginia, and our entire Nation mourn the loss of a giant of public service—a distinguished, iconic legislator whose life and legacy will forever be synonymous with the greatest deliberative body the world has ever known.

Senator Byrd's counsel, wisdom, and knowledge of the Senate was unmatched and awe-inspiring. As the longest-serving Member of Congress and a former majority and minority leader of the Senate, Senator Byrd was time and again the conscience and champion of Congress and a vigorous and stalwart sentinel of the first branch of our government. Protector, steward, advocate, and guardian these descriptions only begin to convey Senator Byrd's lifelong commitment to the Senate in which he served for a record 51 years and an unprecedented nine terms.

No one fought more to ensure the preservation of the U.S. Senate and its constitutional prerogatives than Senator Byrd. No one was more masterful in comprehending and harnessing the powers of parliamentary procedure in the upper Chamber. No one was fiercer in battling against any encroachments that would dilute or diminish the role of Congress as a coequal branch of government. And no one possessed greater command of Senate history and used it to better effect than Senator Byrd, who himself authored a four-volume history of the Senate.

The same zeal with which Senator Byrd demonstrated his allegiance to the legislative branch was every bit as evident in his unshakable dedication to the U.S. Constitution itself—a pocket-

sized copy of which he carried at all times. In fact, like many of my colleagues, I will never forget as a member of the "Gang of 14," which was forged at a time when the very institution of the Senate was caught in the crosshairs of a struggle over judicial nominations, how each of us received a copy of the Constitution from Senator Byrd. With one symbolic gesture as only he could, Senator Byrd spoke volumes about the historic imperative that was ours to seize if we were to jettison the partisanship that threatened our Chamber.

Senator Byrd's reverence for history stemmed of course from the premium he placed on education, and as much as anyone who ever occupied a seat in the Senate, Senator Byrd exemplified the American story of the self-made individual. During his remarkable trajectory from humble beginnings in the southern coalfields of West Virginia, Senator Byrd was an ardent believer in learning not only as the great equalizer in American life, but as a catalyst for personal and professional success. A self-educated man, Senator Byrd's knowledge of Shakespeare, the Holy Bible, and the pillars of thought from Ancient Greece and Rome formed the basis of an eloquence and service that will reverberate not only in the hallowed Halls of Congress, but also throughout his beloved home State—which he served so passionately—for generations to come.

Indeed, his roots in West Virginia were ever-present and the indispensable lifeblood that spurred him to political and legislative heights that were the capstone of his landmark tenure in public service. Indisputably, he never forgot where he came from, and in fact, always remembered he stood on the shoulders of every West Virginian who sent him back to the U.S. Senate term after term. And as much as Senator Byrd revered Congress, the Constitution, and his fellow West Virginians, nowhere was his devotion greater than with his beloved Erma, his wife of nearly 69 years, and they now are finally together in their eternal resting place.

As a Senator from Maine, it is only fitting that I pay tribute to Senator Byrd by citing the opening lines by the immortal American poet and Son of Maine, Henry Wadsworth Longfellow, that I so often heard him quote from memory on the Senate floor . . . "Thou, too, sail on, O Ship of State! Sail on, O Union, strong and great! Humanity with all its fears, / With all the hopes of future years . . ." Our Ship of State sails better for Senator Byrd's having lived, served, and led. But today, our Ship of State sails at a slower pace as we pause to pay our respects and mourn the loss of a man whose like we will never see again. The Senate will not be the same without the Senator from West Virginia, Robert C. Byrd.

Ms. MURKOWSKI. Mr. President, I rise today to pay tribute to my friend

and dear colleague, Senator Robert C. Byrd, who left us on Monday, June 28, 2010 at the age of 92. Senator Byrd was the longest serving member of the Senate. It is noteworthy that he was sworn in as a U.S. Senator on January 3, 1959, the same day Alaska was admitted as the 49th State.

How does one do justice to a life as full, as human, as authentic, as uniquely American as that of Senator Byrd's in just a few minutes? Born in poverty, a self-described foster son of an impoverished coal miner, a product of a two-room schoolhouse, he went on to walk with kings, to meet with prime ministers, and to debate with Presidents. Only in America could one come so far from so little. His is a textbook case of American exceptionalism.

Robert C. Byrd was a man of principle who was unwavering in his priorities. The Lord came first, his family second, and then the business of West Virginia and Nation. Senator Byrd was remarkable in that he could juggle all of these obligations with apparent ease.

He was a man who carried the Constitution in his breast pocket, closest to his heart. A fierce protector of the prerogatives of the Senate, he frequently recalled that the Congress is mentioned in the Constitution before the Executive. He once remarked, "I am not the President's man. I am a Senate man."

So many of our colleagues take delight in this quote from *The Almanac of American Politics* and it bears repeating. The *Almanac* described Senator Byrd as the one among us who "may come closest to the kind of senator the Founding Fathers had in mind than any other."

On the occasion of his 90th birthday, Senator Ted Stevens referred to Senator Byrd as a "symbol of the Senate," adding that, "No man has taught the Senate more than Robert C. Byrd."

Senator Byrd made it his personal responsibility to educate new Senators in the history and traditions of the Senate and to mentor us along. He made a real difference in my orientation to the Senate. His statesmanship was an inspiration to me. It was an inspiration to all of us.

As contentious as our debates may seem, as partisan as we often seem to the American public, the Senate prefers to regard itself as a family. Yes, a family that fights, but a family nonetheless.

Senator Stevens once observed, "As part of the Senate family, Senator Byrd is not only a gentleman, he has been a person who has reached out to us in personal times as well."

I came to know that well after I injured my leg in a skiing accident last year. For a period of time I had to navigate the Senate floor in a wheelchair. The Senate floor is not exactly wheelchair friendly, but Senator Byrd had adapted to the challenge. One day, as we were going to the floor to vote, our wheelchairs met and we reached

out to hold hands as we wheeled our chairs to the well of the Senate.

Like Ted, I loved Robert C. Byrd. Yet I regret that I never had the opportunity to enjoy the close friendship that my colleague Ted Stevens did.

Yes, they had their spats, but Senator Stevens and Senator Byrd regarded each other as family. Senator Stevens' daughter Lily referred to Senator Byrd as an uncle. Senator Byrd published in the CONGRESSIONAL RECORD excerpts from Lily's senior thesis from Stanford, "The Message of the Dome: The United States Capitol in the Popular Media."

Senator Stevens began working with Senator Byrd in 1968. In 1972, they joined each other on the Senate Appropriations Committee. Both served as President pro tempore of the Senate, a position reserved for the most senior Member of the Senate in the majority party. Yet as Senator Byrd liked to note, Ted was a relative youngster.

Working together on a bipartisan basis, Ted Stevens helped Robert Byrd lift West Virginia out of poverty. And Senator Byrd demonstrated great empathy for Senator Stevens' crusade to end the third-world conditions that plague Alaska's Native people in the more than more than 230 traditional villages of rural Alaska. Like the West Virginia of Robert Byrd's childhood, rural Alaska lacked the sorts of infrastructure that the rest of America takes for granted—lack of road infrastructure, a lack of basic sanitation facilities, unreliable electricity, and unemployment.

This may explain why Senator Byrd was greatly sympathetic to Senator Stevens' crusade to bring indoor plumbing to rural Alaska, to eliminate the honeybucket. Alaska's Denali Commission was modeled closely after the Appalachian Regional Commission, which Senator Byrd championed for decades.

Ted Stevens and Robert Byrd worked together to make things better for the people of rural Alaska. Our Native people deeply appreciate the Alaska legacy of Robert C. Byrd.

On the occasion of Senator Stevens' farewell from the Senate in 2008, a tearful Robert C. Byrd came to the Senate floor and said this "Politics is a rough business, with lots of highs and lots of lows. After a long time in politics, I come to understand that the point of it all is helping people. Thank God we will be judged in the next world by the good we do in this world."

On Monday, our dear friend, Senator Byrd, joined his beloved wife Erma in Heaven, where he will be judged by all of the good he has done for his Lord, his family, the people of West Virginia, and the Nation. I will miss him greatly.

On behalf of Alaska's people, I extend my condolences to Senator Byrd's daughters Mona and Marjorie, his five grandchildren and seven great-grandchildren, to the people of West Virginia, and to all who knew and loved this great American.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another 8 months have passed, and more American troops have lost their lives overseas in Iraq and Afghanistan. I wish to honor their service and sacrifice by including their names in the CONGRESSIONAL RECORD.

Since I last included the names of our fallen troops on November 2, 2009, the Pentagon has announced the deaths of 313 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten, and today I submit their names into the RECORD:

SSG Jesse W. Ainsworth, of Dayton, TX; SGT Donald R. Edgerton, of Murphy, NC; SPC Joseph W. Dimock II, of Wildwood, IL; SPC Robert W. Crow, of Kansas City, MO; PFC Anthony W. Simmons, of Tallahassee, FL; PFC Michael S. Pridham, of Louisville, KY; SPC Roger Lee, of Monterey, CA; SSG Marc A. Arizmendez, of Anaheim, CA; SPC Jerod H. Osborne, of Roysce City, TX; SPC Keenan A. Cooper, of Wahpeton, ND; PFC Jacob A. Dennis, of Powder Springs, GA; SGT Andrew J. Creighton, of Laurel, DE; SSG Christopher F. Cabacoy, of Virginia Beach, VA; PFC Edwin C. Wood, of Omaha, NE; SGT Jordan E. Tuttle, of West Monroe, LA; PFC David Jefferson, of Philadelphia, PA; SPC Clayton D. McGarrath, of Harrison, AR; SPC Louis R. Fastuca, of West Chester, PA; Capt. David A. Wisniewski, of Menville, IA; PFC Ryan J. Grady, of Bristow, OK.

SGT Johnny W. Lumpkin, of Columbus, GA; SPC Morganne M. McBeth, of Fredricksburg, VA; SFC Kristopher D. Chapleau, of LaGrange, KY; Cpl Larry D. Harris Jr., of Thornton, CO; SPC Matthew R. Hennigan, of Las Vegas, NV; SSG Brandon M. Silk, of Orono, ME; SGT David W. Thomas, of St. Petersburg, FL; SSG Eric B. Shaw, of Exeter, ME; SGT David A. Holmes, of Tennille, GA; PFC Bryant J. Haynes, of Epps, LA; SGT John M. Rogers, of Scottsdale, AZ; PFC Robert K. L. Repkie, of Knoxville, TN; LCpl William T. Richards, of Trenton, GA; PFC Russell E. Madden, of Dayton, KY; Cpl Daane A. Deboer, of Ludington, MI; SPC Jared C. Plunk, of Stillwater, OK; SPC Blair D. Thompson, of Rome, NY; Sgt Joseph D. Caskey, of Pittsburgh, PA; SSG Edwardo Lored, of Houston, TX; 1SG Robert N. Barton, of Roxie, MS.

SPC Russell E. Madden, of Dayton, KY; PFC Anthony T. Justesen, of Wilsonville, OR; Cpl Joshua R. Dumaw, of Spokane Valley, WA; Cpl Kevin A. Cueto, of San Jose, CA; Cpl Claudio Patino IV, of Yorba Linda, CA; SGT Andrew R. Looney, of Owasso, OK; PFC David T. Miller, of Wilton, NY; 1SG Eddie Turner, of Fort Belvoir, VA; SPC Jacob P. Dohrenwend, of Milford, OH; LCpl Timothy G. Serwinowski, of North Tonawanda, NY; SPC Scott A. Andrews, of Fall River, MA; SSG James P. Hunter, of South Amherst, OH; PFC Benjamin J. Park, of Fairfax Station, VA; SPC Nathan W. Cox, of Fremont, CA; PFC Gunnar R. Hotchkin, of Naperville, IL; SPC Joseph D. Johnson, of Flint, MI; CPT Michael P. Cassidy, of Simpsonville, SC; SN William Ortega, of Miami, FL; SPC Benjamin D. Osborn, of Queensbury, NY; LCpl Michael C. Bailey, of Park Hills, MO.

Cpl Jeffrey R. Standfest, of St. Clair, MI; SPC Blaine E. Redding, of Plattsmouth, NE; SPC Charles S. Jirtle, of Lawton, OK; SPC Matthew R. Catlett, of Houston, TX; SGT Joshua A. Lukeala, of Yigo, GU; SPC Christopher W. Opat, of Spencer, IA; SPC Brian M. Anderson, of Harrisonburg, VA; SGT Mario Rodriguez, of Smithville, TX; SPC Christian

M. Adams, of Sierra Vista, AZ; CPL William C. Yauch, of Batesville, AR; SGT Israel P. Obryan, of Newbern, TN; SSG Bryan A. Hoover, of West Elizabeth, PA; SFC Robert J. Fike, of Conneautville, PA; LCpl Gavin R. Brummund, of Arnold, CA; LCpl Michael G. Plank, of Cameron Mills, NY; SrA Benjamin D. White, of Erwin, TN; SSgt David C. Smith, of Eight Mile, AL; 1st Lt. Joel C. Gentz, of Grass Lake, MI; SSgt Michael P. Flores, of San Antonio, TX; SGT Erick J. Klusacek, of Calcium, NY.

Sgt Zachary J. Walters, of Palm Coast, FL; Sgt Derek L. Shanfield, of Hastings, PA; SGT Steve M. Theobald, of Goose Creek, SC; SPC Brendan P. Neenan, of Enterprise, AL; Sgt John K. Rankel, of Speedway, IN; 2LT Michael E. McGahan, of Orlando, FL; Cpl Donald M. Marler, of St. Louis, MO; LCpl Derek Hernandez, of Edinburg, TX; Sgt Brandon C. Bury, of Kingwood, TX; 1LT Joseph J. Theinert, of Sag Harbor, NY; PVT Francisco J. Guardado-Ramirez, of Sunland Park, NM; SPC Jonathan K. Peney, of Marietta, GA; PFC Alvaro R. Regalado Sessarego, of Virginia Beach, VA; PFC Jake W. Suter, of Los Angeles, CA; LCpl Anthony A. Dilisio, of Macomb, MI; Cpl Jacob C. Leicht, of College Station, TX; SGT Edwin Rivera, of Waterford, CT; MAJ Ronald W. Culver Jr., of Shreveport, LA; PFC Christopher R. Barton, of Concord, NC; SSG Amilcar H. Gonzalez, of Miami, FL.

SPC Stanley J. Sokolowski III, of Ocean, NJ; PFC Jason D. Fingar, of Columbia, MO; LCpl Philip P. Clark, of Gainesville, FL; PFC Billy G. Anderson, of Alexandria, TN; SSG Shane S. Barnard, of Desmet, SD; LCpl Patrick Xavier Jr., of Pembroke Pines, FL; SPC Joshua A. Tomlinson, of Dubberly, LA; SSgt Richard J. Tieman, of Waynesboro, PA; LTC Thomas P. Belkofer, of Perrysburg, OH; LTC Paul R. Bartz, of Waterloo, WI; COL John M. McHugh, of West Caldwell, NJ; SSG Adam L. Perkins, of Antelope, CA; Cpl Nicholas D. Paradarodriguez, of Stafford, VA; PO3 Zarian Wood, of Houston, TX; SGT Denis D. Kisseloff, of Saint Charles, MO; Sgt Joshua D. Desforges, of Ludlow, MA; Sgt Donald J. Lamar II, of Fredericksburg, VA; Sgt Kenneth B. May, Jr., of Kilgore, TX; Cpl Jeffrey W. Johnson, of Tomball, TX; SPC Jeremy L. Brown, of McMinnville, TN.

Cpl Kurt S. Shea, of Frederick, MD; CPT Kyle A. Comfort, of Jacksonville, AL; LCpl Christopher Rangel, of San Antonio, TX; LCpl Joshua M. Davis, of Perry, IA; SSG Esau S.A. Gonzales, of White Deer, TX; LCpl Richard R. Penny, of Fayetteville, AK; SPC Wade A. Slack, of Waterville, ME; SPC Eric M. Finniginam, of Colonia, FM; 1st Lt. Brandon A. Barrett, of Marion, IN; MSG Mark W. Coleman, of Centerville, WA; SGT Ralph Mena, of Hutchinson, KS; A1C Austin H. Gates Benson, of Hellertown, PA; SGT Anthony O. Magee, of Hattiesburg, MS; 1LT Salvatore S. Corma, of Wenonah, NJ; SGT Nathan P. Kennedy, of Claysville, PA; SGT Keith A. Coe, of Auburndale, FL; SGT Grant A. Wichmann, of Golden, CO; LCpl Thomas E. Rivers, Jr., of Birmingham, AL; SGT Jason A. Santora, of Farmingville, NY; SGT Ronald A. Kubik, of Brielle, NJ.

SSG Christopher D. Worrrell, of Virginia Beach, VA; CSM John K. Laborde, of Waterloo, IA; SGT Robert J. Barrett, of Fall River, MA; PFC Charlie C. Antonio, of Kahului, HI; SSG James R. Patton, of Fort Benning, GA; SGT Michael K. Ingram, Jr., of Monroe, MI; SGT Randolph A. Sigley, of Richmond, KY; PFC Jonathon D. Hall, of Chattanooga, TN; CPL Michael D. Jankiewicz, of Ramsey, NJ; SPC Joseph T. Caron, of Tacoma, WA; SGT Sean M. Durkin, of Aurora, CO; SGT Roberto E. Diaz Borio, of San Juan, PR; PFC William A. Blount, of Petal, MS; 1LT Robert W. Collins, of Tyrone, GA; SMSgt James B. Lackey, of Green Clove Springs, FL; Maj. Randell

D. Voas, of Lakeville, MN; SGT Kurt E. Kruze, of Hancock, MN; LCpl Curtis M. Swenson, of Rochester, MN; SSG Scott W. Brunkhorst, of Fayetteville, NC; Sgt Frank J. World, of Buffalo, NY.

LCpl Tyler O. Griffin, of Voluntown, CT; LT Miroslav Zilberman, of Columbus, OH; PFC Raymond N. Pacleb, of Honolulu, HI; SPC James L. Miller, of Yakima, WA; LCpl Randy M. Heck, of Steubenville, OH; LCpl Jacob A. Ross, of Gillette, WY; LCpl Rick J. Centanni, of Yorba Linda, CA; SgtMaj Robert J. Cottle, of Whittier, CA; SFC Carlos M. Santos-Silva, of Clarksville, TN; LCpl Justin J. Wilson, of Palm City, FL; SPC Robert M. Rieckhoff, of Kenosha, WI; CPO Adam Brown, of Hot Springs, AR; SGT Joel D. Clarkson, of Fairbanks, AK; GySgt Robert L. Gilbert II, of Richfield, OH; SSG Richard J. Jordan, of Tyler, TX; SPC Steven J. Bishop, of Christiansburg, VA; SFC Glen J. Whetten, of Mesa, AZ; PFC Erin L. McLyman, of Federal Way, WA; Cpl Jonathan D. Porto, of Largo, FL; LCpl Garrett W. Gamble, of Sugarland, TX.

PFC Jason M. Kropat, of White Lake, NY; SGT Jonathan J. Richardson, of Bald Knob, AR; PVT Nicholas S. Cook, of Hungry Horse, MT; SPC Lakeshia M. Bailey, of Columbus, GA; SGT Aaron M. Arthur, of Lake City, SC; SPC Alan N. Dikcis, of Niagara Falls, NY; SGT Anthony A. Paci, of Rockville, MD; LCpl Nigel K. Olsen, of Orem, UT; SGT Vincent L.C. Owens, of Fort Smith, AR; LCpl Carlos A. Aragon, of Orem, UT; SPC Ian T.D. Gelig, of Stevenson Ranch, CA; SPC Matthew D. Huston, of Athens, GA; SPC Josiah D. Crumpler, of Hillsborough, NC; SSG William S. Ricketts, of Corinth, MS; SGT William C. Spencer, of Tacoma, WA; CPL Daniel T. O'Leary, of Youngsville, NC; SGT Marcos Gorra, of North Bergen, NJ; CW2 Billie J. Grinder, of Gallatin, TN; CPT Marcus R. Alford, of Knoxville, TN; PFC JR Salvacion, of Ewa Beach, HI.

LCpl Eric L. Ward, of Redmond, WA; LCpl Matthias N. Hanson, of Buffalo, KY; SSG Michael David P. Cardenaz, of Corona, CA; SSG Christopher W. Eckard, of Hickory, NC; LCpl Adam D. Peak, of Florence, KY; Cpl Gregory S. Stultz, of Brazil, IN; LCpl Joshua H. Birchfield, of Westville, IN; Sgt Jeremy R. McQueary, of Columbus, IN; LCpl Kielin T. Dunn, of Chesapeake, VA; LCpl Larry M. Johnson, of Scranton, PA; PFC Kyle J. Coutu, of Providence, RI; PFC Charles A. Williams, of Fair Oaks, CA; PFC Eric D. Currier, of Londonderry, NH; LCpl Alejandro J. Yazzie, of Rock Point, AZ; SPC Bobby J. Pagan, of Austin, TX; SGT Jeremiah T. Wittman, of Darby, MT; SSG John A. Reiners, of Lakeland, FL; PO1 Sean L. Caughman, of Fort Worth, TX; LCpl Noah M. Pier, of Charlotte, NC; PFC Jason H. Estopinal, of Dallas, GA.

Cpl Jacob H. Turbett, of Canton, MI; PFC Adriana Alvarez, of San Benito, TX; SGT Adam J. Ray, of Louisville, KY; SGT Dillon B. Foxx, of Traverse City, MI; SSG Mark A. Stets, of El Cajon, CA; SFC Matthew S. Sluss-Tiller, of Callettsburg, KY; SFC David J. Hartman, of Okinawa, Japan; PFC Zachary G. Lovejoy, of Albuquerque, NM; CPT Daniel Whitten, of Grimes, IA; SSG Rusty H. Christian, of Greenville, TN; LCpl Michael L. Freeman Jr., of Fayetteville, PA; SPC Marc P. Decoteau, of Waterville Valley, NH; CPT David J. Thompson, of Hooker, OK; Sgt David J. Smith, of Frederick, MD; PFC Scott G. Barnett, of Concord, CA; SGT Carlos E. Gill, of Fayetteville, NC; LCpl Zachary D. Smith, of Hornell, NY; LCpl Timothy J. Poole, of Bowling Green, KY; Sgt Daniel M. Angus, of Thonotosassa, FL; LCpl Jeremy M. Kane, of Towson, MD.

PO2 Xin Qi, of Cordova, TN; PFC Gifford E. Hurt, of Yonkers, NY; SSG Thaddeus S. Montgomery II, of West Yellowstone, MT;

CPT Paul Pena, of San Marcos, TX; SFC Michael P. Shannon, of Canadensis, PA; TSgt Adam K. Ginet, of Knightdale, NC; SPC Robert Donevski, of Sun City, AZ; SSG Anton R. Phillips, of Inglewood, CA; PFC Geoffrey A. Whitsitt, of Taylors, SC; SSG Daniel D. Merriweather, of Collierville, TN; SGT Lucas T. Beachnaw, of Lowell, MI; Sgt Christopher R. Hrbek, of Westwood, NJ; SPC Kyle J. Wright, of Romeoville, IL; Cpl Nicholas K. Uzenski, of Tomball, TX; Cpl Jamie R. Lowe, of Johnsonville, IL; SSG Matthew N. Ingham, of Altoona, PA; PFC Michael R. Jarrett, of North Platte, NE; LCpl Jacob A. Meinert, of Fort Atkinson, WI; LCpl Mark D. Juarez, of San Antonio, TX; SFC Jason O. B. Hickman, of Kingsport, TN.

SPC David A. Croft Jr., of Plant City, FL; PFC John P. Dion, of Shattuck, OK; SPC Brian R. Bowman, of Crawfordsville, IN; SGT Joshua A. Lengstorf, of Yoncalla, OR; SrA Bradley R. Smith, of Troy, IL; SPC Brushaun X. Anderson, of Columbus, GA; SSG Ronald J. Spino, of Waterbury, CT; SPC Jason M. Johnston, of Albion, NY; SSG David H. Gutierrez, of San Francisco, CA; LCpl Omar G. Roebuck, of Moreno Valley, CA; SGT Albert D. Ware, of Chicago, IL; PFC Serge Kropov, of Hawley, PA; TSgt Anthony C. Campbell Jr., of Florence, KY; PVT Jhanner A. Tello, of Los Angeles, CA; PFC Jaicia L. Pauley, of Austell, GA; Sgt Ralph Anthony Webb Freitas, of Detroit, MI; SSG Dennis J. Hansen, of Panama City, FL; Cpl Xhacob Latorre, of Waterbury, CT; SGT Elijah J. Rao, of Lake Oswego, OR; SGT Kenneth R. Nichols Jr., of Chrisman, IL.

LCpl Jonathan A. Taylor, of Jacksonville, FL; PFC Derrick D. Gwaltney, of Cape Coral, FL; SGT Brandon T. Isip, of Richmond, VA; PO3 David M. Mudge, of Sutherland, OR; PFC Michael A. Rogers, of White Sulphur Springs, MT; SGT Jason A. McLeod, of Crystal Lake, IL; SSG Matthew A. Pucino, of Cockeysville, MD; PFC Marcus A. Tynes, of Moreno Valley, CA; SGT James M. Nolen, of Alvin, TX; SGT Briand T. Williams, of Sparks, GA; LCpl Nicholas J. Hand, of Kansas City, MO; SGT Daniel A. Frazier, of Saint Joseph, MI; SSG John J. Cleaver, of Marysville, WA; PO2 Brian M. Patton, of Freeport, IL; SPC Joseph M. Lewis, of Terrell, TX; SSG Ryan L. Zorn, of Upton, WY; SGT Benjamin W. Sherman, of Plymouth, MA; SPC Christopher J. Coffland, of Baltimore, MD; Cpl Shawn P. Hefner, of Hico, TX; SSG Stephen L. Murphy, of Jaffery, NH.

LCpl Justin J. Swanson, of Anaheim, CA; CW2 Earl R. Scott III, of Jacksonville, FL; CW2 Mathew C. Heffelfinger of Kimberly, ID; Sgt Charles I. Cartwright, of Union Bridge, MD; SPC Gary L. Gooch Jr., of Ocala, FL; SPC Aaron S. Aamot, of Custer, WA; SPC Tony Carrasco Jr., of Berino, NM; SSG Amy C. Tirador, of Albany, NY; SPC Julian L. Berisford, of Benwood, WV; SPC David A. Croft Jr., of Plant City, FL; Sgt Cesar B. Ruiz, of San Antonio, TX; SPC Jonathon M. Sylvestre, of Colorado Springs, CO; SPC Christopher M. Cooper, of Oceanside, CA.

We cannot forget these men and women and their great sacrifice. These brave individuals left behind parents, spouses, children, siblings, and friends. We want them to know this country pledges to preserve the memory of our fallen soldiers who gave their lives for our country.

PRIVATE FIRST CLASS EDWIN C. WOOD

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Private First Class Edwin C. Wood of Omaha, NE.

Private First Class Wood was an "All-American kid," who dreamed of

one day serving his country. That opportunity came in October 2009 when he enlisted in the U.S. Army and became a cavalry scout for the 1st Squadron, 71st Armor Regiment, 1st Brigade Combat Team of the 10th Mountain Division, based in Fort Drum, NY.

A graduate of Omaha North High School, Private First Class Wood, better known as Eddie or Freckles, spent his time growing up as a member of the Boy Scouts and Junior Reserve Officers' Training Corps a military reenactor and a junior counselor at YMCA Camp Pokamoke in Crescent, IA. He was a role model to all who knew him.

Private First Class Wood had just gotten back to Afghanistan, after being home on leave in June, when the truck he was driving on July 5, 2010, was hit by an improvised explosive device. The explosion took this brave young man's life, along with that of another soldier, SSG Christopher F. Cabacoy.

Although he was only in the service for a short time, Private First Class Wood's awards and decorations include the Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, and Combat Action Badge.

PFC Edwin C. Wood served his country honorably and made the ultimate sacrifice for his fellow Americans. His courageous choice to protect his country and help the people of Afghanistan achieve peace and security represents all that we can be proud of in our armed forces. I know I join all Nebraskans in grieving the loss of Private Wood; he will be remembered for the selfless hero he was. Private First Class Wood's family and friends remain in our thoughts and prayers.

CORPORAL TODD NICELY

Mr. BOND. Mr. President, I rise today to honor U.S. Marine Cpl Todd Nicely, of Arnold, MO—a true American hero.

Corporal Nicely is greatly admired by his fellow marines—and when you hear his story you will admire him too.

As a marine, Corporal Nicely brought the fight to the terrorists in Afghanistan, so our families in Missouri and across the Nation could live in peace and security.

But what makes Corporal Nicely an American hero is not only his leadership on the battlefield but also his leadership here at home.

On March 26, 2010, Corporal Nicely and his fellow marines were on a foot patrol in Helmand province—one of the most dangerous regions in Afghanistan—when he stepped on an improvised explosive device, triggering a devastating explosion. When Corporal Nicely woke up, he realized that all four of his limbs were lost in the blast.

Instead of defeat, however, Corporal Nicely faced his injuries with the same warrior spirit he showed on the battlefield. This brave marine has astounded many with his swift progress—evidence of his unwavering spirit and courage

among overwhelming odds. Corporal Nicely remains one of the few surviving quadruple amputees from the war in Iraq and Afghanistan.

At Bethesda Naval Hospital and Walter Reed Army Medical Center, Corporal Nicely has endured—and surpassed—these odds with the love and support of his lovely wife Crystal, who also served her country as a marine. His story, courage and unwavering service make me proud to be an American. Our prayers and thoughts are with Corporal Nicely and his family, and I ask unanimous consent that this poem—penned in honor of this great American, by Bert Caswell—be printed in the RECORD.

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

MORE, THAN A MAN

More. . . .
 More, Than!
 More, Than A Man!
 As once Nicely, you so ran!
 Like a deer
 As once you stood. . . .
 So Strong and Proud, as you so would!
 For all that was right, and good!
 As to greatness, your fine heart so ran. . . .
 As a United States Marine, as upon battlefields of honor seen
 Burning Bold, Burning Bright . . . as into that darkness, bringing your light!
 As all of your Brother's hearts, you'd ignite!
 Oh how you so gleamed!
 As there you so led, while gently holding your Brothers In Arms . . . as they died and bled!
 Until that moment . . . when it all so changed
 As you awoke, as the tears running down your most heroic eyes so spoke!
 So spoke, of all your loss and pain . . . and yet somehow inside of you, still hope remained!
 Todd, Nicely done!
 As you knew things would never be the same
 As when, all in that moment you'd became!
 More, Than A Man!
 As when you so chose to rise, and get up . . . and run once again!
 But, now at greater speeds!
 With but your fine heart and soul, your United States Marine. . . to lead!
 While all along, held in our Lord's arms . . . as your new battle so convened!
 For some, are placed on this earth!
 To bless us all, all in their courage and fine worth!
 Such Angels, by our Lord God . . . to show us all what so comes first!
 To Teach Us! To Beseech Us!
 To all our hearts and souls, To So Reach Us!
 For there is no Missouri Compromise, in this Marine!
 Uhraaah Jar Head because you've got mountains to climb . . . dreams to dream!
 As now high above all of us, you are so seen!
 As your gait has gotten stronger
 And you stride so much more faster, and so much longer
 As you've become stronger, in your faith that belongs here . . . as the days have gotten longer!
 As you've become, More, Than A Man!
 With but your divine acceptance and grace, as you have put such tears upon our face!
 How can such strength be explained?
 As it's clear, yea Marine . . . You Are More Than A Man!
 Showing us all, that arms and legs we all need!

But, we can survive . . . but without a heart, we will so surely die!
 And if I could, but have a Son . . . as bright as you, this one!
 Then, what a gift to this our world . . . I would leave!
 For in the night as you sleep, our Lord's tears from Heaven fall upon you to so keep!
 To so keep you safe and strong, for your life is like a song!
 To lift us all up where we belong!
 I ask, could we but have such the strength like you, and your family for how you stand!
 And one fine day, as when up in Heaven you all so meet . . . our Lord will repeat
 "Uhraaah Marine, you've been promoted to an Angel so very sweet . . . Nicely Done!"
 For in Heaven you need not arms and legs, we need Marines like you . . . to evil to defeat!
 Men like you, Who are More Than A Man!

SPECIALIST CLAYTON D. MCGARRAH

Mrs. LINCOLN. Mr. President, today I honor SPC Clayton D. McGarrah, 20, of Harrison, who died July 4, 2010, in Arghandab, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, Specialist McGarrah died of injuries sustained when an improvised explosive device detonated near his dismounted patrol, followed by small arms and rocket-propelled grenade fire.

As Arkansans and Americans gathered together to celebrate our freedom, SPC Clayton D. McGarrah made the ultimate sacrifice on behalf of our Nation. My heart goes out to his family for their loss. Along with all Arkansans, I am grateful for Specialist McGarrah's service and for the service and sacrifice of all of our military servicemembers and their families. I am committed to ensuring they have the full support they need and deserve. Our grateful Nation will not forget them when their military service is complete.

Specialist McGarrah was assigned to C Company, 2nd Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. His wife and parents reside in Harrison.

More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansans Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on July 12, 2010, I was unable to vote on the confirmation of Sharon Johnson Coleman, of Illinois, to be U.S. District Judge for the Northern District because my flight from Kansas City was delayed. I wish to address this vote, so that the people of

the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position. I would have voted in favor of this confirmation.

ADDITIONAL STATEMENTS

ANNUAL VIBORG DANISH VIKING DAYS

• Mr. JOHNSON. Mr. President, today I pay tribute to the Viborg annual Danish Viking Days celebration.

The Viborg community showed its unity in 1999 when the Danish Days Committee began developing the Avenue of Flags. Over 100 flags are displayed on holidays to commemorate veterans and individuals from the area.

Named after Viborg, Denmark, this South Dakota town has maintained its ties to its Danish past. Following the notable feature of their Danish counterpart, the people of Viborg built Our Savior's Lutheran Church on the town's highest point in 1911. When a post office and store were first established in this area, it was known as Daneville. With the coming of the railroad, Viborg was constructed half a mile away, and Daneville slowly ceased. Regardless of the town name, the Danish traditions remained in the area.

Originally, Danish Days were celebrated to coincide with Denmark's Independence Day on June 5 but has now been moved to the third weekend in July. This year's events are July 16 to 18. It will include a presentation by Joy Ibsen on her new book of stories from Viborg, a parade, a golf tournament, an all-school reunion, and plenty of food. There will also be the 17th annual Leadership Luncheon, which starts the festival. The luncheon honors accomplishments in Viborg. Since 2003, this has included the Friends of Viborg Award. This year, the honor goes to the Viborg Public School's past and current teachers, administrators, employees, and board members to recognize their notable contributions to the community. I am proud to recognize the recipients and would like to join with the committee in sharing my appreciation for all these people have done.●

BIG STONE CITY, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of Big Stone City. This picturesque town has made it 125 years, and I am proud to represent them.

Big Stone City is bordered by Big Stone Lake in South Dakota and the State of Minnesota. Originally the site of an Indian village called Inkpa, the first settlers arrived in 1871. In 1875, this new town, then called Inkpa City, was chosen for a post office. Another small town, Geneva, was also formed during that time, located to the northeast of Inkpa City. In 1885, the two

towns were consolidated and Big Stone City was incorporated.

Religion was an integral part of the founding of Big Stone City. The first sermon was preached in 1879, before the town had even been incorporated. The German Evangelical Church was built in 1880, with at least three additional churches following in the next 3 years. The first mass in the territory was celebrated in Big Stone City. The first school was opened in 1880, with a charge of \$1 per student for each month. In 1900, the school was upgraded from a small prairie school to a much larger brick building. In 1913, plans were made to run the Milwaukee Railroad through Big Stone City. With industries of brick manufacturing, limestone, food canning, and a creamery, Big Stone City has a unique and varied past.

Residents of Big Stone City joined together July 9 to 11, 2010, to honor their historic milestone with a week-end full of festivities. The town celebrated with dances, a chili cookoff, an all-school reunion, a parade, and more. I am proud to recognize Big Stone City on this achievement, and I look forward to seeing what the future holds for this great South Dakota community.●

DUPREE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of the founding of Dupree, SD, one of many communities on the Cheyenne River Indian Reservation. This hearty town is the county seat of Ziebach County and has withstood recent tornadoes to come out stronger.

Named after a young Canadian fur trader named Fred Dupris, the spelling changed to conform to the people's preference. With two train stations, Dupree became a popular area to homestead. Dupree's vision statement nicely sums up the town. "Dupree is the front door to the West. It has a rich heritage; is full of wide open spaces, and home for family and friends—the kind of place people want to hang their hat." Small towns like Dupree are the backbone of South Dakota, embodying the values our State hold dear.

Dupree will celebrate with a 3 day wagon and trail ride, a parade, a powwow, a demolition derby, and more. They are also selling tickets to a raffle for a Limited Edition Dupree Centennial Rifle. A rodeo will conclude the weekend celebration. I would like to recognize Dupree on this historic milestone, and I wish its citizens the best on their future.●

TRIBUTE TO JEFFREY HIRSCHBERG AND JOAQUIN BLAYA

● Mr. KAUFMAN. Mr. President, today, I wish to express my appreciation to two members of the Broadcasting Board of Governors, whose terms have come to an end. During their 8 years of exceptional service on

the BBG, Jeff Hirschberg and Joaquin Blaya have contributed to ensuring the relevance and timeliness of international broadcasting. Both Jeff and Joaquin have served the nation's international broadcasting mission with great honor and commitment. Their unique contributions have resulted in a robust enhancement of U.S. international broadcasting in critical regions at crucial times.

Jeffrey Hirschberg, who served on the board since 2002, brought his deep experience in government and the private sector to bear during his tenure on the board. Previously, he served in the U.S. Attorney General's Office as special counsel and assistant U.S. attorney, and later, as an attorney in private practice. While on the BBG, he applied his vast knowledge and understanding of the Soviet Union and Russia he acquired during his tenure as Director of the U.S.-Russian Investment Fund, a member of the U.S.-Russia Center for Entrepreneurship, and Director of the U.S.-Russia Business Council, to greatly improve programming in Russia and former Soviet states.

Joaquin Blaya, who also joined the board in 2002, brought to the BBG his vast experience in broadcasting as former chairman of Radio Unica, as CEO of Telemundo, and as president of Univision. In fact, Joaquin founded Radio Unica and oversaw its operations as it became the first 24-hour Spanish language radio network, reaching approximately 80 percent of the Spanish-speaking population in the United States. His vision and conviction as a member of the BBG resulted in improved programming on Radio Marti, and a ground-breaking television programming in the Middle East via Al Hurrah, which is the most widely viewed channel in Iraq today.

As U.S. international broadcasting begins this new chapter in its history, I want to convey my utmost respect and appreciation to Jeff Hirschberg and Joaquin Blaya for their honorable service and vision as members of the BBG.●

CONGRATULATING EDWARD COLEMAN LEADERSHIP INSTITUTE GRADUATES

● Mrs. LINCOLN. Mr. President, today I congratulate the staff, volunteers, and participants of the Striving Toward A New Direction Foundation, or STAND, as they celebrate the recent graduation of 34 members of their Leadership Institute. These graduates represent the best of Arkansas, and I am proud to see them achieve this great honor. They are the future of our State, and all Arkansans should be proud of their accomplishments.

Under the guidance of CEO Tracy Steele, STAND is a nonprofit organization that offers leadership training to promote economic opportunities, social progress, and community development in Arkansas. STAND offers formal leadership training in four cities across the state: Arkadelphia, El Dorado, Lit-

tle Rock, and Pine Bluff. Named after program coordinator Edward Coleman, the Leadership Institute seeks to provide education and mentoring that will lead to community service and career placement and advancement opportunities.

Graduates leave this program with a stronger sense of self and community, learning constructive ways to make a difference for their fellow citizens. I have seen their efforts in our State, and I know that this program makes a difference in the lives of its participants and the entire Arkansas community.

I again congratulate STAND graduates, faculty, and staff for their work to prepare the future leaders of our State for the opportunities and challenges that await them. They are to be commended for their efforts.●

RECOGNIZING THE ACHIEVEMENTS OF AEROJET'S REDMOND, WASHINGTON, EMPLOYEES

● Mrs. MURRAY. Mr. President, today I am joined with my colleague, Senator CANTWELL, to recognize the employees of Aerojet-General Corporation's Redmond, WA, research, development and production facility. Aerojet-Redmond has recently been selected by the United Space Alliance to receive the Space Flight Awareness Supplier Award for Aerojet's sustained superior performance as a key supplier on NASA's space shuttle program over the course of nearly 30 years. This most significant achievement will be commemorated with a presentation from United Space Alliance and celebration ceremony held at Aerojet's facility in Redmond, WA, on Thursday, July 8, 2010.

Aerojet is a world-recognized aerospace and defense leader principally serving the space and missile propulsion, defense and armaments markets. Aerojet Redmond propulsion has been on every NASA manned space flight mission and has enabled the United States to visit every planet in the solar system. The Space Flight Awareness Supplier Award is a very prestigious award bestowed upon United Space Alliance supplier companies—from among over 2,000 active suppliers located throughout the United States—that have performed extraordinary work that added to safety, mission success, schedule compliance, and enhanced flight capability. Aerojet's Redmond Operations will be only the 21st company to receive this highly selective award.

Aerojet-Redmond is the world leader in the in-space propulsion market and as such is the manufacturer of the 38 primary and 6 vernier reaction control thrusters used on every space shuttle mission. The shuttle's reaction control system is used to position the space shuttle during flight operations such as payload insertions and International Space Station docking.

On the occasion of this most significant milestone, Senator CANTWELL and

I are proud to join together and lend our voices to congratulate and honor the more than 425 Aerojet workers in Redmond, WA, on a job well-done. You have served our State and our Nation admirably for more than 40 years.●

MESSAGE FROM THE HOUSE

At 4:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5503. An act to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes.

H.R. 5609. An act to amend the Lobbying Disclosure Act of 1995 to prohibit any person from performing lobbying activities on behalf of a client which is determined by the Secretary of State to be a State sponsor of terror.

H.R. 5618. An act to continue Federal unemployment programs.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. A concurrent resolution expressing support for designation of June 30 as "National ESIGN Day".

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4899) making emergency supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes, with an amendment, and agrees to the amendment of the Senate to the title of the bill.

MEASURES REFERRED

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

H.R. 5503. An act to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5609. An act to amend the Lobbying Disclosure Act of 1995 to prohibit any person from performing lobbying activities on behalf of a client which is determined by the Secretary of State to be a State sponsor of terrorism to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 290. Concurrent resolution expressing support for designation of June 30 as "National ESIGN Day"; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5618. An act to continue Federal unemployment 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-6540. 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 "Change of Contact Information; Technical Amendment" (Docket No. FDA-2010-N-0010) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6541. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (8) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6542. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Notification Requirements for Awards of Single-Source Task or Delivery Orders" (DFARS Case 2009-D036) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Armed Services.

EC-6543. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6544. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)(Internal Agency Docket No. FEMA-B-1129)) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6545. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6546. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)(Internal Agency Docket No. FEMA-8135)) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6547. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)(Internal Agency Docket No. FEMA-8137)) received during adjournment of the Senate in the Office of the President of the Senate on July 8, 2010; to the

Committee on Banking, Housing, and Urban Affairs.

EC-6548. A communication from the Assistant to the Board of Governors, Division of Consumer and Community Affairs, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending" ((Regulation Z)(12 CFR Part 226)(Docket No. R-1370)) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6549. A communication from the Assistant General Counsel for Legislation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Final Determination Concerning the Potential for Energy Conservation Standards for High-Intensity Discharge (HID) Lamps" (RIN1904-AA86) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Energy and Natural Resources.

EC-6550. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of the Exxon and Stripper Well oil overcharge funds as of September 30, 2008; to the Committee on Energy and Natural Resources.

EC-6551. A joint communication from the Assistant Secretary (Water and Science) of the Department of the Interior, the Assistant Secretary (Civil Works) Department of the Army, and the Administrator of the Western Area Power Administration, transmitting, pursuant to law, a report relative to a wind and hydropower feasibility study; to the Committee on Energy and Natural Resources.

EC-6552. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 1" (RIN3150-AI86) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Environment and Public Works.

EC-6553. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Quality Assurance Program Requirements for Research and Test Reactors" (Regulatory Guide 2.5, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Environment and Public Works.

EC-6554. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Medicaid Integrity Program Report for Fiscal Year 2009; to the Committee on Finance.

EC-6555. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case—Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0093-2010-0097); to the Committee on Foreign Relations.

EC-6556. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption (PTE) 84-14 for Plan Asset

Transactions Determined by Independent Qualified Professional Asset Managers” (RIN1210-ZA07) received during adjournment of the Senate in the Office of the President of the Senate on July 8, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6557. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Setting the Time and Place for a Hearing Before an Administrative Law Judge” (RIN0960-AG61) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6558. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005-43; Introduction” (FAC 2005-43) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6559. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2008-011, Government Property” (RIN9000-AL41) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6560. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2008-035, Registry of Disaster Response Contractors” (RIN9000-AL30) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6561. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2010-008, Recovery Act Subcontract Reporting Procedures” (RIN9000-AL63) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6562. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2008-023, Clarification of Criteria for Sole Source Awards to Service-Disabled Veteran-Owned Small Business Concerns” (RIN9000-AL29) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6563. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2009-040, Trade Agreements Thresholds” (RIN9000-AL57) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6564. A communication from the Acting Senior Procurement Executive, Office of Ac-

quisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Circular 2005-43, Small Entity Compliance Guide” (FAC 2005-43) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6565. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6566. A communication from the Executive Director, Office of Compliance, transmitting, pursuant to law, the Office’s Annual Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-6567. A communication from the Regulatory and Policy Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Indian Self-Determination Act Contracts and Annual Funding Agreements—Appeal Procedures” (RIN1076-AE86) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Indian Affairs.

EC-6568. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled “Report of the Director of the Administrative Office of the United States Courts on Applications for Delayed-Notice Search Warrants and Extensions”; to the Committee on the Judiciary.

EC-6569. A communication from the Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled “Stressor Determination for Posttraumatic Stress Disorder” (RIN2900-AN32), received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Veterans’ Affairs.

EC-6570. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 27 of the Commission’s Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band” ((WT Docket No. 07-293)(FCC 10-82)) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6571. A communication from the Senior Deputy Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services” (FCC 10-59) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6572. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Cargo Insurance for Property Loss or Damage” (RIN2126-AB21) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6573. A communication from the Deputy Chief of the Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 101 of the Commission’s Rules to Accommodate 30 Megahertz Channels in the 6525-6875 MHz Band; Amendment of Part 101 of the Commission’s Rules to Provide for Conditional Authorization on Additional Channels in the 21.8-22.0 GHz Band; Fixed Wireless Communications Coalition Request for Waiver” ((WT Docket No. 09-114)(FCC 10-109)) received during adjournment of the Senate in the Office of the President of the Senate on July 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6574. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” (RIN2105-AB84) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6575. A communication from the Deputy Chief Counsel, Research and Innovative Technology Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Submission of Aviation Data via the Internet” (RIN2139-AA11) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6576. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Structure and Practices of the Video Relay Service Program, Declaratory Ruling, Order and Notice of Proposed Rulemaking, CG Docket No. 10-51” (FCC 10-88) received during adjournment of the Senate in the Office of the President of the Senate on July 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6577. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order, CG Docket No. 03-123” (FCC 10-115) received during adjournment of the Senate in the Office of the President of the Senate on July 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6578. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of Class D and E Airspace; Big Delta, AK” ((RIN2120-AA66)(Docket No. FAA-2010-0083)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6579. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Automatic Dependent Surveillance—Broadcast (ADS-B) Equipped Mandate to Support Air Traffic Control Service; CORRECTION” ((RIN2120-AI92)(Docket No. FAA-2007-29305)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6580. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate to Support Air Traffic Control Service; Technical Amendment" ((RIN2120-AI92)(Docket No. FAA-2007-29305)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6581. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Norton Sound Low and Control 12341, Offshore Airspace Areas; Alaska" ((RIN2120-AA66)(Docket No. FAA-2010-0071)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6582. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Highway-Rail Grade Crossings Action Plans" (RIN2130-AC20) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6583. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (96); Amdt. No. 3378" (RIN2120-AA65) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6584. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (96); Amdt. No. 3379" (RIN2120-AA65) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6585. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Model 525A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0327)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6586. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Auxiliary Power Unit Models GTCP36-150(R) and GTCP36-150(RR)" ((RIN2120-AA64) (Docket No. FAA-2009-0803)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6587. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes; and EMBRAER Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0170)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6588. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56-5, -5B, and -7B Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0026)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6589. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Various Models MU-2B Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1076)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6590. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0122)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6591. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Model CL-600-2C10 (Regional Jet Series 700 and 701) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0995)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6592. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, and MD-10-10F Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0043)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6593. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0273)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6594. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0220)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6595. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1029)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6596. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 500 and 600 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0551)) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6597. A communication from the Acting Director of the Office 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; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area; C Season" (RIN0648-XW75) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6598. A communication from the Acting Director of the Office 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; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Participating in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XW74) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6599. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason General Category Retention Limit Adjustment" (RIN0648-XW54) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6600. A communication from the Attorney-Advisor, Office of General Counsel, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Regulations to Amend the Civil Procedures" (RIN0648-AY66) received during adjournment of the Senate in the Office of the President of the Senate on July 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6601. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "United States Department of Transportation Report to Congress on Recommendations of the Intelligent Transportation System (ITS) Program Advisory Committee 2009"; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 1933. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. MURKOWSKI (for herself, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAPO):

S. 3570. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3571. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 3572. 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. INHOFE:

S. 3573. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Mr. COBURN):

S. 3574. A bill to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. SESSIONS, Mr. DODD, Mr. BROWN of Ohio, Mr. VITTER, and Mr. ALEXANDER):

S. 3575. A bill to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act and to authorize the Secretary of Veterans Affairs to share information about the use of controlled substances by veterans with State prescription monitoring programs to prevent misuse and diversion of prescription medicines; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. JOHNSON):

S. 3576. A bill to promote the production and use of renewable energy, and for other purposes; 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. BROWNBAC (for himself and Mr. LIEBERMAN):

S. Res. 579. A resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. NELSON of Florida, and Mr. LEMIEUX):

S. Res. 580. A resolution commemorating the life and work of George M. Steinbrenner of the State of New York; considered and agreed to.

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a co-

sponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Mr. FRANKEN) 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. 1237

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1237, a bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes.

S. 1376

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1376, a bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

S. 1567

At the request of Mr. BROWNBAC, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. 2129

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of 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.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Massachusetts (Mr. BROWN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3043

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3043, a bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3190

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3190, a bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act.

S. 3199

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3199, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3238, a bill to provide for

a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3246

At the request of Mr. WYDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3246, a bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3425

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3425, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3518

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3518, a bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments in United States Courts where those judgments undermine the first amendment to the Constitution of the United States, and to provide a cause of action for declaratory judgment relief against a party who has brought a successful foreign defamation action whose judgment undermines the first amendment.

S. 3519

At the request of Ms. SNOWE, the names of the Senator from Michigan

(Ms. STABENOW) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

S. 3552

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3552, a bill to require an Air Force study on the threats to, and sustainability of, the air test and training range infrastructure.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SHELBY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. RES. 555

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 555, a resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month.

S. RES. 565

At the request of Mr. MERKLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 565, a resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act.

S. RES. 573

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 573, a resolution urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

AMENDMENT NO. 4410

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Mr. BEGICH) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4410 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4412

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 4412 intended to be proposed to H.R. 5297, an act to create the

Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4413

At the request of Mr. FEINGOLD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4413 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4439

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4439 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4443

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 4443 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAPO):

S. 3570. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two pieces of legislation aimed at increasing the production of our hardest working renewable resource, one that often gets overlooked in the clean energy debate—hydropower. The first bill I would like to

introduce today is the Hydropower Improvement Act of 2010, co-sponsored by my colleagues Senators MURRAY, CANTWELL, and CRAPO, true hydropower advocates. The Hydropower Improvement Act of 2010 seeks to substantially increase the capacity and generation of our clean, renewable hydropower resources that will improve environmental quality and support hundreds of thousands of green energy jobs.

There is no question that hydropower is, and must continue to be, part of our energy solution. It is the largest source of renewable electricity in the United States. The 96,000 megawatts of hydroelectric capacity we now have today provide about 7 percent of the Nation's electricity needs. Hydroelectric generation is carbon-free baseload power that allows us to avoid 225 million metric tons of carbon emissions each year. Hydropower is clean efficient, and inexpensive. Yet, despite its tremendous benefits, I am constantly amazed at how some undervalue this important resource.

Perhaps it is because conventional wisdom dismisses our Nation's hydropower capacity as tapped out. That is simply not the case. If anything, hydropower is really an under-developed resource—something we certainly understand in my home state of Alaska where hydro already supplies 24 percent of the state's electricity needs and over 200 promising sites for further hydropower development have been identified. There is great potential for additional hydropower development in every State, not just Alaska.

According to the Obama administration, conventional hydropower facilities have the capacity to generate an additional 75,000 megawatts of power—a staggering amount of clean, inexpensive power. Now that doesn't seem possible until you realize that only 3 percent of the country's 80,000 existing dams are even electrified. Significant amounts of new capacity—anywhere between 20,000 and 60,000 megawatts—can be derived from simple efficiency improvements or capacity additions at existing facilities.

Additional hydropower can be captured in existing man-made conduits and hydroelectric pumped storage projects can help reliably integrate other renewable resources that are intermittent, such as wind, onto our grid.

The Hydropower Improvement Act of 2010 seeks to increase substantially our nation's hydropower capacity in an effort to expand renewable power generation and create much needed American jobs. The legislation establishes a competitive grants program to support further hydropower development and directs the Energy Department to produce and implement a plan for the research, development and demonstration of increased hydropower capacity. The bill provides the Federal Energy Regulatory Commission with additional authority to extend preliminary permit terms; to work with Federal re-

source agencies to streamline the review process for conduit hydropower projects; and to conduct a Notice of Inquiry into a possible two-year licensing process for certain minimal impact projects. The Act also calls for studies on pumped storage sites and the potential for nonfederal development at Bureau of Reclamation facilities, and authorizes training for hydroelectric power technology at community colleges.

It is my hope that as the Senate turns to energy legislation, we can finally recognize the important contribution the renewable resource of hydropower makes, and will continue to make, to our clean energy goals. This legislation is supported by the National Hydropower Association, the American Public Power Association, the Family Farm Alliance, the National Rural Electric Cooperative Association, the Edison Electric Institute, and the National Water Resources Association. I ask my colleagues to join me in supporting the Hydropower Improvement Act of 2010 to promote the further development of our most cost-effective, clean energy option while creating hundreds of thousands of new green jobs.

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. 3570

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the ‘Hydropower Improvement Act of 2010’.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Sense of Congress on the use of hydropower renewable resources.
- Sec. 5. Grants for improvements for increased hydropower production.
- Sec. 6. Plan for research, development, and demonstration to increase hydropower capacity.
- Sec. 7. Notice of inquiry for minimal impact hydropower projects.
- Sec. 8. FERC authority to extend preliminary permit terms.
- Sec. 9. Streamlining review process for conduit hydropower projects.
- Sec. 10. Non-Federal hydropower development at Bureau of Reclamation projects.
- Sec. 11. Pumped storage study.
- Sec. 12. National Renewable Energy Deployment Program.
- Sec. 13. Hydroelectric power worker training.
- Sec. 14. Report on memorandum of understanding on hydropower.
- Sec. 15. Nonapplication to Federal Power Marketing Administrations.
- Sec. 16. Budgetary effects.

SEC. 2. FINDINGS.

Congress finds that—

- (1) hydropower is the largest source of clean, renewable electricity in the United States;
- (2) as of the date of enactment of this Act, hydropower resources, including pumped storage facilities, provide—

(A) 7 percent of the electricity generated in the United States, avoiding 225,000,000 metric tons of carbon emissions each year; and

(B) approximately 96,000 megawatts of electric capacity in the United States;

(3) only 3 percent of the 80,000 dams in the United States generate electricity so there is substantial potential for adding hydropower generation to nonpower dams;

(4) in every State, a tremendous untapped growth potential exists in hydropower resources, including—

(A) efficiency improvements and capacity additions;

(B) adding generation to nonpower dams;

(C) conduit hydropower;

(D) conventional hydropower;

(E) pumped storage facilities; and

(F) new marine and hydrokinetic resources; and

(5) improvements in increased hydropower production in the United States have the potential—

(A) to create hundreds of thousands of new green jobs during the next 15 years;

(B) to increase the clean energy generation of the United States; and

(C) to provide ancillary benefits that include grid reliability, energy storage, and integration services for variable renewable resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CONDUIT.**—The term ‘conduit’ means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

(2) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Energy.

SEC. 4. SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.

It is the sense of Congress that the United States should increase substantially the capacity and generation of clean, renewable hydropower resources which will improve environmental quality in the United States and support hundreds of thousands of green energy jobs.

SEC. 5. GRANTS FOR IMPROVEMENTS FOR INCREASED HYDROPOWER PRODUCTION.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall establish in the Department of Energy a program under which the Secretary shall make competitive grants to eligible entities that—

(1) make efficiency improvements or capacity additions at an existing hydroelectric power generating facility;

(2) add hydropower generation to a nonpower dam;

(3) develop pumped storage facilities;

(4) address aging infrastructure at existing hydroelectric power generating facilities; and

(5) develop hydroelectric generation within existing conduits.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall establish terms and conditions, including eligibility, for the receipt of grants under this section.

(2) **INCLUSIONS.**—In carrying out this section, the Secretary shall ensure that powerhouses and projects that require new dam infrastructure are included among the eligible entities that may receive grants under this section.

(c) **COST SHARING.**—The Secretary shall carry out the program under this section in compliance with sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353).

(d) FUNDING.—From amounts made available under section 625(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17204(e)), the Secretary may use to carry out this section \$50,000,000 for each of fiscal years 2011 through 2015, of which not more than 20 percent of the amount made available for a fiscal year may be used to carry out an individual project.

SEC. 6. PLAN FOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION TO INCREASE HYDROPOWER CAPACITY.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish, and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a plan—

(1) to facilitate through technology research, development, and demonstration the increased use of hydropower renewable resources in accordance with section 4; and

(2) to coordinate research and development on advanced hydropower technologies.

(b) ADMINISTRATION.—The Secretary shall—

(1) implement the plan established under this section as soon as practicable after the date of enactment of this Act; and

(2) review and update the plan on an annual basis.

(c) COST SHARING.—The Secretary shall carry out the program under this section in compliance with sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353).

(d) COORDINATION.—The Secretary shall coordinate, to the maximum extent practicable, activities under this section with other programs of the Department of Energy and other Federal research programs.

(e) FUNDING.—From amounts made available under section 401(a) of the American Clean Energy Leadership Act of 2009, the Secretary may use to carry out this section \$50,000,000 for each of fiscal years 2011 through 2015.

SEC. 7. NOTICE OF INQUIRY FOR MINIMAL IMPACT HYDROPOWER PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) MINIMAL IMPACT HYDROPOWER PROJECT.—The term “minimal impact hydropower project” means—

(A) the addition of hydropower generation to an existing nonpower dam if the addition of the project will not cause any significant environmental impact; or

(B) closed-loop hydropower storage that does not require any change in an existing diversion or impoundment of a river, and otherwise will not cause any significant environmental impacts under applicable law.

(b) NOTICE OF INQUIRY.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a notice of inquiry for the licensing of proposed minimal impact hydropower projects that take not more than 2 years from the beginning of the prefilling licensing process to the issuance of a license by the Commission.

(c) REPORT.—Not later than 180 days after the completion of the notice of inquiry under subsection (b), the Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the notice of inquiry.

SEC. 8. FERC AUTHORITY TO EXTEND PRELIMINARY PERMIT TERMS.

Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) by inserting after subsection (a) (as so designated) the following:

“(b) EXTENSION.—The Commission may extend the term of a preliminary permit once for not more than 2 additional years if the Commission finds that the permittee has carried out activities under the permit in good faith and with reasonable diligence.”.

SEC. 9. STREAMLINING REVIEW PROCESS FOR CONDUIT HYDROPOWER PROJECTS.

(a) IN GENERAL.—Section 30 of the Federal Power Act (16 U.S.C. 823a) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) is located on non-Federal lands or Federal lands; and

“(2) uses for the generation only the hydroelectric potential of a conduit.”; and

(2) by adding at the end the following:

“(f) SAVINGS CLAUSE.—This section shall not apply to any reclamation projects under which hydroelectric power development has been reserved—

“(1) under Federal law or by regulation or order, exclusively for development under Federal reclamation law; or

“(2) for non-Federal development under reclamation law.

“(g) DEFINITION OF CONDUIT.—In this section, the term ‘conduit’ means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.”.

(b) MEMORANDUM OF UNDERSTANDING ON CONDUIT HYDROPOWER PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall enter into a memorandum of understanding with relevant Federal agencies that have conditioning authority under section 30(c)(1) of the Federal Power Act (16 U.S.C. 823a(c)(1))—

(1) to establish a coordinated and streamlined approach to any environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to the consideration of conduit hydropower projects; and

(2) to develop and carry out an expedited approval process for conduit hydropower projects.

(c) PUBLIC WORKSHOPS AND PILOT PROJECTS ON CONDUIT HYDROPOWER PROJECTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commissioner of Reclamation and the Federal Energy Regulatory Commission shall conduct 3 public workshops with relevant stakeholders, including water users and the environmental community, to identify ways in which the conduit approval process may be modified—

(A) to reduce barriers to conduit hydropower projects, including barriers created by project costs or the timeframe for approval and maintain adequate environmental, health, and safety protections; and

(B) to develop pilot projects in conjunction with voluntary participants to demonstrate flexible and innovative ways to reduce barriers to conduit hydropower while maintaining adequate environmental, health, and safety protections.

(2) REPORT.—Not later than 180 days after the date of the completion of the workshops under paragraph (1), the Commissioner of Reclamation and the Federal Energy Regulatory Commission shall submit to the appropriate committees of Congress a report that describes any recommendations for the conduit approval process developed in the workshops and pilot projects described in paragraph (1).

(3) FUNDING.—From amounts made available under section 9503(f) of the Omnibus

Public Land Management Act of 2009 (42 U.S.C. 10363(f)), the Secretary may use to carry out pilot projects described in paragraph (1)(B) \$5,000,000 for the period of fiscal years 2011 through 2015, to remain available until expended.

SEC. 10. NON-FEDERAL HYDROPOWER DEVELOPMENT AT BUREAU OF RECLAMATION PROJECTS.

(a) STUDY OF NON-FEDERAL HYDROPOWER DEVELOPMENT AT BUREAU OF RECLAMATION PROJECTS.—Not later than 180 days after the date of enactment of this section, the Commissioner of Reclamation (in consultation with the Federal Energy Regulatory Commission, preference power customers, water users, and other interested stakeholders) shall—

(1) conduct a study of barriers to non-Federal hydropower development at Bureau of Reclamation projects; and

(2) report to Congress the results of the study.

(b) MEMORANDUM OF UNDERSTANDING.—Not later than 180 days after the date of enactment of this section, the Commissioner of Reclamation and the Federal Energy Regulatory Commission shall develop and issue a revised interagency memorandum of understanding to improve the coordination and timeliness of the non-Federal development of hydropower resources at Bureau of Reclamation projects.

SEC. 11. PUMPED STORAGE STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Director of the United States Geological Survey, shall conduct a study (including identification) of Federal land that is well-suited for pumped storage sites and is located near existing or potential sites of intermittent renewable resource development, such as wind farms.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a), including any recommendations.

SEC. 12. NATIONAL RENEWABLE ENERGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282) is amended by striking the section heading and inserting “**NATIONAL RENEWABLE ENERGY DEPLOYMENT PROGRAM**”.

(b) DEFINITIONS.—Section 803(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282(a)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3)(B)(iv) (as so redesignated), by striking “Alaska small”.

(c) RENEWABLE ENERGY CONSTRUCTION GRANTS.—Section 803(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282(b)) is amended—

(1) in paragraph (1), by inserting “establish a national renewable energy construction grants program under which the Secretary shall” after “shall”; and

(2) by adding at the end the following:

“(5) PRIORITY.—In making grants to eligible applicants to carry out renewable energy projects under this section, the Secretary shall give priority to applicants that—

“(A) have power costs that are 125 percent or more of average national retail costs; or

“(B) will use the grant to construct renewable electricity projects to replace fossil fuel projects.”.

SEC. 13. HYDROELECTRIC POWER WORKER TRAINING.

Section 439(b) of the American Clean Energy Leadership Act of 2009 is amended in the second sentence—

- (1) in paragraph (6), by striking “and” after the semicolon at the end;
- (2) in paragraph (7), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
 - “(8) hydroelectric power technology.”.

SEC. 14. REPORT ON MEMORANDUM OF UNDERSTANDING ON HYDROPOWER.

Not later than 18 months after the date of enactment of this Act, the President shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on actions taken by the Department of Energy, the Department of the Interior, and the Corps of Engineers to carry out the memorandum of understanding on hydropower entered into on March 24, 2010, with particular emphasis on actions taken by the agencies to work together and investigate ways to efficiently and responsibly facilitate the Federal permitting process for Federal and non-Federal hydropower projects at Federal facilities, within existing authority.

SEC. 15. NONAPPLICATION TO FEDERAL POWER MARKETING ADMINISTRATIONS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall not—

(1) apply to a hydroelectric project that provides power marketed by a Federal Power Marketing Administration; or

(2) impact any additions, improvements, or replacements of hydroelectric generation at Federal projects carried out by a Federal Power Marketing Administration.

(b) MODIFICATIONS.—Nothing in this Act limits the authority under existing law of a Federal Power Marketing Administrator in the event that operations at Federal projects with hydropower facilities are modified.

SEC. 16. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Ms. MURKOWSKI:

S. 3571. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, today I introduce the Hydropower Renewable Energy Development Act of 2010. This is legislation to extend certain benefits and income tax provisions to energy generated by hydropower resources.

We have an incredible amount of hydropower potential in my home State of Alaska. To date, we have almost 50 hydropower projects—in a range of sizes from the 126-megawatt Bradley Lake project to the 7-kilowatt Walsh Creek project—that produce about 24 percent of the State’s electricity needs. Alaska is proof that the hydropower resource is not tapped out—not even close. Currently, there are 32 additional hydropower projects, just in Southeast, that are either under construction or on the drawing boards.

Statewide there are another 200 areas that have been identified as promising sites for lake taps, run of river, pumped storage and even new hydroelectric reservoirs. With the proper financing, we could keep a dozen hydro construction companies fully employed in the State for a decade or even longer. That is just in Alaska. There are tremendous opportunities in each and every State to further develop this clean energy alternative.

Hydropower, by definition, is a renewable resource. It produces no carbon emissions and through rainfall and melting snowpacks it is able to be replenished. Yet there are some who would deny this important classification to the hydropower resource. The Hydropower Renewable Energy Development Act of 2010 directs that the generation of hydroelectric power be treated as a “renewable” resource for purposes of any Federal program or standard. This reclassification of hydroelectric generation should help to incent the further production of this important and often undervalued resource.

Next, the bill provides parity treatment for hydropower resources in the Production Tax Credit, PTC. Currently, companies that generate wind, solar, geothermal, and “closed-loop” biomass systems are eligible for the PTC which provides a 2.1 cent per kilowatt-hour, kWh, benefit for the first 10 years of a renewable energy facility’s operation. Other technologies, such as incremental hydropower, certain generation at non-power facilities, and wave and tidal receive a lesser value tax credit of 1.0 cent per kWh. The Hydropower Renewable Energy Development Act of 2010 eliminates the distinction between the two categories so that all qualified hydropower resources receive the full PTC credit. The bill further expands upon the types of hydropower resources that can qualify for the PTC, allowing new hydro generation, small hydropower under 50 megawatts, lake taps, and pumped storage to qualify as well.

The Hydropower Renewable Energy Development Act of 2010 also carries this expanded qualification of hydropower to the Clean Renewable Energy Bonds, CREBS, program. Because nonprofits like rural electric cooperatives and public power providers are not eligible for the PTC due to their tax-exempt status, CREBS was created to encourage these entities to undertake renewable energy development as well. This program has been wildly popular and has been oversubscribed since its inception. There are endless possibilities for increased hydropower production by electric cooperatives and public power providers and they should be given the proper financial incentive to do so.

I ask my colleagues to support this hydropower tax legislation. The further development of this untapped renewable resource will help us meet our clean energy goals through the genera-

tion of carbon-free, baseload power. At a time of record unemployment, the addition of hydropower capacity throughout the Nation will lead to hundreds of thousands of good paying, domestic jobs.

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. 3571

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 “Hydropower Renewable Energy Development Act of 2010”.

SEC. 2. HYDROELECTRIC ENERGY TREATED AS RENEWABLE ENERGY.

Notwithstanding any other provision of law or regulation, for purposes of any Federal program or standard, the term “renewable energy” shall include hydroelectric energy generated in the United States by a hydroelectric facility, including electric power produced by efficiency improvements and capacity additions, generation added to nonpower dams, conduits, pumped storage facilities, marine and hydrokinetic resources, and conventional hydropower.

SEC. 3. PRODUCTION TAX CREDIT FOR HYDROPOWER RESOURCES.

(a) IN GENERAL.—Subparagraph (A) of section 45(c)(8) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of clause (i),

(2) by striking the period at the end of clause (ii) and inserting “, and”, and

(3) by adding at the end the following new clause:

“(iii) in the case of any hydropower facility described in subparagraph (D), the hydropower production from the facility for the taxable year.”.

(b) PRODUCTION.—Paragraph (8) of section 45(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) OTHER HYDROPOWER PRODUCTION FACILITIES.—For purposes of subparagraph (A), a facility is described in this subparagraph if such facility—

“(i) is a hydroelectric dam or nonhydroelectric dam—

“(I) which is placed in service after the date of the enactment of the Hydropower Renewable Energy Development Act of 2010, and

“(II) which would be described in subparagraph (A)(i) or (C) but for the placed in service date,

“(ii) is a hydroelectric facility not described in clause (i) which has a nameplate capacity rating of less than 50 megawatts, or

“(iii) is not described in clause (i) or (ii) and generates energy through the use of a lake tap or pumped storage.”.

(c) QUALIFIED FACILITIES.—Paragraph (9) of section 45(d) of the Internal Revenue Code of 1986 is amended to read as follows:

“(9) QUALIFIED HYDROPOWER FACILITY.—

“(A) INCREMENTAL HYDROPOWER PRODUCTION.—In the case of a facility described in subsection (c)(8), without regard to subparagraph (C) or (D) thereof, which produces incremental hydropower production, the term ‘qualified facility’ means such facility but only to the extent of such incremental hydropower production attributable to efficiency improvements or additions to capacity described in subsection (c)(8)(B) placed in service after August 8, 2005, and before January 1, 2014.

“(B) PRODUCTION FROM CERTAIN NONHYDRO-ELECTRIC DAMS.—In the case of a facility described in subsection (c)(8)(C) which produces qualified hydropower production, the term ‘qualified facility’ means any such facility placed in service after August 8, 2005, and before January 1, 2014.

“(C) PRODUCTION FROM OTHER HYDROPOWER FACILITIES.—In the case of qualified hydropower production at a facility after the date of the enactment of the Hydropower Renewable Energy Development Act of 2010, the term ‘qualified facility’ includes any such facility which is described in subsection (c)(8)(D).

“(D) CREDIT PERIOD.—In the case of a qualified facility described in subparagraph (A), the 10-year period referred to in subsection (a) shall be treated as beginning on the date the efficiency improvements or additions to capacity are placed in service.”

(d) INCREASE IN CREDIT RATE.—Subparagraph (A) of section 45(b)(4) of the Internal Revenue Code of 1986 is amended by striking “(9).”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. SESSIONS, Mr. DODD, Mr. BROWN of Ohio, Mr. VITTER, and Mr. ALEXANDER):

S. 3575. A bill to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act and to authorize the Secretary of Veterans Affairs to share information about the use of controlled substances by veterans with State prescription monitoring programs to prevent misuse and diversion of prescription medicines; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, the non-medical use and abuse of prescription drugs is a serious and growing public health problem in this country. The 2008 National Survey on Drug Use and Health showed that more than 15 million Americans had used prescription psychotherapeutic drugs non-medically in the past year. That is more than 6 percent of the U.S. population. More than 20 percent of Americans had abused these drugs during their lifetime. The Substance Abuse and Mental Health Services Agency, SAMHSA, estimates that half a million residents in my home State of Illinois are using prescription drugs illegally and in ways that can lead to dependence and even death.

Since 1999, abuse, misuse, and overdose of prescription drugs has increased, and the health consequences are significant. Each year, more than 20,000 people in the United States die from drug overdose. Illinois hospitals report an increase in patients visiting Emergency Departments because of prescription drug misuse. From 2003 to 2007, Chicago area hospitals saw the number of visits for pain medication misuse more than double and visits for sedative misuse quadruple.

The trends among teens are especially worrisome. Prescription pain relievers are the second most common

drugs used as gateway drugs among teens. Over the past decade, there has been a 300 percent increase in the number of teens seeking treatment for addiction to prescription painkillers.

To address this threat to public health, my colleague Senator SESSIONS and I worked together to enact Public Law 109-60, the National All Schedules Prescription Electronic Reporting Act of 2005, NASPER. This program provides grants through the Department of Health and Human Services to establish or improve State-based prescription drug monitoring programs, PDMPs. The first grants were awarded through NASPER beginning in fiscal year 09, and currently over 40 States are operating PDMPs or have enacted legislation to establish them.

While each State's program is unique, in general they require that pharmacies, physicians or both submit information to a central office within the State on prescriptions dispensed for certain controlled substances—narcotics, stimulants, sedatives, depressants, etc. By creating these systems, States can ensure that health care providers, law enforcement officials and other regulatory and licensing bodies have access to accurate, timely prescription history information as permitted by law.

The data in these systems can be used for many purposes: to assist in the early identification of patients at risk for addiction, prevent patients from doctor shopping, and help with investigations of drug diversion and errant prescribing or dispensing practices by pharmacists or medical providers.

In my home State of Illinois, the State PDMP is called Prescription Information Library, PIL. The State was awarded a NASPER grant in fiscal year 09, which allowed it to expand and improve its program. In the month of June 2010 alone, the PIL website was used by over 3,600 doctors, pharmacists and other registered users who made over 24,000 visits to the site. In addition, the number of law enforcement requests for information from PIL increased from 16 in 2007 to 321 in 2009. Use of the program continues to grow—in the first 6 months of 2010, law enforcement officials have already made 271 requests for information from the database. The growth of the Illinois program demonstrates that it is valuable tool for protecting public health and safety by identifying people at risk for prescription drug abuse and doctors who betray the high ethical standards of their profession by over or incorrectly prescribing prescription drugs.

Today, along with Senator SESSIONS and several other colleagues, I am introducing the National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010. This bill reauthorizes and extends this vital program for 5 more years at \$15 million for fiscal year 2011 and \$10 million each year thereafter. It also makes small changes to improve and strengthen the program, including allowing grants to

be made available to States to plan or maintain a PDMP in addition to establishing or improving a program; requiring States to help educate medical providers about the benefits of the systems and facilitate their use of them; requiring, States to report aggregate data to the Secretary to allow for evaluation of the success of the program; allowing participation by the territories; and permitting the Department of Veterans Affairs to share information about the use of controlled substance by veterans with State PDMPs.

Reauthorizing the NASPER program for another 5 years with these changes to improve its operation will assist States in combating abuse and misuse of prescription drugs. This common-sense legislation has bipartisan support, and I look forward to working with my colleagues to enact it into law.

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. 3575

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010”.

SEC. 2. AMENDMENT TO PURPOSE.

Paragraph (1) of section 2 of the National All Schedules Prescription Electronic Reporting Act of 2005 (Public Law 109-60) is amended to read as follows:

“(1) foster the establishment of State-administered controlled substance monitoring systems in order to ensure that—

“(A) health care providers have access to the accurate, timely prescription history information that they may use as a tool for the early identification of patients at risk for addiction in order to initiate appropriate medical interventions and avert the tragic personal, family, and community consequences of untreated addiction; and

“(B) appropriate law enforcement, regulatory, and State professional licensing authorities have access to prescription history information for the purposes of investigating drug diversion and prescribing and dispensing practices of errant prescribers or pharmacists; and”.

SEC. 3. AMENDMENTS TO CONTROLLED SUBSTANCE MONITORING PROGRAM.

Section 3990 of the Public Health Service Act (42 U.S.C. 280g-3) is amended—

(1) in subsection (a)(1)—
 (A) in subparagraph (A), by striking “or”;
 (B) in subparagraph (B), by striking the period at the end and inserting “; or”;
 (C) by adding at the end the following:

“(C) to maintain and operate an existing State controlled substance monitoring program.”;

(2) by amending subsection (b) to read as follows:

“(b) MINIMUM REQUIREMENTS.—The Secretary shall maintain and, as appropriate, supplement or revise (after publishing proposed additions and revisions in the Federal Register and receiving public comments thereon) minimum requirements for criteria to be used by States for purposes of clauses (ii), (v), (vi), and (vii) of subsection (c)(1)(A).”;

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by striking “(a)(1)(B)” and inserting “(a)(1)(B) or (a)(1)(C)”;

(ii) in clause (i), by striking “program to be improved” and inserting “program to be improved or maintained”; and

(iii) in clause (iv), by striking “public health” and inserting “public health or public safety”;

(B) in paragraph (3)—

(i) by striking “If a State that submits” and inserting the following:

“(A) IN GENERAL.—If a State that submits”;

(ii) by inserting before the period at the end “and include timelines for full implementation of such interoperability”; and

(iii) by adding at the end the following:

“(B) MONITORING OF EFFORTS.—The Secretary shall monitor State efforts to achieve interoperability, as described in subparagraph (A).”;

(C) in paragraph (5)—

(i) by striking “implement or improve” and inserting “establish, improve, or maintain”; and

(ii) by adding at the end the following: “The Secretary shall redistribute any funds that are so returned among the remaining grantees under this section in accordance with the formula described in subsection (a)(2)(B).”;

(4) in the matter preceding paragraph (1) in subsection (d), by striking “In implementing or improving” all that follows through “with the following:” and inserting “In establishing, improving, or maintaining a controlled substance monitoring program under this section, a State shall comply, or with respect to a State that applies for a grant under subsection (a)(1)(B) or (C) submit to the Secretary for approval a statement of why such compliance is not feasible and a plan for bringing the State into compliance, with the following:”;

(5) in subsections (e), (f)(1), and (g), by striking “implementing or improving” each place it appears and inserting “establishing, improving, or maintaining”;

(6) in subsection (f)—

(A) in paragraph (1)(B) by striking “misuse of a schedule II, III, or IV substance” and inserting “misuse of a controlled substance included in schedule II, III, or IV of section 202(c) of the Controlled Substance Act”; and

(B) add at the end the following:

“(3) EVALUATION AND REPORTING.—Subject to subsection (g), a State receiving a grant under subsection (a) shall provide the Secretary with aggregate data and other information determined by the Secretary to be necessary to enable the Secretary—

“(A) to evaluate the success of the State’s program in achieving its purposes; or

“(B) to prepare and submit the report to Congress required by subsection (k)(2).

“(4) RESEARCH BY OTHER ENTITIES.—A department, program, or administration receiving nonidentifiable information under paragraph (1)(D) may make such information available to other entities for research purposes.”;

(7) by redesignating subsections (h) through (n) as subsections (i) through (o), respectively;

(8) in subsections (c)(1)(A)(iv) and (d)(4), by striking “subsection (h)” each place it appears and inserting “subsection (i)”;

(9) by inserting after subsection (g) the following:

“(h) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving a grant under subsection (a) shall take steps to—

“(1) facilitate prescriber use of the State’s controlled substance monitoring system; and

“(2) educate prescribers on the benefits of the system both to them and society.”;

(10) in subsection (m)(1), as redesignated, by striking “establishment, implementation, or improvement” and inserting “establishment, improvement, or maintenance”;

(11) in subsection (n)(8), as redesignated, by striking “and the District of Columbia” and inserting “, the District of Columbia, and any commonwealth or territory of the United States”; and

(12) by amending subsection (o), as redesignated, to read as follows:

“(o) AUTHORIZATION OF APPROPRIATION.—To carry out this section, there are authorized to be appropriated \$15,000,000 for fiscal year 2011 and \$10,000,000 for each of fiscal years 2012 through 2015.”.

SEC. 4. AMENDMENTS TO TITLE 38.

(a) EXCEPTION WITH RESPECT TO CONFIDENTIAL NATURE OF CLAIMS.—Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(1) Under regulations the Secretary shall prescribe, the Secretary may disclose information about a veteran and the dependant of a veteran to a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3), to the extent necessary to prevent misuse and diversion of prescription medicines.”.

(b) EXCEPTION WITH RESPECT TO CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(G) To a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3), to the extent necessary to prevent misuse and diversion of prescription medicines.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the participation of the Department of Veterans Affairs in State controlled substance monitoring programs, including programs approved by the Secretary of Health and Human Services under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of the activities of the Department of Veterans Affairs relating to programs described in paragraph (1).

(B) A list of the programs described in paragraph (1) in which the Department is participating.

(C) A description of how the Secretary determines which programs described in paragraph (1) in which to participate.

(D) The status of the regulations, if any, prescribed by the Secretary under section 5701(1) of title 38, United States Code, as added by subsection (a) of this section.

Mr. DODD. Mr. President, I rise today in support of reauthorization of the National All Schedules Prescription Electronic Drug Reporting Act, NASPER, program critical to combating the abuse of prescription drugs in our Nation. I am proud to once again join my colleagues Senators DICK DURBIN, JEFF SESSIONS, and SHERROD BROWN on this important legislation which would reauthorize the NASPER program.

In 2008, over 15 million Americans abused prescription drugs and nearly 2

million of those Americans were between the ages of 12 and 17. Further, the National Institute on Drug Abuse at the National Institutes of Health found that last year more than 1 in 10 high school seniors used a narcotic for nonmedical purposes. These statistics are simply unacceptable. We must do more to address the issue of prescription drug abuse in this country.

When used under the supervision of a medical professional prescription drugs can be life saving but when they are abused they can become life-threatening. NASPER will help prevent unnecessary deaths by allowing credentialed professionals access to key information regarding prescriptions for many controlled substances. This access will help prevent doctor shopping and will help health professionals to more closely monitor the prescriptions being issued to their patients.

NASPER is a valuable tool available to states to help detect and prevent abuse of prescription drugs. Reauthorization of this program will allow states to establish, maintain, and grow their own electronic prescription drug monitoring programs. Beyond this it will help states establish linkages to surrounding states so that information can be more easily shared, making doctor shopping across state lines more difficult.

I am proud of the work that is going on in my own state of Connecticut around this issue. Our Drug Control Division within the Department of Consumer Protection has worked tirelessly to build a successful prescription drug monitoring program. This program has helped to not only prevent abuse of prescription drugs but it has helped to detect and prevent abuse of critical programs such as Medicare and Medicaid. In one case, an investigation of a pharmacist fraudulently billing Medicaid and Medicare resulted in a settlement with the government for \$340,000.

As you can see NASPER is an important tool we cannot afford to lose and I urge my colleagues to join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 579—HONORING THE LIFE OF MANUTE BOL AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 579

Whereas Manute Bol was born the son of a Dinka tribal chief in Sudan, and was given the name “Manute”, which means “special blessing”;

Whereas Manute Bol traveled to the United States in 1983 and played college basketball at the University of Bridgeport during the 1984–1985 season;

Whereas Manute Bol began his National Basketball Association (NBA) career with the Washington Bullets in 1985, setting the rookie shot-blocking record;

Whereas Manute Bol played in the NBA for 10 years, setting numerous shot-blocking records;

Whereas, after beginning his career in the NBA, Manute Bol used his fame and fortune to raise funding and awareness for the people of Sudan;

Whereas Manute Bol was admitted to the United States as a religious refugee and lost over 250 members of his extended family to a civil war rife with religious tensions, but nevertheless spent his life working for reconciliation between Christians and Muslims in Sudan;

Whereas Manute Bol's last project to foster reconciliation was to build 41 schools for Christians and Muslims to learn and live together in the spirit of reconciliation;

Whereas Manute Bol constantly put himself in danger to bring peace and stability to Sudan, including by flying into war zones and visiting refugee camps that were targeted for aerial attack;

Whereas, on Manute Bol's last humanitarian visit to Sudan, the President of Southern Sudan, Salva Kiir, requested that Manute Bol extend his visit to make appearances at Sudan's national election and use his influence to counter corruption, which ultimately led to the deterioration of his health and his sudden death;

Whereas Manute Bol advocated for human rights in Sudan by appearing before Congress and lobbying Members of Congress, thus positively influencing United States foreign policy on Sudan;

Whereas, after Manute Bol retired, he resided in West Hartford, Connecticut and Olathe, Kansas;

Whereas Manute Bol died at the age of 47 on June 19, 2010; and

Whereas Manute Bol's perseverance in his advocacy for Sudan affected the lives of thousands, and possibly millions, of people in Sudan; Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of Manute Bol;

(2) conveys its condolences to the family, friends, and colleagues of Manute Bol;

(3) expresses gratitude to Manute Bol for his passion and determination in raising awareness of human rights abuses, and his dedication to bringing peace to Sudan; and

(4) encourages the National Collegiate Athletic Association (NCAA) and the National Basketball Association (NBA) to pursue exhibition games with a Sudanese basketball team to increase awareness of the political and humanitarian situation in Sudan, with proceeds from these games donated toward the construction of reconciliation schools in Sudan, as proposed by Manute Bol.

SENATE RESOLUTION 580—COMMEMORATING THE LIFE AND WORK OF GEORGE M. STEINBRENNER OF THE STATE OF NEW YORK

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. NELSON of Florida, and Mr. LEMIEUX) submitted the following resolution; which was considered and agreed to:

S. RES. 580

Whereas George M. Steinbrenner was born on July 4, 1930, in Rocky River, Ohio, and died on July 13, 2010, at the age of 80;

Whereas George M. Steinbrenner served the United States for 2 years in the United States Air Force;

Whereas George M. Steinbrenner owned the American Ship Building Company, the dominant shipbuilding company in the Great Lakes region during the existence of the company;

Whereas, since 1973, George M. Steinbrenner was the principal owner of the New York Yankees Major League Baseball franchise;

Whereas, under the wise and astute leadership of George M. Steinbrenner, the New York Yankees won 7 World Series Championships and 11 American League Championships;

Whereas the New York Yankees, under the leadership of George M. Steinbrenner, brought New Yorkers and New York Yankee fans across the United States countless hours of joy rooting for the consistently competitive teams that Mr. Steinbrenner helped assemble;

Whereas George M. Steinbrenner was the longest-tenured owner in Major League Baseball and became 1 of the most prominent personalities in Major League Baseball;

Whereas George M. Steinbrenner helped many civic causes, including the United States Olympic Committee;

Whereas George M. Steinbrenner was honored as both an "Outstanding New Yorker" and as the "Citizen of the Year" of Tampa, Florida;

Whereas, under the leadership of George M. Steinbrenner, the New York Yankees organization created a premier Spring Training facility, and developed some of the greatest talent in Major League Baseball, in Tampa, Florida;

Whereas "Legends Field", the Spring Training facility of the New York Yankees in Tampa, Florida, was renamed "Steinbrenner Field" in March 2008 in honor of Mr. Steinbrenner by the Hillsborough County Commission and the Tampa City Council; and

Whereas George M. Steinbrenner helped to grow the game of baseball into a global sport, with Major League Baseball games now played in Japan and Puerto Rico, and Major League Baseball players originating from over 20 countries; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life and work of George M. Steinbrenner;

(2) conveys the condolences of the Senate to the family, friends, and colleagues of George M. Steinbrenner;

(3) recognizes the continuing contributions of George M. Steinbrenner to the State of New York, the State of Florida, and Major League Baseball; and

(4) expresses gratitude to George M. Steinbrenner for his significant contributions to the State of New York, the State of Florida, and the New York Yankees.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4455. Mr. JOHANNNS (for himself, Mr. BARRASSO, Mr. RISCH, Mr. INHOFE, Mr. ENSIGN, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4456. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended

to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4457. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4458. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4459. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4460. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4461. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4462. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4463. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4464. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4455. Mr. JOHANNNS (for himself, Mr. BARRASSO, Mr. RISCH, Mr. INHOFE, Mr. ENSIGN, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

PART V—OTHER PROVISIONS

SEC. 2051. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SA 4456. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program

to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act to the Department of Justice may be used to participate in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

SA 4457. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

SEC. 1137. COORDINATION WITH DEPARTMENT OF AGRICULTURE.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

“(o) COORDINATION WITH DEPARTMENT OF AGRICULTURE.—

“(1) IN GENERAL.—In coordination with the Administrator of the Farm Service Agency, the Under Secretary for Rural Development, and the head of any other appropriate Federal agency, the Administrator shall conduct outreach and provide technical assistance to farmers and other rural businesses with regard to programs of the Administration for which the farmers and rural businesses may be eligible.

“(2) AGREEMENT.—The coordination under this subsection shall include evaluating whether the Administrator should enter an agreement under which—

“(A) offices of the Department of Agriculture may assist in completing and accept applications for programs of the Administration; or

“(B) employees of the Administration periodically have office hours at offices of the Department of Agriculture.”.

SA 4458. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

After section 2042, insert the following:

PART V—PROVIDING PERMANENT STATE AND LOCAL TAX DEDUCTIONS

SEC. 2051. STATE AND LOCAL TAX DEDUCTIONS.

(a) IN GENERAL.—Section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking subparagraph (I).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) OFFSET.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues resulting from the application of subsection (a).

SA 4459. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 15 through 18 and insert the following:

(4) in clause (iv)—

(A) by striking “\$4,000,000” and inserting “\$5,500,000”; and

(B) by striking “and” at the end;

(5) in clause (v)—

(A) by striking “\$4,000,000” and inserting “\$5,500,000”; and

(B) by striking the period at the end and inserting “; and”; and

(6) by adding at the end the following:

“(vi) during the 2-year period beginning on the date of enactment of the Small Business Jobs Act of 2010, \$10,000,000 for each project for a small business concern that constitutes a major source of employment, as determined by the Administrator.”.

SA 4460. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, between lines 17 and 18, insert the following:

SEC. 1348. SMALL BUSINESS CLEARINGHOUSE.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding after paragraph (35), as added by section 1206 of this Act, the following:

“(36) SMALL BUSINESS CLEARINGHOUSE.—

“(A) SUBMISSION TO ADMINISTRATION.—

“(i) IN GENERAL.—The Administrator shall establish a process under which a lender par-

ticipating in a program under this subsection that denies an application by small business concern for a loan guaranteed under this subsection may submit the application to the Administrator for the purpose of making the application available to other lenders under this paragraph.

“(ii) INFORMATION.—With the approval of the applicant, a lender shall include with an application submitted to the Administrator under clause (i) any information in the possession of the lender relating to the creditworthiness and repayment ability of the applicant.

“(iii) DETERMINATION.—The Administrator shall determine whether an application submitted under clause (i) meets the eligibility and credit standards that a lender would be required to apply to approve a loan under this subsection.

“(B) PARTICIPATION OF LENDERS.—

“(i) IN GENERAL.—The Administrator shall establish a process under which the Administrator makes available to lenders each loan application submitted and determined to meet basic eligibility and credit standards under subparagraph (A) for the purpose of the lenders originating, underwriting, closing, and servicing the loan for which the applicant applied.

“(ii) ELIGIBILITY.—A lender shall be eligible to receive a loan application described in clause (i) if the lender participates in the programs established under this subsection.

“(iii) LOCAL LENDERS.—The Administrator shall initially make available a loan application described in clause (i) to lenders participating in a program under this subsection with an office located within approximately 100 miles of the principal office of the loan applicant.

“(iv) PREFERRED OR CERTIFIED LENDERS.—If, as of 10 business days after the date the Administrator makes a loan application available under clause (iii), no lender described in clause (iii) has agreed to originate, underwrite, close, and service the loan, the Administrator shall make available the loan application to lenders participating in the Preferred Lenders Program under paragraph (2)(C)(ii) and lenders participating in the Certified Lenders Program under paragraph (19).

“(C) REFERRAL FEE.—A lender that agrees to originate, underwrite, close, and service a loan under subparagraph (B) shall pay a nominal referral fee, in an amount established by the Administrator, to the lender that submitted the application for the loan under subparagraph (A).”.

SA 4461. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

PART V—OTHER PROVISIONS

SEC. _____. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) of such Code is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SA 4462. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, between lines 2 and 3, insert the following:

SEC. 3114. PILOT PROGRAM FOR DIRECT LOANS TO SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “eligible small business concern” means a small business concern with fewer than 25 employees;

(3) the term “pilot program” means the pilot program established under subsection (b)(1);

(4) the term “region of the Administration” means the geographic area served by a regional office of the Administration established under section 4(a) of the Small Business Act (15 U.S.C. 633(a)); and

(5) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(b) LOAN PROGRAM ESTABLISHED.—

(1) IN GENERAL.—The Administrator and the Secretary shall jointly establish a pilot program under which the Administrator and the Secretary, acting through the regional offices of the Administration, may make loans to eligible small business concerns.

(2) LOCATIONS FOR PILOT PROGRAM.—The Administrator and the Secretary—

(A) shall jointly select 6 States in which to make loans under the pilot program; and

(B) may not select more than 1 State in any region of the Administration under subparagraph (A).

(3) START OF PILOT PROGRAM.—The Administrator and the Secretary shall begin making loans under the pilot program not later than January 1, 2011.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a loan under the pilot program shall have the same terms and conditions as, and may be used for any purpose authorized for, a guaranteed by the Administrator under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act.

(2) MAXIMUM AMOUNT.—A loan under the pilot program may be in an amount not more than \$1,000,000.

(d) FUNDING.—From the Fund, \$500,000,000 shall be available to the Administrator and the Secretary, without further appropriation or fiscal year limitation, to carry out the pilot program.

(e) TERMINATION.—The Administrator and the Secretary may not make a loan under the pilot program after December 31, 2013.

SA 4463. Mr. HARKIN submitted an amendment intended to be proposed to

amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

PART V—OTHER PROVISIONS

SEC. _____. SPECIAL RULE FOR PRIVATE ACTIVITY BOND PRIVATE USE TESTS WITH RESPECT TO THE PURCHASE OF WATER OUTPUT.

(a) IN GENERAL.—A qualified water output agreement shall be disregarded in determining whether the private business tests under section 141(b) of the Internal Revenue Code of 1986 are met with respect to an issue of bonds.

(b) QUALIFIED WATER OUTPUT AGREEMENT.—For purposes of this section, the term “qualified water output agreement” means, with respect to any issue of bonds, any agreement with a qualified entity for the purchase of water from a facility which is financed by such issue if it is reasonably expected on the date of issuance that not less than 10 percent of the water will be sold by such qualified entity to individuals not involved in a trade or business or to political subdivisions or their utilities.

(c) QUALIFIED ENTITY.—For purposes of this section, the term “qualified entity” means any rural water association—

(1) no part of the net earning of which inures to the benefit of any private shareholder or individual, and

(2) which is described in section 501(c)(12) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SA 4464. Mr. DEMINT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. No funds made available in any provision of law may be used to participate in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be author-

ized to meet during the session of the Senate on July 13, 2010, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 13, 2010, at 10 a.m. in SH-216 of the Hart Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 13, 2010, 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. SCHUMER. 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 July 13, 2010, at 2:30 p.m. to conduct a hearing entitled, “The Cost Effectiveness of Procuring Weapon Systems in Excess of Requirements.”

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

TO AMEND THE EFFECTIVE DATE OF THE GIFT CARD PROVISIONS OF THE CREDIT CARD ACCOUNTABILITY RESPONSIBILITY AND DISCLOSURE ACT OF 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5502 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. 5502) to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 5502) was ordered to be read a third time, was read the third time, and passed.

COMMEMORATING THE LIFE AND
WORK OF GEORGE M.
STEINBRENNER

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 580, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 580) commemorating the life and work of George M. Steinbrenner of the State of New York.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 580) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 580

Whereas George M. Steinbrenner was born on July 4, 1930, in Rocky River, Ohio, and died on July 13, 2010, at the age of 80;

Whereas George M. Steinbrenner served the United States for 2 years in the United States Air Force;

Whereas George M. Steinbrenner owned the American Ship Building Company, the dominant shipbuilding company in the Great Lakes region during the existence of the company;

Whereas, since 1973, George M. Steinbrenner was the principal owner of the New York Yankees Major League Baseball franchise;

Whereas, under the wise and astute leadership of George M. Steinbrenner, the New York Yankees won 7 World Series Championships and 11 American League Championships;

Whereas the New York Yankees, under the leadership of George M. Steinbrenner, brought New Yorkers and New York Yankee fans across the United States countless hours of joy rooting for the consistently

competitive teams that Mr. Steinbrenner helped assemble;

Whereas George M. Steinbrenner was the longest-tenured owner in Major League Baseball and became 1 of the most prominent personalities in Major League Baseball;

Whereas George M. Steinbrenner helped many civic causes, including the United States Olympic Committee;

Whereas George M. Steinbrenner was honored as both an "Outstanding New Yorker" and as the "Citizen of the Year" of Tampa, Florida;

Whereas, under the leadership of George M. Steinbrenner, the New York Yankees organization created a premier Spring Training facility, and developed some of the greatest talent in Major League Baseball, in Tampa, Florida;

Whereas "Legends Field", the Spring Training facility of the New York Yankees in Tampa, Florida, was renamed "Steinbrenner Field" in March 2008 in honor of Mr. Steinbrenner by the Hillsborough County Commission and the Tampa City Council; and

Whereas George M. Steinbrenner helped to grow the game of baseball into a global sport, with Major League Baseball games now played in Japan and Puerto Rico, and Major League Baseball players originating from over 20 countries: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life and work of George M. Steinbrenner;

(2) conveys the condolences of the Senate to the family, friends, and colleagues of George M. Steinbrenner;

(3) recognizes the continuing contributions of George M. Steinbrenner to the State of New York, the State of Florida, and Major League Baseball; and

(4) expresses gratitude to George M. Steinbrenner for his significant contributions to the State of New York, the State of Florida, and the New York Yankees.

MEASURE READ FIRST TIME—H.R.
5618

Mr. WHITEHOUSE. Mr. President, I understand that H.R. 5618 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 5618) to continue Federal unemployment programs.

Mr. WHITEHOUSE. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, JULY
14, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 o'clock a.m. on Wednesday, July 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, I understand that we hope to reach an agreement on the initial amendments in order to the small business jobs bill, H.R. 5297, and that we will be able to resume its consideration tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. WHITEHOUSE. Mr. President, 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 7:11 p.m., adjourned until Wednesday, July 14, 2010, at 10 a.m.