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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Eternal Spirit, whose inward presence means cleansing, forgiveness, peace, and power, dissolve the barriers that keep our souls from You. Remove from our lawmakers the self-sufficiency that ignores their need of You and make their hearts receptive to Your plans. Lord, bestow upon them special gifts of wisdom and understanding that they may uphold what is right and follow what is true. Increase their faith, strengthen their judgment, and quicken their zeal for integrity and honor. Spirit of the living God, fall afresh on them. Radiate Your hope through their labors, as they expect to see Your best for our Nation and world.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 2, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the budget resolution. Of the statutory time allotted to the budget resolution, 1½ hours remains. Upon the use or yielding back of that time, the Senate will proceed to a series of votes in relation to the pending amendments and any other amendments offered to the budget resolution. We expect those votes will occur around 11:30 a.m., give or take a few minutes.

Under an agreement reached last night, there will be 2 minutes for debate equally divided prior to each vote. Each vote after the first vote will be 10 minutes in duration. Senators should expect rollcall votes throughout the day and maybe even into the evening. Once we start, we have to finish this budget resolution. I encourage Senators to stay here. The first vote will be 15 minutes. After that, there will be 10-minute votes, and we are going to enforce that time. If Members are not here, they will not be counted. The clerks are going to be instructed to turn the votes in very quickly.

JOHN MCCAIN

Mr. REID. Mr. President, let me take a minute to say something because of my friend, JOHN MCCAIN. Every day I come and open the Senate, we give the Pledge of Allegiance to the flag. We do that because of the country and what that flag stands for. But I was struck today having JOHN MCCAIN in the Chamber. Really, he is representative of what that flag is all about—someone who not only comes from a lineage of people who have served our country, but this good man has served our country in so many different ways.

We came to Washington together in 1982. We came to the Senate together in 1986. I can remember while I was still in the House of Representatives I attended a prayer breakfast, and Senator MCCAIN was the presenter. I cannot do justice and I will not even try to describe the presentation he made about a Christmas celebration they had when he was a prisoner of war. He spent so much time in solitary confinement. He could have left the prison much earlier. He would not do that because his comrades were still there.

We take a lot of things for granted. Even though JOHN MCCAIN and I have disagreed on occasion on things political, one thing that will always be in my mind and my heart is people such as JOHN MCCAIN who represent what our country is all about.

RECOGNITION OF THE MINORITY LEADER

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

JOHN MCCAIN

Mr. MCCONNELL. Mr. President, the majority leader said it well. No one has done more for his country than JOHN MCCAIN. We are all privileged to be able to serve with him in the Senate.

Mr. MCCAIN. Mr. President, I thank both leaders. I thank my friend from Nevada. He and I came to the House of Representatives together many years ago. I thank him for his leadership. As

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

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he mentioned, we have strong disagreements from time to time, but we have always made a strong effort—and I think successfully—to remain respectful of each other's views. I appreciate his kind words today and that of the Republican leader. I thank them.

THE BUDGET

Mr. MCCONNELL. Mr. President, anyone who turned on C–SPAN2 over the past 2 weeks could be excused for wondering what has been going on here in the Capitol. Most people outside Washington do not know much about reconciliation instructions or points of order. But behind the legislative lingo, an extremely important debate has been taking place on the Senate floor. It is a debate about the future of our country. And in the course of that debate, two very different philosophies have emerged. On one side are those who think American lives will improve in direct proportion to the size of the Federal Government; that the answer to all the challenges we face as a nation is to just simply follow Europe, where people look to the government for almost everything from the cradle to the grave. On the other side are those who think Government has an important role to play in keeping people safe and creating the conditions in which Americans can succeed and that Government can also play a role in helping people weather temporary or permanent troubles and even to provide temporary help to private institutions if the failure of those institutions imperils the well-being of the whole.

But in all these areas, the role of Government is limited. Liberty and freedom are primary. The first group defends the administration's budget proposal which we first saw a couple of months ago and which outlines the administration's vision for America over the next several years. The second group has warned about the consequences of the budget, which calls for a dramatic and potentially irreversible shift of our Nation to the left in the areas of health care, education, and private enterprise, and which in order to get there imposes the biggest tax hike in history, massive spending, and a titanic amount of debt our children and grandchildren will have to pay back.

This is a debate that has been worth tuning in to because its outcome affects absolutely everyone. So I would like to highlight just a couple of things we have seen over the course of this debate that everyone should know.

The first thing people should know is the one thing that many already do know: The administration's budget simply taxes too much, spends too much, and borrows too much at a moment, interestingly enough, when we can least afford it. There is good reason to believe the American people agree. Several of the amendments Republicans have proposed adding to the budget as a way of protecting American businesses and families have been approved by wide, bipartisan margins.

The American people cannot afford new taxes, and that is why Senators approved the Johanns amendment yesterday, an amendment which forces an open debate on the budget's proposal for a massive new national energy tax that would hit every American family by up to $3,100 a year. As the senior Senator from Missouri put it on Tuesday, ''Families are struggling to make ends meet, unable to pay their mortgage, bills or debts . . . We should oppose an energy tax.''

The junior Senator from Nevada also knows Americans cannot afford having their taxes raised, especially in a recession. That is why he offered an amendment yesterday that would make it harder to raise taxes on middle-class couples. As he put it, ''Americans are struggling to pay for life's essentials . . . What we should be discussing is extending tax relief,'' not raising taxes. This is common sense. His amendment passed.

The junior Senator from Texas knows that business owners cannot afford a tax hike. That is why he offered an amendment that would make it harder for Democrats to raise taxes on small businesses. This is also common sense. His amendment also was adopted overwhelmingly.

Americans know the trouble they get into when they spend money they do not have, and they do not want Government to spend money it does not have. That is why the junior Senator from Alabama came to the floor Monday and lamented the lack of fiscal responsibility in this budget.

The American people are worried about the size of the national debt, and they are worried about a budget that doubles that debt in 5 years and triples it in 10—a budget that adds more debt in 5 years than the entire debt accumulated under every President from George Washington through George W. Bush. The senior Senator from Tennessee is worried about the size of the debt too, and that is why he offered an amendment to keep the growth of that debt relative to the GDP in check. As he put it on the Senate floor on Tuesday:

> This is not a matter of not letting the horse get out of the barn. This recognizes that the horse is already out of the barn and we're trying to put a fence around him before he gets into the next country.

Democrats rejected that amendment too.

Throughout this debate, Americans have started to focus a lot on the national debt, and they have heard some troubling things.

If they were listening Tuesday, they would have heard a very illuminating discussion on the topic between the senior Senator from Tennessee and the senior Senator from New Hampshire. The senior Senator from New Hampshire said that at the end of this budget, every American household will have an obligation relative to the Federal debt of $133,000—$133,000 per household. The senior Senator from Tennessee asked who holds that debt. The answer, of course, is that China is the primary holder of that debt, along with Russia and oil-producing nations in the Middle East.

Americans are worried about more Government spending, higher taxes, and higher debt that we may never be able to repay, and a lot of groups that represent these Americans are amassing against these things. Groups opposed to this budget include the National Association of Manufacturers, the Tax Relief Coalition, the American Conservative Union, Americans for Prosperity, Citizens Against Government Waste, the Club for Growth, the Council on National Policy, Associated Builders and Contractors, Independent Electric Contractors, International Foodservice Distributors Administration, and the National Association of Wholesaler-Distributors. These groups represent millions of small business owners, independent contractors, and millions of ordinary Americans who do not want to see their dreams fade away because of someone else's vision of what Government should do for them.

Americans want the freedom to do for themselves, and they worry freedom may slip away if this budget passes in its current form. They cannot afford a new national energy tax that could cost every American household up to $3,100 a year. They do not want to have to pay for 250,000 bureaucrats who will be needed just to spend the money this budget wants to spend. And they do not want their children literally buried in debt. What Americans want is for Republicans and Democrats to work together to craft a budget that let's them keep their hard-earned wages, spends their tax dollars wisely, and does not saddle their children and grandchildren with debt. That is what they have not seen this week.

What they also will not see are the backdoor negotiations where the chairman of the Budget Committee, the senior Senator from North Dakota, has said he will strip out many of these good amendments we have adopted this week and where some budget writers intend to fast track a massive new energy tax even though we passed an amendment to keep that from happening. Americans oppose this energy tax. And if the senior Senator from North Dakota has as much influence over the outcome of the budget as I hope he does, then he will make sure that the will of the Senate and the American people is reflected in the final product. I hope he will make sure that a new national energy tax costing American households up to $3,100 a year is not rushed through Congress on a party-line vote.

So the drama that has unfolded in the Senate put two very different philosophies on display. It showed Republicans fighting to keep our Nation from an irreversible drift to the left, and it showed some Democrats agreeing to

some of our proposals. But the proof of their commitment is in the final product—what finally comes out of conference.

This debate isn't over with the passage of this budget today, and Republicans are not finished fighting on behalf of the priorities of the American people—not even close.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2011.

Pending:

Ensign amendment No. 805, to require certain higher income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the budget of the U.S. Government most recently submitted by the President.

McCain amendment No. 882, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 90 minutes of debate remaining on the resolution, of which 40 minutes is for the debate of amendment No. 882, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am going to respond briefly to the Republican leader and then we will go to the McCain amendment.

First of all, I have just listened to remarks that are an attempt to rewrite history. Trying to put this deficit and this debt at the door of our new President is simply misplaced. He inherited a debt that was doubled over the last 8 years, and most of my friends on the other side were silent sentinels as that debt grew and grew and grew. Most of them said nothing; worse, they supported the policies that created that doubling of the debt. Beyond that, they tripled foreign holdings of U.S. debt and left the country in the worst recession since the Great Depression. This President inherited a crisis in the financial markets, a crisis in housing, a fiscal crisis, and two wars.

The budget that is before us is not as described by the Republican leader. The budget before us reduces the deficit by two-thirds over the 5 years of its term. In fact, as a share of GDP—which most economists say ought to be the measuring point because it excludes inflation—we reduce the deficit by three-quarters, all while maintaining the President's key priorities of reducing our dependence on foreign energy. That is not just a Presidential priority, that is an American priority. If we are going to be strong in the future, we have to dramatically reduce our dependence on foreign energy.

On education, there is a focus on excellence in education. If we are not the best educated, we are not going to be the strongest country in the world very long.

The prospect of major health care reform, which is provided for in this budget, is the 800-pound gorilla. We are now spending $1 of every $6 in this country on health care. If we stay on the current trend, we will spend more than $1 of every $3 in this country on health care. That is utterly unsustainable.

They describe the budget of the President as having all these tax increases. I would remind my colleagues that when the Congressional Budget Office scores the President's budget, they say there is $2.2 trillion in tax cuts. If they look at the budget I have offered, which is a 5-year budget instead of a 10-year budget, it has $825 billion in tax cuts on a net basis. As I say, all while cutting the deficit in half, which was the President's goal. In the President's budget and the budget I have offered, we cut it by two-thirds.

Now, on spending. Well, on spending, the hard fact is, the budget I have offered reduces deficits and debt by $608 billion compared to the President's budget, on a 5-year comparison to a 5-year comparison. We reduce it by $608 billion in the budget that is before us. And on spending, we increase domestic spending, on average, by 2½ percent a year. Believe me, I have heard lots of criticism from the left with respect to the fact that is not enough. But when you lose $2.3 trillion in revenue because of the new CBO forecast, we felt it was necessary to make adjustments in the President's budget while maintaining his priorities.

Now, in terms of middle-class tax relief, which is contained in this budget, let me be clear that all the provisions from 2001 and 2003 are included in this budget. The 10-percent bracket, the child tax credit, the marriage penalty relief, the education incentives—all of it—is in this budget and an extension for the full 5 years.

In addition, the President's Make Work Pay provision was previously provided for in the stimulus package for 2 years, and we provide the ability to extend that, if there are offsets. In addition, we have provided for alternative minimum tax reform, fully funded for 3 years. No other budgets in the last 5 years have done it for that long. It has always been a year-by-year fix.

On estate tax reform, we take the provisions from 2009 and extend them for 2010—a $3.5 million exemption per person, $7 million per family. Instead of going back to $1 million in 2011, we continue that $3.5 million exclusion per person, $7 million per couple, adjusted for inflation.

We also provide for the business tax provisions and the extenders fully paid for. That is a total of almost a trillion dollars of tax relief, offset by certain loophole closers to go after these abusive tax shelters—these offshore tax havens. We have the spectacle now of companies buying European sewer systems, not because they are in the sewer business but in order to depreciate them on their books for U.S. tax purposes. That is outrageous—United States companies buying European sewer systems so they can write them off on their books here, and then they lease them back to the European cities that built them in the first place.

The guys who came up with these scams didn't limit themselves to sewer systems. They are doing the same thing with public buildings and city halls. We have companies that have bought city halls in Europe in order to depreciate them on their books in the United States and then lease the city halls back to the European countries that built them in the first place. Is that acceptable? I don't think so. The President in his budget and we in our budget say: Enough of that. Let's shut down these abusive tax shelters. Let's shut down these offshore tax havens, which our Permanent Subcommittee on Investigations tells us is costing us $100 billion a year.

If anybody wonders about it, read the Stanford saga. Mr. Stanford was running these offshore tax havens; running billions of dollars through these offshore tax havens. Why? Why are they sending their money down to the Cayman Islands? Is it because they think the banks down there are more secure? Oh, no. They are sending their money down there to dodge the tax liability in the United States. That is the basis upon which Mr. Stanford sold his services.

On a net basis, our budget has $825 billion in tax cuts. Again, on spending, domestic spending increased at an average rate of 2½ percent a year. That is pretty tough.

In our proposal, in the budget before the body, there is no energy tax. There is none contained here. This reference to a national sales tax on energy, it is not in this budget proposal. It is not there. We have a reserve fund that permits the committees of jurisdiction to come up with a way of reducing our dependence on foreign energy. We have the ability for the committees of jurisdiction to write climate change legislation. But there is no endorsement of any specific plan in this budget around climate change that has been posited by others.

I wish to make clear that this budget is responsible, it controls spending, it

reduces the deficit by two-thirds, it extends the middle-class tax cuts, and it adopts the President's priorities of reducing our dependence on foreign energy, putting a focus on excellence in education and providing the possibility of major health care reform. Those are the priorities of the American people, and they are contained in our budget.

Our budget has made significant adjustments from the President's. Again, over 5 years, we have reduced the deficit and debt in the President's proposal by $608 billion.

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

AMENDMENT NO. 882, AS MODIFIED

Mr. McCAIN. Mr. President, I ask unanimous consent that the McCain substitute amendment be modified with the changes at the desk.

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

Mr. McCAIN. Mr. President, I appreciate the courtesy of the chairman in allowing me to do this modification. I am aware it could have been objected to, and I would like to say that the sense-of-the-Senate provision is removed because I believe that sense-of-the-Senate resolutions are not done this year in the budget resolution. There was a formula glitch that affected some of the funding levels. We have corrected the problem in the modification. We have corrected budget authority and spending levels.

I thank my friend for allowing me to make this modification.

The ACTING PRESIDENT pro tempore. The amendment has been modified.

The amendment, as modified, is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-reducing reserve funds for entitlement commissions—Social Security and Medicare & Medicaid.
Sec. 202. Deficit-neutral reserve fund for comprehensive healthcare reform.
Sec. 203. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.
Sec. 204. Deficit-neutral reserve fund for energy security.
Sec. 205. Deficit-neutral reserve fund for tax code modernization.
Sec. 206. Deficit-neutral reserve fund for defense acquisition and contracting reform.
Sec. 207. Deficit-neutral reserve fund for a bipartisan, comprehensive investigation into the current financial crisis.

TITLE III—BUDGET PROCESS

SUBTITLE A—BUDGET ENFORCEMENT

Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 302. Point of order against advance appropriations.
Sec. 303. Emergency legislation.
Sec. 304. Point of order against legislation increasing short-term deficit.

SUBTITLE B—OTHER PROVISIONS

Sec. 311. Oversight of government performance.
Sec. 312. Budgetary treatment of certain discretionary administrative Expenses.
Sec. 313. Application and effect of changes in allocations and aggregates.
Sec. 314. Adjustments to reflect changes in concepts and definitions.
Sec. 315. Exercise of rulemaking powers.
Sec. 316. Cost estimates for conference reports and other measures.
Sec. 317. Limitation on long-term spending proposals
Sec. 318. Revenues collected from closing the tax gap are used only for debt reduction.
Sec. 319. Point of order to save Social Security first.
Sec. 320. Point of order against a budget resolution containing a debt-held-by-the-Public-to-GDP ratio that exceeds 65%.
Sec. 321. Point of order against a budget resolution containing deficit levels exceeding 8% of GDP.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: $2,186,000,000,000
Fiscal year 2010: $2,332,000,000,000
Fiscal year 2011: $2,651,000,000,000
Fiscal year 2012: $2,858,000,000,000
Fiscal year 2013: $3,025,000,000,000
Fiscal year 2014: $3,166,000,000,000
Fiscal year 2015: $3,329,000,000,000
Fiscal year 2016: $3,470,000,000,000
Fiscal year 2017: $3,625,000,000,000
Fiscal year 2018: $3,771,000,000,000
Fiscal year 2019: $3,923,000,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: $0
Fiscal year 2010: −$3,000,000,000
Fiscal year 2011: −$132,000,000,000
Fiscal year 2012: −$228,000,000,000
Fiscal year 2013: −$257,000,000,000
Fiscal year 2014: −$269,000,000,000
Fiscal year 2015: −$280,000,000,000
Fiscal year 2016: −$291,000,000,000
Fiscal year 2017: −$302,000,000,000
Fiscal year 2018: −$313,000,000,000
Fiscal year 2019: −$325,000,000,000

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: *$3,672,991,000,000*
Fiscal year 2010: *$2,843,271,000,000*
Fiscal year 2011: *$2,733,991,000,000*
Fiscal year 2012: *$2,700,845,000,000*
Fiscal year 2013: *$2,828,619,000,000*
Fiscal year 2014: *$2,951,763,000,000*
Fiscal year 2015: *$3,044,960,000,000*
Fiscal year 2016: *$3,167,613,000,000*
Fiscal year 2017: *$3,238,948,000,000*
Fiscal year 2018: *$3,319,833,000,000*
Fiscal year 2019: *$3,472,009,000,000*

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: *$3,360,034,000,000*
Fiscal year 2010: *$2,971,983,000,000*
Fiscal year 2011: *$2,875,771,000,000*
Fiscal year 2012: *$2,752,996,000,000*
Fiscal year 2013: *$2,846,991,000,000*
Fiscal year 2014: *$2,943,836,000,000*
Fiscal year 2015: *$3,027,078,000,000*
Fiscal year 2016: *$3,150,051,000,000*
Fiscal year 2017: *$3,214,230,000,000*
Fiscal year 2018: *$3,289,783,000,000*
Fiscal year 2019: *$3,445,611,000,000*

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: −$1,693,000,000,000
Fiscal year 2010: −$1,190,000,000,000
Fiscal year 2011: −$798,000,000,000
Fiscal year 2012: −$502,000,000,000
Fiscal year 2013: −$477,000,000,000
Fiscal year 2014: −$484,000,000,000
Fiscal year 2015: −$459,000,000,000
Fiscal year 2016: −$503,000,000,000
Fiscal year 2017: −$481,000,000,000
Fiscal year 2018: −$484,000,000,000
Fiscal year 2019: −$448,000,000,000

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: $11,836,000,000,000
Fiscal year 2010: $13,255,000,000,000
Fiscal year 2011: $14,321,000,000,000
Fiscal year 2012: $15,194,000,000,000
Fiscal year 2013: $16,074,000,000,000
Fiscal year 2014: $16,943,000,000,000
Fiscal year 2015: $17,774,000,000,000
Fiscal year 2016: $18,630,000,000,000
Fiscal year 2017: $19,470,000,000,000
Fiscal year 2018: $20,318,000,000,000
Fiscal year 2019: $21,093,000,000,000

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: $7,496,000,000,000
Fiscal year 2010: $8,686,000,000,000
Fiscal year 2011: $9,484,000,000,000
Fiscal year 2012: $9,986,000,000,000
Fiscal year 2013: $10,464,000,000,000
Fiscal year 2014: $10,948,000,000,000
Fiscal year 2015: $11,407,000,000,000
Fiscal year 2016: $11,910,000,000,000
Fiscal year 2017: $12,391,000,000,000
Fiscal year 2018: $12,875,000,000,000
Fiscal year 2019: $13,323,000,000,000

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: $654,000,000,000
Fiscal year 2010: $682,000,000,000
Fiscal year 2011: $719,000,000,000
Fiscal year 2012: $756,000,000,000
Fiscal year 2013: $803,000,000,000
Fiscal year 2014: $842,000,000,000
Fiscal year 2015: $879,000,000,000
Fiscal year 2016: $925,000,000,000
Fiscal year 2017: $962,000,000,000
Fiscal year 2018: $1,004,000,000,000
Fiscal year 2019: $1,048,000,000,000

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections

302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: $662,000,000,000
Fiscal year 2010: $695,000,000,000
Fiscal year 2011: $721,000,000,000
Fiscal year 2012: $749,000,000,000
Fiscal year 2013: $790,000,000,000
Fiscal year 2014: $839,000,000,000
Fiscal year 2015: $891,000,000,000
Fiscal year 2016: $948,000,000,000
Fiscal year 2017: $1,008,000,000,000
Fiscal year 2018: $1,072,000,000,000
Fiscal year 2019: $1,141,000,000,000

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) NATIONAL DEFENSE (050):
Fiscal year 2009:
(A) New budget authority, $689,926,000,000
(B) Outlays, $666,842,000,000
Fiscal year 2010:
(A) New budget authority, $686,128,000,000
(B) Outlays, $689,963,000,000
Fiscal year 2011:
(A) New budget authority, $614,923,000,000
(B) Outlays, $657,207,000,000
Fiscal year 2012:
(A) New budget authority, $623,612,000,000
(B) Outlays, $637,011,000,000
Fiscal year 2013:
(A) New budget authority, $634,421,000,000
(B) Outlays, $636,332,000,000
Fiscal year 2014:
(A) New budget authority, $648,249,000,000
(B) Outlays, $641,632,000,000
Fiscal year 2015:
(A) New budget authority, $663,159,000,000
(B) Outlays, $653,234,000,000
Fiscal year 2016:
(A) New budget authority, $678,149,000,000
(B) Outlays, $671,890,000,000
Fiscal year 2017:
(A) New budget authority, $694,153,000,000
(B) Outlays, $683,256,000,000
Fiscal year 2018:
(A) New budget authority, $709,147,000,000
(B) Outlays, $693,789,000,000
Fiscal year 2019:
(A) New budget authority, $726,167,000,000
(B) Outlays, $714,089,000,000
(2) International Affairs (150):
Fiscal year 2009:
(A) New budget authority, $57,114,000,000
(B) Outlays, $41,514,000,000
Fiscal year 2010:
(A) New budget authority, $42,847,000,000
(B) Outlays, $43,622,000,000
Fiscal year 2011:
(A) New budget authority, $43,167,000,000
(B) Outlays, $43,897,000,000
Fiscal year 2012:
(A) New budget authority, $43,473,000,000
(B) Outlays, $43,985,000,000
Fiscal year 2013:
(A) New budget authority, $43,759,000,000
(B) Outlays, $43,911,000,000
Fiscal year 2014:
(A) New budget authority, $44,214,000,000
(B) Outlays, $43,866,000,000
Fiscal year 2015:
(A) New budget authority, $44,847,000,000
(B) Outlays, $44,257,000,000
Fiscal year 2016:
(A) New budget authority, $45,621,000,000
(B) Outlays, $44,870,000,000
Fiscal year 2017:
(A) New budget authority, $46,430,000,000
(B) Outlays, $45,575,000,000
Fiscal year 2018:
(A) New budget authority, $47,211,000,000
(B) Outlays, $46,301,000,000
Fiscal year 2019:
(A) New budget authority, $48,084,000,000
(B) Outlays, $47,105,000,000
(3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250):
Fiscal year 2009:
(A) New budget authority, $35,264,000,000
(B) Outlays, $30,855,000,000
Fiscal year 2010:
(A) New budget authority, $29,780,000,000
(B) Outlays, $31,707,000,000
Fiscal year 2011:
(A) New budget authority, $30,007,000,000
(B) Outlays, $31,161,000,000
Fiscal year 2012:
(A) New budget authority, $30,231,000,000
(B) Outlays, $30,214,000,000
Fiscal year 2013:
(A) New budget authority, $30,432,000,000
(B) Outlays, $30,312,000,000
Fiscal year 2014:
(A) New budget authority, $30,758,000,000
(B) Outlays, $30,584,000,000
Fiscal year 2015:
(A) New budget authority, $30,703,000,000
(B) Outlays, $30,417,000,000
Fiscal year 2016:
(A) New budget authority, $31,748,000,000
(B) Outlays, $31,359,000,000
Fiscal year 2017:
(A) New budget authority, $32,319,000,000
(B) Outlays, $31,984,000,000
Fiscal year 2018:
(A) New budget authority, $32,872,000,000
(B) Outlays, $32,446,000,000
Fiscal year 2019:
(A) New budget authority, $33,484,000,000
(B) Outlays, $33,028,000,000
(4) ENERGY (270):
Fiscal year 2009:
(A) New budget authority, $44,998,000,000
(B) Outlays, $5,350,000,000
Fiscal year 2010:
(A) New budget authority, $5,568,000,000
(B) Outlays, $8,974,000,000
Fiscal year 2011:
(A) New budget authority, $5,582,000,000
(B) Outlays, $11,303,000,000
Fiscal year 2012:
(A) New budget authority, $5,459,000,000
(B) Outlays, $11,999,000,000
Fiscal year 2013:
(A) New budget authority, $5,319,000,000
(B) Outlays, $7,091,000,000
Fiscal year 2014:
(A) New budget authority, $5,175,000,000
(B) Outlays, $2,082,000,000
Fiscal year 2015:
(A) New budget authority, $5,212,000,000
(B) Outlays, $3,214,000,000
Fiscal year 2016:
(A) New budget authority, $5,325,000,000
(B) Outlays, $3,512,000,000
Fiscal year 2017:
(A) New budget authority, $5,478,000,000
(B) Outlays, $3,765,000,000
Fiscal year 2018:
(A) New budget authority, $5,567,000,000
(B) Outlays, $3,905,000,000
Fiscal year 2019:
(A) New budget authority, $5,595,000,000
(B) Outlays, $4,502,000,000
(5) NATURAL RESOURCES AND ENVIRONMENT (300):
Fiscal year 2009:
(A) New budget authority, $54,596,000,000
(B) Outlays, $36,252,000,000
Fiscal year 2010:
(A) New budget authority, $35,085,000,000
(B) Outlays, $38,866,000,000
Fiscal year 2011:
(A) New budget authority, $35,772,000,000
(B) Outlays, $37,713,000,000
Fiscal year 2012:
(A) New budget authority, $35,952,000,000
(B) Outlays, $36,983,000,000
Fiscal year 2013:
(A) New budget authority, $36,160,000,000
(B) Outlays, $36,478,000,000
Fiscal year 2014:
(A) New budget authority, $36,465,000,000
(B) Outlays, $36,631,000,000
Fiscal year 2015:
(A) New budget authority, $36,714,000,000
(B) Outlays, $36,712,000,000
Fiscal year 2016:
(A) New budget authority, $37,002,000,000
(B) Outlays, $36,845,000,000
Fiscal year 2017:
(A) New budget authority, $37,312,000,000
(B) Outlays, $36,917,000,000
Fiscal year 2018:
(A) New budget authority, $37,602,000,000
(B) Outlays, $36,923,000,000
Fiscal year 2019:
(A) New budget authority, $37,952,000,000
(B) Outlays, $37,215,000,000
(6) AGRICULTURE (350):
Fiscal year 2009:
(A) New budget authority, $6,349,000,000
(B) Outlays, $6,111,000,000
Fiscal year 2010:
(A) New budget authority, $6,131,000,000
(B) Outlays, $6,217,000,000
Fiscal year 2011:
(A) New budget authority, $6,150,000,000
(B) Outlays, $6,133,000,000
Fiscal year 2012:
(A) New budget authority, $6,205,000,000
(B) Outlays, $6,159,000,000
Fiscal year 2013:
(A) New budget authority, $6,261,000,000
(B) Outlays, $6,207,000,000
Fiscal year 2014:
(A) New budget authority, $6,319,000,000
(B) Outlays, $6,261,000,000
Fiscal year 2015:
(A) New budget authority, $6,359,000,000
(B) Outlays, $6,275,000,000
Fiscal year 2016:
(A) New budget authority, $6,402,000,000
(B) Outlays, $6,312,000,000
Fiscal year 2017:
(A) New budget authority, $6,455,000,000
(B) Outlays, $6,345,000,000
Fiscal year 2018:
(A) New budget authority, $6,507,000,000
(B) Outlays, $6,401,000,000
Fiscal year 2019:
(A) New budget authority, $6,601,000,000
(B) Outlays, $6,532,000,000
(7) COMMERCE AND HOUSING CREDIT (370):
Fiscal year 2009:
(A) New budget authority, $13,216,000,000
(B) Outlays, $6,253,000,000
Fiscal year 2010:
(A) New budget authority, $6,197,000,000
(B) Outlays, $8,977,000,000
Fiscal year 2011:
(A) New budget authority, $6,055,000,000
(B) Outlays, $6,847,000,000
Fiscal year 2012:
(A) New budget authority, $6,097,000,000
(B) Outlays, $7,436,000,000
Fiscal year 2013:
(A) New budget authority, $5,982,000,000
(B) Outlays, $7,180,000,000
Fiscal year 2014:
(A) New budget authority, $5,909,000,000
(B) Outlays, $6,250,000,000
Fiscal year 2015:
(A) New budget authority, $5,860,000,000
(B) Outlays, $5,915,000,000
Fiscal year 2016:
(A) New budget authority, $5,855,000,000
(B) Outlays, $5,748,000,000
Fiscal year 2017:
(A) New budget authority, $5,839,000,000
(B) Outlays, $5,730,000,000
Fiscal year 2018:
(A) New budget authority, $5,814,000,000
(B) Outlays, $5,701,000,000
Fiscal year 2019:
(A) New budget authority, $5,793,000,000
(B) Outlays, $5,675,000,000
(8) TRANSPORTATION (400):
Fiscal year 2009:

(A) New budget authority, $79,061,000,000
(B) Outlays, $85,668,000,000
Fiscal year 2010:
(A) New budget authority, $30,312,000,000
(B) Outlays, $92,847,000,000
Fiscal year 2011:
(A) New budget authority, $30,717,000,000
(B) Outlays, $93,051,000,000
Fiscal year 2012:
(A) New budget authority, $31,140,000,000
(B) Outlays, $92,082,000,000
Fiscal year 2013:
(A) New budget authority, $31,544,000,000
(B) Outlays, $92,110,000,000
Fiscal year 2014:
(A) New budget authority, $32,105,000,000
(B) Outlays, $92,296,000,000
Fiscal year 2015:
(A) New budget authority, $32,806,000,000
(B) Outlays, $91,863,000,000
Fiscal year 2016:
(A) New budget authority, $33,656,000,000
(B) Outlays, $90,792,000,000
Fiscal year 2017:
(A) New budget authority, $34,545,000,000
(B) Outlays, $90,908,000,000
Fiscal year 2018:
(A) New budget authority, $35,432,000,000
(B) Outlays, $92,372,000,000
Fiscal year 2019:
(A) New budget authority, $36,385,000,000
(B) Outlays, $93,932,000,000
(9) COMMUNITY AND REGIONAL DEVELOPMENT (450):
Fiscal year 2009:
(A) New budget authority, $23,006,000,000
(B) Outlays, $26,252,000,000
Fiscal year 2010:
(A) New budget authority, $14,959,000,000
(B) Outlays, $26,337,000,000
Fiscal year 2011:
(A) New budget authority, $15,070,000,000
(B) Outlays, $24,669,000,000
Fiscal year 2012:
(A) New budget authority, $15,179,000,000
(B) Outlays, $21,493,000,000
Fiscal year 2013:
(A) New budget authority, $15,277,000,000
(B) Outlays, $18,981,000,000
Fiscal year 2014:
(A) New budget authority, $15,435,000,000
(B) Outlays, $17,445,000,000
Fiscal year 2015:
(A) New budget authority, $15,662,000,000
(B) Outlays, $16,156,000,000
Fiscal year 2016:
(A) New budget authority, $15,932,000,000
(B) Outlays, $15,504,000,000
Fiscal year 2017:
(A) New budget authority, $16,215,000,000
(B) Outlays, $15,664,000,000
Fiscal year 2018:
(A) New budget authority, $16,481,000,000
(B) Outlays, $15,911,000,000
Fiscal year 2019:
(A) New budget authority, $16,787,000,000
(B) Outlays, $16,153,000,000
(10) EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES (500):
Fiscal year 2009:
(A) New budget authority, $188,508,000,000
(B) Outlays, $94,814,000,000
Fiscal year 2010:
(A) New budget authority, $89,417,000,000
(B) Outlays, $138,899,000,000
Fiscal year 2011:
(A) New budget authority, $90,007,000,000
(B) Outlays, $127,810,000,000
Fiscal year 2012:
(A) New budget authority, $90,588,000,000
(B) Outlays, $98,331,000,000
Fiscal year 2013:
(A) New budget authority, $91,092,000,000
(B) Outlays, $94,666,000,000
Fiscal year 2014:
(A) New budget authority, $91,948,000,000
(B) Outlays, $94,142,000,000
Fiscal year 2015:
(A) New budget authority, $93,164,000,000
(B) Outlays, $95,075,000,000
Fiscal year 2016:
(A) New budget authority, $94,657,000,000
(B) Outlays, $96,402,000,000
Fiscal year 2017:
(A) New budget authority, $96,235,000,000
(B) Outlays, $97,938,000,000
Fiscal year 2018:
(A) New budget authority, $97,739,000,000
(B) Outlays, $99,507,000,000
Fiscal year 2019:
(A) New budget authority, $99,415,000,000
(B) Outlays, $101,130,000,000
(11) HEALTH (550):
Fiscal year 2009:
(A) New budget authority, $75,483,000,000
(B) Outlays, $57,635,000,000
Fiscal year 2010:
(A) New budget authority, $56,948,000,000
(B) Outlays, $64,243,000,000
Fiscal year 2011:
(A) New budget authority, $57,413,000,000
(B) Outlays, $62,603,000,000
Fiscal year 2012:
(A) New budget authority, $57,881,000,000
(B) Outlays, $59,451,000,000
Fiscal year 2013:
(A) New budget authority, $58,305,000,000
(B) Outlays, $57,913,000,000
Fiscal year 2014:
(A) New budget authority, $58,971,000,000
(B) Outlays, $58,176,000,000
Fiscal year 2015:
(A) New budget authority, $59,879,000,000
(B) Outlays, $58,713,000,000
Fiscal year 2016:
(A) New budget authority, $60,974,000,000
(B) Outlays, $59,583,000,000
Fiscal year 2017:
(A) New budget authority, $62,124,000,000
(B) Outlays, $60,662,000,000
Fiscal year 2018:
(A) New budget authority, $63,242,000,000
(B) Outlays, $61,727,000,000
Fiscal year 2019:
(A) New budget authority, $64,465,000,000
(B) Outlays, $62,697,000,000
(12) MEDICARE (570):
Fiscal year 2009:
(A) New budget authority, $5,390,000,000
(B) Outlays, $5,255,000,000
Fiscal year 2010:
(A) New budget authority, $5,595,000,000
(B) Outlays, $5,566,000,000
Fiscal year 2011:
(A) New budget authority, $5,819,000,000
(B) Outlays, $5,781,000,000
Fiscal year 2012:
(A) New budget authority, $5,852,000,000
(B) Outlays, $5,828,000,000
Fiscal year 2013:
(A) New budget authority, $5,893,000,000
(B) Outlays, $5,855,000,000
Fiscal year 2014:
(A) New budget authority, $5,927,000,000
(B) Outlays, $5,920,000,000
Fiscal year 2015:
(A) New budget authority, $5,967,000,000
(B) Outlays, $5,935,000,000
Fiscal year 2016:
(A) New budget authority, $6,004,000,000
(B) Outlays, $5,955,000,000
Fiscal year 2017:
(A) New budget authority, $6,035,000,000
(B) Outlays, $5,962,000,000
Fiscal year 2018:
(A) New budget authority, $6,065,000,000
(B) Outlays, $5,975,000,000
Fiscal year 2019:
(A) New budget authority, $6,085,000,000
(B) Outlays, $5,992,000,000
(13) INCOME SECURITY (600):
Fiscal year 2009:
(A) New budget authority, $74,067,000,000
(B) Outlays, $64,056,000,000
Fiscal year 2010:
(A) New budget authority, $62,365,000,000
(B) Outlays, $67,580,000,000
Fiscal year 2011:
(A) New budget authority, $62,275,000,000
(B) Outlays, $67,880,000,000
Fiscal year 2012:
(A) New budget authority, $62,540,000,000
(B) Outlays, $66,271,000,000
Fiscal year 2013:
(A) New budget authority, $62,803,000,000
(B) Outlays, $65,341,000,000
Fiscal year 2014:
(A) New budget authority, $63,328,000,000
(B) Outlays, $64,169,000,000
Fiscal year 2015:
(A) New budget authority, $64,221,000,000
(B) Outlays, $64,804,000,000
Fiscal year 2016:
(A) New budget authority, $65,362,000,000
(B) Outlays, $65,660,000,000
Fiscal year 2017:
(A) New budget authority, $66,561,000,000
(B) Outlays, $66,690,000,000
Fiscal year 2018:
(A) New budget authority, $67,716,000,000
(B) Outlays, $67,735,000,000
Fiscal year 2019:
(A) New budget authority, $68,976,000,000
(B) Outlays, $68,840,000,000
(14) SOCIAL SECURITY (650):
Fiscal year 2009:
(A) New budget authority, $6,386,000,000
(B) Outlays, $5,479,000,000
Fiscal year 2010:
(A) New budget authority, $5,460,000,000
(B) Outlays, $5,549,000,000
Fiscal year 2011:
(A) New budget authority, $5,545,000,000
(B) Outlays, $5,655,000,000
Fiscal year 2012:
(A) New budget authority, $5,630,000,000
(B) Outlays, $5,763,000,000
Fiscal year 2013:
(A) New budget authority, $5,716,000,000
(B) Outlays, $5,849,000,000
Fiscal year 2014:
(A) New budget authority, $5,830,000,000
(B) Outlays, $5,809,000,000
Fiscal year 2015:
(A) New budget authority, $5,969,000,000
(B) Outlays, $5,942,000,000
Fiscal year 2016:
(A) New budget authority, $6,135,000,000
(B) Outlays, $6,103,000,000
Fiscal year 2017:
(A) New budget authority, $6,306,000,000
(B) Outlays, $6,271,000,000
Fiscal year 2018:
(A) New budget authority, $6,479,000,000
(B) Outlays, $6,443,000,000
Fiscal year 2019:
(A) New budget authority, $6,665,000,000
(B) Outlays, $6,627,000,000
(15) VETERANS BENEFITS AND SERVICES (700):
Fiscal year 2009:
(A) New budget authority, $49,394,000,000
(B) Outlays, $46,757,000,000
Fiscal year 2010:
(A) New budget authority, $53,263,000,000
(B) Outlays, $52,474,000,000
Fiscal year 2011:
(A) New budget authority, $54,417,000,000
(B) Outlays, $53,972,000,000
Fiscal year 2012:
(A) New budget authority, $55,855,000,000
(B) Outlays, $55,487,000,000
Fiscal year 2013:
(A) New budget authority, $57,384,000,000
(B) Outlays, $56,932,000,000
Fiscal year 2014:
(A) New budget authority, $58,969,000,000
(B) Outlays, $58,519,000,000
Fiscal year 2015:
(A) New budget authority, $60,971,000,000
(B) Outlays, $59,265,000,000
Fiscal year 2016:
(A) New budget authority, $62,494,000,000
(B) Outlays, $61,978,000,000
Fiscal year 2017:

(A) New budget authority, $64,367,000,000
(B) Outlays, $63,067,000,000
Fiscal year 2018:
(A) New budget authority, $65,404,000,000
(B) Outlays, $65,012,000,000
Fiscal year 2019:
(A) New budget authority, $67,415,000,000
(B) Outlays, $65,345,000,000
(16) ADMINISTRATION OF JUSTICE (750):
Fiscal year 2009:
(A) New budget authority, $54,099,000,000
(B) Outlays, $48,018,000,000
Fiscal year 2010:
(A) New budget authority, $48,763,000,000
(B) Outlays, $49,470,000,000
Fiscal year 2011:
(A) New budget authority, $50,595,000,000
(B) Outlays, $51,525,000,000
Fiscal year 2012:
(A) New budget authority, $50,506,000,000
(B) Outlays, $51,416,000,000
Fiscal year 2013:
(A) New budget authority, $50,389,000,000
(B) Outlays, $51,428,000,000
Fiscal year 2014:
(A) New budget authority, $50,263,000,000
(B) Outlays, $50,466,000,000
Fiscal year 2015:
(A) New budget authority, $50,156,000,000
(B) Outlays, $49,725,000,000
Fiscal year 2016:
(A) New budget authority, $50,012,000,000
(B) Outlays, $49,250,000,000
Fiscal year 2017:
(A) New budget authority, $50,023,000,000
(B) Outlays, $49,366,000,000
Fiscal year 2018:
(A) New budget authority, $50,015,000,000
(B) Outlays, $49,501,000,000
Fiscal year 2019:
(A) New budget authority, $50,247,000,000
(B) Outlays, $46,565,000,000
(17) GENERAL GOVERNMENT (800):
Fiscal year 2009:
(A) New budget authority, $24,562,000,000
(B) Outlays, $18,861,000,000
Fiscal year 2010:
(A) New budget authority, $18,976,000,000
(B) Outlays, $19,896,000,000
Fiscal year 2011:
(A) New budget authority, $19,286,000,000
(B) Outlays, $20,181,000,000
Fiscal year 2012:
(A) New budget authority, $19,598,000,000
(B) Outlays, $20,541,000,000
Fiscal year 2013:
(A) New budget authority, $19,915,000,000
(B) Outlays, $20,781,000,000
Fiscal year 2014:
(A) New budget authority, $20,320,000,000
(B) Outlays, $20,662,000,000
Fiscal year 2015:
(A) New budget authority, $20,828,000,000
(B) Outlays, $20,951,000,000
Fiscal year 2016:
(A) New budget authority, $21,426,000,000
(B) Outlays, $21,366,000,000
Fiscal year 2017:
(A) New budget authority, $22,039,000,000
(B) Outlays, $21,854,000,000
Fiscal year 2018:
(A) New budget authority, $22,668,000,000
(B) Outlays, $22,427,000,000
Fiscal year 2019:
(A) New budget authority, $23,330,000,000
(B) Outlays, $22,873,000,000
(18) *NET INTEREST (900):*
Fiscal year 2009:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2010:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2011:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2012:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2013:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2014:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2015:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2016:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2017:
(A) *New budget authority, $0*
(B) *Outlays, $0*
Fiscal year 2018:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2019:
(A) New budget authority, $0
(B) Outlays, $0
(19) ALLOWANCES (920):
Fiscal year 2009:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2010:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2011:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2012:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2013:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2014:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2015:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2016:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2017:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2018:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2019:
(A) New budget authority, $0
(B) Outlays, $0
(20) UNDISTRIBUTED OFFSETTING RECEIPTS (950):
Fiscal year 2009:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2010:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2011:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2012:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2013:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2014:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2015:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2016:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2017:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2018:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2019:
(A) New budget authority, $0
(B) Outlays, $0

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-REDUCING RESERVE FUNDS FOR ENTITLEMENT COMMISSIONS—SOCIAL SECURITY AND MEDICARE & MEDICAID.

(a) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for a BRAC-like commission to review the current and long-term solvency of Social Security and a BRAC-like commission to review the current and long-term solvency of Medicare and Medicaid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) These commissions will provide recommendations to reduce mandatory spending by at least four percent over the next five years, and seven percent over the next ten years.

(c) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than means testing for high-income beneficiaries under the prescription drug benefit under Part D).

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE HEALTHCARE REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address health care costs, coverage, and care in the United States in a manner that reduces the costs of health care, increases access to health insurance, and improves the transparency of the costs and quality for medical care, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, and eliminate the offset between Survivor Benefit Plan annuities and Veteran's Dependency and Indemnity Compensation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference

reports that promote energy security activities including, but not limited to, increasing funding for waste storage alternatives, advanced technology assessment and deployment for clean coal and carbon capture and storage, and clean energy deployment including increasing the use of nuclear power and refurbishing the transmission grid, and allowing loans under the Department of Energy's Innovative Technology Loan Guarantee Program of up to $50,000,000,000 for the purposes of constructing nuclear power generating units, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR TAX CODE MODERNIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for revenue-neutral income (including AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance and aids U.S. international competitiveness, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC 206. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts; or

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR A BIPARTISAN, COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports for a select senate committee to carry out a bipartisan, comprehensive investigation into the underlying causes of the current economic crisis, and recommend ways to avoid another crisis, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

TITLE III—BUDGETARY PROCESS

SUBTITLE A—BUDGET ENFORCEMENT

SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) with respect to fiscal year 2009—

(A) for the defense category $689,926,000,000 in new budget authority and $666,842,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $49,394,000,000 in new budget authority and $46,757,000,000 ; in outlays; and

(C) for the nondefense/non-VA category $742,099,000,000 in new budget authority and $532,373,000,000 in outlays.

(2) with respect to fiscal year 2010—

(A) for the defense category $686,128,000,000 in new budget authority and $689,963,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c);

(B) for the Veterans Affairs (VA) category $53,263,000,000 in new budget authority and $52,274,000,000 ; in outlays; as adjusted in conformance with the adjustment procedures in subsection (c); and

(C) for the nondefense category $458,515,000,000 in new budget authority and $608,750,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c).

(3) with respect to fiscal year 2011 —

(A) for the defense category $614,293,000,000 in new budget authority and $657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $54,417,000,000 in new budget authority and $53,972,000,000 ; in outlays; and

(C) for the nondefense/non-VA category $463,460,000,000 in new budget authority and $596,209,000,000 in outlays.

(4) with respect to fiscal year 2012—

(A) for the defense category $614,293,000,000 in new budget authority and $657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $54,417,000,000 in new budget authority and $53,972,000,000 ; in outlays; and

(C) for the nondefense/non-VA category $463,460,000,000 in new budget authority and $596,209,000,000 in outlays.

(5) with respect to fiscal year 2013—

(A) for the defense category $634,421,000,000 in new budget authority and $636,332,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $57,384,000,000 in new budget authority and $56,932,000,000 ; in outlays; and

(C) for the nondefense/non-VA category $468,849,000,000 in new budget authority and $544,103,000,000 in outlays.

(6) with respect to fiscal year 2014—

(A) for the defense category $648,249,000,000 in new budget authority and $641,632,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $58,969,000,000 in new budget authority and $58,515,000,000 in outlays; and

(C) for the nondefense/non-VA category $472,964,000,000 in new budget authority and $534,759,000,000 in outlays.

(7) with respect to fiscal year 2015—

(A) for the defense category $663,159,000,000 in new budget authority and $6653,234,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $60,971,000,000 in new budget authority and $59,265,000,000 in outlays; and

(C) for the nondefense/non-VA category $478,347,000,000 in new budget authority and $535,954,000,000 in outlays.

(8) with respect to fiscal year 2016—

(A) for the defense category $678,149,000,000 in new budget authority and $671,890,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $62,494,000,000 in new budget authority and $61,978,000,000 in outlays; and

(C) for the nondefense/non-VA category $486,111,000,000 in new budget authority and $539,261,000,000 in outlays.

(9) with respect to fiscal year 2017—

(A) for the defense category $694,153,000,000 in new budget authority and $683,256,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $64,367,000,000 in new budget authority and $63,067,000,000; in outlays; and

(C) for the nondefense/non-VA category $493,916,000,000 in new budget authority and $545,501,000,000 in outlays.

(10) with respect to fiscal year 2018—

(A) for the defense category $709,147,000,000 in new budget authority and $693,789,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $65,404,000,000 in new budget authority and $65,012,000,000 in outlays; and

(C) for the nondefense/non-VA category $501,500,000,000 in new budget authority and $553,275,000,000 in outlays.

(11) with respect to fiscal year 2019—

(A) for the defense category $726,167,000,000 in new budget authority and $714,089,000,000 in outlays;

(B) for the Veterans Affairs (VA) category $67,415,000,000 in new budget authority and $65,345,000,000 in outlays; and

(C) for the nondefense/non-VA category $509,864,000,000 in new budget authority and $558,866,000,000 in outlays.

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(3) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority in each year.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of $10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and

sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2018.

(e) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SUBTITLE B—OTHER PROVISIONS

SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 315. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 316. COST ESTIMATES FOR CONFERENCE REPORTS AND OTHER MEASURES.

It shall not be in order to consider a conference report, bill, or joint resolution unless an estimate of costs has been printed in the Congressional Record at least one day before its consideration.

SEC. 317. LIMITATION ON LONG-TERM SPENDING PROPOSALS

It shall not be in order to consider any bill or joint resolution reported from a committee if such bill or resolution is not accompanied by a cost estimate prepared by the Congressional Budget Office on whether or not the measure would cause a net increase in direct spending in excess of $5 billion in any of the four next five-year periods.

SEC. 318. REVENUES COLLECTED FROM CLOSING THE TAX GAP ARE USED ONLY FOR DEBT REDUCTION.

(a) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO BUDGET COMMITTEE.—When a bill is cleared for the President, the Congressional Budget Office (CBO), pursuant to section 202 of the Congressional Budget Act of 1974, and the Joint Committee on Taxation shall inform the Chairman of the Committee on the Budget if that measure contains provisions that increase revenues from closing the tax gap. The report shall include the amount of revenue raised each year including the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any revenue raised from provisions to close the tax gap (as detailed in the report described in (a)(1)) shall not count as offsets for purposes of section 201 of S. Con. Res. 21, the FY 2008 Budget Resolution.

(b) CRITERIA AND DEFINITIONS.—

(1) The tax gap is the difference between the revenue that is owed to the federal government in accordance with existing tax law and the revenue that is collected by the federal government.

(2) The tax gap is a combination of inadvertent errors and deliberate evasion.

(3) Revenues raised from changes to withholding or payment reporting requirements are examples of efforts to close the tax gap.

(4) The tax gap is not about clarifying existing law in order to close loopholes, broadening the tax base, raising tax rates, or any other action that would change existing tax law.

SEC. 319. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation that would increase the on-budget deficit above the amounts provided for in this resolution in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 320. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING A DEBT HELD BY THE PUBLIC-TO-GDP RATIO THAT EXCEEDS 65%.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains a ratio of debt held by the public-to-Gross Domestic Product which exceeds 65% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEBT LEVELS.—For purposes of this section, the debt level shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SEC. 321. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEFICIT LEVELS EXCEEDING 8% OF GDP.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains deficits as a percentage of the Gross Domestic Product in excess of 8% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEFICIT LEVELS.—For purposes of this section, the deficit as a percentage of Gross Domestic Product shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Republican time be allocated as follows, between now and the time of the vote: that Senator HUTCHISON be allowed 5 minutes on the substitute amendment, Senator GRAHAM 5 minutes, Senator COBURN 5 minutes, myself 5 minutes, Senator GREGG 10 minutes, Senator INHOFE 3 minutes, Senator SESSIONS 5 minutes, Senator CHAMBLISS 2 minutes, and Senator WICKER 2 minutes.

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

Mr. MCCAIN. Mr. President, I yield 5 minutes to the Senator from Texas, Mrs. HUTCHISON.

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

Mrs. HUTCHISON. Mr. President, I, first, wish to thank Senator MCCAIN for leading this effort to present an alternative because we all know, after looking at the Democratic budget and the Obama administration budget which produced the Democratic budget, that the debt is unsustainable. This is a budget that would double our debt in 5 years, and if it goes out to 10, it would triple our debt. As a matter of fact, it spends too much, it taxes too much, and it borrows too much.

We have to start putting some common sense in this budget process or we are going to go into an abyss. We must take the reins of this budget and hold it back. Today, our debt-to-gross domestic product is 57 percent. That is pretty high. The average over the last 50 years has been about 40 percent. This underlying budget today would take our debt-to-gross domestic product ratio to 80 percent. That is simply unsustainable on a long-term basis. During the Great Depression, during World War II, we saw numbers such as that, but you cannot sustain it over a long period of time. It was brought back down after World War II so that it was in the 30-percent range. Forty percent is optimum. We are at 57. We would go to 80 if we don't do something.

That is why Senator MCCAIN and those of us who are cosponsoring his substitute are trying to do the right thing. We are trying to produce an alternative that is responsible and takes care of the needs of our country at the same time.

The key points of this substitute are that we would cap discretionary spending at baseline levels plus inflation, except for defense and veterans. That means every program we have can grow with inflation. You are not cutting anything from today, but you are allowing it to just grow by inflation, which will cap it—except for defense, which does increase, and our veterans, which does increase. We have increased our veterans, we have increased defense, we continue to do so because we know our duty to those who are serving our country and protecting our freedom.

This substitute also extends the 2001 and 2003 tax cuts. That means marriage penalty relief will be extended. It means we will not put a shock into the stock market by increasing the capital gains and dividends rates at a time when we want to shore up our stock market. The worst thing we can do is send a signal that those taxes are going to go up in 2 years when our economy is already flailing. It will lower everyone's tax burden—everyone's. It will keep that 10-percent rate instead of moving it up. It will keep everyone's tax burden lower.

Marriage penalty relief is something I am going to offer an amendment on if this substitute does not pass because we need to make it permanent. The marriage penalty in this country, if we go back to the way it used to be, is over $1,000 a couple. Is this a country that wants to dissuade people from getting married? That is the core of our family support in this country. Our substitute will extend the tax cuts, including marriage penalty, including every bracket, and including capital gains and dividends, to encourage savings and shore up our stock market.

It also takes the bigger picture view. This is a 10-year substitute, so it ensures that revenues collected from closing the tax gap would only be used for debt reduction. This is planning for the future. This is saying we are going to bring down that debt burden that is in the underlying bill before us. It will not be used to increase Federal spending because we are going to cap that at the baseline plus inflation. We are not going to hurt anyone. We are not going to also add to our debt. In fact, we would cut $4 trillion from the budget that is before us.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The time of the Senator has expired.

Mrs. HUTCHISON. I hope my colleagues will look at this responsible alternative.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, the thing many of my colleagues don't know is, before I was a physician I was an accountant, and the thing about numbers is you can make them show anything you want. That, historically, is what Republicans and Democrats have done with budgets. They play games. The only year that counts is the next year, this next 2010 fiscal year. That is the only thing that counts in terms of what they are going to do.

The important thing before us ought to be the following: At the end of the budget that is offered by both President Obama and the majority, the deficit will be higher than it has ever been any time prior to this year, and it will not go down. It will never go down, in light of that, in terms of a sustainable level.

The second point I want to make on this budget is this budget is a real budget that says to every American except our fighting men and women and our seniors and our veterans: Everybody has to sacrifice for us to get out of the mess we are in. The sacrifice will not necessarily be hard because of the tremendous amount of waste that is in the Federal Government right now. At a conservative minimum, 10 percent of everything we spend is pure waste or fraud. We will not do anything about it. One of the things with the McCain budget, the Republican budget, is that it will force us to do something about it.

We take some of that $380 billion a year that is now defrauded of the Federal Government, or pure waste, and we will recapture that to do something positive. But the underlying point is, as Americans, if we are going to get out of the problems we are in, we cannot spend our way into prosperity, and we can't borrow our way out of debt. That is what this budget does. It attempts to grow Federal Government.

The claim is that it only grows it 2 percent over 5 years. But when you look at the numbers in this budget, it grows at 7 percent in the next year, in terms of discretionary spending. Then all the pain is after that. We all know the reality of the Senate. There will not be any pain. It will be 7 percent the year after that. You watch what comes from the appropriators.

The House budget has a 12-percent increase in it. The President's had an 11-percent increase. We can hear all these statements on the floor, but the No. 1 fact is, everybody in this country is going to have to sacrifice except those who have already sacrificed. If we do anything less than that, then what we are doing is sacrificing the future of our kids and our grandkids.

In this budget we have a proposal that will pick up the 11 million Americans who are eligible for Medicaid who are not even getting health care now and, at the same time, save the States $88 billion a year and save the Federal Government $40 billion a year and improve the health care of everybody on Medicaid today. That is $1.3 trillion of efficiency in health care that we will save. The States will love the plan.

Does it fit into the overall plan of what we have now? Is it the only way we can do it? No. But the fact is, 40 percent of the doctors and caregivers in our country today will not even see a Medicaid patient. We are up to almost 20 percent not seeing a Medicare patient. We have to do something about that. But we don't need more money in health care; what we need is a more efficient market and common sense in the way we spend the money so we get great quality care at a fair price, which is not happening today.

I hope my colleagues will consider the McCain budget because of the significant truth that underlies it, that everybody is going to have to sacrifice some. Everybody has to sacrifice if we are to get out of the mess we are in. You can be critical of it, but the fact is, there is no program, in terms of total dollars, that is going to see a marked decrease in terms of spending without getting exactly the same or better results.

Our President said he wants a line-by-line review of every program, that he wants competitive bidding, he wants metrics. That is what we do. We actually do what the average American would do. We apply common sense to the way the Government spends money, and we look at it and say we cannot continue on the path we are on without bankrupting our kids.

The very real possibility that out of the budget that is being presented today we will have a fiat currency or a currency that is inflated, which will devalue the assets of everybody in this country, is absolutely real and recognized.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COBURN. I thank the Senator from Arizona for the time to speak on his budget, and I yield.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The majority has 35 minutes and the Republicans also have 35 minutes.

Mr. MCCAIN. I thank the Chair.

Mr. SESSIONS. Madam President, I ask to be notified after 4 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank the Chair. I appreciate the comments that have been made. I agree first with Senator COBURN's comments about our distinguished chairman's pride in spending less money than the Obama proposal called for for discretionary spending over 5 years. He said he saved $600 billion—and it should save some. However, President Obama's budget was an 11-percent increase.

Senator CONRAD came in with a 7-percent increase, which is huge in light of the money we are spending on top of that with the stimulus package we just passed; and at 7 percent, Government spending would double in 10 years. But the House is at 12 percent. So when the bill goes to conference, it is not going to be at 7, it is going to be at 10, 11, maybe 12 percent.

No. 2, his savings are projected in years 2, 3, 4 and 5, and as Senator COBURN said, when we come back next year, this body, if the same Members are here, is going to have another 7 percent or 10 percent. The only one that counts is this year. So I do not believe we have a real change in this budget. I believe Mr. Orszag is correct—the President's budget manager—that this is 98 percent of what he asked for and he asked for a budget over 10 years that doubles the debt in 5 years and triples it in 10. It triples the debt in 10. It is admitted by the President's own budget. It is in the numbers he sent to us. We are not making this up. That is No. 1.

I have several amendments I will be calling to my colleagues' attention. One is the Comprehensive Outer Continental Shelf Study. We have no idea today how much oil and gas may be off our coasts, our Atlantic coast and Pacific coast. Particularly, the Atlantic States are eager to know what is out there and to consider whether they want to produce out there. I think it has great potential for America.

Every barrel of oil and energy we can produce in the United States off our shores so we do not have to transfer our wealth to Saudi Arabia or Venezuela or places around the world but keep it here creating jobs and revenue is progress for America in a significant way. That is an amendment on which I hope we will have bipartisan support.

Missile defense, I am working with Senator LIEBERMAN on that. I am concerned there might be some belief that we can ease off the completion of missile defense. Our missile defense system now has 26 launchers already built or contracted for; we want to do 44. After years and years of science and technology and investment, we are about to be able to complete a missile defense system that will make us all proud and can protect us from such things as a North Korean launch. If we don't get this system up like we need it, we will not be able to do that.

I believe today our technology would knock down that missile if it reached the United States. We need to complete that program. If we slow it down, it will just drive up the cost even more. That is important.

I am concerned about the history of this Congress when it deals with border security. We have voted repeatedly—the last big vote was 80 to 19—to complete 700 miles of fencing and barriers on our border. The money often does not get appropriated, however. We vote and say we are for it, but when the chips are down the money doesn't get funded. This would call on us to complete the funding for that project. I think all of us would want to complete what we have started.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SESSIONS. Madam President, I want to say it is not impossible for us at least to move substantially toward a balanced budget. In the immediate years ahead it is going to be hard to get to a balanced budget. But the President's budget does not attempt to do so. In fact, in years 7 and 10 of his budget, his deficits are not going down. This is his own document he submitted to us—they are surging upward. In his 10th year, the Congressional Budget Office says his deficit will be, in 1 year, $1.2 trillion. That will be almost three times the highest deficit this country has ever had in its history.

I thank Senator MCCAIN and others who are working on it.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Madam President, how much time remains under my control?

The PRESIDING OFFICER. There is 25 minutes remaining.

Mr. CONRAD. Madam President, how much time is under the control of Senator MCCAIN?

The PRESIDING OFFICER. There is 10 minutes remaining on the McCain amendment.

Mr. CONRAD. I ask unanimous consent that the debate on the McCain amendment appear all as one piece in the RECORD. I think that will be better for those reading this at some point in the future, if someone does care to read it in the future. It will be better if we keep the McCain debate all together as one.

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

Mr. CONRAD. First, I thank and congratulate the Senator from Arizona for producing a budget and a budget alternative. That was not done on their side until he did it, and I commend him for it.

I also commend him for producing a budget that in its overall totals is very close to the budget resolution I have advanced through the Budget Committee.

In fact, if you compare Senator MCCAIN's 5-year totals with my 5-year totals, compare his revenue to my revenue, his spending to my spending, they are 98 percent alike. In addition, the size of the deficit in 2014 is virtually the same. Mine is 2.9 percent of GDP, his is 2.8. And the debt, mine is 98.7, his is 98.3, virtually identical in 2014.

So there is some commonality here, and that is something perhaps we can build on. Of course, there are differences, and differences do matter. Largely they appear in two places. The Senator from Arizona appears to reduce mandatory spending by $350 billion over 5 years.

But where does he do it? Does he show savings in Medicare? No. Does he show savings in Medicaid and the health care accounts? No. Does he show savings in Social Security? No. Does he show savings in agriculture? No. He does not do it in any of those places that are the major pots of money for mandatory spending. Instead, he takes all of the $350 billion in savings in Function 920. That is the general overhead function for all of those categories.

So, in effect, what he has is an across-the-board cut in Medicare, Medicaid, Social Security, agriculture, and that is how this budget would work. I do not know if that is the intention, but that is what would happen.

In fact, excluding debt service, 85 percent of the claimed savings are from function 920, no specific savings at all. Where are the remaining 15 percent of the savings? Largely, they are in the international affairs budget. Relative to the budget resolution before us, and that is before we adopted the Kerry amendment yesterday, he reduces spending on international accounts by $44 billion over the 5 years. The Senator from Arizona assumes an increase of 1.3 percent in 2010 and less than 1 percent over the remaining 5 years. That runs counter to what the Secretary of Defense has asked of us because he has asked that we plus-up the international accounts so that things that really ought to be done in the international accounts, instead of the Defense Department accounts, be shown there.

Disturbingly, next year, when we will still be recovering from the worst recession since the Great Depression, the budget advanced by the Senator from Arizona would cut nondefense discretionary spending, compared to the resolution before us, by $23 billion. Those cuts would affect virtually every discretionary function, although not defense and not veterans. I commend him for holding them harmless, but that means everything else has to be cut more. That means education, the health care accounts—all of those would have to be cut.

In terms of looking at a budget in a fair and balanced way, while I commend the Senator for producing a budget, it is a budget without detail, a budget without specificity, a budget that is almost ''paint your own picture.'' Because he has this $350 billion of savings in function 920, because he doesn't specify, that would have to be done across the board. That means all of these other functions—Medicare, Social Security, agriculture, all of the other mandatory accounts—would have to take significant across-the-board cuts.

I commend the Senator from Arizona for offering an alternative, but I think the difference between his plan and my plan in overall numbers is very small, but the differences that do exist matter a great deal.

One other point I want to make: As with many of my GOP colleagues' amendments, the McCain amendment would create 60-vote points of order against future budget resolutions, threatening the ability to maintain the disciplines that come through the budget process. Caps on discretionary spending, allocations to committees, the supermajority points of order against excessive spending—all of that would be put at risk in the name of preventing the growth of deficits and debt. While I share the basic idea and the basic value of trying to control deficits and debt, as an unintended consequence, the cure here is worse than the disease. When the answer is to make it harder to do a budget resolution, you actually lose the disciplines we could employ in order to reduce the growth of deficits and debt.

It is a curious thing, if one thinks about it. The way to prevent the growth of debt is not to do a budget or make it harder to do a budget. Unfortunately, around here one of the few things we have to discipline spending is a budget. That is where all the points of order lie when we go to the appropriations process. If it were successful, if you were able to prevent doing a budget resolution, you would then immediately go to appropriations bills and you would have no points of order, no 60-vote hurdles against excessive spending. We want to think carefully whether that is the answer.

My own view is, we would be much better off doing some kind of special process where all of the major players are at the table, everything is on the table, and we have a special process to get whatever plan they develop to the floor for an actual vote. My own belief is, after 22 years of this, the only real hope for changing the underlying policies, for disciplining entitlements, for fundamental tax reform, the only way to do that is some sort of special bipartisan process where everybody is at the table, everything is on the table, and the work of that group comes to the floor for a guaranteed vote. That is the best hope we have.

With that, I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself a couple of minutes.

First, the fundamental difference between the proposal before us and my proposal is that the budget as proposed has a growth in 2010 for nondefense spending of 8 percent, with about 1 percent growth in each of the following years from 2011 to 2014. That is an old gimmick. The budget proposal before us caps discretionary funding in 2010, which front-loads all the higher costs in the first year. Without caps in the outyears, we will find ourselves right back here next year listening to why the administration can't possibly live with an increase in 2011 of less than 1 percent as recommended in the budget.

Mandatory spending is more than Social Security and Medicare. It is general sciences, space, energy, natural resources. Every estimate we have is that we could cut 10 percent immediately in unnecessary and wasteful spending and fraud across the board, including Medicare, including all of these other programs. We are asking Americans who are tightening their belts, we are asking every State legislature in America to make tough decisions, and we are not making those tough decisions. We are just going on as if it were business as usual. An 8-percent increase in spending for 2010? Tell me one State legislature in America or any family in America that can afford an 8-percent increase in their budget. Only we can because we print money.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that the Senator from Arizona yield 2 minutes to me to speak on the budget.

The PRESIDING OFFICER. The Senator is allotted 2 minutes.

Mr. CHAMBLISS. Madam President, as everyone knows, the chairman of the Budget Committee happens to be a dear friend of mine, a guy with whom I work on any number of issues on a regular basis. I empathize with him for having to take what I think has been generally recognized as a freewheeling spending budget coming from the White House and try to evolve that into something that is meaningful and much more responsible. Unfortunately, that is a difficult task. I don't think it has been done. I thought for a minute, in listening to the chairman of the committee speak about the McCain alternative, that perhaps he was going to support it. But I understand why he can't.

There is one other major difference the Budget Committee chairman fails to point out between the President's budget and the Democratic budget we will be voting on, and it is a fundamental difference. The President's budget and the Democratic budget focus on where we are going to spend money, versus the McCain budget which seeks to reduce Federal spending for the short term and the long term. The reason that is a fundamental difference is that when you look at the President's budget and you look at the Democratic budget, in the year 2019, for example, the amount of money that will be owed as interest on the debt will exceed the amount of money we are going to spend on discretionary defense. That is outrageous.

I have four grandchildren. Two of them are brand new. They are the ones who will be charged with repaying this debt. By passing the Democratic budget and the President's budget, there is simply no way the grandchildren of all of us are ever going to be able to pay the money back.

I urge support for the McCain alternative.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself 30 seconds.

I didn't mention at the beginning of my response, but I wish to express my appreciation for the way the chairman, Senator CONRAD, and Senator GREGG have handled this debate. People have had a good opportunity to express their views. The worst part, obviously, is coming up in about 20 minutes. Both the distinguished chairman and ranking member of the committee have handled the debate in a fashion better than I have ever seen in the past. I congratulate both of them for allowing virtually every Member of the Senate to express their views on this important issue.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I inquire if the Senator from Arizona wishes to go on his amendment. Do we still have Senator GRAHAM?

Mr. MCCAIN. I think he is on his way.

Mr. CONRAD. Could I say, I was told a number of years ago that one of our colleagues called in and said he was on his way, that he was at the airport, and then it turned out he was at the Philadelphia airport.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the chairman.

I wish to remind my colleagues where we are. We have a national debt of $10.7

trillion. The budget that was proposed by the President was $3.6 trillion. What we are looking at is a debt of $10.7 trillion. The Fed just pumped $1.2 trillion into the economy. The TARP, Troubled Asset Relief Program, was $700 billion. We passed an omnibus bill of $410 billion. Prior to that, we passed a $1.1 trillion stimulus package. And to cap it all off, the Chinese own $2 trillion of our paper, of our debt.

This is an unprecedented expenditure of the taxpayers' dollars, and with no way of paying for it. So these are extraordinary times, and we need to do extraordinary things. But let's try not to ignore what we are doing to future generations of Americans. Especially this time of year, I see lots of our citizens around the halls of Congress wearing badges and buttons and carrying signs and advocating for the causes and efforts they believe in. Generally speaking, those causes and efforts, in their view, require more of our tax dollars. I understand that. I appreciate it. And it is wonderful to see people exercising their right to petition Congress, which is guaranteed by the Constitution.

But I do not see anybody who is in the halls of Congress for my kids and my grandkids and your kids and your grandkids. We are laying an astronomical debt on them, which they will have to pay for sooner or later. One of the ways to pay for it is to debase the currency and print money. The result of that is hyperinflation, which is the greatest enemy of the middle class, and we have seen that before in the 1970s.

So, yes, this is a tough budget I am talking about. Yes, these are caps on discretionary spending. Tell me of a family in America—hardly—that is not having to put a cap on their spending. Tell me of a State legislature in America that is not having to put a cap on their spending because of enormous debts. My home State of Arizona is looking at a billion-dollar deficit. That is small compared to what is happening in California.

Madam President, I ask for 2 additional minutes from Senator GREGG's time.

Mr. GREGG. Madam President, I yield the Senator 3 minutes.

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

Mr. MCCAIN. So my point here is—by the way, one of the areas I agree with both Senator GREGG and Senator CONRAD is, we have to have a commission that meets and makes tough decisions on entitlements. We know entitlements cannot be sustained at their present level. And, of course, the first area we ought to look at is the $60 billion the inspector general has said is wasted in Medicare and Medicaid every year. But tough decisions have to be made.

This is a tough budget proposal here. This is tough. It caps discretionary spending, except for defense and veterans. It increases defense spending. We are in two wars. We are in two wars, and I wish to give a little straight talk. In Afghanistan it is going to get worse before it gets better, and it is going to cost more of American blood and treasure.

It reduces the deficit and debt more than the proposals offered by the Senate Budget Committee or the President, and I would point out that 10 years is what we have to plan for rather than 5. It addresses the critical problem of Social Security and Medicare solvency by the establishment—according to the proposal both by the chairman and ranking member—of BRAC-like commissions that would provide recommendations to reduce mandatory spending by at least 4 percent over the next 5 years.

It addresses our critical energy goals, and it also extends the tax cuts. This is the wrong time to increase anyone's taxes. History shows us if we raise people's taxes in tough economic times, it exacerbates the economic problems.

I do not pretend this is easy. I do not pretend this does not affect many Americans and their lives. But if we lay these multitrillion-dollar debts on future generations of Americans, we have contradicted and betrayed the commitment this Nation has kept throughout our history; that is, that the next generation of Americans inherit a better Nation than the one we did.

Madam President, I urge a vote for this amendment and this alternate budget proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, could the Chair inform us of the time remaining on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 9 minutes. The Senator from New Hampshire has 7½ minutes. The Senator from Oklahoma has 3 minutes. The Senator from South Carolina has 5 minutes. The Senator from Mississippi has 2 minutes.

Mr. CONRAD. Madam President, I think I will take a bit of my time, then, as we await these other Senators. Perhaps the cloakroom could check on the availability of Senators who have time so we can use the time effectively and efficiently.

With respect to Senator MCCAIN's amendment, his substitute, I want to again indicate there is virtually no difference between the debt at the end of the 5 years under his amendment and the amendment that has come through the Senate Budget Committee. The debt as a share of GDP on the budget that is on the floor is 98.7 percent of GDP in 2014. In the substitute amendment offered by the Senator from Arizona, it is 98.3 percent. There is virtually no difference in the debt levels under the McCain amendment and the budget I have offered our colleagues.

With respect to deficits, in 2014, the deficit as a share of GDP in the budget that is before us is 2.9 percent. Under the McCain amendment, it is 2.8 percent.

So I say to my colleagues, if you rack up, if you look at his revenue compared to my revenue: 98 percent the same. His spending versus my spending: 98 percent the same. Where have we heard that figure before?

I think the point that needs to be made, though, is that there are differences, and the differences do matter. The big difference here is the Senator from Arizona saves $350 billion out of the mandatory accounts, but he does not say where. He does not say where. He does not say it is out of Medicare. He does not say it is out of Social Security. He does not say it is out of agriculture. He does not say it is out of the other mandatory accounts. He puts all $350 billion in section 920, which is an across-the-board cut in all of them—$350 billion.

Colleagues, if you want to be voting for cuts that could be $350 billion in Medicare and Social Security, vote for the McCain alternative. If you do not think that is a real good idea, stick with the budget that is before us. Because we have been specific about where the revenues are, about where the spending is, and we have tried to be disciplined about getting down to virtually the same levels on deficits and debt that are in the McCain amendment.

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.

Mr. GRAHAM. 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. GRAHAM. Madam President, if it is all right with the bill managers, I would ask for 7 minutes to speak in support of the McCain amendment.

The PRESIDING OFFICER. The Senator has 5 minutes under the order.

Mr. GRAHAM. Five minutes. OK, thank you, Madam President.

I stand today in support of an alternative budget that is being proposed by Senator MCCAIN and others. This country is trying to write a budget for the American people. That should not be unknown to the American people. They are doing it every day. Every business is writing a budget. Every family is trying to plan a budget. The one thing families and businesses are doing is they are tightening their belts. Well, we are not. We are buying a bigger belt. We are buying a bigger suit.

We are trying to mask the fact that we are grossly overburdened. The budget before us is better than President Obama's budget. But Peter Orszag of OMB says it is 98 percent the same. So we are tying to find a different path. You can evaluate the people running your country as to how they want to spend your money and how much.

What we are proposing in this budget is to basically freeze domestic spending, except for defense and veterans—to

do what you are doing, basically; that is, control your spending, to get by on the same amount of money, with allowing some growth in some needed areas, but to rein in what will be a dramatic increase over time of domestic spending. I think we can do that.

We are spending trillions of dollars. We have trillions of dollars available to us. I know we could get by for another year or two on that same amount of money, allowing growth in certain key areas if we wanted to. But we don't have to. It is a choice we make. You don't have that choice. You can't go and print money. If you write a bad check, you go to jail; we call it good government. So you have choices. You have to make choices. We seem not to be bound by any choices.

If you are going to build a budget from a Federal level, what is the most important thing? At home and in your business, you build a budget around the essentials of what your family needs and what your business needs. I think we should be building a budget around securing the Nation. Under the budget of President Obama, defense spending goes from 4.7 percent of GDP—we are in Iraq and Afghanistan; there are all kinds of threats from Iran, North Korea, you name it; the world is a very dangerous place—and over 10 years, his defense budget takes spending down to 3 percent of GDP. I don't know what he is listening to in terms of intelligence reports, but I don't think this world is safe right now, and now is not the time to cut defense. The budget I am supporting, Senator MCCAIN's alternative, does away with tax increases on the job creators. If you make over $250,000 a year, your taxes are going to go up by about 25 percent. At a time when we are trying to get people to expand their business—and I can tell my colleagues one thing, and John Kennedy understood this—if you raise taxes, people do less business. If you raise the capital gains rates from 15 to 20, people do less capital gains transactions because there is a penalty to engage in business activity. So now is not the time to raise taxes on anyone.

We have to compete with China and India. When you pass on the cost of doing business—and that is what will happen—the American consumer suffers and the American business community is going to suffer because they are competing with people in a global economy who do not have all these tax burdens.

The biggest problem this country faces in terms of long-term debt is Social Security and Medicare. These are entitlement programs. When you get retirement eligible under Social Security, you get a check based on your contributions. Nobody wants to allow that system to go bankrupt, but it is headed toward bankruptcy. Why? Because the amount of money coming in and the amount of money obligated do not match.

When I was born in 1955, there were 15 workers for every retiree. Today there are three and in 20 years there will be two. People will not be able—two workers will not be able to meet the obligations that are owed through the Social Security system unless we act now. This budget puts aside a reserve program to deal with saving Social Security. Medicare and Social Security and Medicaid are a very large part of our budget, and they are on autopilot. I commend the President for wanting to do something in health care, but in his budget, he adds $1.6 trillion as a downpayment on health care reform.

We already spend more money than any country in the world on health care. Rather than adding another $1 trillion into the system, let's see if we can better manage the money we have today. This budget puts a new earmark system in place so Senators and Congressmen cannot, in the middle of the night——

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

Mr. GRAHAM. This is an alternative that makes sense. This is an alternative that has to make the same choices you are making in the private sector. I hope the Congress will adopt this proposal.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 875

Mr. SANDERS. Madam President, I ask unanimous consent to call up amendment No. 875.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 875.

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

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

The amendment is as follows:

(Purpose: To require information from the Board of Governors of the Federal Reserve System about the use of emergency economic assistance)

On page 48, line 24, insert ''including the identity of each entity to which the Board has provided such assistance, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,'' after ''2008,''.

Mr. SANDERS. Madam President, the American people are outraged by the greed, the recklessness, and the illegal behavior they have seen from the masters of the universe on Wall Street, who, through their outrageous behavior, these financial tycoons, many of whom have earned hundreds of millions of dollars, if not billions of dollars in their career, have plunged our country and much of the world into a deep recession which has cost our people millions of jobs, which has cost people their homes, which has cost people their savings, and which has led millions of Americans to wonder what kind of future their kids are going to have.

All of this is not the result of an act of nature, it is the result of very definitive actions by a small number of people on Wall Street who have shown outrageous greed in their behavior. It goes without saying that we need a major investigation to understand how we got into this disaster, and what we are going to do to get out of it, and whom we are going to hold accountable.

It goes without saying that we need to begin the process of reregulating Wall Street, bringing back Glass-Steagall, and making sure our taxpayers will never again be put in this position of having to bail out the greed on Wall Street. It goes without saying that we have got to address the issue of too big to fail, in my view—and I have said this many times—if an institution is too big to fail, it is too big to exist, and we begin should begin right now in starting the breakup of these mammoth financial institutions whose failure would cause systemic damage to our entire economy.

It goes without saying that we have got to do more than worry about Wall Street, we have got to start worrying about Main Street and the middle class of this country. We need to pass strong mortgage reform legislation, as well as legislation to protect the American people, who are paying outrageously high interest rates on their credit cards.

In that regard, I have introduced legislation, and hope to get it to the floor of the Senate before too long, which would put a cap of 15 percent on the interest rates any credit card holder in this country would be charged.

But those issues dealing with Wall Street and many more will have to wait for another day. Today, I am offering, along with Senators FEINGOLD and WEBB, a very simple, what I believe is a noncontroversial amendment, which I hope will have the support of every Member of this body.

As you well know, the Congress voted to provide $700 billion in so-called TARP funds to help bail out some of the major financial institutions in our country. I happen to have voted against that bailout. But what is very clear is that every penny of that TARP bailout money is now public.

As part of that bailout legislation, what was mandated is that every financial institution that received 1 penny of the taxpayers' money would be listed on the Treasury Department Web site. And if any American wants to know where that $700 billion went, they can account for every nickel of that. That is the way it should be.

On the other hand, what many people do not know is that the TARP funds, that $700 billion, were only one part of the bailout. What many people do not know is that the Federal Reserve has lent out over $2 trillion to a number of financial institutions. But if you were to ask me or any Member of the Senate, any Member of Congress, any American, who received that money, what they will tell you is: We do not

know. Over $2 trillion of taxpayer money has been placed at risk, but the American people do not know who received those funds, and what the exact contractual arrangements were.

Anybody who believes in the concept of good government, anybody who believes in transparency, understands that is wrong, that is unacceptable, and that has got to change.

Earlier this month, I had an opportunity to ask Ben Bernanke, who is the Chairman of the Federal Reserve, about this issue when he testified before the Budget Committee, of which I am a member.

At that hearing, Chairman Bernanke told the Budget Committee that since the start of the financial crisis, the Fed has provided loans to ''hundreds and hundreds of banks.'' But Mr. Bernanke declined to name any of those banks, how much assistance they were provided, or what, in fact, those banks are doing with the money that taxpayers gave them.

What the Federal Reserve needs to understand is that this money does not belong to them, it belongs to the American people, and the American people have a right to know who the Fed is lending taxpayer money to, how much they are getting, and what the Fed is asking in return for this money. I cannot imagine anything that is more obvious, more common sense. How can you put $2.2 trillion of taxpayer money at risk and not know who is receiving that money? I think back now to the financial forms that Members of Congress have to fill out. People want to know, are we in a conflict of interest. We fill out those forms, they are made public. Our staff members fill out those forms. In many instances, when people are applying for Federal aid, they are forced to make public what they are asking for and how much. Some years ago, small farmers in the State of Vermont received some help from the Federal Government as part of the MILC program, if I recall correctly there. It was right in the newspaper, every nickel the struggling farmers were getting. Some of these farmers make $20,000, $25,000 a year. Some of them are on food stamps. It was, $8,399 goes to this farmer and that farmer. They were not happy about it. That is what the process was.

So it seems to me that if small farmers in Vermont are going to see what they get from the Federal Government and hope to keep small farms alive in this country, I think that multibillion dollar financial institutions should also be asked to have what they received made public as well.

The amendment I am offering today is a pretty simple one. It amends an amendment I offered. It was submitted in the Budget Committee. Specifically this amendment calls for increased transparency, including names, which institutions received assistance from the Fed, how much money they received, and what they are doing with this assistance.

I sincerely believe that is not an issue of left versus right. In fact, some of the strongest supporters of this concept are very conservative people such as RON PAUL, a colleague of mine in the House—a former colleague—who supports this type of approach. A number of Republicans have spoken for increased transparency, as well as progressives.

That is the issue. It is as simple and as clear as it can possibly be, that if taxpayers are going to be placed at risk by providing trillions of dollars in loans to large financial institutions, the American people have a right to know who is receiving that money, and what the terms are.

This amendment, once again, is supported by Senator FEINGOLD and Senator WEBB. I ask my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield 5 minutes to the Senator from Louisiana to discuss her amendment, not to call it up but to discuss her amendment.

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

The Senator from Louisiana.

AMENDMENT NO. 931

Ms. LANDRIEU. I rise to speak about amendment No. 931 which is at the desk, as modified. I will ask the chairman at a later time for it to be voted on and in order.

I wanted to speak about an issue in the budget as we discuss the importance of laying out a framework for how we may allocate future revenues that come into our general fund from offshore oil and gas drilling.

A couple of years ago, in 2006, Senator Domenici and I led a bipartisan effort to establish what I believe is a breakthrough process as we seek to build a system or a method of energy security for our Nation which would, as the debate is going on in the Congress, include more domestic oil and gas drilling and an expansion of our nuclear capability for the production of electricity. I am very hopeful about alternative energy—wind and solar. We also have some interesting experiments underway with geothermal and energy created by our tides. There are also exciting opportunities for new hydro projects. It is going to take all of the above to help our country maximize domestic energy sources.

Representing the State of Louisiana, I am offering this amendment with the Senator from Alaska as well, Mr. BEGICH, who also represents a State that has contributed a great deal to conventional oil and gas production. It is important that the revenue streams associated with this production are shared equitably and fairly, not only with the Federal Treasury but with States that serve as platforms for this industry and with counties and, in the case of Louisiana, parishes that serve as platforms for this great industry.

More than ever, people in businesses and residences, individuals and families are focused on the cost of energy and electricity, both on the electricity side and the transportation side. While we are not there yet, we are pushing forward with the President's new initiatives and agenda to find a way to make America more energy secure.

In large measure, this debate has actually been led by the chairman of the Budget Committee, who is doing an outstanding job on the budget, but has also been flexing his muscle and lending his voice, and we are so grateful and appreciative, to pushing our country to energy security.

I offer this amendment as a basis to establish a deficit-neutral reserve fund that will continue the precedent and practice that was set by the Gulf of Mexico Energy Security Act, which will set aside 50 percent of future funds to be allocated in a budget-neutral fashion for revenue sharing for States and local governments, along with contributions out of that fund made to the Land and Water Conservation Fund and to investments in energy innovation—those three allocations of funding, whether it is for revenue sharing to establish a partnership with State and local governments, as we consider where else in America we can drill.

This amendment does not say where we are going to drill. It does not authorize drilling. It says when those decisions are made that the revenues should be shared with State and local governments appropriately, to enter into strong, reliable partnerships and mutually beneficial partnerships for increased drilling domestically. I think this is a very smart way to proceed, and it has been voted for by over 72 Members of this Senate, both Republicans and Democrats.

In addition, we understand that a part of this money could be dedicated to conservation, land and water. It could also go to energy innovation, research, and development. So, again, it does not tie our hands to the specifics. It does not authorize any drilling that is not already authorized under the law. But it does establish a deficit reserve fund for us to act in the future.

I understand my time has come to an end. I thank the chairman for his consideration. We will call this amendment up, No. 931, at the appropriate time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the distinguished Senator from Louisiana for her leadership on these issues and for the good working relationship we have enjoyed. One thing I have learned about the Senator from Louisiana: She is persistent with a capital ''P.'' And I will tell you, if I wanted somebody to represent me here in this Capitol to get a result, I would pick her because never have I seen someone more indefatigable in defense of their State than the Senator from Louisiana, and I mean that with the highest praise.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. How much time is still pending for the various parties?

The PRESIDING OFFICER. The Senator from North Dakota has 5½ minutes, the Senator from New Hampshire has a total of 10 minutes, the Senator from Oklahoma has 3 minutes, and the Senator from Mississippi has 2 minutes.

Mr. GREGG. I see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I ask unanimous consent to set aside the pending amendment to call up amendment No. 742.

The PRESIDING OFFICER. Is there objection? Would the Senator restate the number.

Mr. INHOFE. No. 742.

The PRESIDING OFFICER. The clerk will report——

Mr. CONRAD. Madam President, I object. We have a queue here. We have a unanimous consent agreement. It would be out of order to call up an amendment at this point.

Mr. INHOFE. Madam President, let me withdraw that unanimous consent request and let me comment about what this amendment is about. There was a misunderstanding. I thought this was going to be voice voted at some point, or accepted.

It has been accepted on both sides. My cosponsor is Senator AKAKA, who I think is down here now. I will briefly describe what it is and, hopefully, we will be able to get it in before the day is over.

There is a little bit of a problem we have in health care for our veterans, in that quite often—in fact, 19 out of the last 22 years—Congress has been unsuccessful in passing annual funding for veterans health care in time. Over the past 7 years, the VA has received its final budget at an average of 3 months after the beginning of the new year.

There is a solution to this—this discontinuation of health care for our veterans—that doesn't cost anything, and that is what this bill is all about. It would allow us to have advanced appropriations for veterans health care. This is not unprecedented; it happens in other areas too.

In October 2008, during his campaign, then-Senator Obama said:

> The way our Nation provides funding for VA health care must be reformed . . . My administration will recommend passage of advance appropriations legislation for the fiscal year 2010 appropriations cycle.

So this is a recommendation that actually came from the administration. I am joined by several others, including Senator AKAKA, who is, of course, the head of the Veterans' Committee.

At the appropriate time, I wish to go ahead and get this through, and I will leave it up to the managers of the bill as to when that appropriate time will be.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, I will yield myself a few minutes.

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

Mr. GREGG. 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. GREGG. 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. GREGG. Madam President, we had represented to our colleagues that we would begin voting at 11:30. We have an inordinate number of votes already in the queue. I hope people will appreciate the fact that the number of amendments pending right now is going to take us well into the evening tonight, headed toward midnight. I recognize everybody wants to get their amendment up, and that is their right, but I would simply counsel that if we are going to complete this bill—which probably I should not counsel for since I am not for it, but as a practical matter, if we are going to complete this bill, we need to be a little bit judicious as we ask for votes on amendments; otherwise, we will be here well into Friday, if not into Saturday at this rate.

At this point, in order to recognize the fact that we are already behind schedule a little bit, I would suggest to the chairman that we yield back all time, even though I had a brilliant statement in opposition to the bill.

Mr. ENSIGN. Madam President, if the Senator will yield, I wasn't able to speak on my amendment last night. I wonder if I could have the remaining time until 11:45 to speak on the amendment.

Mr. GREGG. I do have 10 minutes left, so I will yield the Senator 5 minutes.

I, first, wish to take a minute, however, to say I appreciate Senator MCCAIN's full substitute. I think it is a very positive substitute. It does what the American people need to have done. It controls spending in the outyears.

The essence of the problem with the budget that has been brought forward by the President and by the Senator from North Dakota is that in the outyears, the debt explodes and it explodes as a result of an explosion in spending. Senator MCCAIN has taken an aggressive effort to try to change that course of action so our kids have an affordable Government. I congratulate him for it.

I yield 5 minutes to the Senator from Nevada.

Mr. CONRAD. Madam President, if the Senator from Nevada will withhold for 1 minute—and this time will not come out of his time—I think it is very important Senators understand that we have done a 5-year budget here. That is what we have done 30 of the 34 times Congress has done a budget under the Budget Act, including the last 5 years and including 2 when the ranking member was the chairman. Now, why have we done 5-year budgets? It is because the projections beyond 5 years are notoriously unreliable. The ranking member himself has said that second 5 years is a guess. My own belief is the fact that President Obama came forward with a 10-year budget is a useful thing. We have that scored. We know what that does. We know what it does in the second 5 years. But Congress has almost always done 5-year budgets. Thirty of the thirty-four times a budget has been written in Congress, it has been done on a 5-year basis because the outyears are so notoriously unreliable.

One other point I wish to make to colleagues. We now have over 100 amendments pending. If everyone insists on their amendment, we can do three an hour, we will be here for 33 hours. It is in the hands of our colleagues. If everybody is going to insist on their amendment and a vote on their amendment, you can do the math. We can do three votes an hour, and we will be here for 33 hours. I hope my colleagues think carefully about that.

Mr. GREGG. Madam President, 33½ hours.

Mr. CONRAD. So 33½ hours. I stand corrected.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 805

Mr. ENSIGN. Madam President, my amendment which I have offered in the past, is a means testing of Medicare Part D, the prescription drug benefit.

This Congress, under the leadership of President George W. Bush, offered seniors a brand new benefit: Prescription drug coverage. The problem with what this Congress did is that in this brand new benefit, we didn't take into account wealthier seniors who were getting a benefit from a system they never paid into. People pay taxes for Medicare Part A: Hospital coverage. That is what Part A is for. We currently means test and require seniors that have more means to pay part of the Part B premium, which covers doctors. Well, Part D is to cover prescription drugs. So what we are doing with this amendment is saying to seniors, that instead of a schoolteacher, firefighter or police officer, the middle-income folks out there having to pay higher taxes in order to pay for your prescription drugs, if you have the means, then you should pay for them.

That is all this amendment does. The savings are contributed to deficit reduction.

We are talking about the massive amount of debt this budget puts onto our children and our grandchildren. The Chinese, who are a big buyer of our debt, are questioning whether they want to continue to buy our debt. If

that ever happens, if the Japanese, the Chinese, other sovereigns around the world, or if our own citizens quit buying our Treasury bills this country is in trouble. We should be looking at ways to lower our debt, to lower the amount of money we are borrowing from our children and grandchildren.

This amendment saves about $3 billion. I realize it is small change, but that used to be a lot of money around here. In these tough economic times we should save money whenever we can. This means-testing of Medicare Part D is absolutely a place where we should start saving.

Mr. GREGG. Madam President, will the Senator yield?

Mr. ENSIGN. I am happy to yield.

Mr. GREGG. I know the Senator mentioned this, but I wish to reinforce it. This was a proposal that came from President Obama's administration and it was in his budget; is that correct?

Mr. ENSIGN. The Senator is correct, that the President of the United States did include means testing as a part of his budget, means testing for Part D. He did put that toward health care. There are many of us who believe we spend plenty of money on health care in this country; we just don't spend it in the right way. We have a sick care system that pays people, doctors, and hospitals once people get sick, but we don't do pay for better behavior in this country, such as not smoking.

Safeway was in here talking to us about the program they implemented, and they actually give financial incentives for healthier living. They have actually been able to lower costs, compared to the rest of the United States, by 40 percent over the last 4 years. The United States does not need to spend more money on health care. We need to better allocate the money we are spending. That is why putting the savings from Medicare Part D toward deficit reduction is the responsible way to go.

Let's take the $3 billion in savings, considered a pittance around here, and put it toward deficit reduction so we do not continue to put a huge burden on our children and our grandchildren.

Lastly, when the President says: Let's means test Part D, I think we should do just that. When our children and our grandchildren are saying: Let's not have any more debt, let's not be burdened with huge taxes in the future, we should listen to them as well. We have a responsibility to do that.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this amendment sounds good on the surface, but, frankly, it will make health care reform more difficult. It is difficult enough as it is. This amendment will make it much more difficult.

Some suggest that wealthier Americans should be ''means tested;'' that is, they should not get the same benefit under the Part D drug benefit as others. That is a policy that needs to be debated. I personally think that is something we should consider. After all, as the Senator from Nevada said, it is in the President's budget to means test Part D drug benefits.

But that is not the point here. The point here is, do we want to help make health care reform easier or more difficult? The effect of the amendment is to reduce the Finance Committee's allocation in health care reform. That is going to make the Finance Committee's effort to get meaningful health care reform more difficult.

I suggest we take up that issue—whether to means test Medicare or not—in the context of health care reform. Then the savings that would be achieved by means testing—if we enacted it—would go toward health care reform.

The effect of the Senator's amendment is twofold. One is to suggest means testing Medicare Part D, which is in the President's budget, but the President doesn't want to use means testing to reduce spending on health care. He doesn't want that. So it would accomplish both purposes; that is, to be sure we meaningfully address means testing but in a way that doesn't hurt the efforts of health care reform.

It makes much more sense to not adopt this amendment but take up the question of means testing in the context of health care reform, where it is part of many other components of health care reform, where the pieces will fit together in a way that makes more sense.

I respectfully say this is not the place to consider means testing. It should be done in the context of health care reform. If we don't approve this amendment, then we can deal with this issue on health care reform.

There are a lot of arguments for and against this. I take no firm position as chairman of the Finance Committee, but I believe the Senator's concept has merit. After all, it is in the President's budget, but it should not be done here, which has the effect of taking it out of the Finance Committee's allocation, which makes it more difficult for the Finance Committee to do its work on health care reform.

I respectfully urge Senators to not support this amendment so we can make it easier to take up health care reform in a way that we can consider this policy as one of the many we take up on health care reform.

Again, I urge that the amendment not be adopted so we can do our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, momentarily, we will go to a vote on the Ensign amendment.

Before we do that, I ask unanimous consent that upon the use of all time remaining for debate on the budget resolution, the Senate then proceed to vote in relation to the following amendments in the order listed; that each amendment be reported by number prior to the time for debate with respect to the amendment; that the previous order remaining debate time and vote time remain in effect; provided further, that if a budget point of order is raised against any amendment, then a motion to waive the applicable point of order be considered made, with the vote occurring on the motion to waive.

The list of amendments is as follows: Ensign, No. 805; McCain, No. 882, as modified; Dodd-Shelby, No. 913; Sanders, No. 875; Johanns, motion to recommit; Bennett, No. 759; Bennet, No. 799; Democratic side-by-side amendment to the Vitter amendment; Vitter No. 787; Coburn, No. 892; Casey, No. 755; Coburn, No. 893; Brown, No. 808; Graham, No. 910; Landrieu, No. 931, as modified, with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

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

Mr. GREGG. Madam President, I wish to speak in support of the Ensign amendment. It should have been done long ago. There is no reason that people who are working in a restaurant or at Wal-Mart in New Hampshire should have to subsidize Warren Buffett's drugs, which is what happens under present law. There is no requirement that people who are wealthy have to pay anything on Part D premiums.

I certainly hope we will approve the Ensign amendment.

At this point, I suggest that we yield back all time.

Mr. CONRAD. I am prepared to yield back all time.

Mr. GREGG. We yield back all time, and we will go to the vote on the Ensign amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 805, offered by the Senator from Nevada, Mr. ENSIGN.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—39

Alexander	Bond	Burr
Barrasso	Brownback	Chambliss
Bennett	Bunning	Coburn

Cochran	Grassley	McCaskill
Collins	Gregg	McConnell
Corker	Hatch	Risch
Cornyn	Hutchison	Roberts
Crapo	Inhofe	Sessions
DeMint	Isakson	Shelby
Ensign	Johanns	Specter
Enzi	Kyl	Thune
Feinstein	Lugar	Vitter
Graham	McCain	Voinovich

NAYS—58

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

NOT VOTING—2

Kennedy Murkowski

The amendment (No. 805) was rejected.

Mr. CONRAD. Madam President, Senator FEINSTEIN wishes to be recognized for the purpose of changing her vote.

The PRESIDING OFFICER. The Senator from California is recognized.

CHANGE OF VOTE

Mrs. FEINSTEIN. Madam President, I want to change my vote on rollcall No. 128. It was my intention to vote ''yes'' and I voted ''no.'' Since it will not change the outcome of the vote, I ask unanimous consent that my vote be changed to reflect a ''yea'' vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Madam President, I announced this morning, though only Senator MCCONNELL and I were on the floor, that today we are going to enforce the rule. This vote was turned in at 20 minutes. The 10-minute votes are going to be enforced. You have a 5-minute leeway. If you are not here exactly on time, the vote will be turned in. The clerks have been instructed of that fact.

Senator MCCONNELL and I believe we have to move this show along today. There is no reason to leave the Chamber. There is something to drink in the cloakroom and a sandwich if someone wants one, but let's cooperate and get this done today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, now that colleagues are in the Chamber, we will give you a status update. We now have over 100 amendments pending. We can do three an hour. If we hold on that, and everybody insists on a vote on their amendment, we will be here for at least 33 hours.

I implore colleagues on both sides, if you can take a voice vote on your amendment, please be willing to do that. So I ask colleagues, if you can take a voice vote on your amendment or if you can hold off to another day, please do so; otherwise, we will be here clear through tomorrow.

Mr. GREGG. The next amendment is Senator MCCAIN, I believe.

AMENDMENT NO. 882, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 882, as modified, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

Mr. MCCAIN. Madam President, this proposal caps discretionary funding at a baseline level plus inflation, a dramatic difference between this proposal and the Senate budget committee proposal. The proposal by Senator CONRAD increases domestic spending by 8 percent for 2010 and then 1 percent in the years following.

We all know that is unrealistic. And we all know we will be back here next year with another 8 percent increase in domestic spending. It is time for some tough love. This is what this budget proposal is.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, the chairman's mark that was referenced increases discretionary spending not by 8 percent but by 5.3 percent. That is all domestic discretionary spending is increased—by 5.3 percent. It averages nondefense discretionary spending at a 2½-percent increase over the 5 years.

The McCain offer and the chairman's mark are almost identical with respect to deficit levels and debt levels. In 2014, the debt is 98.3 percent of GDP under the McCain amendment; 98.7 percent under the Chairman's mark—virtually no difference.

But there are differences. He takes $350 billion in savings out of mandatory programs and doesn't specify whether it comes out of Social Security or Medicare or agriculture—$350 billion. Where does it land?

If you want to risk cutting Social Security and Medicare by $350 billion, vote for the McCain substitute. If not, vote no.

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

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 882, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—38

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

NAYS—60

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

NOT VOTING—1

Kennedy

The amendment (No. 882), as modified, was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 913

Mr. CONRAD. Madam President, next in order is the Dodd-Shelby amendment, No. 913.

Senator DODD?

Mr. DODD. Madam President, I offer this amendment on behalf of myself and Senator SHELBY. This amendment calls for increased transparency and disclosure at the Federal Reserve Bank in order to understand better the risks the Fed is taking onto its balance sheets. It also calls for a further evaluation of the costs of the existing Federal Reserve Bank system, which has not been done before.

Our colleagues from Vermont and Kentucky will offer an amendment after our amendment is offered. There is a distinction between these two. The amendment offered by the Senators from Vermont and Kentucky goes one step further than ours. Presently—and it has been the case for years and years—you do not reveal the names of the companies that show up at the discount window. There is a reason for that. The reason is obviously to avoid potential runs on those institutions. Our amendment does not require the disclosure of those companies names. We call for transparency, disclosure of the items I mentioned, the collateral that the Fed is taking, but we stop short of insisting upon naming the people who show up at the discount window. That is a fundamental distinction which our colleagues will have to decide on which course to follow.

We think there is some danger in going the route our colleagues from

Vermont and Kentucky are proposing. If we end up naming those names, you could well trigger runs on those institutions, and that could end up costing the taxpayer a lot more. The Dodd-Shelby amendment improves disclosure and transparency at the Federal Reserve but does not risk the problems associated with the other amendment. We urge our colleagues to support our amendment.

I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 913.

The amendment is as follows:

(Purpose: To provide for enhanced oversight of the Board of Governors of the Federal Reserve System concerning the use of emergency economic assistance)

On page 48, line 21, strike ''banks'' and all that follows through ''purposes,'' on line 25 and insert the following ''banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes,''.

Mr. DODD. I do not see Senator SHELBY in the Chamber.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

Mr. CONRAD. Senator SANDERS will have the time in opposition.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. The Dodd-Shelby amendment is a very good step forward in terms of long-overdue transparency of the Fed. I compliment both Senators for their effort, and I support their amendment.

Unfortunately, this amendment, as Senator DODD has just told us, does not go far enough. The bottom line is that the Fed has lent out some $2.2 trillion, and the American people and the Members of Congress do not know which financial institutions have received that money or what the exact terms of those transactions are. I think it is basically absurd that $2.2 trillion is at risk without us knowing who has received that money.

I support the Dodd-Shelby amendment, and in a moment I will ask for support for the Sanders-Feingold-Webb amendment as well.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 913.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—96

Akaka	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burris	Johanns	Schumer
Byrd	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	Wyden

NAYS—2

Alexander	Gregg

NOT VOTING—1

Kennedy

The amendment (No. 913) was agreed to.

Mr. DODD. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 875

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 875, offered by the Senator from Vermont, Mr. SANDERS.

Mr. SANDERS. Madam President, I ask unanimous consent that Senator BUNNING be added as a cosponsor. I will yield 30 seconds to him and 10 seconds to Senator WEBB, who is a very quick speaker.

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

Mr. SANDERS. The taxpayers of this country, through the Fed, have lent $2.2 trillion to a number of financial institutions. We do not know who these institutions are or what they received. This is totally absurd. We need to name the names. That is what this amendment is about.

I yield to Senator BUNNING.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, this is a transparency amendment that allows the Fed, forces them, to reveal what banks have received over $2 trillion in assistance. That is what the amendment says. That is what it does.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I ask my colleagues to consider 10 words: The American people deserve to know where their money went.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I share Senator SANDER's concern regarding the transparency of these programs. We all do. We just voted on the Dodd-Shelby amendment—96 to 2, it passed, I believe.

As Senator DODD has pointed out, however, disclosing the names of the companies may create financial instability by unnecessarily raising concerns about institutions that accessed these facilities, something we should try to avoid. I believe the Senate has already spoken, and we certainly do not need this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 875.

Mr. SANDERS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—59

Akaka	Dorgan	McCain
Begich	Durbin	McCaskill
Boxer	Ensign	Merkley
Brown	Feingold	Mikulski
Brownback	Feinstein	Murray
Bunning	Graham	Nelson (FL)
Burr	Grassley	Pryor
Burris	Hagan	Reid
Byrd	Harkin	Risch
Cantwell	Hutchison	Roberts
Cardin	Inhofe	Rockefeller
Casey	Inouye	Sanders
Coburn	Kerry	Sessions
Collins	Klobuchar	Snowe
Conrad	Landrieu	Specter
Cornyn	Leahy	Stabenow
Crapo	Levin	Tester
DeMint	Lincoln	

Thune	Vitter	Whitehouse
Udall (NM)	Webb	Wyden

NAYS—39

Alexander	Enzi	Martinez
Barrasso	Gillibrand	McConnell
Baucus	Gregg	Menendez
Bayh	Hatch	Murkowski
Bennet	Isakson	Nelson (NE)
Bennett	Johanns	Reed
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Carper	Kohl	Shelby
Chambliss	Kyl	Udall (CO)
Cochran	Lautenberg	Voinovich
Corker	Lieberman	Warner
Dodd	Lugar	Wicker

NOT VOTING—1

Kennedy

The amendment (No. 875) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the reason this vote took a little longer is because people, even though it is a 10-minute vote, waited until the last minute to come and vote or to change their vote. It is making it extremely difficult for the people at the desk to do this. There was a mistake made because people were switching votes, so it took a lot longer.

If everyone would stay as close as they can to get the votes out of the way and not wait until the last minute—the Republican cloakroom, we have sent pages back to try to find Members, and to the Democratic cloakroom as well.

The PRESIDING OFFICER. The Republican leader.

SENATOR GRASSLEY'S 10,000TH VOTE

Mr. MCCONNELL. Mr. President, our good friend from Iowa, Senator GRASSLEY, has cast his 10,000th vote. Senator GRASSLEY has been a distinguished Member of this body for 29 years and, in my view, the Nation is always a lot better off when people are paying very close attention to CHUCK GRASSLEY.

Over the course of the past two centuries, nearly 2,000 men and women have served in the Senate. Fewer than 30 have cast more votes than CHUCK GRASSLEY. Only one other Senator from Iowa has served longer. This year Senator GRASSLEY will mark 50 years of public service to the people of the Hawkeye State. While some Members of Congress have a tendency to lose touch with their constituents, Senator GRASSLEY has always worked hard to make sure he never did. He has made it his business to stay connected to the folks back home by holding at least one townhall meeting a year in all of Iowa's 99 counties and by responding to every letter, postcard, e-mail, and phone call his office receives from Iowans.

He also stays close to the land by working his family farm, even while he keeps up with his duties in Washington. CHUCK GRASSLEY may be a U.S. Senator, but he has always preferred to be known as ''a farmer from Butler County.'' Visitors to the Grassley farm say it is not uncommon to see Senator GRASSLEY pulling a cell phone out from under his baseball cap while riding on his tractor. Remind me never to borrow Senator GRASSLEY's cell phone.

A 1955 graduate of the University of Northern Iowa, Senator GRASSLEY ran for the Iowa House at the age of 23 and lost. But this is a man, the Des Moines Register once wrote, for whom the word ''dogged'' was invented. Three years later, at age 25, he won that seat in the House, and Iowa voters have been reelecting him ever since, including five terms in the Senate.

Over the years, Senator GRASSLEY has distinguished himself for his tenacity and his commitment to the public interest. Whistleblower amendments that he has sponsored have recovered $18 billion to the U.S. Treasury. He has kept a watchful eye on spending at the Pentagon and, as the top Republican on the Senate Finance Committee, he has been an equal opportunity foe of loopholes, closing them to corporations and individuals alike. He has also done the hard work of following up on these and other accountability measures he has authored over the years.

Senator GRASSLEY has a lot to be proud of in his career. He and Barbara are also rightly proud of their 54 years of marriage, their five children, and nine grandchildren. CHUCK couldn't have foreseen such an eventful life when he and Barbara met, and Barbara probably certainly didn't expect that 30 years of marriage would pass before she finally got her diamond engagement ring. We all know it is probably because CHUCK didn't want to spend that money.

Senator GRASSLEY has been a farmer, a father, a government watchdog, a steward of the Nation's finances; in short, he is a real statesman. The Senate would not be the same without him, and the Nation, I firmly believe, would be a lot worse off without the remarkable service of CHUCK GRASSLEY. Senator, congratulations.

(Applause, Members rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I join the Republican leader in congratulating CHUCK GRASSLEY, our friend, on casting his 10,000th vote. CHUCK was born in the city of New Hartford—but not Connecticut—Iowa, where he and his wife Barbara raised their five children. They reside there today. After graduating Iowa State Teachers College, he earned a doctorate from the University of Iowa.

I have referred to Senator GRASSLEY on a number of occasions as CHUCK, Senator, Hey You, but now Dr. GRASSLEY. Everyone should understand that.

CHUCK, in addition to his education excellence, worked as an assembly line laborer before he was elected to the Iowa House of Representatives and later to the United States Congress. He has been in the Senate since 1980. CHUCK quickly became known as a friend to taxpayers and a foe to government waste.

As former chairman of the Senate Aging Committee, on which I served under him, Senator GRASSLEY worked to expose the neglectful practices of many of America's nursing homes, and certainly Senator GRASSLEY was a catalyst for change. To ensure that government workers feel free to shine a light on corruption and misappropriation of public funds, CHUCK GRASSLEY coauthored the Whistleblower Protection Act of 1989.

As former chairman and now ranking member of the Finance Committee, Senator GRASSLEY has worked with Members of both sides of the aisle to find bipartisan solutions to put taxpayers first.

He is a man of his word, and once he tells you what he has agreed to do, he goes to the wall. I have found that on a number of different issues working with him.

Senator GRASSLEY is a leader on health care issues. Senator GRASSLEY reached across the aisle to coauthor legislation with Senator KENNEDY 12 years ago that provides middle-class families with the opportunity to buy into Medicare for children with special needs.

I particularly appreciate Senator GRASSLEY's longstanding commitment to developing clean, homegrown renewable energy.

In addition to his leadership on a broad spectrum of national issues, Iowans depend on CHUCK GRASSLEY for his responsiveness to constituent services. He has accomplished the remarkable feat of visiting each one of Iowa's 99 counties—that is so hard for me to comprehend. The State of Nevada, as big as it is, only has 17 counties. Iowa has 99 counties, and he has visited those counties every year at least once since he was first elected to the Senate.

CHUCK and Barbara, as Senator MCCONNELL has mentioned, are the parents of five children: Lee, Wendy, Robin, Michele, and Jay.

An accomplishment for sure—10,000 votes cast in the U.S. Senate. It is a remarkable accomplishment. But as I look at his record, I think one of his greatest accomplishments is the fact that the Senator from Iowa will achieve, this year, his 55th wedding anniversary with Barbara.

Congratulations, CHUCK.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I join with the entire Senate family in congratulating my colleague, my good friend, and the senior Senator from Iowa, on casting his 10,000th vote in the Senate. This is a truly remarkable milestone, but even more remarkable is the fact that Senator GRASSLEY has cast nearly 6,000 votes without missing a vote. It has been 16 years since Senator GRASSLEY has missed a vote. The last time he missed a vote, he had to be

in Iowa during that terrible flooding we had in 1993. So he has not missed a vote since. It has been 16 years that Senator GRASSLEY has not missed a vote.

I note for the record that Cal Ripken, the great shortstop and third baseman for the Baltimore Orioles, went 16 years without missing a game, and they called him the Iron Man. So now Senator GRASSLEY has gone 16 years without missing a vote, so I guess now we can call him the Iron Man of the U.S. Senate.

But the measure of a Senator is not just how many votes he or she casts, it also includes what he or she accomplishes off the floor of the Senate. That is also where Senator GRASSLEY has truly distinguished himself in this body over the last 28 years.

Count me as one of those who believes the executive branch of this Government has gotten too powerful, has arrogated too much power to themselves in relation to the legislative branch.

Mr. BYRD. Yes, yes.

Mr. HARKIN. And it is a power they flaunt. I do not care whether it is a Democratic administration or a Republican administration. I daresay no Senator is more dedicated to providing rigourous, relentless oversight of executive branch agencies—whether during Republican administrations or Democratic administrations—than Senator GRASSLEY. Senator GRASSLEY's dedication to the oversight function has been exemplary, a model every Senator ought to strive to emulate.

CHUCK GRASSLEY and I have served together in the Congress since we were both elected the same year in 1974. We took our oaths of office on the same day in the House in 1975. Of course, he preceded me to the Senate. He came to the Senate in 1981. I followed him here in 1985. Well, we belong to different parties, but I like to think we share a down-to-earth, commonsense Iowa way of looking at the world. I value his friendship and his counsel. I have the highest respect for his work here in the Senate and his work in Iowa on behalf of all Iowans.

So, again, I join my colleagues in congratulating my colleague, my friend, and the senior Senator from Iowa on this remarkable milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have lined up to speak. So many of us want to congratulate the esteemed Senator from Iowa. I congratulate him on his 10,000th vote.

Many of you know CHUCK and I get together once a week. We started this practice at least 8 or 9 years ago, and sometimes he is chairman, sometimes I am chairman; chairman or ranking member, vice versa, back and forth. We meet every Tuesday at 5 o'clock in the afternoon, and we have done this for 8 years. Maybe we have missed five or six or seven times, but constantly, consistently we get together to go over matters, minimize misunderstandings, and so forth. Lately, the last couple, 3 years, the meetings have been in my office. I have a little bit bigger conference room. That is not the real reason, though. The real reason is, as CHUCK always reminds me, in my office the coffee is free, so it is much better to meet in my office.

All of you who know CHUCK know he passes the airport test; that is, if you are ever stranded in an airport for 10 or 12 hours and you are sitting next to somebody, you get to like the person or you do not get to like the person. CHUCK more than passes the airport test. The more you get to know CHUCK GRASSLEY, the more you will like him. It is his decency, his honesty. He is unpretentious. It is his basic Iowa grassroots personality. It means so much to me, in spending so much time with him. The only time our meetings are cut short, I might say, is when CHUCK has to dash out and get on the radio and talk to people back home in Iowa; otherwise, CHUCK stays throughout the meeting. The people in Iowa mean so much to him.

I might also say that we know how much he protects taxpayers' interests. It has been mentioned—whistleblower legislation, which he promotes so aggressively. He is also downright parsimonious himself. He turns the balance of his office budget back to the taxpayers. Every year, he returns a good portion back to the taxpayers. He also, I might say, promotes ethanol for several reasons. One, it is good for Iowa. But he also contributes to the reduction of fossil fuel consumption. When he comes back home from plowing his field, he is on his tractor, and he coasts downhill the last mile to save a few pennies of diesel fuel. He does. I checked that out a short while ago. Yes, he does that just to save a few pennies of diesel fuel.

Anyway, I want to tell you how much I appreciate him. He is one of my very best friends.

I think the measure of a Senator really is whether he or she is popular in two different areas, with two different audiences. First is the people back home—how popular is a Senator back home? The second is, how popular is he or she with his or her colleagues? There are two separate audiences. There are two separate criteria. Clearly, CHUCK is popular in both areas. He is very popular in Iowa. The people of Iowa love him. The people, Members of the Senate love him. He is one heck of a guy, and I just feel so honored to be able to serve with CHUCK on the Finance Committee, but also, more importantly, he is a very good friend here in the Senate.

So I congratulate you, CHUCK.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, do you know what, so many of you stayed around. I do not know how many times I have heard of other Senators having voted 10,000 or 12,000 times and I probably did not stay around, and I probably have not earned what you have said about me because I did not pay that much attention to the rest of you who have gone before. So let me apologize for that, and I will bet next time I will stay around.

So I am not flying under false colors, I would like to say a couple things. One person spoke about my being a farmer, and that is absolutely right. I am. But I can tell you this, that when you get a 25-year-old grandson, grandfathers are not as important in the farming operation as you would like to be. So I consider myself now more of a hired man for Robin Grassley and Pat Grassley than I am a family farmer. But I still am a crop sharer with my son, and I market my own crops, and I am there to help put the crop in when they need me—and wish they needed me more—and help get the crop out, and wish they needed me more. So I do appreciate that.

As much as I would like to be called Dr. GRASSLEY—you can get that impression maybe because I did do 2 years of graduate work beyond my master's degree, but I did not quite finish it because I was elected to the State legislature and I never went back to the University of Iowa to finish it, and I kind of regret that. But I did not get back.

Mr. REID. Will my friend yield?

Mr. GRASSLEY. Yes, I will yield.

Mr. REID. I am sorry. That was something that was prepared for me. You always reminded me of having a Ph.D.

Anyway, here is the story. Somebody like you or me is going to go give a speech—and they give us these speeches, and we walk out and give them—and he is about halfway through his speech, and he comes to a page that is blank, and he says: You are on your own, you SOB. So that is kind of like this. I will check with my staff to make sure they do not make a mistake like that again.

(Laughter.)

Mr. GRASSLEY. Well, it is one of these cases where I passed the French test, and I was ready to write a dissertation, and I never quite got around to it.

One other thing I would like to say is, obviously, thank you for the recognition. I enjoy my job in the Senate very much. I guess if you vote 10,000 times, you are just doing what we are paid to do.

It is a wonderful experience serving here in the Senate. And I think I can say—as Senator BAUCUS has inferred, I hope I am liked by everybody. I like every one of you. I do not know any of you who consider me an enemy. And if you do, I do not want to know who you are.

(Laughter.)

If you wonder why there is some emphasis upon voting, people in this country are very cynical about those of us in elected office. I think: What can you

do to reduce cynicism? And I thought a long time ago, sitting in a restaurant one time—and probably nobody at that time knew who I was. I overheard them saying something like: Well, it must be election time; the politicians are in town.

I heard that 30 years ago, and I made up my mind that at least one way I was going to try to overcome that for politicians generally was to make sure the process of representive government works. So when I was elected to the Senate, it was not something I promised the people of Iowa, it was just something I promised myself: that I am going to go to every county every year to hold at least one town meeting so that person who was griping about only seeing a politician at election time could not say that about CHUCK GRASSLEY, and I hope in the process it has raised the respect people have for those of us who are elected.

The other thing about voting as often as I do here in the Senate, it is an opportunity to let people know when you are in session, you are here working. And when we are not in session, I am back in Iowa with my people. It is an opportunity to kind of quantify what our job is all about and to get over this business of people who, I think, think we are only here in Washington sitting around with our feet up on our desk waiting to take a phone call from somebody—that we are actually doing something. This is one way—maybe a very elementary way, but sometimes that is the way you have to explain government to the American people—that we are on the job, doing our job, and when we are not here, we are at home making the process of representative government work.

So I very much appreciate the kind words that have been said. And I did not record them, but if I did, I would play them back during election time.

Thank you very much for the honor.

I would yield to the Senator—oh, the Senator from Illinois said something nice about me one time, and I did use it in my literature. And some people of his party got on him: Why are you doing that?

Well, I think he said: It was true.

And he came to me one time and he said: Will you say something nice about me? I could put it in my literature.

And I gave him a slip of paper that said: He is not as bad as you think he is.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Nebraska.

MOTION TO RECOMMIT

Mr. JOHANNS. Mr. President, I have at the desk a motion, and I would ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS] moves to recommit S. Con. Res. 13 to the Committee on the Budget with instructions to report the same back to the Senate in 3 days making the following changes:

Mr. JOHANNS. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

(1) Amend levels in the resolution as to report back a resolution with an aggregate level of budget authority (and associated outlays) for nondefense, nonveterans discretionary accounts for fiscal year 2010 at the level enacted for fiscal year 2009 level, increased by the rate of inflation for 2010 as projected by the Congressional Budget Office.

(2) Amend spending levels in the resolution so as to report back a resolution with aggregate spending levels for discretionary nondefense, nonveterans spending for each subsequent fiscal year in the budget window so as not to exceed the immediately previous fiscal year spending level for discretionary nondefense, nonveterans spending, increased by the rate of inflation for the applicable year as projected by the Congressional Budget Office.

The PRESIDING OFFICER. There is 2 minutes equally divided on the motion.

Mr. JOHANNS. Mr. President, the budget before us increases nondefense discretionary spending by $42 billion over last year's levels.

Here is what my motion does. It would limit the overall increase in the budget to CBO's projected rate of inflation for nondefense, nonveterans spending. This motion will save $36 billion in 2010 and $194 billion over the 5-year budget window.

My motion only affects aggregate spending so it allows some programs to be larger than the rate of inflation; thus, any claim that it is unfair to one particular group would be inaccurate. The motion allows the committee to take a scalpel to the budget, which is exactly what the President called for. If not, our country continues to be in a dire situation. This helps deal with the spending piece of this.

This motion will allow us to take a step back from bloated spending and step forward to fiscal responsibility.

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

Mr. JOHANNS. I urge my colleagues to vote yes and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, in more normal times, this is an amendment I might well support, but these are not normal times. We are faced with the steepest economic decline since the Great Depression. The underlying budget mark already cuts nondefense discretionary spending by more than $160 billion. This would cut another $120 billion, much of it front end loaded, at the worst possible time for economic recovery.

One other point I would make. We have more than 200 amendments pending now—more than 200. If the Senator's amendment were to pass—this is a motion to recommit the budget resolution to the committee. If anybody wants to repeat the entire exercise of this week, the week we get back, I recommend you vote for the Senator's amendment. If you prefer to end this today, I recommend you vote no.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—55

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

NOT VOTING—1

Kennedy

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I want to inform colleagues that when I said earlier we had 100 amendments pending, I was half right. That was last night. As of now, we have over 230 amendments pending. If you divide 230 by 3, that is almost 80 hours—about 76, 77 hours. That would mean we would be here all day today, tomorrow, and all day Saturday. If everybody sticks to their amendment, that is what is going to happen.

I hope people in the calmness of the moment will think about other options. No. 1, if you will accept a voice vote—Senator GREGG and I are trying to work things out on amendments that could be accepted. If not, if you would withhold until there is another vehicle—and there will be a lot of vehicles this year. Really, we have been doing this for a lot of years. Amendments have sprouted here. I hope people will think: Do we want to do this for 3 days straight?

AMENDMENTS NOS. 759, 799, 949, 755, AND 808

We have an agreement to take several amendments here by unanimous consent. They are: Bennett No. 759; Bennet No. 799; Democratic side-by-side to Vitter; Casey No. 755, and Brown No. 808. I ask unanimous consent that these amendments be agreed to.

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

The amendments are as follows:

AMENDMENT NO. 759

(Purpose: To prohibit changing current tax laws for charitable contribution tax deductions to pay for modernizing the health care system)

On page 31, line 9, after ''purposes,'' insert ''provided that such legislation would not result in diminishing a taxpayers' ability to deduct charitable contributions as an offset to pay for such purposes, and'',

AMENDMENT NO. 799

(Purpose: To establish a deficit-neutral reserve fund to address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce)

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

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 755

(Purpose: To establish a deficit-neutral reserve fund to provide for accelerated carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment)

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

SEC. 2____. DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 808

(Purpose: To provide for legislation that removes Social Security numbers from Medicare cards and to pay for such legislation by reducing waste, fraud, and abuse in other federal programs)

On page 20, line 24, increase the amount by $5,000,000.

On page 20, line 25, increase the amount by $5,000,000.

On page 21, line 3, increase the amount by $10,000,000.

On page 21, line 4, increase the amount by $10,000,000.

On page 21, line 7, increase the amount by $10,000,000.

On page 21, line 8, increase the amount by $10,000,000.

On page 27, line 23, decrease the amount by $5,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $10,000,000.

On page 28, line 3, decrease the amount by $10,000,000.

On page 28, line 6, decrease the amount by $10,000,000.

On page 28, line 7, decrease the amount by $10,000,000.

Mr. CONRAD. Mr. President, I want to make it clear that the side by side to the Vitter amendment we approved by voice vote is No. 949.

With that, the next amendment up is the Vitter—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. CONRAD. 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. CONRAD. Mr. President, on the Bennett amendment No. 759, Senator BENNETT of Utah wishes to be recognized for a brief statement.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I understand from the distinguished Budget Committee chairman that they have accepted this amendment by unanimous consent. Therefore, I congratulate them on their wisdom and thank them.

This is a serious amendment, which I hope will survive conference. I am glad to have it accepted. It deals with the tax treatment of charitable contributions. I am happy to have it accepted by the other side so that the Senate is on record saying they want the President's budget not to change the tax treatment of charitable contributions.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield time to the Senator from Montana.

Mr. BAUCUS. Mr. President, the Bennett amendment would express the importance of taxpayers' ability to take deductions for contributions to charity. It is also important to recognize that this amendment is not inconsistent with either current law or the President's budget.

This amendment is also consistent with the votes that we took last week when we affirmed our support for charitable contributions.

I urge the Senate to adopt the amendment.

AMENDMENT NO. 949

Mr. CONRAD. Mr. President, on an amendment that we just adopted by voice vote, the Reed amendment No. 949, there is a misunderstanding. There was not unanimous consent. So I think in fairness we ought to go back to that amendment and have Senator REED offer it.

I ask unanimous consent to vitiate the adoption of the Reed amendment No. 949.

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

Mr. CONRAD. That would be the pending amendment, No. 949, and Senator REED would be recognized to offer the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, my amendment would focus on the issue I think we are all concerned about, and it would be a counterpoint to Senator VITTER's amendment, and that would be the administration of the Troubled Asset Relieve Program. My amendment would create a reserve fund, which would focus the remaining resources in the TARP fund on supporting small businesses, saving homeowners from foreclosure, helping the bond market, and making credit more widely available. It would also strengthen the oversight entities, the Special Inspector General, the Congressional Oversight Panel, and the Government Accountability Office.

Senator VITTER's amendment purports to take back the money by striking certain functions, such as function 370. But that function also has the funding for the FHA, the Rural Housing Program, and the Small Business Administration. In effect, we will not be taking away the TARP money, we will be challenging these other programs to find funds.

I urge adoption of my amendment and the rejection of Senator VITTER's amendment.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. REED. Mr. President, I offer it at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED) proposes an amendment numbered 949.

The amendment is as follows:

(Purpose: To provide for the expenditure of the remaining Troubled Asset Relief Program funds for the benefit of consumers)

At the appropriate place, insert the following:

SEC. _____. EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, next after this amendment is my amendment. It would return TARP funds not already out the door, except for the $100 billion set aside for buying toxic assets, which is exactly what TARP was supposed to be about. But it ends everything else and invites the Obama administration to come back to us regarding other programs.

The Reed amendment reaffirms TARP as it has been executed. So if you like everything that has been done under TARP and how it has been done, that model and program changing every other week, vote for the Reed amendment and reaffirm TARP as it is. If you think a change and focus needs to be brought to TARP, vote for the Vitter amendment, which is next.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 949.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—56

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

NAYS—42

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Feingold	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Snowe
Collins	Isakson	Specter
Corker	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	Lugar	Wicker

NOT VOTING—1

Kennedy

The amendment (No. 949) was agreed to.

Mr. CONRAD. Mr. President, I have a unanimous consent request that I wish to propound on the next group of amendments before we go to the Vitter amendment.

I ask unanimous consent that the following group of amendments be the next to be considered; that the provisions of the previous order regarding debate time, vote time, and budget points of order remain in effect for the duration of consideration of amendments to the budget resolution; and that the amendments be considered in the order listed. This is the order proposed: Senator Hutchison amendment No. 866; Menendez amendment No. 921; Coburn amendment No. 895; Brownback amendment No. 841; Graham amendment No. 898; Boxer amendment No. 953; Reid amendment No. 730; Hutchison amendment No. 868; Snowe amendment No. 773; Senators Murray and Bond amendment No. 880; Thune amendment No. 803; Barrasso-Wyden—I do not have a number on that amendment; a Democratic side by side to Bennett of Utah on spending stimulus; Bennett of Utah amendment No. 954; a Democratic side by side to the Enzi trigger; Enzi No. 824; Conrad or his designee side by side on AMT; and Grassley on AMT.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we do not have copies of the side by sides. I suggest we hold those four that are involved until we get a copy of the side by sides. That would be the Democratic side by side to Bennett, the Bennett, the Democratic side by side to Enzi, and the Enzi.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I alter the unanimous consent request so that the last four amendments in that request not be included. I also want to clarify that Brownback is No. 840.

The PRESIDING OFFICER (Mr. BROWN). Is there objection?

Mr. GREGG. Reserving the right to object, the wrong number was announced on Brownback. The number is 840.

Mr. CONRAD. That is what I just did.

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

The Senator from Louisiana is recognized.

AMENDMENT NO. 787

Mr. VITTER. Mr. President, I now present the Vitter amendment. It is very simple. It says that the Troubled Asset Relief Program, TARP, will actually be about troubled asset relief. It returns the other money not reserved for troubled asset relief to the Treasury for debt reduction, $136 billion of debt reduction.

I reserve the remainder of my time.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. VITTER. I offer the amendment at this point.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 787.

The amendment is as follows:

(Purpose: To end $272 billion in spending on bailouts under TARP and reduce record deficits and levels of debt)

On page 4, line 13, decrease the amount by $116,626,400,000.

On page 4, line 14, decrease the amount by $23,103,200,000.

On page 4, line 15, decrease the amount by $4,939,200,000.

On page 4, line 16, decrease the amount by $7,053,600,000.

On page 4, line 17, decrease the amount by $9,575,200,000.

On page 4, line 18 decrease the amount by $12,156,800,000.

On page 4, line 22, decrease the amount by $116,626,400,000.

On page 4, line 23, decrease the amount by $23,103,200,000.

On page 4, line 24, decrease the amount by $4,939,200,000.

On page 4, line 25 decrease the amount by $7,053,600,000.

On page 5, line 1, decrease the amount by $9,575,200,000.

On page 5, line 2, decrease the amount by $12,156,800,000.

On page 5, line 6, decrease the amount by $116,626,400,000.

On page 5, line 7, decrease the amount by $23,103,200,000.

On page 5, line 8, decrease the amount by $4,939,200,000.

On page 5, line 9, decrease the amount by $7,053,600,000.

On page 5, line 10, decrease the amount by $9,575,200,000.

On page 5, line 11, decrease the amount by $12,156,800,000.

On page 5, line 16, decrease the amount by $116,626,400,000.

On page 5, line 17, decrease the amount by $139,729,600,000.
On page 5, line 18, decrease the amount by $144,668,800,000.
On page 5, line 19, decrease the amount by $151,722,400,000.
On page 5, line 20, decrease the amount by $161,297,600,000.
On page 5, line 21, decrease the amount by $173,454,400,000.
On page 5, line 24, decrease the amount by $116,626,400,000.
On page 5, line 25, decrease the amount by $139,729,600,000.
On page 6, line 1, decrease the amount by $144,668,800,000.
On page 6, line 2, decrease the amount by $151,722,400,000.
On page 6, line 3, decrease the amount by $161,297,600,000.
On page 6, line 4, decrease the amount by $173,454,400,000.
On page 15, line 17, decrease the amount by $116,000,000,000
On page 15, line 18, decrease the amount by $116,000,000,000.
On page 15, line 21, decrease the amount by $20,000,0000,000.
On page 15, line 22, decrease the amount by $20,000,000,000.
On page 26, line 20, decrease the amount by $626,400,000.
On page 26, line 21, decrease the amount by $626,400,000.
On page 26, line 24, decrease the amount by $3,103,200,000.
On page 26, line 25, decrease the amount by $3,103,200,000.
On page 27, line 3, decrease the amount by $4,939,200,000.
On page 27, line 4, decrease the amount by $4,939,200,000.
On page 27, line 7, decrease the amount by $7,053,600,000.
On page 27, line 8, decrease the amount by $7,053,600,000.
On page 27, line 11, decrease the amount by $9,575,200,000.
On page 25, line 12, decrease the amount by $9,575,200,000.
On page 27, line 15, decrease the amount by $12,156,800,000.
On page 27, line 16, decrease the amount by $12,156,800,000.

Mr. VITTER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield time in opposition to Senator REED of Rhode Island.

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

Mr. REED. Mr. President, the Reed amendment, which we just adopted, focuses the remaining TARP funds on functions that are critical to the economic progress of the country—keeping people in homes, providing help for small business, supporting the traditional bond market, making credit more widely available. The restriction of these funds proposed by Senator VITTER will undercut these objectives. In addition, the Reed amendment has strengthened the oversight responsibilities.

Secretary Geithner has just announced a program that will focus on these toxic assets. Keeping these TARP funds, I believe, will give the Treasury the flexibility to make that program work more effectively, and I oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Louisiana has 35 seconds.

Mr. VITTER. Mr. President, the program which Secretary Geithner has actually announced about toxic assets is protected even under my amendment. What my amendment says is that we are not any longer going to allow the Treasury to do other things on an ad hoc basis, making it up as they go along every week.

In the process, we would reduce the debt of this country by at least $136 billion under this amendment. I urge support for the amendment.

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

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 787.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—28

Barrasso	DeMint	Nelson (NE)
Bennett	Ensign	Risch
Bond	Enzi	Sessions
Brownback	Feingold	Shelby
Bunning	Grassley	Specter
Burr	Hutchison	Thune
Coburn	Inhofe	Vitter
Collins	Johanns	Wicker
Cornyn	McCain	
Crapo	Murkowski	

NAYS—70

Akaka	Graham	Merkley
Alexander	Gregg	Mikulski
Baucus	Hagan	Murray
Bayh	Harkin	Nelson (FL)
Begich	Hatch	Pryor
Bennet	Inouye	Reed
Bingaman	Isakson	Reid
Boxer	Johnson	Roberts
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Kyl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCaskill	Wyden
Feinstein	McConnell	
Gillibrand	Menendez	

NOT VOTING—1

Kennedy

The amendment (No. 787) was rejected.

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

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

The motion to lay on the table was agreed to.

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

The senior Senator from South Carolina is recognized.

Mr. GRAHAM. I call up amendment No. 910.

Mr. GREGG. Will the Senator allow us to do a unanimous consent?

Mr. GRAHAM. I will.

AMENDMENTS NOS. 892 AND 893

Mr. CONRAD. Mr. President, I ask unanimous consent that the Coburn amendment No. 892 and Coburn amendment No. 893 be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection.

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

The amendments (No. 892 and No. 893) were agreed to, as follows:

AMENDMENT NO. 892

(Purpose: To end bogus bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements)

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 893

(Purpose: to support President Obama in his effort to go line by line through the Federal Budget in order to help him eliminate wasteful, inefficient, and duplicative programs)

On page 49, between lines 3 and 4, insert the following:

SEC. ___. DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank Senator COBURN for his courtesy and say he has set a very good example for other Members, a very good example.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 910

Mr. GRAHAM. Mr. President, since I am not a squish like Senator COBURN, I am going to go ahead.

My amendment is straightforward. This amendment creates a budget point of order on legislation that increases the cost of energy for middle-class families. Why are we doing this? The climate change proposal that was in the President's budget would create a massive tax increase on anybody who uses energy, and that would be every American middle-class family, which already has a tough time getting by. This would be a point of order against any bill that would raise the cost of energy on our middle-class families who are struggling to get by.

I ask the Senate to rally around this concept. We can deal with climate change without passing a $3,000-per-household energy tax on the families of America who are having a hard time paying their bills.

The PRESIDING OFFICER. Is the Senator from South Carolina offering the amendment?

Mr. GRAHAM. Yes. I am sorry. I thought we had done that. Everything I said still goes.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 910.

The amendment is as follows:

(Purpose: To protect middle-income taxpayers from a national energy tax)

On page 68, after line 4, insert the following:

SEC. __. POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE INCOME TAXPAYERS.—The term ''middle-income'' taxpayers means single individuals with $200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with $250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term ''widespread applicability'' includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) NATIONAL ENERGY TAX INCREASE.—The term ''National energy tax increase'' means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, it is my intention to vote for this amendment. I ask the Senator from South Carolina, would the Senator from South Carolina, in a moment of comity and weakness, be willing to accept a voice vote?

Mr. GRAHAM. No.

Mr. CONRAD. I thought that might be the answer. All right. My intention is to vote for the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—65

Alexander	DeMint	McCain
Barrasso	Dorgan	McCaskill
Baucus	Ensign	McConnell
Bayh	Enzi	Murkowski
Begich	Feingold	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Pryor
Brownback	Hagan	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Byrd	Inhofe	Shelby
Cantwell	Isakson	Snowe
Casey	Johanns	Specter
Chambliss	Johnson	Tester
Coburn	Klobuchar	Thune
Cochran	Kohl	Vitter
Collins	Kyl	Voinovich
Conrad	Landrieu	Webb
Corker	Lincoln	Wicker
Cornyn	Lugar	Wyden
Crapo	Martinez	

NAYS—33

Akaka	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Dodd	Lieberman	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Gillibrand	Mikulski	Whitehouse

NOT VOTING—1

Kennedy

The amendment (no. 910) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 931, AS MODIFIED

Mr. CONRAD. Mr. President, the next amendment is the Landrieu amendment with 2 minutes equally divided.

Ms. LANDRIEU. Mr. President, this amendment seeks to establish a deficit-neutral reserve fund based on the current law supporting revenue sharing for coastal States contributions to the Land and Water Conservation Fund and a fund for innovative energy technology.

It would save up to, which is the current law today, which 26 Senators voted on, up to 50 percent which can be set aside from future oil and gas revenues for revenue sharing for coastal States for the Land and Water Conservation Fund and for funds to be created to invest in alternative energy technologies.

This is something that has been debated in the Senate but has been broadly supported by Republicans and Democrats. There has been some opposition. I suspect there may be some today. But there has been broad bipartisan support for revenue sharing for coastal States contributions to the Land and Water Conservation Fund and alternative energy sources.

This does not change the current law, it does not direct drilling anywhere in the country that does not already exist. That is the essence of the amendment I offer with myself and Senator BEGICH from Alaska.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. BEGICH, offers an amendment numbered 931, as modified.

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

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

The amendment, as modified, is as follows:

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF OIL AND NATURAL GAS LEASING REVENUES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide that up to 50 perecent of any revenues collected by the United States from oil and natural gas leases in the outer Continental Shelf shall be—

(1) distributed among coastal energy producing States; and/or

(2) allocated for—

(A) the conduct of innovative alternative energy research; and

(B) supporting parks and wildlife.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is not an insignificant amendment. It is not small change. It has very significant consequences to all States. A very small number of States, a handful, will

get a big windfall. All of the rest of the States will have money otherwise raised from OCS—raised from revenues from mineral leasing royalties not go to them at all.

Currently, revenue goes to all 50 States. There is a small carving out for some of the coastal States and Florida. This amendment says: All the revenue raised, all the coastal revenue goes to only those few coastal States, which means revenue would not go to the other States that benefit currently from oil and gas leasing revenue.

The other big consequence is, this is a big tax increase. It is a revenue-neutral provision. That means it is $110 billion, conservatively, over 10 years, which means we have to raise taxes $110 billion to pay for giving money to a small handful of States and take it away from the majority of the States.

I strongly urge members not to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—37

Barrasso	DeMint	McConnell
Begich	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Shelby
Burr	Hutchison	Vitter
Carper	Inhofe	Warner
Chambliss	Isakson	Webb
Coburn	Johanns	Whitehouse
Cochran	Kyl	Wicker
Cornyn	Landrieu	
Crapo	McCain	

NAYS—60

Akaka	Feinstein	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Snowe
Casey	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Tester
Corker	Lincoln	Thune
Dodd	Lugar	Udall (CO)
Dorgan	Martinez	Udall (NM)
Durbin	McCaskill	Voinovich
Feingold	Menendez	Wyden

NOT VOTING—2

Kennedy Sessions

The amendment (No. 931), as modified, was rejected.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator ROBERTS has a unanimous consent request on a change of vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished Senator and nattily dressed chairman of the Budget Committee.

Mr. President, on rollcall vote 136, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would say to colleagues, I do not know what it is about this year, but the hole just keeps getting deeper. We still have over 200 amendments, and nobody seems to be much interested in kind of being collegial here and allowing us to get to some kind of reasonable list. Now, 200 amendments pending, 3 an hour—that is almost 70 hours. That is 3 days. So please work with us and be willing to take voice votes. When we have amendments that are being adopted overwhelmingly, you know, really, do we really intend to stay here for 3 days? I hope not.

Mr. President, I ask unanimous consent that the following be the next group of amendments to be considered; that the provisions of the previous order regarding debate time, vote time, and budget points of order remain in effect for the duration of consideration of amendments to the budget resolution; that the amendments be considered in the order listed: Hutchison No. 866, Menendez No. 921, Coburn No. 895, Brownback No. 840—we have done this? Well, this is good. We are making progress.

Mr. GREGG. What about voice votes?

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

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

AMENDMENTS NOS. 921, 895, 880, AND 788

Mr. CONRAD. Mr. President, we have four amendments in this list that we could agree to: Menendez No. 921; Coburn No. 895, Murray-Bond No. 880, and Barrasso-Wyden—do we have a number on that?

Mr. GREGG. No. 788.

Mr. CONRAD. No. 788.

Mr. GREGG. Mr. President, I ask unanimous consent that they be agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent that those four amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. What are the four amendments, please?

Mr. CONRAD. Menendez No. 921, Coburn No. 895, Murray-Bond No. 880, Barrasso-Wyden No. 788.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendments (Nos. 921, 895, 880, and 788) were agreed to, as follows:

AMENDMENT NO. 921

(Purpose: To establish a deficit-neutral reserve fund for the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), and other related programs)

On page 49, after line 3, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Prevention and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 895

(Purpose: To provide a deficit-neutral reserve fund to end abusive no-bid contracts by requiring all Federal contracts over $25,000 to be competitively bid)

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over $25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 880

(Purpose: To create a deficit-neutral reserve fund for legislation to enable States to establish or expand quality programs of early childhood home visitation)

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

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 788

(Purpose: To fund the account Hazardous Fuel Reduction on Federal Lands (within Function 300) at the level authorized in the Healthy Forests Restoration Act of 2003)

On page 13, line 21, increase the amount by $200,000,000.

On page 13, line 22, increase the amount by $140,000,000.

On page 14, line 1, increase the amount by $60,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, decrease the amount by $140,000,000.

On page 28, line 3, decrease the amount by $60,000,000.

AMENDMENT NO. 788

Mr. WYDEN. Mr. President, this is an amendment that Senator BARRASSO and I have offered to fully fund the Healthy Forests Restoration Act, by providing an additional $200 million for this purpose. I am very pleased that my colleague from Oregon, Senator MERKLEY, has also joined us in this amendment as well as Senators CRAPO, KYL, ENZI, BENNETT and HATCH.

Significantly, this amendment would provide for full funding for this legislation for the first time since its passage. I helped author the Healthy Forests Restoration Act in 2003—a bipartisan bill that I worked on with a number of my colleagues to help address serious forest health issues and a significant backlog of hazardous fuels that have been building up on our national forests.

When Congress passed the Healthy Forests Restoration Act, HFRA, Congress authorized $760 million in new money to complete hazardous fuel reduction work on 20 million acres. Yet in each of the past years the Bush administration's budget request has fallen short, in my estimation by well over $600 million less than Congress authorized. Because the Healthy Forests Restoration Act was never fully funded in the prior administration, it has never really had the chance to work. Our amendment would ensure that rural communities will finally get the resources they were promised. These funds will put these communities on a path to preventing wildfires and bringing jobs back to the forest.

In hearings before the Energy and Natural Resources Committee, previous administration leaders assured me that even in the face of such severe budget cuts, they could get the work done, possibly within 8 to 10 years. Yet in hearings before the committee we also heard witnesses from the GAO and USDA inspector general's office testify that the agencies were falling far short of meeting this mandate and that hazardous fuels were building up in our forests as much as three times faster than the agencies could remove them.

When you come from a State like mine, where the Federal Government owns so much of the land, the health of those public forests is a very serious issue—one with life or death consequences for communities that are next to these forests and could become raging infernos in the next fire season.

We can no longer dawdle on completing the thinning work that urgently needs to be performed on our Nation's forests. This work would also provide jobs thinning overstocked forests in rural communities, while reducing the threat of wildfires.

Those wildfires are getting more and more costly to fight and consuming more and more of the budget of our public lands agencies. It simply doesn't make sense to not spend the money on preventing the fires and then turn around during the fire season and watch the millions of dollars flow freely while people's homes and livelihoods go up in smoke.

Full funding of the HFRA would also allow for funding to communities so they can implement ''community wildfire protection plans'' developed in areas that are part of ''wildland urban interface'' and living on the edge of our public forests.

I hope my colleagues will support this commonsense amendment and get the Healthy Forests Act back on track.

AMENDMENT NO. 840, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent to send a modification to the desk on behalf of Senator BROWNBACK to his amendment No. 840.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

AMENDMENT NO. 866

Mr. CONRAD. Mr. President, that takes us to the Hutchison amendment, No. 866.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, my amendment would create a point of order against any legislation that would impose or increase the marriage penalty tax. We have worked very hard in Congress to eliminate the marriage penalty, which we have not been able to do completely, but we have mitigated it, lowered it significantly.

Before we addressed this issue, the marriage penalty was an average of $1,100 per couple; that is, two single people getting married caused them to have to pay $1,100 more in taxes because of the marriage penalty in the Tax Code. We have mitigated that to a great extent.

This amendment would create a point of order against any legislation that would impose or increase the marriage penalty. We all know we should not in any way discourage marriage in this country. We have been able to do that. I think we need to stick with it, and this is the way to do it.

Thank you, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. MARTINEZ, Mr. VITTER, Mr. ENZI, and Mr. BROWNBACK, proposes an amendment numbered 866.

The amendment is as follows:

(Purpose: To provide a point of order against legislation that has the effect of imposing a greater tax liability on taxpayers who are married than if such taxpayers had filed individual tax returns)

At the end of subtitle A of title III, insert the following:

SEC. ___. POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) DEFINITION.—In this section, the term ''marriage penalty'' means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, dully chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly

chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support the Hutchison amendment. I think there is strong support on this side.

Would the Senator be willing to take a voice vote?

Mrs. HUTCHISON. Mr. President, I would.

Mr. CONRAD. I thank the Senator from Texas.

I ask unanimous consent that the Hutchison amendment No. 866 be agreed to.

The PRESIDING OFFICER. The Senator yields back time?

Without objection, the amendment is agreed to.

The amendment (No. 866) was agreed to.

AMENDMENT NO. 840, AS MODIFIED

Mr. CONRAD. Mr. President, that takes us to Brownback amendment No. 840. Senator BROWNBACK would describe that amendment. This is a similar circumstance. There is strong support on this side toward the Senator's amendment, and we could take it on a voice vote if the Senator would be willing to do that.

If the Senator would take a moment to describe his amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would be happy to take a moment to describe the amendment. And if by going by voice vote it is more likely to stay in conference, I would be happy to do a voice vote.

Mr. CONRAD. It is amazing how that will improve the chances.

Mr. BROWNBACK. Well, I am quite excited about that.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 840, as modified.

The amendment is as follows:

(Purpose: To provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies)

On page 25, line 24, increase the amount by $3,000,000.

On page 25, line 25, increase the amount by $3,000,000.

On page 26, line 3, increase the amount by $6,000,000.

On page 26, line 4, increase the amount by $6,000,000.

On page 26, line 7, increase the amount by $8,000,000.

On page 26, line 8, increase the amount by $8,000,000.

On page 26, line 11, increase the amount by $8,000,000.

On page 26, line 12, increase the amount by $8,000,000.

On page 26, line 15, increase the amount by $4,000,000.

On page 26, line 16, increase the amount by $4,000,000.

On page 10, line 20, decrease the amount by $3,000,000.

On page 10, line 21, decrease the amount by $3,000,000.

On page 10, line 24, decrease the amount by $6,000,000.

On page 10, line 25, decrease the amount by $6,000,000.

On page 11, line 3, decrease the amount by $8,000,000.

On page 11, line 4, decrease the amount by $8,000,000.

On page 11, line 7, decrease the amount by $8,000,000.

On page 11, line 8, decrease the amount by $ 8,000,000.

On page 11, line 11, decrease the amount by $4,000,000.

On page 11, line 12, decrease the amount by $4,000,000.

Mr. BROWNBACK. Mr. President, colleagues, this is an amendment that passed last year. It creates a commission, an independent commission, to review all of Federal spending, make recommendations to the body, and then requires a vote on those recommendations whether to continue the program or discontinue it. It is a way for us to get at failed programs. It is a way for us to get at inefficient programs or programs that have accomplished their purposes.

This is at the core of what so many people want to see us do; that is, to get our spending under control so we can spend on higher priority categories. That is what this amendment would do, and it does it in a fashion and in a way that we have seen before that has worked on eliminating wasteful Government spending.

This has had broad bipartisan support in the past. I would hope we could accept it and it could stay in the overall budget in conference.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have strong support for the amendment on this side. I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The amendment (No. 840), as modified, was agreed to.

AMENDMENT NO. 898 WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent, on behalf of Senator GRAHAM, to withdraw amendment No. 898.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Without objection on this side.

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

AMENDMENT NO. 953, AS MODIFIED

Mr. CONRAD. Mr. President, that takes us to the Boxer amendment, No. 953, afterschool reserve fund.

Senator BOXER.

Mrs. BOXER. I say to the Senators, thank you so much, Senator CONRAD and Senator GREGG. I say thank you very much to Senator ENSIGN. He and I have been working on afterschool for many years.

This is a Boxer-Ensign amendment. There is a modification at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] for herself and Mr. ENSIGN, proposes an amendment numbered 953, as modified.

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

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

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund for the 21st Century Community Learning Centers afterschool program)

At the end of Title II, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mrs. BOXER. Mr. President, we are not adding a penny. We are just saying, within the amounts that are in the education budget, to fully fund afterschool programs. We all know it helps our kids, and there are millions on the list. Senator ENSIGN explained many times—he wanted to speak here today, but he is not on the floor—that afterschool programs really saved his life when he was a young child.

So I hope this amendment will be accepted.

I thank my colleagues, and I yield back.

The PRESIDING OFFICER. Who yields time in opposition?

Mrs. BOXER. Mr. President, I ask for a voice vote, if we could do that.

Mr. GREGG. Mr. President, if the Senator would be willing to let us pass over this amendment for a minute, we have some questions on our side, and hopefully we can clear them up.

Mrs. BOXER. I am sorry?

Mr. GREGG. We have some questions on our side. Hopefully, we can clear them up. I ask the Senator, can we move on to the next amendment and move back to yours?

Mrs. BOXER. Of course. Senator ENSIGN thought it was all taken care of, so he is off the floor. Maybe we can get him back out here. Thank you.

The PRESIDING OFFICER. Is there objection to setting aside the amendment?

Without objection, the amendment is set aside.

AMENDMENT NO. 730

Mr. CONRAD. Mr. President, that takes us to Reid amendment No. 730, and the leader is here.

Senator REID.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, prior to the Tax Reform Act of 1986, individuals

were entitled to deduct State and local sales taxes. When the deduction was repealed, it put taxpayers in States without an income tax, such as Nevada, Washington, and others, at a disadvantage. It took us 22 years before fairness was restored when the deduction was reinstated in 2004. The problem is that deduction is not a permanent part of the law.

The amendment I have filed with Senators ENSIGN, CANTWELL, MURRAY, NELSON, HUTCHISON, and others fixes that by establishing a reserve fund for legislation making the deduction permanent. Based on all the information we have, this would affect lots of people—almost half a million in Nevada. At a time when families are struggling to make ends meet, every penny counts.

I would accept a voice vote on this amendment, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have just been informed that the matching amendment to the Reid amendment may be withdrawn. They are working on that right now. So that would mean a vote on the Reid amendment and the Hutchison amendment may not be necessary.

AMENDMENT NO. 953, AS MODIFIED

So, Mr. President, I ask that we now return to the Boxer amendment because we have reached conclusion on that. We know it will require a vote. If the Senator would be so inclined, we could return to that amendment and go to a vote.

Mr. GREGG. Mr. President, the Senator has used her minute.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Colleagues, if I could ask to be heard for one more moment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you.

I simply want to say that we are a little caught off guard here because we were told this was cleared on the Republican side. This is a Boxer-Ensign amendment. It does not add one penny to the deficit. It does not change anything. It just says, within the funding for education, let's fully fund after-school programs because we have so many kids who are waiting to get into those programs. I am hopeful we will have a strong bipartisan vote for this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 953, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—89

Akaka	Ensign	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Gillibrand	Nelson (FL)
Begich	Graham	Nelson (NE)
Bennet	Grassley	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Risch
Boxer	Hutchison	Roberts
Brown	Inouye	Rockefeller
Brownback	Isakson	Sanders
Burr	Johanns	Schumer
Burris	Johnson	Shaheen
Byrd	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Thune
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Vitter
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	

NAYS—9

Bunning	Gregg	McCain
Coburn	Inhofe	Sessions
DeMint	Kyl	Voinovich

NOT VOTING—1

Kennedy

The amendment (No. 953), as modified, was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, if we are really going to have recorded rollcall votes—what was the final tally—on votes that are 89 to 9, we are going to be here a very long time.

Honestly, I have been doing this for 22 years. I don't know if I have ever seen a year where colleagues just seem to be absolutely insistent on having rollcall votes on things that are going to keep us here a very long time. We cannot make people give up their votes or take voice votes. But at some point there has to be a serious consideration. Is this what we are really going to do to each other? Are we going to be here for 70 hours? That is where we are headed.

With that, we can go to the Snowe amendment—or has the Hutchison-Reed amendment been resolved? We should pass over that and go to Senator SNOWE's amendment. She is right here. If the Senator would explain her amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 773

Ms. SNOWE. Mr. President, I call up amendment No. 773.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes an amendment numbered 773.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund to provide for the extension of the top individual tax rates for small businesses after 2010)

At the end of title II, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Ms. SNOWE. Mr. President, my amendment would create a deficit-neutral reserve fund for the tax cuts of 2001 to extend those tax rates to small businesses that earn 50 percent of their income from small business.

If we fail to do that, we can expect small businesses to see their taxes rise by 9 percent by allowing those rates to go up from 33 percent to 36 percent, and 36 percent to 39.6 percent. Why would we want to impose a tax on the very entities that we are depending upon to lead us out of this economic morass by increasing their taxes?

Just this week, the Joint Tax Committee indicated there are 6.5 percent of those small businesses that earn over $250,000, which is three times the original estimate by those who were opposed to this amendment. Let me say that the Small Business Administration said 93 percent of all small business owners file an individual tax return. The Treasury Department has indicated that 9 percent earn 70 percent of the income in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. Mr. President, I ask the Senator if she is willing to take this on a voice vote?

Ms. SNOWE. I am.

Mr. CONRAD. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 773, offered by the Senator from Maine.

The amendment (No. 773) was agreed to.

AMENDMENTS NOS. 816, 885, 872, 827, 764, 788, 795, 817, 837, 818, 874, 839, 877, 797, 802, AND 826 EN BLOC

Mr. CONRAD. Mr. President, we are now ready to offer a draft managers' package No. 1.

Mr. President, I ask unanimous consent that the following amendments be considered en bloc and adopted en bloc, and that the motions to reconsider be considered made and laid on the table. The amendments are as follows:

Boxer, No. 816, dependent care; Bennett of Utah, No. 885, DOE pensions; Dodd, No. 872, firefighter grants; Collins, No. 827; Carper, No. 764; Barrasso, No. 788; Pryor, No. 795; Bunning, No. 817; Dorgan, No. 837; Bunning, No. 818; Landrieu, No. 874; Roberts, No. 839; Reed of Rhode Island, No. 877; Burr, No. 797; Pryor, No. 802, and Enzi, No. 826.

Mr. INHOFE. Reserving the right to object, has the Senator considered my amendment No. 742, which is accepted on both sides to my knowledge? Senator AKAKA and I put it forward, having to do with the health care of veterans. Nobody has objected to it.

Mr. CONRAD. That is being considered in the next tranche. We are working on that right now.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 816

(Purpose: To provide access to affordable, quality child care for middle class families by making improvements in the employer-provided child care credit and the dependent care tax credit)

On page 38, line 19, after ''refundable tax relief'' insert ''and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit''.

AMENDMENT NO. 885

(Purpose: To establish a deficit-neutral reserve fund to cover the full cost of pension obligations for employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 872

(Purpose: To add a deficit-neutral reserve fund for provisions of critical resources to firefighters and fire departments)

At the end of Title II, insert the following:

SEC.____. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for 1 such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 827

(Purpose: To modify the provision relating to the deficit-neutral reserve fund for clean energy legislation to include industrial energy efficiency programs)

On page 33, line 4, insert ''(including through industrial energy efficiency programs)'' after ''and efficiency''.

AMENDMENT NO. 764

(Purpose: To establish a deficit-reduction reserve fund for the elimination and recovery of improper payments)

On page 49, between lines 3 and 4, insert the following:

SEC. _____. DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

AMENDMENT NO. 795

(Purpose: To modify a deficit neutral reserve fund to ensure improvement of infrastructure related to flood control)

On page 37, between lines 8 and 9, insert the following:

(d) FLOOD CONTROL PROJECTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 817

(Purpose: To modify a deficit-neutral reserve fund for the repeal of the 1993 increase in the income tax on social security benefits)

At the end of title II, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 837

(Purpose: To increase funding for organ transplantation and organ donation activities at the Health Resources and Services Administration by $10 million in FY 2010)

On page 19, line 24, increase the amount by $10,000,000.

On page 19, line 25, increase the amount by $3,000,000.

On page 20, line 4, increase the amount by $4,000,000.

On page 20, line 8, increase the amount by $2,000,000.

On page 20, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $10,000,000.

On page 27, line 24, decrease the amount by $3,000,000.

On page 28, line 3, decrease the amount by $4,000,000.

On page 28, line 7, decrease the amount by $2,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

AMENDMENT NO. 818

(Purpose: To provide for a deficit-neutral reserve fund to provide for legislation to increase the amount of capital losses allowed to individuals)

At the end of title II, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 874

(Purpose: To provide for a deficit-neutral reserve fund for foster care financing reform)

At the end of title II, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 839

(Purpose: To fully fund the small business child care grant program under section 8303 of the Small Business and Work Opportunity Act of 2007)

On page 21, line 24, increase the amount by $20,000,000.

On page 21, line 25, increase the amount by $15,200,000.

On page 22, line 3, increase the amount by $20,000,000.

On page 22, line 4, increase the amount by $19,800,000.

On page 22, line 7, increase the amount by $10,000,000.

On page 22, line 8, increase the amount by $12,400,000.

On page 22, line 12, increase the amount by $2,500,000.

On page 22, line 16, increase the amount by $100,000.

On page 27, line 23, decrease the amount by $20,000,000.

On page 27, line 24, decrease the amount by $15,200,000.

On page 28, line 2, decrease the amount by $20,000,000.

On page 28, line 3, decrease the amount by $19,800,000.

On page 28, line 6, decrease the amount by $10,000,000.

On page 28, line 7, decrease the amount by $12,400,000.

On page 28, line 11, decrease the amount by $2,500,000.

On page 28, line 15, decrease the amount by $100,000.

AMENDMENT NO. 877

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Leveraging Educational Assistance Partnership programs)

On page 34, line 13, insert ''such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.),'' after ''students,''.

AMENDMENT NO. 797

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

On page 19, line 24, increase the amount by $850,000,000.

On page 19, line 25, increase the amount by $170,000,000.

On page 20, line 4, increase the amount by $476,000,000.

On page 20, line 8, increase the amount by $136,000,000.

On page 20, line 12, increase the amount by $51,000,000.

On page 20, line 16, increase the amount by $17,000,000.

On page 27, line 23, decrease the amount by $850,000,000.

On page 27, line 24, decrease the amount by $170,000,000.

On page 28, line 3, decrease the amount by $476,000,000.

On page 28, line 7, decrease the amount by $136,000,000.

On page 28, line 11, decrease the amount by $51,000,000.

On page 28, line 15, decrease the amount by $17,000,000.

AMENDMENT NO. 802

(Purpose: To provide a deficit-neutral reserve fund for the Veterans Health Administration to ensure that the supply of appropriately prepared health care professionals is available to meet the needs of the Veterans Health Administration)

At the end of title II, add the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

AMENDMENT NO. 826

(Purpose: To establish a deficit-neutral reserve fund to repeal certain deductions from mineral revenue payments made to States)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111–8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 872

Mr. DODD. Mr. President, I am in strong support of the Dodd-Lieberman-Collins amendment.

A decade ago, many of us in this body worked together to create the FIRE Grant Program—the goal of which was simple, but essential: It gives local fire departments the ability to purchase new equipment and initiate education and training programs.

Soon after we wrote that bill, we were reminded why it was so desperately needed—the Worcester Cold Storage blaze on December 3, 1999, that left 17 children without their fathers.

That story reminds us of the price our fire fighters pay every day to keep our communities safe.

We also wrote the SAFER Act to put an additional 75,000 firefighters on the job.

Today, the FIRE Act provides the single largest stream of Federal funding to communities to train and equip firefighters. Along with the SAFER Act, it has already provided more than $3 billion in grants to help hire, train, and equip firefighters.

In essence, these historic pieces of legislation have made the Federal Government a partner with our Nation's firefighters.

But to make that partnership as strong as it needs to be to keep our communities safe, we need to ensure that the Federal Government provides the necessary resources. We need to fund those programs.

In fiscal year 2009, the FIRE and SAFER Programs were funded at $565 million and $210 million respectively. FIRE is authorized through this fiscal year and will be reauthorized later this year, while SAFER is scheduled for reauthorization next year.

Our amendment will simply ensure there is adequate funding for the FIRE and SAFER Programs for fiscal years 2010 to 2014.

Economic recovery depends on safe and secure communities.

Just recently, East Hartford was forced to eliminate 19 municipal jobs, including firefighters. Farmington is trying to budget for replacing decade old fire engines, while Torrington and Greenwich are deciding whether they will be able to repair and build a new firehouse. This is happening in fire departments across my State.

We already made great strides with the economic recovery package providing $210 million to help America's first responders. But with this amendment, we can ensure that one thing that will not be left behind during this economic downturn is the safety of our communities.

And so I thank my colleagues and urge them to support this amendment.

AMENDMENT NO. 874

Mr. GRASSLEY. Mr. President, this amendment would create a deficit neutral fund in order to provide for reform of the current foster care system.

The foster care system is broken tremendously overburdened and needs to be fixed.

The system is understaffed and under trained. Children linger too long before securing a safe and permanent home. More funding could be available for family reunification services. Administrative funds could be used more efficiently.

Data collection is insufficient. The foster care financing structure is antiquated and inflexible and prevents states from responding to a variety of challenges.

We need to replace the old system with one that improves the foster care payment structure to support children

rather than programs, promotes and improves family preservation and ensures that public funds are used effectively.

Our amendment sets us on a course to make these vital improvements to the foster care system.

I urge my colleagues to support the Landrieu-Grassley amendment.

Mr. CONRAD. Mr. President, that is very helpful. That cleared a lot of amendments on both sides. I now go to Senator HUTCHISON for the purpose of withdrawing her amendment.

AMENDMENT NO. 868 WITHDRAWN

Mrs. HUTCHISON. Mr. President, I withdraw my amendment No. 868. I do support Senator REID's amendment. It is important.

AMENDMENT NO. 868 WITHDRAWN

Mr. CONRAD. I thank the Senator. That is very gracious of her. We could go to the Reid amendment.

I ask unanimous consent that Reid amendment No. 730 be adopted.

Mr. GREGG. Reserving the right to object, and I will not, I want to point out that in New Hampshire we have no sales or income tax. If people want to escape these taxes, they should come to New Hampshire.

Mr. CONRAD. Mr. President, I renew my request.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the amendment is agreed to.

The amendment (No. 730) was agreed to, as follows:

(Purpose: to establish a deficit-neutral reserve fund to permanently extend the deduction for state and local sales taxes)

At the end of Title II, insert the following:

SEC. ____. RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CONRAD. Mr. President, that takes us to the Thune amendment No. 803.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 803

Mr. THUNE. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] for himself, Mr. BENNETT, and Mr. ENSIGN, proposes an amendment numbered 803.

The amendment is as follows:

(Purpose: To protect charitable giving by ensuring that organizations that provide important religious, educational, cultural, health care, and environmental services are not negatively impacted by changes to the Federal income tax deduction for charitable donations)

On page 68, after line 4, insert the following:

SEC. ____. POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. THUNE. Mr. President, my amendment is very straightforward. It creates a budget point of order against any legislation that would raise revenue from a reduction in the tax deduction for charitable donations.

What the Senator from North Dakota is going to say is that it is not included in his budget. As we know, this is a long process, and we also know the President, in his budget, included a proposal that would reduce the amount people could claim as a tax benefit for a charitable donation.

Again, we don't know what is going to happen from this point forward in the budget process. This could go into conference, and a provision like this could be added. Again, this places a point of order against any legislation that would raise revenue from the tax deduction for charitable giving.

Americans gave $300 billion in 2007 to charitable causes, which is equal to 2 percent of our GDP.

A Washington Post article said this:

Diana Aviv, [president of Independent Sector, a national membership organization of charities] said any decrease in charitable giving caused by Obama's proposal, no matter how small, would be 'seen as a stake in the heart.' ''—''With all other means of income down, the idea that there will be another potential cut to the income of those nonprofit organizations feels catastrophic,'' Aviv said. ''It is utterly unacceptable.''

I hope my colleagues will vote for this amendment.

Mr. CONRAD. Mr. President, would the Senator accept a voice vote? It would help a great deal in terms of moving the agenda and in terms of the disposition of the chairman on results out of the conference committee.

Mr. THUNE. Mr. President, as much as I appreciate the generosity of the Senator in offering me that opportunity, I think this is an important issue. I think the Senate needs to be on record.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Pennsylvania (Mr. SPECTER) would have voted ''yea.''

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

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—94

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Rockefeller
Burr	Inouye	Schumer
Burris	Isakson	Sessions
Byrd	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Leahy	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Lincoln	Wicker
DeMint	Lugar	Wyden
Dodd	Martinez	
Dorgan	McCain	

NAYS—3

McCaskill	Sanders	Whitehouse

NOT VOTING—2

Kennedy	Specter

The amendment (No. 803) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 824

Mr. CONRAD. Madam President, I propose we go next to Enzi amendment No. 824. It has been cleared on both sides.

Mr. ENZI. Madam President, built into this budget is an assumption that the 33 percent and 35 percent tax brackets would be allowed to expire. As a result, many individuals and small businesses would see their taxes rise substantially in the very near future.

The Administration has been quick to explain that the tax hike wouldn't

take effect until January 2011 after the economy has rebounded. But no one can be sure when our economy will turn the corner and the administration's economic assumptions have been criticized as being more optimistic than most.

While I do not support raising taxes—especially in this economic climate—I realize I am in the minority in this Chamber. So I am here now to offer my friends across the aisle a chance to improve this budget resolution.

My amendment would block any tax increase until the economy has recovered. A sure sign of recovery would be a reduction in the unemployment rate to 5.8 percent, a level many private sector economists associate with a fully productive economy.

Common sense tells us that employment is a key indicator of our economy's strength and potential for growth. The organization formally tasked with identifying U.S. recessions, the National Bureau of Economic Research—NBER—used job numbers to determine the start date of our current recession and it is only right to use job numbers as a signal that it has ended.

I don't support the tax increases in this budget, but if the majority in this Chamber insists on moving forward with higher taxes, they shouldn't do it while the economy is mired in recession.

I urge my colleagues to support this amendment.

Mr. CONRAD. Madam President, I ask unanimous consent that we adopt the Enzi amendment No. 824.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendment (No. 824) was agreed to, as follows:

(Purpose: To protect taxpayers and businesses from the job-killing and growth-stunting impact of tax increases imposed while the domestic economy is in crisis)

At the end of subtitle A of title III, insert the following:

SEC. ___. POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics' Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CONRAD. Madam President, I especially thank Senator ENZI, who demonstrates once again why everybody regards him as a gentleman here. I appreciate his being gracious.

Madam President, that takes us next to the Conrad AMT amendment, which I will not pursue, and we will go directly to the Grassley amendment on the alternative minimum tax.

AMENDMENT NO. 950

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 950.

The amendment is as follows:

(Purpose: To ensure that millions of middle-income families do not face an alternative minimum tax increase in 2013 and 2014 and that the budget resolution honestly and accurately reflects that result)

On page 3, line 14, decrease the amount by $8,608,000,000.

On page 3, line 15, decrease the amount by $105,822,000,000.

On page 4, line 8, increase the amount by $8,608,000,000.

On page 4, line 9, increase the amount by $105,822,000,000.

On page 4, line 17, increase the amount by $179,046,000.

On page 4, line 18, increase the amount by $2,901,367,000.

On page 5, line 1, increase the amount by $179,046,000.

On page 5, line 2, increase the amount by $2,901,367,000.

On page 5, line 10, increase the amount by $8,787,046,000.

On page 5, line 11, increase the amount by $108,723,367,000.

On page 5, line 20, increase the amount by $8,787,046,000.

On page 5, line 21, increase the amount by $117,510,413,000.

On page 6, line 3, increase the amount by $8,787,046,000.

On page 6, line 4, increase the amount by $117,510,413,000.

On page 27, line 11, increase the amount by $179,046,000.

On page 27, line 12, increase the amount by $179,046,000.

On page 27, line 15, increase the amount by $2,901,367,000.

On page 27, line 16, increase the amount by $2,901,367,000.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, the chairman's resolution patches the AMT for 2010 through 2012. Now, that is good, but it is not good enough. Since we have a 5-year window, we should patch AMT for all 5 years. My amendment is to make sure that AMT is patched 2013 and 2014 so that the entire 5-year period has an AMT patch.

This would provide tax relief to 18 million families at a cost of $114 billion. This patch is essential to honest budgeting because we all know that the AMT will eventually pass without being patched. This amendment also helps families plan their financial affairs properly, rather than leave them guessing as to what their future tax burden will be.

Also, by giving greater stability to this area of the tax law, tax professionals will administer the law better, leading to better compliance and a smaller tax gap.

I ask support for this amendment to patch AMT for 2013 and 2014, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, we already have 3 full years of alternative minimum tax protection in the chairman's mark—3 full years. We have never had that much before in any resolution.

The amendment of the Senator would add $117 billion to the debt. After we lost $2 trillion in the CBO forecast, we had to insist that some additional things be paid for. I urge my colleagues to defeat the Grassley amendment and understand we have 3 full years of alternative minimum tax protection in the chairman's mark.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 950.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—40

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—58

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

NOT VOTING—1

Kennedy

The amendment (No. 950) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I ask unanimous consent that under the rules we have been operating on for each of the tranches, that we next go

to Inhofe No. 742; followed by Sanders, No. 811; followed by Stabenow, No. 879; followed by Bond, No. 926; followed by Coburn, No. 894; followed by Bennett, No. 954.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Madam President, that would take us next to the Inhofe amendment. If the Senator would describe his amendment.

AMENDMENT NO. 742

Mr. INHOFE. Madam President, I ask unanimous consent that the amendment No. 742 be considered.

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

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 742.

The amendment is as follows:

(Purpose: To provide for advance appropriations for medical care for veterans through the Department of Veterans Affairs)

On page 57, strike line 23 and insert the following:

casting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, this is one of the rare amendments we have that is not going to cost anything but makes a rearrangement in the flow of funding. One of the problems we are having now is that in 19 out of the last 22 years, Congress has been unsuccessful in passing annual funding for veterans health care. In fact, over the last 7 years, there has been a delay averaging 3 months in the funding flow for the care of veterans.

This can be corrected. What this amendment does, it offers a solution by providing advance appropriations for veterans health care. It does not mean it increases the cost. It means it actually comes in—and this is used in some other areas of Government. In fact, it is interesting that in October of 2008, then-Senator Obama, a candidate, said:

The way our Nation provides funding for VA health care must be reformed. . . . My administration will recommend passage of advance appropriations legislation . . .

For this purpose.

Senator DANNY AKAKA is a cosponsor on this. I ask it be accepted. I do not need a rollcall.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator from Oklahoma be agreeable to a voice vote on this amendment?

Mr. INHOFE. Yes.

Mr. CONRAD. I ask unanimous consent that we accept the Inhofe amendment, No. 742.

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

The amendment (No. 742) was agreed to.

AMENDMENT NO. 811

Mr. CONRAD. Madam President, that takes us then next to the Sanders amendment, No. 811.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 811.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund to establish a national usury law, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO ESTABLISH A NATIONAL USURY LAW.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to establish a national usury law, provided that such legislation does not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, this amendment, No. 811, would simply establish a deficit-neutral reserve fund to establish a national usury law. Establishing a national usury law is not a radical concept. About half the States in our country have usury laws now, capping interest rates on their books. Unfortunately, the State usury laws were made meaningless by a 1978 Supreme Court decision that allowed national banks to charge whatever interest rates they wanted if they move to States without an interest rate cap.

The bottom line is people all over this country are tired of bailing out banks and then paying 25 or 30 percent interest rates on their credit cards. That is wrong. We need a national usury rate, and this amendment would begin the process of establishing one.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, obviously, this is not the appropriate vehicle to legislate a national usury law. Even if a national usury law made sense, which it does not, because this is clearly a States rights issue, I am not sure what we would use here. Would we use the Koran or the Bible for setting this?

Let's be honest, a national usury law is not a good idea. Its time has not come and this amendment should be defeated.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—31

Begich	Harkin	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kohl	Sanders
Cardin	Lautenberg	Schumer
Casey	Leahy	Shaheen
Dodd	Levin	Udall (NM)
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Gillibrand	Mikulski	

NAYS—67

Akaka	DeMint	McConnell
Alexander	Dorgan	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennet	Grassley	Pryor
Bennett	Gregg	Risch
Bingaman	Hagan	Roberts
Bond	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Inouye	Specter
Byrd	Isakson	Stabenow
Cantwell	Johanns	Tester
Carper	Johnson	Thune
Chambliss	Klobuchar	Udall (CO)
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NOT VOTING—1

Kennedy

The amendment (No. 811) was rejected.

The PRESIDING OFFICER. The Senator from Minnesota.

CHANGE OF VOTE

Ms. KLOBUCHAR. Mr. President, thank you very much. And I thank the manager of the bill.

I would like to change my vote on rollcall vote No. 140. It was my intention to vote ''nay,'' and I voted ''yea.'' I voted ''yea'' when I was presiding. I ask unanimous consent that my vote be changed to reflect a ''nay'' vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. CONRAD. Madam President, just for the information of colleagues, very soon we are going to need to take a break. Floor staff have not eaten; they have not had a break. So we are going to have to take a break.

Before we do that, I would like to dispose of the remaining amendments in this tranche, and I would ask Senator BOND if we would be willing to take a voice vote on his amendment if Senator STABENOW would take a voice vote on hers?

Mr. BOND. Madam President, I will respond by saying that we on this side would like to have a vote on the point of order on the climate legislation.

Mr. CONRAD. So I take that as——

Mr. BOND. No.

Mr. CONRAD. Well, OK. That means two more votes. I do not know how many times we voted on this already. But if people are insistent on having votes, we will get to stay here.

Mr. DORGAN. Would the chairman of the committee yield? Is it not the case that most of the amendments, perhaps 90 percent of the amendments we have voted on today, would have no real policy implications?

Mr. CONRAD. That is probably a pretty fair estimate. The Budget Committee does not have the authority to tell committees of jurisdiction the specifics of legislative outcomes. These are message amendments, and the truth is, we all do it. We do it on both sides. But I have to say to my colleagues, it has run amok this year. For some reason this year we have hundreds of amendments out there, and people are just stuck. Even when they could get a voice vote and it pass, they still want votes. We have had votes that were nine in opposition. But that is a Senator's right.

Mr. DORGAN. If the Senator would yield further for a question, might it not be advisable, given the fact that most amendments have no policy implications at all, if they are made to the Budget Act, just to accept all amendments en bloc by UC and discard all of those without merit once you get to conference?

Mr. CONRAD. The problem is, that would take unanimous consent. It is very clear we cannot get unanimous consent.

Is Senator COBURN in the Chamber? I ask unanimous consent that we set aside for a moment the Stabenow and Bond amendments for the purpose of going to the Coburn amendment because I am told that Senator COBURN would be willing to take a voice vote; is that correct?

Mr. COBURN. I would take it by unanimous consent.

Mr. CONRAD. Even better. I ask unanimous consent that the Coburn amendment, No. 894, be adopted.

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

The amendment (No. 894) was agreed to, as follows:

(Purpose: To provide a deficit-neutral reserve fund to set performance standards to identify failing Government programs)

On page 49, between lines 3 and 4, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

AMENDMENT NO. 879

Mr. CONRAD. I thank our colleague. That takes us back to Stabenow amendment No. 879.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. BROWN, Mrs. BOXER, and Mrs. SHAHEEN, proposes an amendment numbered 879.

The amendment is as follows:

(Purpose: To modify the authorization for climate change legislation)

On page 33, line 20, strike ''or help'' and insert ''create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help''.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Ms. STABENOW. We have had a number of votes that indicated what we should not do as it relates to a climate change policy. This is about what we should do. I believe, just as with any piece of legislation, if it is done right, it can be very positive.

I believe it can be about creating jobs and revitalizing the economy. I would like to thank Senators BROWN, BOXER, and SHAHEEN for supporting this amendment which lays out a framework for a balanced climate change policy to create jobs and a clean technology economy, strengthening manufacturing competitiveness, diversifying domestic clean energy supplies, protecting consumers, including policies that address regional differences, provide incentives for cost savings achieved through energy efficiencies, and allowing voluntary opportunities for agriculture and forestry to participate in this process of lowering greenhouse gases.

I ask for support from my colleagues.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Would the Senator take a voice vote?

Ms. STABENOW. My question, I guess, through the Chair would be, is Senator BOND also willing to take a voice vote on his amendment?

Mr. BOND. Madam President, my amendment shoots with real bullets. It provides a Budget Act point of order for any climate change legislation that brings in more revenue than that set forth in the budget resolution.

So it does—if that will be accepted by voice vote, it is creating a new Budget Act point of order. We would like a vote. But it does have real teeth.

Mr. CONRAD. I would just say to the Senator, we would be willing to take yours on a voice vote, Senator STABENOW's on a voice vote, then go to the Bennett for a vote. And we could take a break because people have not had a break.

We have voted on this over and over and over. I do not think the record could be more clear.

Mr. BENNETT. Madam President, assuming a voice vote means approval, I am willing to take a voice vote.

Mr. CONRAD. That is in a separate category. We will have a vote on yours.

Mr. GREGG. We will vote on both.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 879.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—73

Akaka	Gillibrand	Nelson (FL)
Baucus	Graham	Nelson (NE)
Bayh	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Hutchison	Risch
Bond	Inouye	Roberts
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burr	Kerry	Shaheen
Burris	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Thune
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—25

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bunning	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Vitter
Cochran	Isakson	Wicker
Corker	Kyl	
Cornyn	Landrieu	

NOT VOTING—1

Kennedy

The amendment (No. 879) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

RECESS

Mr. REID. Mr. President, I have conferred with the Republican leader. I have conferred with the two managers of the bill.

I ask unanimous consent that the Senate stand in recess until 6 o'clock this evening.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, if we could have the attention of the Members so we can explain what we are trying to do. I say to Senator BOND, yours will be the first vote when we come back. I say to colleagues, we need to take a break to try to put together a managers' package and determine the final amendments that require a vote. That will take a little bit of time to best organize so we do not waste everyone's time. In addition, some people have not had a break who have not eaten. They have not had any breaks since 11 o'clock this morning, especially the staff. We wish to emphasize we need to take this 45-minute break.

Members who have multiple amendments, at least with respect to our side, are going to have a much better chance getting some amendment accepted if they are a little reasonable on their other amendments; in other words, prioritize, please. Let's try to work down. Some people have six amendments remaining. We need to try to prioritize. During this period, if people who have remaining amendments can come to us and tell us what are their priorities; we can't do them all.

I thank the Chair and yield the floor. We will resume at 6 o'clock.

The PRESIDING OFFICER. Without objection, the Senate stands in recess until 6 o'clock.

Thereupon, the Senate, at 5:19 p.m., recessed until 6:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Continued

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

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

AMENDMENT NO. 926

Mr. BOND. Mr. President, I call up amendment No. 926 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 926.

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

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

The amendment is as follows:

(Purpose: To protect workers from significant job loss by providing a point of order against climate change or similar legislation that raises Federal revenues to such an extent that it causes significant job loss in manufacturing- or coal-dependent U.S. regions such as the Midwest, Great Plains or South)

On page 68, after line 4, insert the following:

SEC._____. POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and (2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) SUPERMAJORITY WAIVER and APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, this amendment provides a new point of order to prevent climate change legislation from raising more revenue than in the resolution, killing jobs in the coal and manufacturing-dependent regions of the United States, such as the Midwest, the Great Plains, and the South.

There is no question climate change legislation will raise trillions of dollars in Federal revenue through its Government auction of carbon allowances.

President Obama said ''electricity rates would necessarily skyrocket.''

This new energy tax will kill jobs in energy-intensive sectors such as manufacturing, auto assembly, steel, cement, plastics, glass, and fertilizer.

Experts predicted last year's Lieberman-Warner cap-and-trade bill would have killed 3 million to 4 million jobs. The Northeast and west coast will avoid the full impacts because they rely on lower carbon natural gas to generate electricity. However, climate legislation will hit hard the coal and manufacturing-dependent Midwest, Great Plains, and South.

I ask my colleagues to protect our workers by supporting this amendment.

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

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, on behalf of the Senator from Michigan, Ms. STABENOW, who had the time in opposition, I wish to indicate that what the Senator is talking about is not part of the chairman's mark. The chairman's mark provides an energy initiatives reserve fund. It is entirely up to the committees of jurisdiction what legislation they write to reduce our dependence on foreign energy, to deal with global climate change. This resolution makes absolutely no determination about what those committees will report. The effect of this amendment, to me, is a nullity because it is creating a budget point of order against something that does not exist in the chairman's mark.

I ask my colleagues to oppose this amendment, on behalf of Senator STABENOW.

Mr. BOND. Will the Senator yield?

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

The question is on agreeing to the amendment.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—54

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feingold	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Specter
Collins	Kohl	Tester
Corker	Kyl	Thune
Cornyn	Landrieu	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker

NAYS—44

Akaka	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—1

Kennedy

The amendment (No. 926) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, the next amendment to be dealt with is Bennett amendment No. 954.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 954, AS MODIFIED

Mr. BENNETT. Mr. President, I call up amendment 954, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [MR. BENNETT] proposes an amendment numbered 954, as modified.

The amendment is as follows:

(Purpose: To save the American taxpayer over $150,000,000,000 by adjusting spending levels beyond fiscal year 2010 to compensate for spending from the stimulus bill in the corresponding fiscal years)

On page 4, line 15, decrease amount by $76,325,000,000.
On page 4, line 16, decrease amount by $38,065,000,000.
On page 4, line 17, decrease amount by $22,872,000,000.
On page 4, line 18, decrease amount by $12,787,000,000.
On page 4, line 24, decrease amount by $76,325,000,000.
On page 4, line 25, decrease amount by $38,065,000,000.
On page 5, line 1, decrease amount by $22,872,000,000.
On page 5, line 2, decrease amount by $12,787,000,000.
On page 5, line 8, decrease amount by $76,325,000,000.
On page 5, line 9, decrease amount by $38,065,000,000.
On page 5, line 10, decrease amount by $22,872,000,000.
On page 5, line 11, decrease amount by $12,787,000,000.
On page 5, line 18, decrease amount by $76,325,000,000.
On page 5, line 19, decrease amount by $114,390,000,000.
On page 5, line 20, decrease amount by $137,262,000,000.
On page 5, line 21, decrease amount by $150,049,000,000.
On page 6, line 1, decrease amount by $76,325,000,000.
On page 6, line 2, decrease amount by $114,390,000,000.
On page 6, line 3, decrease amount by $137,262,000,000.
On page 6, line 4, decrease amount by $150,049,000,000.
On page 9, line 24, decrease amount by $960,000,000.
On page 9, line 25, decrease amount by $960,000,000.
On page 10, line 3, decrease amount by $634,000,000.
On page 10, line 4, decrease amount by $634,000,000.
On page 10, line 7, decrease amount by $277,000,000.
On page 10, line 8, decrease amount by $277,000,000.
On page 10, line 11, decrease amount by $104,000,000.
On page 10, line 12, decrease amount by $104,000,000.
On page 10, line 24, decrease amount by $162,000,000.
On page 10, line 25, decrease amount by $162,000,000.
On page 10, line 3, decrease amount by $114,000,000.
On page 10, line 4, decrease amount by $114,000,000.
On page 10, line 7, decrease amount by $50,000,000.
On page 10, line 8, decrease amount by $50,000,000.
On page 11, line 25, decrease amount by $1,095,000,000.
On page 12, line 1, decrease amount by $1,095,000,000.
On page 12, line 4, decrease amount by $750,000,000.
On page 12, line 5, decrease amount by $750,000,000.
On page 12, line 8, decrease amount by $174,000,000.
On page 12, line 9, decrease amount by $174,000,000.
On page 12, line 12, decrease amount by $63,000,000.
On page 12, line 13, decrease amount by $63,000,000.
On page 13, line 25, decrease amount by $13,760,000,000.
On page 14, line 1, decrease amount by $13,760,000,000.
On page 14, line 4, decrease amount by $11,759,000,000.
On page 14, line 5, decrease amount by $11,759,000,000.
On page 14, line 8, decrease amount by $7,728,000,000.
On page 14, line 9, decrease amount by $7,728,000,000.
On page 14, line 12, decrease amount by $5,419,000,000.
On page 14, line 13, decrease amount by $5,419,000,000.
On page 14, line 25, decrease amount by $5,685,000,000.
On page 14, line 1, decrease amount by $5,685,000,000.
On page 14, line 4, decrease amount by $4,111,000,000.
On page 14, line 4, decrease amount by $4,111,000,000.
On page 15, line 8, decrease amount by $2,286,000,000.
On page 15, line 9, decrease amount by $2,286,000,000.
On page 15, line 12, decrease amount by $468,000,000.
On page 15, line 13, decrease amount by $468,000,000.
On page 15, line 25, decrease amount by $5,584,000,000.
On page 16, line 1, decrease amount by $5,584,000,000.
On page 16, line 4, decrease amount by $4,284,000,000.
On page 16, line 5, decrease amount by $4,284,000,000.
On page 16, line 8, decrease amount by $3,047,000,000.
On page 16, line 9, decrease amount by $3,047,000,000.
On page 16, line 12, decrease amount by $531,000,000.
On page 16, line 13, decrease amount by $531,000,000.
On page 16, line 25, decrease amount by $8,785,000,000.
On page 17, line 1, decrease amount by $8,785,000,000.
On page 17, line 4, decrease amount by $7,035,000,000.
On page 17, line 5, decrease amount by $7,035,000,000.
On page 17, line 8, decrease amount by $6,052,000,000.
On page 17, line 9, decrease amount by $6,052,000,000.
On page 17, line 12, decrease amount by $5,422,000,000.
On page 17, line 13, decrease amount by $5,422,000,000.
On page 19, line 3, decrease amount by $29,963,000,000.
On page 19, line 4, decrease amount by $29,963,000,000.
On page 19, line 7, decrease amount by $4,011,000,000.
On page 19, line 8, decrease amount by $4,011,000,000.
On page 19, line 10, decrease amount by $262,000,000.
On page 19, line 11, decrease amount by $262,000,000.
On page 20, line 3, decrease amount by $6,421,000,000.
On page 20, line 4, decrease amount by $6,421,000,000.
On page 20, line 7, decrease amount by $3,157,000,000.
On page 20, line 8, decrease amount by $3,157,000,000.
On page 20, line 11, decrease amount by $842,000,000.
On page 20, line 12, decrease amount by $842,000,000.
On page 20, line 15, decrease amount by $183,000,000.
On page 20, line 16, decrease amount by $183,000,000.
On page 23, line 3, decrease amount by $133,000,000.
On page 23, line 4, decrease amount by $133,000,000.
On page 23, line 7, decrease amount by $150,000,000.
On page 23, line 8, decrease amount by $150,000,000.
On page 23, line 11, decrease amount by $150,000,000.
On page 23, line 12, decrease amount by $150,000,000.
On page 24, line 3, decrease amount by $297,000,000.
On page 24, line 4, decrease amount by $297,000,000.
On page 24, line 7, decrease amount by $133,000,000.
On page 24, line 8, decrease amount by $133,000,000.
On page 25, line 3, decrease amount by $848,000,000.
On page 25, line 4, decrease amount by $848,000,000.
On page 25, line 7, decrease amount by $649,000,000.
On page 25, line 8, decrease amount by $649,000,000.
On page 25, line 11, decrease amount by $750,000,000.
On page 25, line 12, decrease amount by $750,000,000.
On page 26, line 3, decrease amount by $1,400,000,000.
On page 26, line 4, decrease amount by $1,400,000,000.
On page 26, line 7, decrease amount by $1,196,000,000.
On page 26, line 8, decrease amount by $1,196,000,000.
On page 26, line 11, decrease amount by $1,024,000,000.
On page 26, line 12, decrease amount by $1,024,000,000.
On page 26, line 15, decrease amount by $504,000,000.
On page 26, line 16, decrease amount by $504,000,000.
On page 27, line 3, decrease amount by $857,000,000.
On page 27, line 4, decrease amount by $857,000,000.
On page 27, line 7, decrease amount by $457,000,000.
On page 27, line 8, decrease amount by $457,000,000.
On page 27, line 11, decrease amount by $230,000,000.
On page 27, line 12, decrease amount by $230,000,000.

On page 27, line 15, decrease amount by $93,000,000.

On page 27, line 16, decrease amount by $93,000,000.

Mr. CONRAD. Mr. President, we have not seen the modification.

Mr. BENNETT. I have only one copy which I gave the clerk. We found that some of the numbers had been omitted.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, Senator BENNETT can conclude his remarks.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, according to CBO, the stimulus bill will spend over $150 billion between fiscal years 2011 and 2014. My amendment will remove that amount from this budget resolution because it seems to me we do not need to fund the same things twice.

By reducing the proposed spending amounts in the budget resolution, Congress will be recognizing that we have already passed money to spend in that area. For those who say, yes, but the stimulus is different, we are all hoping that the need for stimulus will be passed by the time we get to 2014 and it will not be stimulative but, rather, inflationary. It is for that reason that I offer the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator's amendment would eliminate 20 percent of the economic recovery package we passed weeks ago. The Senator's amendment would cut defense by over $2 billion, would cut veterans by over $400 million, would cut areas in education, health, and infrastructure.

If there is one thing that united this body, it was investments in infrastructure, much of what would be cut under this amendment.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—42

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

NAYS—56

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

NOT VOTING—1

Kennedy

The amendment (No. 954 was rejected.

Mr. CONRAD. Mr. President, we are now making significant progress on putting together a managers' package and on putting together those amendments that will require a vote. We still have a certain amount of clearing to be done in order to be ready to go to those final lists and get them locked in, but that work is going on right now between the two sides.

Let me just give a status report, if I could. We are down to about 55 amendments. That is pretty good, given the fact we started at 231. But 55 at 3 an hour would be another 18 hours. So the word needs to go out that we are asking colleagues who can withhold on amendments that they have filed to use them for a later date. Those who would be willing to accept a voice vote, if they could make certain our staffs are notified of that, we will then be able to proceed in the most efficient way possible.

Mr. President, we also should notify Members that at 8 p.m., give or take a few minutes, we intend to vote on the amendment on estate tax. That is the Lincoln-Kyl amendment. We just want to give people a heads-up that the amendment will be voted on at about that time—roughly 8 p.m., give or take.

With that, 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. CONRAD. 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. CONRAD. Mr. President, we need to alert colleagues that we really need them, if they have amendments, to be on the floor or in the cloakroom. We have amendments that we are ready to go to, but we can't find the Senators. So let me just tell you, if we can't find the Senators, they are going to lose their chance to offer their amendment. We are going to give a 5-minute grace period, but if Senators have amendments, they have to be in a place where we can reach them.

AMENDMENT NOS. 889, 881, 955, 809, 912, 794, 876, 899, 883, 970, 820, 887, 917, 838, AND 916

Mr. President, we are ready to go to the next managers' package.

I ask unanimous consent that the managers' package be considered en bloc and agreed to en bloc. It includes the following: Klobuchar amendment No. 889, Dorgan amendment No. 881, Dodd amendment No. 955, Brown amendment No. 809, Begich amendment No. 912, Pryor amendment No. 794, Lincoln-Snowe amendment No. 876, Lincoln-Snowe amendment No. 899, Collins amendment No. 883, Hatch amendment No. 970, Enzi amendment No. 820, Klobuchar amendment No. 887, McCaskill amendment No. 917, Dorgan amendment No. 838, and Tester amendment No. 916.

The PRESIDING OFFICER. The Chair would like to clarify that it is Enzi amendment No. 820?

Mr. CONRAD. Enzi. That is correct.

The PRESIDING OFFICER. Is there objection? There is no objection, and it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 889

(Purpose: To establish a deficit-neutral reserve fund to expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 881

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to extend and expand the charitable IRA rollover)

On page 38, line 19, insert ", such as enhanced charitable giving from individual retirement accounts, including life-income gifts," before "or refundable tax relief".

AMENDMENT NO. 955

(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by $188 million in FY 2010)

On page 19, line 24, increase the amount by $188,000,000.

On page 19, line 25, increase the amount by $56,000,000.

On page 20, line 4, increase the amount by $81,000,000.

On page 20, line 8, increase the amount by $34,000,000.

On page 20, line 12, increase the amount by $13,000,000.

On page 27 line 23, decrease the amount by $188,000,000.

On page 27, line 24, decrease the amount by $56,000,000.

On page 28, line 3, decrease the amount by $81,000,000.

On page 28, line 7, decrease the amount by $34,000,000.

On page 28, line 11, decrease the amount by $13,000,000.

AMENDMENT NO. 809

(Purpose: To modify the deficit-neutral reserve fund for Clean Energy to create jobs and strengthen American manufacturing competitiveness by establishing clean renewable energy manufacturing supply chains)

On page 33, line 2, after ''development,'', insert ''strengthen and retool manufacturing supply chains,''.

AMENDMENT NO. 912

(Purpose: To include in the deficit-neutral reserve fund for America's veterans and wounded servicemembers funding authority for retirement benefits for members of the Alaska Territorial Guard who served during and after World War II)

On page 41, line 24, insert after ''Indemnity Compensation,'' the following: ''provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II,''.

AMENDMENT NO. 794

(Purpose: To establish deficit-neutral reserve funds to enhance and coordinate drug control efforts among Federal, State, and local law enforcement agencies through the expansion of the High Intensity Drug Trafficking Areas program and increased drug interdiction funding at the Department of Homeland Security)

On page 49, between lines 3 and 4, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 876

(Purpose: To ensure that health coverage is affordable to small businesses and individuals who are self-employed)

On page 30, line 10, strike '', households'' and insert ''(in particular to small business and individuals who are self-employed), households''.

AMENDMENT NO. 899

(Purpose: To provide for a deficit-neutral reserve fund to promote individual savings and financial security, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

AMENDMENT NO. 883

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Federal TRIO programs and Gaining Early Awareness and Readiness for Undergraduate Programs)

On page 34, line 13, insert ''such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.),'' after ''students,''.

AMENDMENT NO. 970

(Purpose: To establish a deficit-neutral reserve fund to support the National Health Service Corps)

On page 49, between lines 3 and 4, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with $235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

AMENDMENT NO. 820

(Purpose: To establish a deficit-neutral reserve fund to improve the animal health and disease program)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 887

(Purpose: To establish a deficit-neutral reserve fund to promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending)

On page 32, line 10, after ''increases;'' insert ''or'' and the following:

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending;

AMENDMENT NO. 917

(Purpose: To expand the matters covered by the deficit-neutral reserve fund for defense acquisition and contracting reform)

On page 43, after line 24, add the following:

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

AMENDMENT NO. 838

(Purpose: To ensure full funding for Adam Walsh Act programs, with an offset)

On page 24, line 24, increase the amount by $23,000,000.

On page 24, line 25, increase the amount by $16,000,000.

On page 25, line 4, increase the amount by $4,000,000.

On page 25, line 8, increase the amount by $2,000,000.

On page 25, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $23,000,000.

On page 27, line 24, decrease the amount by $16,000,000.

On page 28, line 3, decrease the amount by $4,000,000.

On page 28, line 7, decrease the amount by $2,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

AMENDMENT NO 916

(Purpose: To increase funding for veterans beneficiary travel reimbursement mileage rate, with an offset)

On page 23, line 24, increase the amount by $133,000,000.

On page 23, line 25, increase the amount by $133,000,000.

On page 27, line 23, decrease the amount by $133,000,000.

On page 27, line 24, decrease the amount by $133,000,000.

AMENDMENT NO. 881

Mr. GRASSLEY. Mr. President, I rise to express my concerns about the Dorgan-Snow amendment No. 881.

The IRA rollover was first enacted as temporary provision in the Pension Protection Act which I championed in 2006. Rollovers to grant-making charitable organizations with some element of donor control, such as private foundations, donor advised funds, and supporting organizations, were specifically prohibited. These entities were specifically prohibited from receiving rollover funds because I wanted to make sure that the money would actually get to charities doing work on the frontlines rather than sit in a donor-controlled account.

The provision has become one of the annual ''tax extender'' provisions. So under current law, which expires December 31, 2009, an individual may rollover up to $100,000 from their IRA to a public charity but not to one of the prohibited entities. Amendment No. 881 to the budget resolution, S. Con. Res. 13, promotes the extension of current-law regarding IRA rollovers to charity, which I also support.

However, the amendment also promotes an expansion of the provision by allowing split-interest trusts to receive IRA rollover contributions. Split-interest trusts are more worrisome than those that are currently prohibited from receiving IRA rollover contributions. These trusts allow donors to retain an income stream from the contributed assets for a defined period. So, just like with donor-advised funds and supporting organizations, the contribution does not result in an immediate benefit to a charity actually providing services while the donor receives significant tax benefits at the time of the contribution.

The cost of extending current law through 2009 was almost $1 billion—expanding the IRA rollover provision to allow more entities to receive them would increase the cost. Before we do that, I believe we should make sure that grant-making entities, including split-interest trusts, are accountable for paying out minimum amounts to actual charities before we allow them to receive IRA rollovers.

I understand that Senator DORGAN is willing to work with me and my staff if and when Senator BAUCUS and I consider an expansion of the IRA rollover provision in the Finance Committee. In light of this good faith offer, I will not object to the unanimous consent request for this amendment today and look forward to working with Senator DORGAN to resolve our differences.

AMENDMENT NO. 876

Ms. SNOWE. Mr. President, I rise today in support of Senate amendment No. 876, which I have cosponsored with my colleague Senator LINCOLN. Our bipartisan amendment would simply clarify that a deficit-neutral reserve that would transform the health system will specifically address the needs of small businesses and the self-employed. More than half—52 percent—of our nation's uninsured either work for a small business or are dependent on someone who does. Yet remarkably, this budget resolution fails to even mention the crucial priority of small business health insurance reform.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, one of the top issues facing small business continues to be access to affordable health insurance. Since 2000, health insurance premiums have increased by 89 percent—far outpacing inflation and wage gains, and only 49 percent of our Nation's smallest employers, with less than 10 employees, are now able to offer health insurance to their employees as a workplace benefit.

Further compounding the crisis, small businesses are trapped in dysfunctional markets that possess little, if any, meaningful competition among insurers. Just last month, the Government Accountability Office released a report that I requested, along with Senators BOND, DURBIN, and LINCOLN, which highlighted an alarming trend of consolidation in the state small group insurance markets. For example, the combined market share of the five largest carriers represented 75 percent or more in 34 of 39 States surveyed, compared to 26 States in 2005. Large insurers dominated over 90 percent of the market in 23 States, including Maine, where five insurers now control 96 percent of the market.

The sad truth remains that small business insurance markets continue to lack competition among insurers. No competition means higher costs, and higher costs translate to no health insurance.

That is why I will soon reintroduce, with Assistant Majority Leader DURBIN and Senator LINCOLN, the Small Business Health Options Program—SHOP—Act, a bipartisan measure that has generated a broad array of support, including NFIB, the National Association of Realtors, SEIU, AARP, and Families USA. Our bipartisan measure would inject competition into reformed state insurance markets, allow small businesses and the self employed to pool together nationally, and provide a targeted tax credit to small business owners. I firmly believe that the policies in the SHOP Act, including fairer insurance ''rating'' rules that are not based on an individual's health status, must be included in the broader health reform debate that is underway in Congress.

I urge all of my colleagues on both sides of aisle to support this non-controversial amendment, which would clarify that when Congress passes broader health reform and universal coverage this year, it will fully consider the issue of small business health insurance reform.

AMENDMENT NO. 899

I rise as a cosponsor to support amendment No. 899 introduced by my colleague Senator BLANCHE LINCOLN that creates a deficit neutral reserve fund to promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts. I am proud that we have worked together on the issue of financial security and financial literacy over the last several years, in particular on the issue of individual development accounts, IDAs, that will allow low-income individuals to pay for education expenses, first-time homebuyer costs, and business capitalization or expansion costs.

I join Senator LINCOLN in support of this crucial amendment because we must boost savings in the United States, as a sound national savings policy is essential to helping Americans build a better future for themselves. Higher rates of saving can also strengthen the national economy. A paradox of the current economic recession is that our national savings rate has risen as Americans prepare for possible bad times ahead. Personal saving, as a percentage of disposable personal income, was 4.2 percent in February. It was 4.4 percent in January. The last time the saving rate exceeded 4.0 percent two straight months was August and September 1998, up 4.3 percent and 4.2 percent, respectively.

It was more than 10 years ago the last time we had a savings rate above 4 percent. I am glad to see it happening, but we need to increase education on financial security so that Americans have a cushion to get through difficult economic times. I thank the new Chairman of the Subcommittee on Social Security, Pensions and Family Policy for adding me as a cosponsor of this amendment.

Mr. CONRAD. Mr. President, I thank all our colleagues for cooperating on these managers' packages. We are working to clear additional amendments right now. I think at this point, until Senator GREGG returns, we need to note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 957

Mr. CONRAD. Mr. President, the next amendment that requires a vote is the Lautenberg amendment as it affects Amtrak. The Senator is not quite ready. We will give him a minute to do that.

While we are waiting, let me indicate to colleagues, we need Senators who have amendments to be here or to be in

the cloakroom. We have dead time here because, for amendments that are going to require a vote, Senators who are insisting on votes are not here. That is not going to work.

We have now worked on another group of amendments. Momentarily we will be prepared to offer another managers' amendment. I remind colleagues that the estate tax amendment of Senator LINCOLN and Senator KYL will be voted on about 8 o'clock. We need to keep that in mind as we plan the time.

I say to the Senator, we are ready to accept that amendment by unanimous consent. If the Senator wishes to speak, he could, for a minute, or we could take the amendment.

Mr. LAUTENBERG. Mr. President, I want to offer a straightforward amendment that recognizes that investments in our transportation infrastructure system must be a priority for our country. The amendment would simply add transportation, including passenger and freight rail, as an eligible project under the ''Investments in America's Infrastructure'' reserve fund. It is already included in the budget.

Our highways and skyways are so congested and crowded that passengers and freight are routinely delayed. The estimates show these problems will only get worse with the growth of freight traffic, expected to double its size by 2025. Railroads are the one mode of transportation that can grow to help alleviate the congestion.

Amtrak needs more and better passenger and freight rail service. I ask support for this amendment.

I call up the amendment and ask for its immediate consideration, amendment No. 957.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 957.

The amendment is as follows:

(Purpose: To include funding for freight and passenger rail in the deficit-neutral reserve fund for investments in America's infrastructure)

On page 35, line 18, insert ''transportation, including freight and passenger rail,'' after ''energy, water,''.

The PRESIDING OFFICER. Is there further debate?

Mr. CONRAD. Mr. President, we are prepared to take that amendment.

The PRESIDING OFFICER. The question is on agreeing on the amendment.

The amendment (No. 957) was agreed to.

AMENDMENT NO. 934

Mr. CONRAD. Mr. President, Senator CORNYN is prepared with an amendment. Would the Senator describe his amendment?

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I call up amendment No. 934 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 934.

The amendment is as follows:

(Purpose: To increase transparency by requiring five days of public review of legislation before passage by the Senate)

At the appropriate place insert the following:

SEC. __. REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 5 DAYS BEFORE A VOTE ON PASSAGE.

(a) IN GENERAL.—In the Senate, it shall not be in order, to vote on final passage on any bill, joint resolution, or conference report unless the text and a budget score from the Congressional Budget Office of the legislation, are available on a publicly accessible Congressional website five days prior to the vote on passage of the legislation.

(b) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, my amendment would pose a 60-vote point of order against a bill that had not been made available for public review along with the score of the Congressional Budget Office on a congressional Web site for at least 5 days.

As everyone will recall, the President himself said this was his goal, to offer greater transparency, hence greater accountability, and thus instill greater confidence in the people and their Government. Unfortunately, that pledge has been violated more times than it has been honored, and in our rush to pass the stimulus bill that was circulated—the conference report—at 11 o'clock on a Thursday night, we were required to vote on it less than 24 hours later and thus the uproar over the AIG bonuses ensued because, frankly, Members of the Senate did not know what they were voting on and could not know what they were voting on without this kind of transparency.

I commend this to my colleagues. It is consistent with what the President has advocated and I think it is a good way to do business.

Mr. CONRAD. Mr. President, I would ask the Senator from Texas, would he be willing to allow us to take this on a voice vote or by unanimous consent?

Mr. CORNYN. I would say to the distinguished chairman of the Budget Committee, I have three amendments which I have on the dock. This is the only one of those three that I would like to have a record vote on.

Mr. CONRAD. Can I put this another way? This amendment is not germane. So we can have a vote on it, it probably will not succeed, or we could voice vote it and you would succeed.

Mr. CORNYN. Well, we have had this proposition tendered before. I realize that in all likelihood this amendment would be stripped out in conference behind closed doors. I do not think that is particularly an honest way to deal with these important issues—to say yes on the floor and then to strip them out behind closed doors and to act like we are being consistent and not hypocritical.

I understand what the chairman has to do. He will do what he has to do. But I would like a record vote.

Mr. CONRAD. Mr. President, the Senator certainly has that right. Let me raise the germaneness point of order.

Let me ask the Parliamentarian, is the amendment of the Senator germane?

The PRESIDING OFFICER. In the opinion of the Chair, it is not germane.

Mr. CONRAD. I raise the germaneness point of order.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to waive the point of order.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—46

Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Bayh	Graham	Murkowski
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Klobuchar	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—52

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

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from North Dakota.

Mr. CONRAD. Next up is Senator WICKER.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 798

Mr. WICKER. Mr. President, I call up amendment No. 798 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 798.

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

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

The amendment is as follows:

(Purpose: To ensure that law abiding Amtrak passengers are allowed to securely transport firearms in their checked baggage)

On page 37, between lines 8 and 9, insert the following:

(d) ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

Mr. WICKER. The amendment is very simple and straightforward. It aims to ensure that gun owners and sportsmen are able to transport securely firearms aboard Amtrak trains in checked baggage, a practice that is done thousands of times a day at airports across the country. I emphasize that this amendment deals with checked, secured baggage only. It would return Amtrak to a pre-9/11 practice. It does not deal with carry-on baggage. Unlike the airline industry, Amtrak does not allow the transport of firearms in checked bags. This means that sportsmen who wish to use Amtrak trains for hunting trips cannot do so because they are not allowed to check safely a firearm. I emphasize, this bill deals with checked, secure luggage, not carry-on luggage. It would apply to Amtrak the same as airlines.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I yield the time in opposition to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I object to this disruptive amendment offered by the Senator from Mississippi. He wants to enable the carrying of weapons, guns, in checked baggage. One doesn't have to be very much concerned about what we are doing when they look at the history of attacks on railroads in Spain and the UK and such places.

This amendment has no place here interrupting the budgetary procedure. The pending amendment is not germane and, therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. GREGG. Is the germaneness well taken on this?

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Wicker amendment No. 798.

Mr. GREGG. I didn't even make the motion to waive, but I am happy to have the question be on the motion to waive.

The PRESIDING OFFICER. Under the previous order, that motion is automatic.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—63

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Baucus	Feingold	Murkowski
Bayh	Graham	Nelson (NE)
Begich	Grassley	Reid
Bennet	Gregg	Risch
Bennett	Hagan	Roberts
Bingaman	Hatch	Sanders
Bond	Hutchison	Sessions
Brownback	Inhofe	Shaheen
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Casey	Johnson	Specter
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Leahy	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Webb
Dorgan	Martinez	Wicker

NAYS—35

Akaka	Feinstein	Mikulski
Boxer	Gillibrand	Murray
Brown	Harkin	Nelson (FL)
Burris	Inouye	Pryor
Byrd	Kaufman	Reed
Cantwell	Kerry	Rockefeller
Cardin	Lautenberg	Schumer
Carper	Levin	Stabenow
Collins	Lieberman	Warner
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Durbin	Merkley	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. 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. CONRAD. 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. CONRAD. Next up——

Mr. GREGG. Mr. President, if the motion was agreed to, then we have to vote on the amendment.

Mr. CONRAD. Why don't we just take it on a voice vote?

Mr. GREGG. Yes. I ask unanimous consent.

Mr. CONRAD. I think we have to do it by voice.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 798) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, Senator LIEBERMAN is next.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 904

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I call up amendment No. 904.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 904.

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

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

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund to reduce the strain on United States military personnel by providing for an increase in the end strength for active duty personnel of the United States Army)

At the end of title II, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. LIEBERMAN. Mr. President, I am honored to be joined in introducing this amendment by my colleagues, Senators CORNYN, THUNE, and the distinguished occupant of the chair, Senator BEGICH. This amendment would ease the strain on the U.S. Army which today is carrying the bulk of the battle in Iraq and Afghanistan for us by establishing a deficit-neutral reserve

fund to increase Army Active-Duty end strength by 30,000 personnel.

Although we have depleted the so-called Grow the Force initiative and the Army is now at an end strength of 547,000, the so-called well time for our soldiers has not improved. They still have little more than 1 day at home for every day they spend in the theater. Our soldiers and their families——

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

Mr. LIEBERMAN. Our soldiers continue to serve under an unacceptable strain. I ask my colleagues to ease that strain by adopting this amendment.

Mr. CONRAD. Mr. President, we are prepared to take that on a voice vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 904) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 746

Mr. CONRAD. Mr. President, the next amendment is from Senator UDALL of Colorado. If he could describe it in 30 seconds.

Mr. UDALL of Colorado. Mr. President, I wish to thank Senator ENSIGN for joining me in this amendment. This is a deficit-neutral reserve fund amendment that would help prevent forest fires. Our State budgets are facing economic wildfires. This would help State and private lands reduce fuel loads so we can prevent catastrophic forest fires. Let's stand with Smokey the Bear. Let's prevent forest fires. Vote for this amendment.

Mr. CONRAD. Mr. President, on behalf of Senator UDALL, I call up his amendment No. 746.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL] proposes an amendment numbered 746.

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

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

The amendment is as follows.

(Purpose: To establish a deficit-neutral reserve fund for wildland fire management activities)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CONRAD. Mr. President, we are prepared to take this amendment on a voice vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 746) was agreed to.

Mr. CONRAD. Mr. President, next we go to the Lincoln-Kyl amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 873

Mrs. LINCOLN. Mr. President, before I begin, I wish to say a word of thanks to Chairman CONRAD, who has done a tremendous job providing great leadership. He and his staff have done a wonderful job reflecting the President's priorities and, more importantly, putting balance to the budget before us.

Because my time is limited, I wish to take a moment to read to you a few excerpts from an editorial that appeared in the Arkansas Democrat-Gazette earlier this year. It was submitted by a member of a family who runs a timber operation in southwest Arkansas and that has been in the family since 1907. He said:

The estate tax kills jobs. It kills companies that provide jobs. In the process it kills towns and communities, particularly those in rural areas dependent upon the land and local industry.

Five times this man's family has been subjected to the estate tax—five times.

He goes on:

Between the 1950s and 1980s, vast amounts of money—tens of millions of dollars—were raised to pay the tax. Lands were clear cut, mills liquidated, communities destroyed. . . .The next hit will be too great.

Think about this type of family business. They have grown their business, reinvested in it over a century's worth of time, put almost all their profits back into it, and now this particular company employs over 1,000 Arkansans and has multiple mills that are worth a good bit of money—millions of dollars.

This amendment provides real relief to our family-owned businesses. In a time when our Government has handed out billions upon billions to failed Wall Street banks, it is time we provide a little relief to our businesses on Main Street that are in need of help right now. These are people who employ more than half the workers in Arkansas. These are the people who, if we reform the estate tax, will invest in their businesses and create more jobs.

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

Mrs. LINCOLN. I ask my colleagues to look at this seriously and realize we are not protecting the ultrawealthy. We are working for small businesses, family businesses in each and every one of our States.

The PRESIDING OFFICER (Mr. BENNET). I remind the Senator that the amendment has not been called up.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to call up amendment No. 873.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. KYL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Mrs. Landrieu, and Mr. ENZI, proposes an amendment numbered 873.

The amendment is as follows:

(Purpose: To create a deficit-neutral reserve fund for estate tax relief)

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

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of $5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to remind all colleagues that the chairman's mark takes the estate tax exemption from $1 million per person in 2011 to $3.5 million, $7 million a couple. The proposal by the Senator from Arkansas would take it to $5 million, and $10 million a couple, reduces the rate from 45 percent to 35 percent. It is in a deficit-neutral reserve fund. The cost of this amendment from 2012 to 2021, when it is fully effective, is over $100 billion. Where does the money come from? Either by cutting spending somewhere else or raising other taxes.

I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments on my leader time. I am speaking in effect for Senator KYL, who has been our leader on the issue of the death tax for many years.

The Lincoln-Kyl amendment, on which we are about to vote, would decrease the burden on those who get hit with the death tax by increasing the exemption by $1.5 million to $5 million

and by reducing the rate of taxation down by 10 percent to 35 percent.

No one should have to be taxed on their assets twice, and no one should have to visit the tax man and the undertaker on the same day. It is the Government's final outrage. But if we can't repeal this tax, then we should at least lower it at a time when Americans are already burdened by shrinking retirement savings.

This budget, in keeping with the administration's plan, seeks to keep the death tax exemption at $3.5 million and the tax rate at 45 percent. By offering an amendment that would lower the rate and the exemption, Senators KYL and LINCOLN are offering crucial support and protection to small businesses, family ranchers, and farms.

This amendment has wide bipartisan support, including Senators NELSON, PRYOR, and LANDRIEU—all on the Democratic side—and Senators GRASSLEY, ROBERTS, ENZI, and COLLINS on the Republican side. It also has strong support from the small business community, which desperately needs relief at the current moment. It would spur economic growth, which we need, and it makes good overall economic sense since the death tax costs more to comply with than it raises in revenue.

The Lincoln-Kyl amendment is important, it is timely, and I strongly urge its support.

Mr. GRASSLEY. Mr. President, the distinguished majority leader, my friend, Senator REID quoted me by name in his remarks in opposition to the Lincoln-Kyl amendment.

The distinguished leader quoted me as describing death tax relief legislation as ''unseemly.''

Since that quote was used to argue against Senator LINCOLN's amendment, which I support, I thought it important to respond to the distinguished leader and set the record straight.

The distinguished leader is correct. I did say, at that time shortly after the Katrina hurricane hit, that proceeding to death tax relief would be ''unseemly.''

It is important for everyone to understand the context of that statement. It was made shortly after the terrible hurricane hit the gulf states. At that time, the Senate was about to reconvene after the August recess. The pending business was a cloture motion on the motion to proceed to a House bill that provided death tax relief.

The majority leader, Senator Frist, had filed the cloture motion before the Senate departed for the August recess. Of course, that procedural action occurred weeks before the hurricane hit. When asked about the Senate schedule, I responded that proceeding to the death tax bill, and, thereby not dealing with the hurricane victims, would be unseemly.

The distinguished leader's comments caused me to recall how the finance Committee, which I chaired at the time, dealt with Katrina.

Senator Frist did the right thing and set the Senate in motion to deal with the hurricane victims. The Finance Committee acted with lightning speed on a bipartisan basis, and in concert with the House, to deliver relief to hurricane victims. I was quite proud of our efforts to help people in need. That was the first Katrina tax relief bill.

The second Katrina tax relief bill, unfortunately, took a lot longer to do. Some on the other side saw the Katrina bill as a chance to enact a National agenda of greatly enhancing social programs. I did not question their motives at the time and do not now. But, the bottom line was that this attempt to leverage a crisis for a National agenda, significantly delayed our efforts to rebuild the hard-hit gulf zone.

As the distinguished leader will recall, the gulf state Senators, led by Senator Lott, forced the Senate to focus on helping their states rebuild and recover. A similar effort was underway in the House.

Fortunately, the efforts of the bipartisan group of gulf state Senators caused the leadership on the other side to abandon their efforts to leverage the hurricane disaster for a National agenda. No one accused the leadership on the other side of being unseemly.

Senator Frist did the right thing and focused on the hurricane victims. The leadership on the other side did the right thing and focused on bipartisan hurricane relief efforts.

There is a lesson in this history for all of us. Do not try to leverage a crisis for unrelated purposes.

Senator LINCOLN's amendment was not ''unseemly.'' To use my reaction to a question about the Senate schedule is to miss the point I was making The Lincoln/Kyl amendment is a reasonable effort to find a bipartisan compromise on a time-sensitive tax issue. It is an effort to enable a solution to a problem that vexes family farmers and small businesses. The amendment's purpose and substance are the opposite of unseemly. The Lincoln/Kyl amendment is ''decorous.''

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will use my leader time. This chart says it all. In February, 651,000 Americans lost their jobs. Five million Americans have lost their jobs this past year—5 million. Our unemployment rate currently stands at 8.1 percent. Nevada's unemployment is 10 percent, but Nevada is not the highest. We have some States that are far more than 10 percent unemployed. Three million more children will likely be living in poverty by the end of this year. The net worth of American households dropped by a combined total of $11 trillion last year—$11 trillion.

These statistics tell a story—a very clear story—but what is even clearer is the suffering every American sees and feels every day.

Families whose incomes have fallen are now concerned that they won't be able to make their next mortgage payment. Students at this time of the year should be overjoyed with receiving acceptance to go to college, but because of what is happening at home—their dad or mom has lost a job—they can't go to college. Workers who have given decades of loyal service at the office or factory realize now they can't retire because their pensions are gone and their retirement savings have disappeared. Senior citizens on a fixed income used to have to make a decision as to whether it would be medicine or food. Now many seniors don't have the choice for either.

We know what caused this crisis: 8 years of fiscal policies under the previous administration and its allies in Congress who gave away the store at the expense of the rest of America.

President Obama inherited a crisis that no President should have to inherit or fix. Instead of focusing full time on the future, he and we in Congress must first clean up the devastating mistakes of the past. We can only turn the page from the recession to recovery if we watch every single taxpayer dollar the way families watch every dollar in their budget. Every dollar counts.

That is why it is so stunning, so outrageous, that some would choose this hour of national crisis to push an amendment to slash the estate tax for the superwealthy. This isn't for the wealthy; this is for the superwealthy. Yet that is what we see here today.

The proposal now before us would take $100 billion of American taxpayer money—actually, it is more than that—more than $100 billion of taxpayer money over the next few years and spend it on slashing taxes on the estates of the wealthiest two-tenths of 1 percent of Americans. So 99.8 percent of Americans would derive no benefit—none. In fact, 99.8 percent of Americans would actually see their tax dollars redirected to the estates of those who are at the very top of the economic food chain.

Here is what one newspaper said today:

> The proverbial millionaires next door—the plumbers, contractors, and accountants who amass substantial wealth through hard work and modest living—are not the intended beneficiaries of the proposed cut. The Obama budget already takes care of them. That means 99.8 percent of estates will never, ever pay a penny of estate tax.

Here is what another newspaper said today, entitled ''More Tax Cuts for the Rich'':

> The hypocrisy here is breathtaking. More fundamentally, it is hard to stomach those who argue for more tax cuts—and then bemoan the failure to stanch rising deficits. A vote for this amendment, at this time of so much red ink and so much suffering, would reflect the most skewed of priorities.

This is only a couple of the Americans all over America today trying to understand what is going on in Washington.

In recent years, Congress has already reduced tax rates on the ultrawealthy estates. In fact, the Tax Policy Center calculates that a $20 million estate

right now—now—will pay an effective tax rate of 23 percent. Nurses pay more than that, schoolteachers pay more than that, and secretaries pay a higher tax rate than that, but we say for an estate of $20 million, 23 percent is OK. That is what the Tax Policy Center calculates.

But for the proponents of the amendment now before us, that is not good enough. So they propose that we spend $100 billion on a tax cut for the top two-tenths of 1 percent. Proponents of this legislation say they will find offsets for this $100 billion giveaway that will make it deficit neutral. Think about that. Deficit neutral. That means you have to get offsets.

Where are we going to get offsets? They have to come from somewhere. They are not coming from the sky. Are we going to take them from Medicare? From Senator INOUYE's defense budget? From the Peace Corps? From education?

Even in the best of times, there is no question that we could find a better use for an extra $100 billion. We could put new textbooks in classrooms. We could build better renewable energy transmission lines. We could provide health care to more working families. If it got out of hand, we could do what we did in the last years of the Clinton administration: Reduce the debt.

I can think of no way to describe this amendment other than stunning hypocrisy.

Many of the very same Republicans who held hands with President Bush as he squandered a record budget surplus and turned it into a record deficit suddenly claim to be ''deficit hawks.'' They tell us we cannot invest in the middle class—the very people their disastrous policies have harmed.

These same Republicans tried to stop us from providing health insurance to millions of children of low-income families, so that these kids could go to a doctor when they are sick or hurt. They fought against President Obama's economic recovery plan, because it had the audacity to invest in creating jobs for victims of the recession Bush created.

Now they are fighting against a budget that cuts taxes for the middle class, puts us on a path toward cutting the Republican deficit in half, and invests in middle-class priorities, such as health care, education, and clean, renewable energy. That is what Chairman CONRAD has done.

After 8 years of creating a record deficit so that they could slash taxes on the ultrawealthy, now they oppose our efforts to help the middle class.

These newly hatched deficit hawks say no to any proposal that invests in the people their policies harmed. But when it comes to giving away another $100 billion plus of taxpayer money to the top two-tenths of 1 percent—money that could pay down the deficit they claim to care so much about—these same Senators line up in support.

Again, this is stunning hypocrisy. Not only that; it is outrageous hypocrisy.

When the estate tax issue was debated back in 2005, in the aftermath of Hurricane Katrina, the then-chairman of the Finance Committee, Senator GRASSLEY, said this—remember, at that time there was a defined group of people who were suffering in the gulf, but now it is the whole country. Today, it was announced on the radio that, for the first time since the Great Depression, all 50 States, without exception, have a downturn in their economy. Here is what Senator GRASSLEY said then, after Hurricane Katrina:

> It's a little unseemly to be talking about doing away with or enhancing the estate tax at a time when people are suffering.

If Katrina, which was a disaster for this country, was a reason not to do the estate tax, why now when all 300 million Americans are suffering? People are suffering now in every city, State, and town in America.

I urge my colleagues to oppose this amendment. It amounts to nothing but a giveaway to the wealthiest two-tenths of 1 percent of Americans, at the expense of the other 99.8 percent of Americans.

Especially in this time of economic crisis, this is the wrong priority for our country. I ask everybody to vote ''no'' on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Lincoln amendment No. 873.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—51

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Pryor
Brownback	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Sessions
Cantwell	Isakson	Shelby
Chambliss	Johanns	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Tester
Collins	Lincoln	Thune
Corker	Lugar	Vitter
Cornyn	Martinez	Voinovich
Crapo	McCain	Wicker

NAYS—48

Akaka	Casey	Inouye
Begich	Conrad	Johnson
Bennet	Dodd	Kaufman
Bingaman	Dorgan	Kennedy
Boxer	Durbin	Kerry
Brown	Feingold	Klobuchar
Burris	Feinstein	Kohl
Byrd	Gillibrand	Lautenberg
Cardin	Hagan	Leahy
Carper	Harkin	Levin
Lieberman	Reid	Udall (CO)
McCaskill	Rockefeller	Udall (NM)
Menendez	Sanders	Warner
Merkley	Schumer	Webb
Mikulski	Shaheen	Whitehouse
Reed	Stabenow	Wyden

The amendment (No. 873) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 913, AS MODIFIED, AND 875, AS MODIFIED

Mr. CONRAD. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendments Nos. 913 and 875, the amendments be modified with the changes at the desk.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 913, AS MODIFIED

(Purpose: To provide for enhanced oversight of the Board of Governors of the Federal Reserve System concerning the use of emergency economic assistance)

On page 48, line 21, strike ''banks'' and all that follows through ''2008,'' on line 24 and insert the following ''banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes,''.

AMENDMENT NO. 875, AS MODIFIED

(Purpose: To require information from the Board of Governors of the Federal Reserve System about the use of emergency economic assistance)

In Sec. 215, following ''contracts and bidding processes,'' add the following: '';and (3) including the identity of each entity to which the Board has provided ''all loans and other financial assistance since March 24, 2005, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,'' after ''2008,''.

Mr. CONRAD. Mr. President, I ask unanimous consent that the list I send to the desk be the only amendments remaining in order to the budget resolution and managers' amendments which have been cleared by the managers and leaders and that a side by side be in order to any of the amendments on the list at the discretion of the managers and leaders; that the order in which

the amendments are considered be determined by the managers; that upon disposition of all amendments, the Senate proceed to vote on adoption of the concurrent resolution, with the provisions of the previous orders remaining in effect.

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

The list is as follows:

DeMint healthcare No. 963, Kyl Iran No. 932, Crapo Capital Gains No. 897, Hatch Terrorism Tools POO No. 962, Alexander Student Loans No. 792, DeMint CPSC No. 964, DeMint Autos No. 965, DeMint Earmarks No. 967, Sessions Border Fence POO No. 969, Crapo FDIC No. 958, Burr Veterans Health No. 777, Coburn No. 828, Coburn No. 830, Hatch Medicare Advantage No. 976, Hatch/Baucus (Not Yet Filed), KBH OCS No. 867, Vitter Oil and Gas No. 751, Vitter Drug Testing No. 937, Enzi Unfunded Mandates No. 819, Enzi Health IT No. 822, Graham Debt/Household No. 959, Barrasso Cow Tax No. 765, Barrasso NEPA No. 960, Barrasso ESA No. 890, Crapo DOE Loan Guarantees No. 733, Crapo Nuclear Research Priority No. 734, Hatch DNRF for FDA Facilities No. 939, Snowe/Landrieu DNRF for Energy Star No. 940, Session OCS Inventory No. 770, Hatch/Dodd Maternal Child Health Block Grant No. 878, Martinez Trade Agreements No. 843, Murkowski Nat'l Health Service Corps No. 841, Begich Denali No. 901, Begich Arctic Oil No. 903, Brown Training No. 810, Klobuchar Food Safety No. 886, Lautenberg Homeland Security Grants No. 977, Pryor CPSC No. 814.

Mr. CONRAD. Mr. President, we are prepared to go to the DeMint amendment.

Mr. GREGG. No, Durbin.

Mr. CONRAD. I am sorry. Mr. President, next in order is the Durbin amendment and then the DeMint amendment.

Senator DURBIN.

AMENDMENT NO. 974, AS MODIFIED

Mr. DURBIN. Mr. President, I call up amendment No. 974, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 974, as modified.

The amendment is as follows:

(Purpose: To provide that no additional estate tax relief beyond that which is already assumed in this resolution, which protects over 99.7 percent of estates from the estate tax, shall be allowed under any deficit-neutral reserve fund unless an equal amount of aggregate tax relief is also provided to Americans earning less than $100,000 per year)

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

Sec.____. POINT OF ORDER AGAINST LEGISLATION THAT PROVIDES ADDITIONAL RELIEF FOR THE ESTATE TAX BEYOND THE LEVELS ASSUMED IN THIS BUDGET RESOLUTION UNLESS AN EQUAL AMOUNT OF ADDITIONAL TAX RELIEF IS PROVIDED TO MIDDLE-CLASS TAXPAYERS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond $3,500,000 per person ($7,000,000 per married couple) and a graduated rate ending at less that 45 percent unless an equal amount of tax relief is provided to Americans earning less than $100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on any point of order raised under this section.

Mr. DURBIN. Mr. President, in the midst of the worst recession in 75 years, with hundreds of thousands of Americans losing their jobs and their homes, 51 Members of the Senate believe our highest priority is to give a generous tax break to the wealthiest people in America. Many of these same Senators have been wailing for weeks about deficits but obviously believe deficits do not count when it comes to tax breaks for the wealthy.

At this point, it is clear they would move forward with these tax breaks for the wealthiest people in America. My amendment is simple. It creates a point of order. It says we should help struggling Americans first. Before we give an additional $100 billion in tax breaks to the superwealthy, we must first give at least as much in tax relief to Americans earning less than $100,000. It will be tax relief beyond that already included in this budget resolution.

The amendment creates a point of order that if the people insist, a majority of Senators, that we give this estate tax to the wealthiest, at least let's help working families first before we do so.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Arizona.

Mr. KYL. Mr. President, the Senate just voted to support estate tax relief set at $5 million per person to be exempted and at no more than a 35-percent rate. The Durbin amendment creates a point of order unless you have a rate of at least 45 percent and a $3.5 million per person exempted amount. It is directly contrary to what we just voted for. Were this to be adopted, you would have two absolutely contradictory instructions—one for a $5 million exempted amount; the Durbin amendment, $3.5 million. Having voted the way we did, the Durbin amendment should be defeated.

To the extent that it suggests there should be other tax relief, I stipulate to that, I am all for it. But the point of order relates to anything above the $3.5 million or below the 45-percent rate.

I urge my colleagues to vote against it.

Mr. DURBIN. Do I have any time remaining?

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 974, as modified.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—56

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

NAYS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (FL)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

The amendment (No. 974), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENTS NOS. 777, 962, AND 946

Mr. CONRAD. Mr. President, we have a number of amendments we can now take by unanimous consent: Burr No. 777, Hatch No. 962, and Dorgan No. 946.

I ask unanimous consent that we approve Burr amendment No. 777, Hatch amendment No. 962, and Dorgan amendment No. 946.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendments (Nos. 777, 962, and 946) were agreed to, as follows:

AMENDMENT NO. 777

(Purpose: To provide that legislation that would provide authority to the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability is subject to a point of order in the Senate)

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(a) POINT OF ORDER.—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private

health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(c) LEGISLATION DEFINED.—In this section, the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(d) TERMINATION.—The provisions of this section shall terminate on December 31, 2012.

AMENDMENT NO. 962

(Purpose: To ensure the continued safety of Americans against terrorist attack by Al Qaeda and other terrorist organizations by providing a point of order against any legislation that would weaken or eliminate critical terror-fighting tools)

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 946

(Purpose: To increase the budget authority for the Indian Health Service by an additional $200 million to obtain a total $600 million increase over the FY 2009 enacted level)

On page 19, line 24, increase the amount by $200,000,000.

On page 19, line 25, increase the amount by $130,000,000.

On page 20, line 4, increase the amount by $40,000,000.

On page 20, line 8, increase the amount by $20,000,000.

On page 20, line 12, increase the amount by $10,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, decrease the amount by $130,000,000.

On page 28, line 3, decrease the amount by $40,000,000.

On page 28, line 7, decrease the amount by $20,000,000.

On page 28, line 11, decrease the amount by $10,000,000.

AMENDMENT NO. 962

Mr. HATCH. Mr. President, since the attacks of September 11, 2001, Congress has taken steps to give the Federal law enforcement and intelligence community the necessary tools to keep our citizens safe from terrorist attacks. Last week, FBI Director Robert Mueller testified before the Senate Judiciary Committee. When asked about expiring provisions of the PATRIOT Act, Director Mueller urged Congress to renew these provisions. He referred to them as ''exceptional tools to help protect our national security.'' Director Mueller further provided the committee with information regarding the use of these provisions.

From 2004 to 2007, the roving wiretaps provision was used 225 times—that is—25 times over 3 years. That breaks down to 75 times a year. Roving wiretaps were only used 147 times in 3 years. Congress granted the FBI the authority to use national security letters, NSL, in counterterrorism and counterintelligence investigations. The use of NSLs is invaluable in these investigations. Their use also predates the attacks on 9/11.

The uninformed and the paranoid portray these tools as an example of unchecked government monitoring reminiscent of a scene from George Orwell's book ''1984.'' I would submit to my colleagues that these figures show that these necessary tools have not been overused. Fail-safes and checks against overuse and improper application exist at numerous levels in this process. Changing administrations does not diminish the terrorism threat to our country. Two days ago, a Taliban leader responsible for brazen attacks in Pakistan issued a threat to attack the White House.

Mr. DORGAN. Mr. President, This amendment will go far in meeting the Federal Government's trust responsibility to provide health care services to Native Americans.

There is a health care crisis in Indian Country and I have spoken many times on the Senate floor about the importance of funding and meeting our obligation to provide for the health care of the First Americans. There are over 4 million Native Americans in this country, just fewer than 2 million of which depend on the Indian Health Service for their health care needs. However, the Indian Health Service is severely underfunded. Despite our trust obligation to Indian Tribes, the Federal Government spends twice as much on the health care of Federal prisoners as we do on American Indians.

My amendment will increase the budget authority for the Indian Health Service by an additional $200 million to obtain a total of $600 million in increased budget authority over the fiscal year 2009 enacted level. The President's request for ''over $4 billion'' for total IHS funding, asks for an increase for IHS of over $400 million. My amendment will increase the President's budget request from $400 million to $600 million in increased budget authority for the Indian Health Service. This brings us to the total that committee Vice Chairman BARRASSO and I recommended for the Indian Health Service for fiscal year 2010 in our views and estimates letter to the Senate Budget Committee on March 13, 2009. As my colleagues will remember, last year, Congress overwhelmingly passed a similar amendment requesting a $1 billion increase in Indian Health Service budget authority by a vote of 69 to 31. I ask my colleagues to again consider the great need for assistance in Indian health, even in these tough economic times.

While $200 million is small in comparison to the unmet needs of the Indian Health Service, when included with the President's request, the amendment makes the overall increase in budget authority equal to $600 million. This amendment is crucial because it shows that Congress is committed to funding the Indian Health Service at a higher level and emphasizes the government's effort to continue to fulfill its trust responsibility to provide health care in Indian Country.

We passed the Indian Health Care Improvement Act on the floor of the Senate in the 110th Congress. I am proud of that because it had been many years since this Congress had addressed the issue of Indian health care. Unfortunately, the bill did not pass the House and Indian Country suffers the consequences.

Through a number of hearings by the Senate Indian Affairs Committee, we have confirmed extensive unmet health care needs in Indian Country. The need includes over $3 billion just for health facilities and an ever growing $1 billion for contract health services. The health status of Native Americans are staggering. For example, Native Americans die at higher rates than other Americans from tuberculosis 600 percent higher, alcoholism, 510 percent higher, diabetes, 189 percent higher, and suicide, 70 percent higher. Third

world conditions exist right here in this country on Indian lands.

The story of Jami Rose Jetty highlights what underfunding the Indian health care system means to the lives of our youth and families in Indian Country and communities across the U.S. In February, I held an Indian Affairs oversight hearing on youth suicide. At that hearing, a young woman of 16 years old, named Dana Lee Jetty of the Spirit Lake Nation in North Dakota testified. She told the story of losing her sister, Jami Rose Jetty, who committed suicide at just 14 years old.

Dana described her sister Jami as someone who had a lot of friends and was mature for her age. Jami was an open-minded, caring, and compassionate teenager. The sisters were best friends and part of a middle-class, loving home.

Jami's mother knew there was something wrong with her daughter. She took Jami to Indian health care facilities over and over again, but no doctor properly diagnosed her depression. Even though her mother knew better, the doctors would say Jami was ''just a typical teenager'' and send the family home. In November 2008, Jami took her own life.

During her testimony, Dana emphasized that she felt her sister Jami would still be alive had there been trained mental health professionals available near the Spirit Lake Reservation. Unfortunately, Jami didn't receive the services she needed. Dana, her family, and the entire Spirit Lake community were affected by the loss of this precious young life.

Jami did not receive the care she needed because we have a health care system in Indian Country that is not working. It is dramatically underfunded. We are rationing health care and people are dying as a result. It is truly a scandal, which should be front-page news.

Mr. President, by asking for an increase in Indian health funding, my amendment allows us to continue the dialogue with Indian Country. It emphasizes that the United States understands the health disparities that Native Americans face and that we will make Indian Country a priority this Congress. I thank my colleagues for joining me today and in the future in supporting efforts to improve the health of Native Americans throughout the United States.

AMENDMENT NO. 965

Mr. CONRAD. Mr. President, next we go to an amendment by Senator DEMINT with respect to the auto industry.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I call up amendment No. 965.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 965.

The amendment is as follows:

(Purpose: To prevent taxpayer-funded bailotus for auto manufacturers)

On page 4, line 13, decrease the amount by $10,829,000,000.

On page 4, line 14, decrease the amount by $131,000,000.

On page 4, line 15, decrease the amount by $195,000,000.

On page 4, line 16, decrease the amount by $279,000,000.

On page 4, line 17, decrease the amount by $379,000,000.

On page 4, line 18, decrease the amount by $485,000,000.

On page 4, line 22, decrease the amount by $10,829,000,000.

On page 4, line 23, decrease the amount by $131,000,000.

On page 4, line 24, decrease the amount by $195,000,000.

On page 4, line 25, decrease the amount by $279,000,000.

On page 5, line 1, decrease the amount by $379,000,000.

On page 5, line 2, decrease the amount by $485,000,000.

On page 5, line 6, decrease the amount by $10,829,000,000.

On page 5, line 7, decrease the amount by $131,000,000.

On page 5, line 8, decrease the amount by $195,000,000.

On page 5, line 9, decrease the amount by $279,000,000.

On page 5, line 10, decrease the amount by $379,000,000.

On page 5, line 11, decrease the amount by $485,000,000.

On page 5, line 16, decrease the amount by $10,829,000,000.

On page 5, line 17, decrease the amount by $10,960,000,000.

On page 5, line 18, decrease the amount by $11,155,000,000.

On page 5, line 19, decrease the amount by $11,434,000,000.

On page 5, line 20, decrease the amount by $11,813,000,000.

On page 5, line 21, decrease the amount by $12,298,000,000.

On page 5, line 24, decrease the amount by $10,829,000,000.

On page 5, line 25, decrease the amount by $10,960,000,000.

On page 6, line 1, decrease the amount by $11,155,000,000.

On page 6, line 2, decrease the amount by $11,434,000,000.

On page 6, line 3, decrease the amount by $11,813,000,000.

On page 6, line 4, decrease the amount by $12,298,000,000.

On page 15, line 17, decrease the amount by $10,800,000,000.

On page 15, line 18, decrease the amount by $10,800,000,000.

On page 26, line 20, decrease the amount by $29,000,000.

On page 26, line 21, decrease the amount by $29,000,000.

On page 26, line 24, decrease the amount by $131,000,000.

On page 26, line 25, decrease the amount by $131,000,000.

On page 27, line 3, decrease the amount by $195,000,000.

On page 27, line 4, decrease the amount by $195,000,000.

On page 27, line 7, decrease the amount by $279,000,000.

On page 27, line 8, decrease the amount by $279,000,000.

On page 27, line 11, decrease the amount by $379,000,000.

On page 27, line 12, decrease the amount by $379,000,000.

On page 27, line 15, decrease the amount by $485,000,000.

On page 27, line 16, decrease the amount by $485,000,000.

Mr. DEMINT. Mr. President, this amendment is called the Auto Bailout Prevention Amendment. We are debating an amendment which spends more, borrows more, and taxes more than any budget in history. Americans are already fed up with how much we spent on all the bailouts. One of the areas they are most frustrated with is the auto bailouts. We have already taken over $17 billion from funds designated to financial institutions and now the administration is talking about some form of bankruptcy while General Motors and Chrysler have asked for another $21.6 billion.

This amendment reduces function 370 funds by $21.6 billion, which prevents the President from further using TARP to prop up General Motors and Chrysler with taxpayer dollars.

Enough is enough. I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator STABENOW has the time in opposition.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, just 3 days ago, President Obama released a bold new plan to revitalize the American auto industry. We need to give this plan a chance to work. There are two or three different outcomes. But they are in the middle of the boldest restructuring of the American auto industry we have ever seen. This would cut the legs out from under that.

Our President has made it clear that we are not going to walk away from the people, the communities or the businesses—the thousands of businesses that depend on the auto industry.

I would finally say that all around the world countries such as Japan helping Toyota, Germany, Korea, China, France—around the world, other countries understand the critical nature for their own national security in terms of the auto industry; their economic security in terms of building a middle class, and they have stepped forward in this global credit crisis to help their auto industries.

We are now in the middle of a plan to save jobs in communities and restructure. I urge strongly a ''no'' vote.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to amendment No. 965.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD)

and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—31

Barrasso	Enzi	Nelson (NE)
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Specter
Collins	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	
Ensign	Murkowski	

NAYS—66

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bennett	Hutchison	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Shaheen
Burris	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCaskill	Wyden

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 965) was rejected.

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

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we still have probably 30-some amendments left to do. We are working through a process to try to put together managers' packages that could clear the significant majority of those amendments, but we still have a number of amendments that will require votes. One of the lessons I hope we learn from this is to never do it again. That would be my strong recommendation.

In just a moment, we will be prepared to have a managers' package.

AMENDMENTS NOS. 901, 903, 886, 792, 958, 976, 867, 819, 960, 890, 733, 734, 939, 878, AND 841, EN BLOC

Mr. CONRAD. Mr. President, I propose a managers' package that would involve Begich No. 901, Begich No. 903, Klobuchar No. 886, Alexander No. 792, Crapo No. 958, Hatch No. 976, Hutchison No. 867, Enzi No. 819, Barrasso No. 960, Barrasso No. 890, Crapo No. 733, Crapo No. 734, Hatch No. 939, Hatch-Dodd No. 878, and Murkowski No. 841. I ask that they be accepted by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments are as follows:

AMENDMENT NO. 901

(Purpose: To express the sense of the Senate regarding the funding level for the Denali Commission)

On page 35, strike line 11 and insert the following:

(a) INFRASTRUCTURE.—

(1) IN GENERAL.—The Chairman of the Senate

On page 35, between lines 23 and 24, insert the following:

The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

AMENDMENT NO. 903

(Purpose: To modify the deficit-neutral reserve fund to invest in clean energy and preserve the environment to provide for additional funding for the conduct of arctic oil spill research)

On page 33, line 5, before ''implement'', insert ''set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute,''.

AMENDMENT NO. 886

(Purpose: To create a deficit-neutral reserve fund to improve the safety of the food supply in the United States)

On page 46, between lines 2 and 3, insert the following:

(c) FOOD SAFETY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 792

(Purpose: To modify the Deficit-Neutral Reserve Fund for Higher Education, to maximize higher education access and affordability by ensuring that institutions of higher education and their students are able to continue to participate in a competitive student loan program, in order to maintain a comprehensive choice of student loan products and services)

On page 34, line 10, strike ''affordable,'' and insert ''affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services,''.

AMENDMENT NO. 958

(Purpose: To provide for a deficit-neutral reserve fund to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 976

(Purpose: To establish a deficit-neutral reserve fund to address our Nation's long-term fiscal problems)

On page 32, line 10, after ''increases;'' insert ''or'' and the following:

(4) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calender Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services).

AMENDMENT NO. 867

(Purpose: To reduce U.S. dependence on foreign energy sources, minimize future gasoline price increases, and reduce the federal budget deficit through expanded oil and gas production on the Outer Continental Shelf)

On page 33, line 1 after ''reduce our Nation's dependence on imported energy'' insert ''including through expanded offshore oil and gas production in the Outer Continental Shelf''.

AMENDMENT NO. 819

(Purpose: To reinstate the 60-vote point of order under section 425(a)(2) of the Congressional Budget Act of 1974 for legislation that creates unfunded mandates on States and local governments)

On page 68, between lines 4 and 5, insert the following:

SEC. _____. RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 960

(Purpose: To increase amounts made available for the conduct of reviews under the National Environmental Policy Act of 1969)

On page 13, line 21, increase the amount by $50,000,000.

On page 13, line 22, increase the amount by $50,000,000.

On page 27, line 23, decrease the amount by $50,000,000.

On page 27, line 24, decrease the amount by $50,000,000.

AMENDMENT NO. 890

(Purpose: To provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

On page 13, line 21, increase the amount by $50,000,000.

On page 13, line 22, increase the amount by $50,000,000.

On page 27, line 23, decrease the amount by $50,000,000.

On page 27, line 24, decrease the amount by $50,000,000.

AMENDMENT NO. 733

(Purpose: To establish a deficit-neutral reserve fund for the innovative loan guarantee program of the Department of Energy)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional $50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 734

(Purpose: To establish a deficit-neutral reserve fund for unclear research and development)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 939

(Purpose: To establish a deficit-neutral reserve fund for the 2012 completion of Food and Drug Administration facilities)

On page 49, between lines 3 and 4, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 878

(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by $188,000,000 in fiscal year 2010)

On page 19, line 24, increase the amount by $188,000,000.

On page 19, line 25, increase the amount by $56,000,000.

On page 20, line 4, increase the amount by $81,000,000.

On page 20, line 8, increase the amount by $34,000,000.

On page 20, line 12, increase the amount by $13,000,000.

On page 27, line 23, decrease the amount by $188,000,000.

On page 27, line 24, decrease the amount by $56,000,000.

On page 28, line 3, increase the amount by $81,000,000.

On page 28, line 7, increase the amount by $34,000,000.

On page 28, line 11, increase the amount by $13,000,000.

AMENDMENT NO. 841

(Purpose: To increase funding for the National Health Service Corps)

On page 19, line 24, increase the amount by $100,000,000.

On page 19, line 25, increase the amount by $30,000,000.

On page 20, line 4, increase the amount by $43,000,000.

On page 20, line 8, increase the amount by $18,000,000.

On page 20, line 12, increase the amount by $7,000,000.

On page 27, line 23, decrease the amount by $100,000,000.

On page 27, line 24, decrease the amount by $30,000,000.

On page 28, line 3, decrease the amount by $43,000,000.

On page 28, line 7, decrease the amount by $18,000,000.

On page 28, line 11, decrease the amount by $7,000,000.

AMENDMENT NO. 792

Mr. ALEXANDER. Mr. President, I am pleased that the Senate unanimously approved my amendment to maximize college affordability and access by helping to preserve competition and choice in the student loan program. I look forward to working with my colleagues to preserve the Federal Family Education Loan—FFEL—program as a viable program for students and institutions of higher education.

My amendment is very straightforward and it calls on the Congress to maintain ''a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services.'' We know that institutions of higher education like the ability to choose which program to participate in, and 73 percent of schools choose to use the FFEL program.

I think that we should maintain that ability of institutions to choose which program to participate in so that we can give them, and their students, the best options, the best services, and the best programs.

The President's budget proposes to originate all new student loans in the Direct Loan program, which is a proposal that I do not support. When I was U.S. Secretary of Education, I opposed the creation of the Direct Loan program because I felt that the Federal Government shouldn't be in the business of being a bank. I still feel that way. The problem with the government operating as a bank is that we would have to borrow a lot of money and add to the Federal deficit. The FFEL program last year generated $52.9 billion in loans, while the Direct Loan program generated $21.8 billion. If we were to move all of the FFEL loans to the government's loan program, that's a lot more debt to add to our books. I don't think we should do that right now when we know that the FFEL program is working.

I also thought that the Federal Government wouldn't be able to manage that many loans very effectively or efficiently for the students, and I haven't changed my mind on that. There are 6,000 colleges and universities, and over 15 million loans each year to students and parents. The Department of Education can't manage that many loans, nor should they. It is a massive undertaking that calls on over 30,000 people throughout our Nation working for banks, guarantors, and nonprofit lenders. We don't need to increase the Department of Education staffing by 30,000 people, so I don't see why we should move all of the loans and operations to that agency.

As the president of one of our lenders in Tennessee recently wrote in the Knoxville News Sentinel, ''Nationalizing the student loan industry would be the equivalent of the government taking over the parcel shipping industry and doing away with FedEx and UPS, relying entirely on the U.S. Postal Service.'' We can't afford to take that risk when we are dealing with students.

In the past week we have all heard from many of the institutions of higher education in our States favoring the continuation of the FFEL program. My amendment does just that, and it sends the message that the U.S. Senate supports giving colleges and universities—and ultimately parents and students—the choice which student loan program works best for them.

Mr. CONRAD. Mr. President, let me say that we are just about ready.

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

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

AMENDMENT NO. 967

Mr. CONRAD. Mr. President, we are prepared to go to DeMint amendment No. 967.

Mr. DEMINT. Mr. President, I would like to call up DeMint Amendment No. 967.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 967.

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

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

The amendment is as follows:

(Purpose: To implement President Obama's earmark reforms)

At the appropriate place, insert the following:

SEC. _____. EARMARK POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes—

(1) a congressional earmark to a private for profit entity that is not subject to the same competitive bidding requirements as other Federal contracts;

(2) a congressional earmark which has not been the subject of a public hearing in the committee of jurisdiction where the member requesting the earmark has testified on its behalf; or

(3) a congressional earmark which has not been posted on the Member sponsor's website at least 72 hours before consideration of the legislation.

(b) TRADING EARMARKS.—A Senator may not trade a congressional earmark for any political favor, including a campaign contribution.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) DEFINITION.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

Mr. DEMINT. Mr. President, one of the changes President Obama said he would bring to Washington is earmark reform.

Last month, on March 11, he laid out his plan. And that is what this amendment is. It is a four-point plan. I will explain it with quotes from the President: Any earmark for a for-profit private company should be subject to the same competitive bidding requirements as other Federal contracts; No. 2, each earmark must be open to scrutiny at public hearings where Members will have to justify their expense to the taxpayer; No. 3, earmarks that Members do seek might be aired on those Members' websites in advance so the public and the press can examine them and judge their merits for themselves; and, No. 4, that he would prohibit the trading of earmarks for public favors.

It is just that simple. This is the President's plan for earmark reform. I ask my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Chairman INOUYE has the time in opposition.

Mr. INOUYE. Mr. President, at this moment, if you are trying to get an earmark in the bill, you have to have it posted on your Web site 30 days before markup to give the public an opportunity to look at the Web site.

Secondly, there is much transparency, much more than ever before.

Thirdly, we have reduced earmarks to less than 1 percent. And now that, as our Senator has indicated, on March 11, the President spoke on the earmarks, it went something further.

The President said:

I recognize that Congress has the power of the purse, and I believe that individual Members of the Congress understand their districts best. They should have the ability to respond to the needs of the communities.

Yes, all of us were elected to represent our districts and our States. We were not elected to be rubberstamps of anyone.

Mr. COCHRAN. Mr. President, the amendment of the Senator from South Carolina creates a point of order against legislation that does not comply with President Obama's recently proposed earmark reforms.

The amendment ignores the layers of reforms that Congress has adopted in recent years and the reduction in the amount of earmarks that has already taken place.

For the coming fiscal cycle the Appropriations Committee has required that earmarks be posted on the requesting Members' Web sites well in advance of the appropriations bills even being considered in subcommittee. This well exceeds the 72 hour threshold sought by President Obama. And I note that President Obama will not make public his own earmark requests prior to publication of his budget.

The amendment would require all Senators to testify at hearings in support of any earmarks they seek. If testimony by Senators is to be required to justify legislative initiatives, why on Earth would we want to limit this to earmarks? Shouldn't Senators be required to testify at hearings in support of any legislative initiative they advocate? When was the hearing on the amendment of the Senator from South Carolina?

The amendment purports to prohibit earmarks from being traded for ''political favors.'' Mr. President, does this mean it is OK to trade any other official act for political favors? Does this give Members license to pursue legislative provisions for labor interests or for particular industries in exchange for political favors? Of course, it doesn't. My colleagues are well aware that trading earmarks or any other official act for political favors is already against the laws and ethics rules of this body.

I am happy for earmarks and all other legislative matters to be subject to the scrutiny of the legislative process. That is exactly as it should be. I hope my colleagues will support efforts to consider individual appropriations bills this summer in an orderly and timely manner so that the Senator from South Carolina and all other Members can offer amendments to eliminate spending that they see as wasteful.

But we don't need new points of order to do this. I urge my colleagues to reject this amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The motion to waive is considered made.

Mr. DEMINT. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to waive the Budget Act in relation to the DeMint amendment No. 967.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 28, nays 69, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—28

Barrasso	Ensign	Martinez
Bennet	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	
DeMint	Lieberman	

NAYS—69

Akaka	Baucus	Begich
Alexander	Bayh	Bennett

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

NOT VOTING—2

Byrd	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 28, the nays are 69. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from North Dakota.

MODIFICATION TO PURPOSE OF AMENDMENT NO. 890

Mr. CONRAD. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 890 by Senator BARRASSO, the amendment be modified in the purpose statement. The modification is at the desk.

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

The purpose, as modified, is as follows:

(Purpose: To provide funding for voluntary efforts to conserve endangered species and to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

AMENDMENTS NOS. 980, AS MODIFIED; 830, 765, 940, 870, AND 810

Mr. CONRAD. Mr. President, I have six amendments that have been agreed to by both sides, starting with Kyl amendment No. 980, as modified, on Iran—I think the modification is at the desk.

Mr. KYL. It is.

Mr. CONRAD. The modification is at the desk—Coburn amendment No. 830; Barrasso No. 765; Snowe-Landrieu No. 940; Thune No. 870; and Brown No. 810.

I ask unanimous consent those six amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 980, as modified; 830, 765, 940, 870, and 810) were agreed to, as follows:

AMENDMENT NO. 980, AS MODIFIED

(Purpose: To deny funding for federal government expenditures to companies that are obtaining at least $1,000,000 in revenue from the sale of goods or services to or investment in Iran's energy sector, including, but not limited to: the exploration, development or exploitation of Iran's natural gas or crude oil fields; the import of refined petroleum products, including but not limited to liquefied natural gas and petroleum bi-products into Iran; the enhancement or maintenance of Iran's oil refineries; and assistance in the import and or export of energy products to or from Iran, including the provision of shipment, insurance, and reinsurance services)

On page 12, line 21, decrease the amount by $1.00.

On page 12, line 22, decrease the amount by $1.00.

On page 27, line 23, decrease the amount by $1.00.

On page 27, line 24, decrease the amount by $1.00.

AMENDMENT NO. 830

(Purpose: To provide for legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments)

On page 40, strike lines 9 through 22 and insert the following:

(f) HOUSING ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 765

(Purpose: To provide that the authorized climate change legislation decrease greenhouse gas emissions without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)

On page 33, lines 19 and 20, after ''emissions'' insert the following: ''(without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)''.

AMENDMENT NO. 940

(Purpose: To establish a deficit-neutral reserve fund to require a certain portion of funding for the Energy Star Program of the Environmental Protection Agency to be allocated to the Energy Star for Small Business Program)

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 870

(Purpose: To provide for a total of $99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act)

On page 24, line 24, increase the amount by $99,000,000.

On page 24, line 25, increase the amount by $12,000,000.

On page 25, line 4, increase the amount by $28,000,000.

On page 27, line 23, decrease the amount by $99,000,000.

On page 27, line 24, decrease the amount by $12,000,000.

On page 28, line 3, decrease the amount by $28,000,000.

AMENDMENT NO. 810

(Purpose: To modify the deficit-neutral reserve fund for economic stabilization and growth to promote new employment opportunities that are critical to economic recovery by supporting workforce strategies that help workers seeking specialized training for emerging industries)

On page 37, line 24, insert ''by increasing support for sector workforce training,'' after ''products,''.

AMENDMENT NO. 940

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, and as a longstanding steward of the environment, I have continuously requested increased funding for the Environmental Protection Agency's Energy Star for Small Business Program, which has documented how voluntary action by small business owners can reduce energy costs by 30 percent or more.

The Snowe-Landrieu amendment would require that a minimum of 2 percent of the EPA's Energy Star Program's total budget be allocated to the Energy Star for Small Business Program. This critical program provides free unbiased information and technical support for small businesses to improve their company's financial performance by reducing energy waste and energy costs, while protecting the Earth's environment.

Regrettably, in the past, less than 2 percent of Energy Star's annual funding has been allocated to the Small Business program which is responsible for reaching the entire small business community, thereby restricting its tremendous potential impact. This inadequate percentage grossly underestimates the critical role small businesses can play in improving our Nation's energy efficiency and reducing our carbon footprint.

Through efforts to increase energy efficiency, small businesses can contribute to America's energy security,

help to combat global warming, while strengthening their competitive advantage all at the same time. With 27 million small businesses in the U.S. comprising 99.7 percent of all domestic employer firms and producing approximately half of all the commercial and industrial energy in the United States, the role small businesses can play in forging a solution to global climate change and rising energy prices is undeniable.

This amendment would provide small businesses with the funding, technical assistance, and resources necessary to improve small business energy efficiency. Every effort must be made at the Federal level to ensure the connection small businesses can engage in clean and renewable energy. I appreciate the support of my colleagues on this amendment.

AMENDMENT NO. 810

Mr. President, I support the amendment offered by Senator BROWN, which I am cosponsoring, to create a deficit-neutral reserve fund to support funding for critical workforce strategy programs that help individuals seeking specialized training for emerging industries. This reserve fund will help highlight the need for resources to grow new employment opportunities that are critical to economic recovery by supporting workforce strategy programs that help those in need of training.

Any effort to further stabilize our careening economy must include consideration of job training and transformation. Improving and reauthorizing the Workforce Investment Act, WIA, to help the millions of unemployed—and millions more underemployed—must be a critical element of bolstering our economy.

Much has been made of the phenomena of ''green jobs'' and a ''green technology.''At a recent speech in Atlanta, author Tom Friedman urged America to retake the lead in the world through innovation in ''ET''—Energy Technology. Friedman said the United States needs to ''invent a source of abundant, cheap, clean, reliable electrons.'' He compared the ''ET'' movement to the ''IT''—Information Technology—movement of the last decade. There are thousands of entrepreneurs who are developing the next energy concept that will revolutionize our energy policies, and those concepts will need a highly educated and prepared workforce to make them a reality. The job training programs already in place under the Workforce Investment Act can help activate Americans, and expedite the transformation into a new energy economy. I believe this amendment will help ensure funding for our workers to get the best training and pave the way for just such a revolutionary shift in the future of this country.

Throughout the Nation, workforce strategy programs, like those within WIA, are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created a program called the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

In order to promote programs like the North Star Alliance Initiative, Senator BROWN and I introduced the SECTORS Act, S. 777, which provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current federal policy does not provide sufficient support for these critical ventures. This amendment will help ensure that critical funding will be made available for the SECTORS Act if it is passed into law.

AMENDMENT NO. 969

Mr. CONRAD. Mr. President, now we wish to go to the Sessions amendment No. 969.

Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the chairman of the committee.

This Congress passed the Secure Fence Act of 2006 by a vote of 80 to 19, with broad bipartisan support, including then-Senators Obama, BIDEN, and Clinton. We committed to 700 miles of barriers. Today we are less than halfway there. The funding has simply not been there.

Some progress is being made in areas where the fencing is in place. We have had a dramatic reduction in crime in the San Diego area since the fence was completed a number of years ago. This will help us reduce crime. It will help us reduce drug smuggling, gun smuggling, and immigration violations. We have a lawless border.

Progress is being made, colleagues. We are seeing a reduction in the number of people entering America, a reduction in the number of arrests. And if we follow through with what we have told the American people we intend to do, we will be able to create a lawful system of immigration, which is a responsibility this Congress has.

I urge support of this amendment. It is consistent with previous votes. It puts a budget point of order against an appropriation in this area that does not fund the fence completion.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 969.

The amendment is as follows:

(Purpose: To provide for a point of order against any appropriations bill that fails to fully fund the construction of the Southwest border fence)

On page 68, between lines 4 and 5, insert the following:

SEC. ____. POINT OF ORDER AGAINST FAILURE TO FULLY FUND SOUTHWEST BORDER FENCE.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any appropriations bill that fails to provide at least $2,600,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) SUNSET PROVISION.—This section shall cease to be effective on the earlier of—

(1) the date on which $2,600,000,000 is appropriated to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

(2) the date that is 2 years after the date of enactment of this Act.

Mr. CONRAD. Mr. President, Senator SCHUMER has the time in opposition.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, many of us supported the fence. Many of us opposed it. But one thing is for sure, there is only about $120 million left to complete this section of the fence.

The amendment we have before us—without an evaluation as to whether it is effective, without an evaluation of where the new parts should go, without an evaluation as to whether there are other, better ways to deal with the problem of undocumented and illegal immigration—says vote $2.6 billion whether it works or not. That does not make much sense at a time when we are trying to balance the budget, be fiscally austere.

I had prepared a side by side. Let's have an evaluation by the Department of Homeland Security and the Border Patrol and everyone else as to whether the fence is working. I do not think that is clear. We should find out where it is working, how to make it better.

Another thing we do here, without even any test, is set a double fence—$2.6 billion whether we know it works or not. I urge the amendment be defeated; we let the Department of Homeland Security study the most effective

way to deal with illegal immigration, and if a double fence or another thing is needed, we will learn about that in time.

Mr. President, I yield the floor.

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

Mr. CONRAD. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The motion to waive is considered made.

Mr. GREGG. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 36, nays 61, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander	Cornyn	Johanns
Barrasso	Crapo	Kyl
Bayh	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker

NAYS—61

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

NOT VOTING—2

Byrd	Kennedy

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SCHUMER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we are now down to six amendments and final passage. I wish to thank all the colleagues who have helped us get to this point.

AMENDMENT NO. 963

The next amendment in order would be the DeMint amendment No. 963 on health care.

Mr. DEMINT. Mr. President, I wish to call up DeMint amendment No. 963.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 963.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To provide for a point of order against any legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor)

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DEMINT. Mr. President, there are a number of concerns about this budget, and I have heard from a number of Americans who see in the budget hundreds of millions of dollars for health care which suggests that the Government is not only going to expand into banks and auto companies and education but to expand into health care. One of the propositions President Obama made is that Americans will always be able to pick their own plans and choose their own doctors. This amendment simply codifies that. It creates a point of order against any legislation that would eliminate the ability of a patient to pick their own plans or their own doctor.

I encourage my colleagues to support it.

The PRESIDING OFFICER. Mr. President, would Senator DEMINT be willing to accept a voice vote?

Mr. DEMINT. If you can assure me we will win.

Mr. CONRAD. I assure you.

Mr. DEMINT. It is a done deal. Thank you.

Mr. CONRAD. Mr. President, I ask to take this on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 963) was agreed to.

Mr. CONRAD. Mr. President, that gives us five. We are going to go to the countdown; five plus final passage.

AMENDMENT NO. 964

DeMint No. 964 is the next amendment in order.

Mr. DEMINT. Mr. President, I wish to call up amendment No. 964.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 964.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to protect small and home businesses from the burdensome and impractical requirements of the Consumer Product Safety Improvement Act of 2008)

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS TO BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that fund consumer product safety, including any program that—

(1) delays the lead ban in section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) by 6 months;

(2) exempts thrift stores, consignment shops, and other second hand sellers from the provisions of such section;

(3) exempts children's motorcycles and all terrain vehicles from treatment as banned hazardous substances under such section;

(4) exempts books from treatment as banned hazardous substances under such section;

(5) allows a product to comply with the lead ban in such section if every component of the product complies with the ban; or

(6) does not require products manufactured before the effective date of the ban under such section to be removed from store shelves.

(b) LIMITATION.—The authority described in subsection (a) may not be used unless the appropriations in the legislation described in paragraphs (1) through (6) of subsection (a) would not increase the deficit over—

(1) the 6-year period beginning with the first day of fiscal year 2009; or

(2) the 11-year period beginning with the first day of fiscal year 2009.

Mr. DEMINT. Mr. President, I ask unanimous consent to add as cosponsors Senators BENNETT, ENZI, BROWNBACK, COBURN, and VITTER.

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

Mr. DEMINT. Mr. President, I ask for my colleagues' attention because this is not a partisan amendment; it is not a messaging amendment.

Many of my colleagues have probably heard from a number of constituents about some problems with the Consumer Product Safety Act that we passed. This amendment simply allows for the improvement of that bill with certain considerations such as allowing current inventory to sell through, exempting thrift stores and secondhand sellers, exempting book sales and children's motorcycles, allowing manufacturers to prove there is no lead content

by proving that their components have no lead contents. This means they don't have to destroy existing inventory if they can prove it is safe. This amendment does nothing to diminish safety, but it is common sense.

Please, this is costing millions of dollars, thousands of jobs across this country. I encourage my colleagues to support this amendment.

Mr. CONRAD. Mr. President, Senator PRYOR has the time in opposition.

Mr. CONRAD. Senator PRYOR has the time in opposition.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, this amendment is a bad amendment. Last year, the Senate passed this legislation with 97 votes. It is a good bill. It bans lead in children's toys. It does so many other great things to make sure our marketplace is safe. It protects us from unsafe Chinese toys.

We need to vote against this amendment. The problem is not with the act. It is very clear from the Consumer Product Safety Commission, where the Commissioner, who is not the Chairman, says that the single most important step that needs to be taken in furtherance of the implementation of the CPSIA at the agency is to have a third Commissioner who would also be a chairman appointed to lead the agency. Until then, any legislative fixes are premature.

The CPSC has the authority to fix all the problems that have been raised by the Senator from South Carolina.

I strongly urge that we vote for our children and vote no on the DeMint amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The legislative clerk called the roll.

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

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

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—39

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Begich	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Hagan	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Klobuchar	Vitter
Corker	Kyl	Voinovich
Crapo	Lugar	Wicker

NAYS—58

Akaka	Bingaman	Cantwell
Baucus	Boxer	Cardin
Bayh	Brown	Carper
Bennet	Burris	Casey
Collins	Kohl	Reed
Conrad	Landrieu	Reid
Cornyn	Lautenberg	Rockefeller
Dodd	Leahy	Sanders
Dorgan	Levin	Schumer
Durbin	Lieberman	Shaheen
Feingold	Lincoln	Stabenow
Feinstein	Martinez	Tester
Gillibrand	McCain	Udall (CO)
Gregg	McCaskill	Udall (NM)
Harkin	Menendez	Warner
Inouye	Merkley	Webb
Johanns	Mikulski	Whitehouse
Johnson	Murray	Wyden
Kaufman	Nelson (FL)	
Kerry	Pryor	

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 964) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 870, AS MODIFIED

Mr. CONRAD. Mr. President, I ask unanimous consent that the Thune amendment, No. 870, be modified with the changes which are at the desk, notwithstanding adoption of the amendment.

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

The amendment, as modified, is as follows:

On page 24, line 24, increase the amount by $99,000,000.

On page 24, line 25, increase the amount by $12,000,000.

On page 25, line 4, increase the amount by $28,000,000.

On page 25, line 8, increase the amount by $59,000,000.

On page 27, line 23, decrease the amount by $99,000,000.

On page 27, line 24, decrease the amount by $12,000,000.

On page 28, line 3, decrease the amount by $28,000,000.

On page 28, line 7, decrease the amount by $59,000,000.

Mr. CONRAD. Mr. President, we are now down to three amendments and final passage, and one of the three can be done on a voice vote.

AMENDMENT NO. 828

The next amendment in order is Coburn amendment No. 828.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, imagine tomorrow morning, if we are in session, and you no longer get to vote your conscience, that a Federal bureaucrat will tell you what you can and cannot do.

The fact is, we have wonderful physicians in this country who make decisions every day based on a multitude of factors, including what they think in their conscience is right. This is an amendment which simply protects that right, just as you would want the right for your vote in this body to be protected. It also protects the conscience of a patient to be able to choose the physician and the caregiver to whom they trust their body and their health.

I hope this body will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 828.

The amendment is as follows:

(Purpose: To protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions)

On page 31, strike lines 3 through 7 and insert the following: ''cans;

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue; or

(9)(A) subject to subparagraph (B), protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions, which includes, but is not limited to, prohibiting—

(i) discrimination on the basis of a provider's objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals;

(ii) legal coercion against a provider who expresses a conscience objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals; and

(iii) government coercion of patients to enroll in specific health insurance plans or see pre-selected health care providers; and

(B) require the principles described in subparagraph (A) shall not be construed to authorize or shield from liability the denial, on the basis of a patient's race or present or predicted disability, of a surgical or medical procedure or pharmaceutical that a provider offers to others;''.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator MURRAY has the time in opposition.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this amendment would put in place a regulation that would mean health care providers—not just doctors but anybody in a health care clinic or hospital—could refuse millions of women health care for critical services. It jeopardizes Federal family planning services, Medicaid, and title X, and it undermines State laws that guarantee women access to contraceptive services.

Health and Human Services has proposed to rescind this rule which the Bush administration published when their clock was running out.

This amendment puts ideology ahead of science and ahead of women's health care. Federal law already permits medical professionals to decline to assist in abortions based on their religious beliefs. But stopping this regulation will not change that. This amendment goes way too far and ignores the needs of patients and denies women reproductive health care services.

I encourage my colleagues to vote no.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD)

and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Casey	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—56

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

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 828) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment that is in order is amendment No. 751 by Senator VITTER, if he could briefly mention the amendment.

AMENDMENT NO. 751

Mr. VITTER. Mr. President, I call up amendment No. 751.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 751.

Mr. VITTER. Mr. President, I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To protect the more than 6 million Americans employed by the domestic oil and gas industry and to ensure low-cost energy for America's consumers, businesses, and families)

On page 33, line 8, after ''legislation'', insert the following:

''would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and''

Mr. CONRAD. Mr. President, I ask unanimous consent that we accept the amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The amendment (No. 751) was agreed to.

Mr. CONRAD. Mr. President, I thank Senator VITTER, and I also want to take just a moment to thank Senator CRAPO for his graciousness in withdrawing an amendment, as well as Senator MARTINEZ for his graciousness in withdrawing an amendment. We appreciate it very much.

AMENDMENT NO. 937

We are now on to the final amendment before final passage, No. 937, by Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I call up amendment No. 937.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 937.

Mr. VITTER. Mr. President, I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To require States to implement drug testing programs for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, which would encourage healthy, drug-free families instead of encouraging dependent behavior or on-going drug abuse)

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

SEC.____. RESERVE FUND TO REQUIRE DRUG TESTING AND TO PROVIDE DRUG TREATMENT FOR TANF RECIPIENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) Would require that States operate a drug testing program as part of their Temporary Assistance for Needy Families (TANF) program;

(2) Would provide treatment programs for those who test positive for illegal drug use or are convicted of drug-related crime;

(3) Would withhold TANF assistance for two years to any recipient who, after initially testing positive and having been offered treatment, again tests positive; and

(4) Would not reduce or deny TANF assistance allocated for dependents if the dependent's caretaker tests positive for drug use or is convicted of drug-related crime; by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

Mr. VITTER. Mr. President, this amendment is very simple. It advances the policy of drug testing for welfare or TANF recipients. If a recipient were to test positive, they would get treatment. If they tested positive again, then and only then would they be denied the benefit.

Under no circumstances, would the children of that beneficiary be denied the children's benefit because they, of course, would not be a guilty party in any way.

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

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator BAUCUS will speak in opposition to the amendment.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose this amendment for a lot of reasons. No. 1, this is an unfunded mandate. The TANF program, the low-income program, the welfare program, is a block grant program. We give to all the States and the States set up their own systems under TANF. This is an unfunded mandate. It tells States they have to test all low-income people for drugs.

I think, frankly, it is a mean-spirited amendment. I believe we should not equate all low-income families with drug addiction. States can decide for themselves if they want to drug test. My State of Montana does. TANF, again, is a block grant program. States can decide for themselves what they want to do. We should not equate all low-income families with drug addiction, and I strongly encourage this amendment be soundly defeated.

Mr. VITTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 27 seconds remaining.

Mr. VITTER. Mr. President, I don't understand what is mean spirited about not giving tax money to folks who have drug problems and about trying to get them help, which is the first and most important thing we can do to actually help them.

I urge broad bipartisan support for this commonsense amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 937.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The result was announced—yeas 18, nays 79, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—18

Barrasso	Cornyn	Inhofe
Brownback	Crapo	Isakson
Bunning	DeMint	Kyl
Burr	Ensign	McConnell
Chambliss	Enzi	Risch
Coburn	Grassley	Vitter

NAYS—79

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

NOT VOTING—2

Byrd Kennedy

The amendment (No. 937) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. KYL. Mr. President, during these recent budget debates, I have been reminded that some in Washington used to mock President Reagan for the ''rosy economic scenarios'' they said his budgets relied upon. But never—until now—has any President's economic model differed so fundamentally from those predicted by most independent analysts.

President Obama's budget chief, Peter Orszag, predicts that from 2010–2013 the economy will grow 4 percent a year. But the blue-chip economic forecasters say it is much lower—about 2.7 percent. That is a big difference when we are talking about hundreds of billions of dollars.

President Obama claims his budget will halve the deficit by 2014. But the way it gets there is by first running up a huge deficit and then cutting that number in half. The Congressional Budget Office now projects a $1.669 trillion deficit in 2009 that will bottom out at $658 billion in 2012, which is still more than 40 percent above the highest deficit during the Bush administration. But the Congressional Budget Office also says the deficits accumulated by Obama's budget will then surge to $9.2 trillion in 2019.

President Obama has said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by $1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a colossal energy tax that will impact every American household—regardless of income—and is estimated to drop an additional $3,168 annual bill on every family, on top of its existing energy costs. Remember, candidate Obama told us that under this energy plan, ''electricity rates would necessarily skyrocket.'' Why is this a good idea?

Economic historian John Steele Gordon draws this analogy to an energy tax in the recent issue of Commentary magazine: ''If passed it will act on the economy as a whole exactly the way a governor acts on a steam engine, increasingly resisting any increase in revolutions per minute. . . . The more the economy tries to speed up the more [this tax] will work to prevent it from doing so.''

Think about the incongruity between the growth predicted in President Obama's budget and the policies his budget would partially implement. This budget would saddle American taxpayers, businesses, and industry—everyone—with a bevy of new tax increases and regulations that, once enacted, will unavoidably harm job creation and growth by making it more expensive for businesses to hire and by removing money from the private economy and transferring it to Washington.

How can our economy recover with the Government hampering job creation and growth?

Facts are stubborn things, as President Reagan used to say. We know that raising taxes in time of recession has never helped the economy grow. Why would this time be different?

Mr. FEINGOLD. Mr. President, I strongly believe that the Senate needs to address the serious and pressing problem of climate change, and I look forward to that debate this Congress. I do not, however, believe it would be appropriate to use the fast-track procedure known as reconciliation to consider climate change legislation. Reconciliation is intended for legislation that reduces the deficit. I have strongly opposed past efforts to use reconciliation to address policy matters, such as drilling in the Arctic National Wildlife Refuge. It wasn't appropriate then; it isn't appropriate now.

Mr. SPECTER. Mr. President, in approaching the budget for fiscal year 2010, I am heavily influenced by the $700 billion expenditure in President Bush's bailout package—it was badly administered and I voted against release of the second $350 billion—and the President Obama twin brother $787 billion stimulus package. We have to take a closer look than usual at the mounting deficits and mounting national debt. These budget votes are all going to be determined by the Democratic majority largely on party lines so my vote is really a protest vote and to show there is substantial concern, at least with the loyal opposition, to limit Federal expenditures. To that end, I supported amendments offered by Senators SESSIONS, No. 772, and CRAPO No. 844, to freeze domestic discretionary spending. I also supported amendments by Senators ALEXANDER, No. 747, and GREGG, No. 739, to require a 60-vote threshold on any budget resolution that increases public debt.

Congress must take action to address the current deficit spending especially the increasing funds for entitlement programs. I supported an amendment offered by Senator GREGG, No. 835, to establish a commission to examine the long-term obligations of the Federal Government and make recommendations to reduce that spending. Similarly, I voted in favor of the McCain amendment, No. 882, as an alternative budget resolution to lay down a marker to encourage reductions in Federal expenditures. The budget is just an outline without any of these votes being determinative as to what will occur on appropriations bills, where I will take another look at spending proposals depending on circumstances at that time.

Mr. AKAKA. Mr. President, I support the budget resolution for fiscal year 2010. The resolution embraces many priorities that I strongly support. They include a renewed commitment to energy efficiency, educational improvements, middle-class tax cuts, and our veterans.

The resolution preserves the major priorities in President Obama's budget that was submitted to Congress. The President's budget outlined a blueprint for addressing and reversing the effects of the deep recession, collapse of the housing and credit markets, and the rise in joblessness that we inherited from the previous administration by setting the stage for sustained economic growth through investments in energy, education, and infrastructure, which were begun in the American Recovery and Reinvestment Act, ARRA. Since President Obama's budget was submitted to Congress, the CBO's re-estimate of that budget has added $2.3 trillion to long-term deficit projections. Accordingly, the resolution adjusts the President's budget to cut the long-term deficit in half from $1.2 trillion in fiscal year 2010 to $508 billion in fiscal year 2014 while retaining the President's core priorities.

The resolution matches the funding level in the President's budget for fiscal year 2010 energy discretionary funding to reduce our dependence on foreign sources of fuel, produce green jobs, promote renewable energy development, and improve the electric transmission grid, while encouraging energy conservation and efficiency.

I am pleased that this resolution continues with green investments made in the American Reinvestment and Recovery Act and provides increases for the energy efficiency and renewable energy program. The resolution will enable investments in further research and development in clean and sustainable energy technologies from resources that are abundant in my State of Hawaii, such as wind, solar, ocean, hydrogen, and biomass.

The resolution invests in our Nation's future by fully funding the President's request for discretionary education and training programs. This includes expanding early childhood education programs that have proven to be so instrumental in preparing our Nation's children for future success. The

budget also increases support for programs designed to reach out to low-income students so that every child has an equal opportunity to succeed. Similarly, by providing the necessary funding to support a $5,550 maximum Pell grant award in the 2010–2011 school year, this budget resolution will provide much needed assistance to individuals striving to achieve their higher education goals including adults returning to school to revise and revamp their skills in order to more effectively compete in today's workforce.

I was also pleased to see that funding was included in the budget resolution to enhance and improve the capability of the Federal acquisition workforce. In my role as both chairman of the Subcommittee on Oversight of Government Management and a senior member of the Armed Services Committee, I have long advocated for improvements in the hiring and retention of Federal employees. Similarly, I strongly support funding for the reform of Department of Defense processes for the acquisition of weapons systems including the reduction of no-bid and cost-plus contracts.

As chairman of the Federal Workforce Subcommittee, I am pleased the resolution provides pay parity between Federal civilian and military servicemembers in the average annual pay raise, which is consistent with more than 20 years of congressional precedent and my priorities.

Turning to items in the budget resolution for the Department of Veterans Affairs, the resolution includes the President's request, plus $540 million to compensate for the ill-advised proposal that would have billed veterans' insurance companies for service-connected care. President Obama made the right decision not to move forward with that proposal. Veterans' care and benefits are a cost of war and treatment for conditions directly related to service is the responsibility of the government alone.

The resolution also includes mandatory budget authority for important benefits, such as compensation and pension, for veterans and their survivors. I look forward to working with my colleagues and the administration to enact the funding increases and targeted programs to help VA adapt to the changing needs of veterans and their loved ones.

My colleagues, this resolution, with its targeted investments and changed public-policy priorities, will help us address the essential needs of the Nation.

I urge my colleagues to support the budget resolution for fiscal year 2010.

Mr. KAUFMAN. Mr. President, I believe the document we are now debating reflects two basic realities. First, it reflects the deep troubles that we have inherited from years of lax regulation, excessive risk, neglected oversight, even fraud and criminal behavior in our financial sector.

As President Obama said when he addressed the Joint Session of Congress, America's ''day of reckoning'' has arrived. The deficit spending of the past administration and the economic collapse that began last fall have created deep structural problems that this budget inherits.

Along with short-sighted budget policies that have put us deeper into debt, the collapse of our financial sector has brought down virtually every other sector of our economy. Those facts set the difficult context in which we do our work.

Delaware has not been spared from the waves of bad economic news that have swept over our Nation. We have seen the job losses in our manufacturing industries, layoffs in flagship companies like DuPont, and downsizing in our financial services industry.

Nationally, we just lost another three-quarters of a million jobs last month. In Delaware, our statewide unemployment rate has hit 7.4 percent, a level we have not seen in a generation.

As families in Delaware and around the country sit at their kitchen tables, they know that the world outside has changed. For those who have lost their jobs, for the husbands, the mothers, who have come home with that heartbreaking news—the process of sorting out mortgage payments, health insurance, groceries—even school books and lunch money—has taken on a sad urgency.

For the others, whose neighbors are out of work, whose neighborhood now has a foreclosure or two mixed in with the for sale signs, whose own jobs could be among the next to go—basic decisions about family priorities are growing tougher every day.

We must not forget those families as we do our work here on the Federal budget this week.

But this budget reflects another reality, as well. It reflects the fundamental strengths of our country—our faith in the future, our ability to pull together, the strengths of our national character.

And this budget reflects the change in direction, the change in priorities and values, the American people voted for last November.

To help with family finances, this budget provides tax cuts to middle-class families.

To begin the work of making our health care system more affordable, this budget makes health care more accessible for families and small businesses.

It makes a college education more accessible and more affordable, so our children can qualify for the jobs that will define our economic future.

This budget starts winding down our dependence on imported fossil fuels, by investments in clean and renewable energy we can provide right here—creating new processes, new products, and new jobs.

And it begins the process of restoring the balance to our Nation's finances—a balance we had achieved just eight years ago—indeed, a budget surplus that was squandered.

Just as the economic crisis has hit the paychecks of American workers, it has lowered the economic activity that funds the revenues we need to pay for our national priorities.

One key part of our response to this crisis must be to fill the hole left in our economy by the loss of 5 million jobs, the loss of so much economic activity. Our economic recovery package, passed earlier this year, is a part of that response.

So a key function of this budget will be to continue to fill that gap in our economy, to continue to provide families, businesses, and state and local governments with the resources they need to slow, stop, and reverse the decline in our economy.

But if we are to move beyond the current crisis, we must make the investments that will reshape our future.

This budget is a clear statement of new priorities: it lays down a new foundation for economic growth. These are the priorities, these are the commitments President Obama and Vice President BIDEN campaigned on. These are the priorities the American people voted for last November.

We must not lose sight of the lesson before us: under the previous administration we gave free rein—and huge financial rewards—to short-term risk-taking, to highly leveraged debt, to deals that many times were not worth the paper they were written on.

We now know that tens of billions, or maybe more, of those paper profits were created by criminal enterprises like the one run by Bernie Madoff. Others, while legal, tread on the very border of our outdated and poorly enforced rules and regulations.

At the same time, we failed to recognize and support average families in their struggles with rising health care costs, with the rising costs of a college education.

We wasted years when we could have invested in cleaner and more efficient domestic sources of energy, while our dependence on dirty, dangerous, uncertain sources of imported oil increased. Those wasted years made our country more vulnerable to those who control oil reserves.

The American people have rejected those failed policies and misplaced priorities. This budget replaces them with an agenda for rebuilding our economy and reasserting our values.

Budgets are statements of our priorities, here in Washington, at the kitchen tables of families in Delaware, in the homes of families around the country.

No budget is perfect. All budgets reflect difficult choices. In this economic crisis, our choices are more difficult, and our decisions carry more importance.

I believe this budget reflects the best balance of addressing our present crisis, building a foundation for the future, and putting our finances on a sustainable path.

I urge my colleagues to join me in supporting it.

Mr. LEVIN. Mr. President, I will vote for this budget resolution. It rightfully recognizes that our way through these difficult times is by investing in our future, with significant funding for infrastructure, energy independence and programs that ensure the safety, health, and education of our Nation's children. This budget resolution makes clear that we cannot continue to cut taxes for a handful of wealthy individuals, at the expense of the many and hope that someday the benefits will trickle down. That course of action would lead to deeper and deeper deficits.

The prior administration's fiscal policies failed. They left us in difficult and uncertain times. Unemployment in my state of Michigan and across the country is sky high. The financial markets are in turmoil, and millions of hard-working Americans that still have jobs are not only concerned about their depleted savings and retirement accounts, but making their mortgage payments. And now, some of the greatest companies in our country are under great duress.

Our shared ability to navigate these troubled waters will depend upon our willingness to come together. Through this budget resolution, the Senate will set the blueprint for its work to help reverse the past administration's failed fiscal policies that have been so damaging to our economy.

The Budget Committee includes in this resolution deficit-neutral reserve funds to promote economic recovery and growth, investments in infrastructure, and a long overdue commitment to the health of Americans. With adequate funds, we can modernize the health care system by continuing to progress towards health information technology. With additional dollars to help support and strengthen the health care workforce, we are making a firm statement that we will no longer shirk our responsibilities and will continue to fight for the 45.7 million uninsured individuals who have not had access to health care.

This budget will help reduce our dependence on foreign oil. It allows us to improve our educational system. And it provides tax relief to millions of middle-income Americans, including providing much-needed relief from the alternative minimum tax. Congress, and our citizens, have long known that this tax was never intended to hit middle-class families.

I am also pleased that this budget paves the way for using our committed resources to restore our financial system, while providing critical transparency and accountability for taxpayers. While I was pleased to support the economic stimulus packages, they only provided a partial solution to fixing our economy's problems. We cannot stop now. Although we have already taken unprecedented efforts to stimulate and revive our economy, there is more work ahead. While hard-working families struggle to make ends meet, we owe it to them to continue to invest in their futures.

I am pleased that this budget resolution includes my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to take bold, decisive action to revitalize our domestic manufacturing sector. The U.S. has lost more than 4.1 million manufacturing jobs since January 2001 and over 300,000 manufacturing jobs in Michigan since January 2001. It is important that we revitalize and maintain a strong manufacturing base in the U.S. The manufacturing industry faces pressure from international corporations that are strongly supported by their respective governments; our own government needs to lend similar support to keep American manufacturing companies competitive in the global marketplace.

The deficit-neutral reserve fund included in this budget lays the groundwork for legislation to address important initiatives to boost American manufacturing. I look forward to continuing to work with my colleagues to stimulate the manufacturing sector in a meaningful way, and make a wise investment in the long-term growth, health, and stability of the manufacturing industry.

The budget wisely includes a deficit-neutral reserve fund to accommodate legislation that would provide investments in clean energy and reduce greenhouse gas emissions, leaving the details of the legislation to the appropriate committees of jurisdiction. The threat of climate change is real and its impacts could be catastrophic if we do not act quickly. Clean energy and advanced technologies hold the promise for making real progress on reducing harmful greenhouse gases.

While swift action is needed to confront the daunting challenges of global climate change, I oppose misusing the budget reconciliation process in the consideration of climate legislation. That legislation would influence every sector of the U.S. economy and could have far-reaching impacts across the globe. For this reason, I supported an amendment offered by Senator JOHANNS that would prohibit the use of reconciliation for climate legislation. I voted in support of the Johanns amendment to reaffirm my opposition to an extremely truncated process for climate legislation, which would make a deliberative approach impossible. Taking action on climate change legislation to protect public health, the economy, and natural security should be done in a thoughtful way and not rushed through Congress.

I was pleased to join Senator DORGAN in proposing an amendment to provide an increase of $10 million for organ donation activities at the Health Resources Services Administration. This modest amendment is aimed at fulfilling the promise of the Organ Donation and Recovery Improvement Act of 2004, to increase the number of organ donations. Currently, over 100,000 individuals are on the organ transplant waiting list, and more than 83,000 of those are in need of a kidney transplant. On average, patients wait 4 years before receiving a kidney transplant. Medicare spends about $55,000 per patient per year for dialysis. This means that every kidney donation has the potential to save Medicare as much as $220,000. Unfortunately, nearly 6,000 people die every year while waiting for a transplant. By doing more to educate people about donation and developing programs to encourage donation, we can take steps to reduce that number.

Mr. President, this budget will continue the job of getting our great Nation back on track, and it deserves to pass.

Mr. GREGG. Mr. President, I ask unanimous consent that a list of organizations opposing this budget resolution be printed in the RECORD.

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

OUTSIDE GROUPS KEY VOTING AND OPPOSING THE SENATE BUDGET RESOLUTION

GROUPS KEY VOTING AGAINST FINAL PASSAGE OF THE BUDGET

Americans for Prosperity, Americans for Tax Reform, Associated Builders and Contractors, Center for Fiscal Accountability, Citizens Against Government Waste, Club for Growth, Concerned Women for America, Freedom Works, Independent Electrical Contractors, International Foodservice Distributors Association, National Association of Wholesaler-Distributors, and National Taxpayers Union.

GROUPS OPPOSING THE BUDGET

American Conservative Union, American Family Business Institute, Americans for Limited Government, Associated General Contractors, Club for Growth, Council on National Policy, Family Research Council, National Association of Manufacturers, Numbers USA, Small Business Entrepreneurship Council, Tax Relief Coalition, and U.S. Chamber of Commerce.

GROUPS OPPOSING USING RECONCILIATION FOR HEALTH CARE AND CARBON TAX WITHIN THE BUDGET

Business Roundtable, National Federation of Independent Business, National Mining Association, and Small Business & Entrepreneurship Council.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish to say a brief word so we know what we are going to do when we get back on Monday, 2 weeks from Monday.

First of all, I express my appreciation to the whole Senate for the outstanding work done by the managers of this bill, Chairman CONRAD, Ranking Member GREGG. They did wonderful work. All the Senate speaks with one voice in recognizing the tremendous difficulty of this resolution. The work was done with civility. We had difficult amendments. This is a day the Senate should be proud.

I applaud and commend, I repeat, on behalf of the entire Senate, the brilliant work done by these two fine gentlemen.

When we come back, I was hoping we would not have to have this vote on Monday, but it appears we are going to have to. We have two wars going on. One, as we know, Afghanistan, and one we cannot put out of our mind in Iraq. One of the great career senior foreign service officers whom we have had in recent years, Christopher R. Hill of Rhode Island, has been nominated by the President to be Ambassador to Iraq.

It is hard to comprehend, but I am going to have to file cloture on that tonight before we leave. I would hope everyone who is trying to hold up this man would give this some thought. How does this look? It does not look very good. But we are going to go ahead, and we are going to have this cloture vote on Monday. We have a lot of other things we could work on. We have a lot to do. We have a 5-week work period when we get back. I have already informed the Republican leader as to what days we are not going to have votes; there are three of them.

I hope everyone has a good 2 weeks. We have a lot of time we need to spend at home. We have not been home. These have been very long periods, two long work periods we have had since we have become a new Congress.

Of course, I have to say for all of us, it is very exiting to all of us to see the Presiding Officer.

The VICE PRESIDENT. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I would like to take a minute to thank the majority leader and Republican leader for their assistance in helping us move this bill in a reasonably expeditious way, considering it is the budget.

I especially wish to thank the chairman and his staff, headed up by Mary Naylor. They do an extraordinary job. They are extremely professional and very courteous to the minority. It is always an open and fair process when we take up the budget, and they set an excellent standard.

I additionally wish to thank my staff, headed up by Cheri Reidy and Jim Hearn, Allison Parent, and they do a fabulous job. I also wish to thank the folks up there on the dais because they stay here all day and make sure we are in order and keeping things on the move and we thank them very much for their time.

Mr. BAUCUS. Mr. President, the chairman of the committee and the ranking member did such a wonderful job. I think we should all express our appreciation.

(Applause, Senators rising.)

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to thank all of our colleagues. This is a tough, difficult day for all of us. I think the Senate has conducted itself well and distinguished itself today.

I wish to thank each of our colleagues for that. I especially wish to thank Leader REID for his support throughout this process; Senator MURRAY, who I think has a special knack for convincing people not to offer amendments. Thank goodness for Senator MURRAY. To my colleague, Senator GREGG, you could not ask for a better partner. There is no one more professional, more decent or somebody whose word is better than Senator GREGG. I deeply appreciate it, as well as his professional staff, who have been terrific to work with.

On our side, Mary Naylor, my staff director; John Righter and Joel Friedman, my deputies; Joe Gaeta, Steve Bailey, Mike Jones, Jamie Morin, Stu Nagurka, Steve Posner, Sarah Kuehl, and all the others who have contributed.

This has been a labor of love. They have worked night and day, weekends for months, and I deeply appreciate their sacrifice.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, let me briefly echo the remarks of the majority leader and congratulate Chairman CONRAD and Ranking Member GREGG and say we have a lot of freshmen Senators. You probably think this is a tough day. I might mention to you, this is one of the least tough budget days we have had in the time that I have been here. I think I see the Vice President smiling. He would agree with that.

That is a tribute largely to Senator GREGG and Senator CONRAD. Thank you so much for an excellent job.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to make a plea, if I can publicly. There is still time between now and tomorrow to try to do something differently on this question of sending our Ambassador to Iraq.

Senator LUGAR is supportive. I am supportive. There is bipartisan support for this nominee. He is going to be approved. We all know that. Iraq is experiencing increasing political difficulties, and the missing ingredient of our capacity to get the success we want is political reconciliation.

Ambassador Crocker has not been well recently. He has put enormous energy in this effort. Getting Christopher Hill there in the next 2 weeks can make a difference. I would urge our colleagues, if there are other issues linked to this, there are other ways to work it through.

My hope would be that we would be able to free him up. It is a terrible message to send, to tie him to issues of North Korea or otherwise extraneous. It handicaps our capacity to maximize our efforts in a war.

If we are going to treat a war seriously, we ought to treat this Ambassador nomination seriously. I would ask my colleagues to think about that while there is an opportunity to be able to approve it in these next 24 hours.

Mr. ENSIGN. Mr. President, I hate to throw a little cold water on this whole ''Kumbaya'' party we are having, but I think it is an important precedent that we determine tonight.

I rise to make a parliamentary inquiry regarding the status of the budget resolution: Specifically, I rise to inquire if the resolution remains a privileged measure, notwithstanding the adoption of 10 corrosive points of order, 8 of which reach into the jurisdiction of the Finance Committee, 1 of which reaches into the Veterans' Committee, and 1 into the Judiciary Committee.

In the case of the Durbin amendment, No. 974, the point of order specifies, with exacting detail, what level of taxpayer must receive a tax cut in order to allow death taxes to go forward.

Therefore, I put the question to the Chair: Does the pending budget resolution retain its privileged status despite these corrosive points of order having been adopted?

The VICE PRESIDENT. It does.

Mr. ENSIGN. Further parliamentary inquiry: Does that mean it would require 60 votes for passage?

The VICE PRESIDENT. It does not require 60 votes for passage.

Mr. ENSIGN. Further parliamentary inquiry: Is losing its privileged status at this point, does that mean it would be still fully debatable?

The VICE PRESIDENT. It has not lost its privileged status.

Mr. ENSIGN. So that would be the precedent for the future, 8 to 10 corrosive amendments does not lose its privileged status.

The VICE PRESIDENT. This particular budget resolution has not lost its privileged status.

Mr. ENSIGN. I thank the Chair.

The VICE PRESIDENT. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, to briefly respond to the Senator from Massachusetts, the chairman of the distinguished Foreign Relations Committee has raised a serious issue about Ambassador Hill.

A number of us on our side have serious questions about Ambassador Hill and how he conducted himself in the last assignment. I would like to see what some of those instructions were from that assignment.

I recognize the seriousness of the situation we are in in Iraq, no question about that. But I have serious reservations about his position in going to that. I think this will be a good period of time for us to get some of these questions answered from the State Department.

I have proffered a letter to them. I have some serious questions about what took place during the negotiations with North Korea and a possible missile launch that will take place even in this interim, and this was our lead negotiator there.

For those reasons, I, amongst others, am raising questions at this time. I think they need to be answered before

he is approved for such an important spot for the United States.

The VICE PRESIDENT. The question is on the adoption of the concurrent resolution, as amended.

Mr. CONRAD. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—55

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

NAYS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NOT VOTING—1

Byrd

The concurrent resolution (S. Con. Res. 13), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from Michigan.

NOMINATION OF ASHTON CARTER

Mr. LEVIN. Mr. President, I had the intent, when we got to executive session, of asking unanimous consent that Calendar item No. 47, Ashton Carter's nomination, be agreed to by unanimous consent. There is a hold on this nomination. The two Senators who have that hold have indicated to me their reasons for it. One of those Senators—and I have talked to Senator SHELBY; there is no objection to my identifying him this way—has not had the opportunity that he seeks to talk to Mr. CARTER. He has made a commitment that he will do so as quickly as he possibly can after the recess so we can hopefully get to this nomination very promptly. It is essential this be taken up.

So in light of the assurance I have received from Senator SHELBY particularly, and I have talked also to Senator SESSIONS about this matter, I am not going to make that unanimous consent request tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JANE HOLL LUTE

Mr. COBURN. Mr. President, in a few minutes there will be a unanimous consent request on a voice vote for a nominee to the No. 2 position at Homeland Security—a very nice lady by the name of Ms. Lute.

I would make the point, as the second most senior member on Homeland Security on the minority side, I cast a ''no'' vote for this person in committee, and that is very well detailed in my statement.

But I think there are some important things the American people should know about her previous service in terms of the peacekeeping forces under her direction as far as the procurement, management, and followup.

Here is what we know. Forty-three percent of all the money spent on international peacekeeping at the United Nations was either involved in fraud or kickback schemes and illegal contracting.

The other thing we know is that the international peacekeepers raped and abused hundreds and hundreds of people, for which at this time today the services under the direction of Ms. Lute have not been directed toward or the care given for those individuals who suffered those consequences.

The other thing we know is that the contracting associated with her administration in the U.N. was associated with several no-bid contracts that were inefficiently done and ineffectively carried out. It is on that basis that I agreed not to hold up her nomination. She will go through, and she will be confirmed. But this nominee has to prove herself at the Department of Homeland Security. I am willing to be proven wrong, but the fact is, her reason for the problems she had at the U.N. was the lack of cooperation at the U.N. She is going to be running a much larger budget with greater responsibilities, and if, in fact, that is the case, and it was all the U.N., then her limited experience, we can hope, will grow, and she will be an effective Assistant Secretary.

There are other people much more qualified who could fill this position. As I said, this is a very humble lady. She has served with great distinguished service in the Armed Services of this country. There is no personal animosity nor direction toward her individually. But the fact is, one of our most difficult agencies is the Department of Homeland Security. It has big problems, conflicts, lack of transparency, and inefficiency.

It is my hope that after she is confirmed, she will, in fact, be up to the task, and we, both in the Senate and as American taxpayers, will get real value out of her service.

With that, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, Calendar Nos. 37, 38, 39, 41, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, and all nominations on the Secretary's desk; that the Agriculture Committee be discharged, and the Senate proceed, en bloc, to PN206, PN213 and PN221; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, and that no further motions be in order.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANKS

Timothy F. Geithner, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development, vice Henry M. Paulson Jr., resigned.

DEPARTMENT OF STATE

Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

Karl Winfrid Eikenberry, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Melanne Verveer, of the District of Columbia, to be Ambassador at Large for Women's Global Issues.

DEPARTMENT OF DEFENSE

James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy.

Alexander Vershbow, of the District of Columbia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

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

To be lieutenant general

Maj. Gen. Michael C. Gould

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

To be brigadier geneal

Col. Debra A. Scullary

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

To be major general

Brigadier General Roger A. Binder
Brigadier General David L. Commons
Brigadier General Anita R. Gallentine
Brigadier General Carl M. Skinner
Brigadier General Howard N. Thompson
Brigadier General Paul M. Van Sickle

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

To be brigadier general

Colonel William B. Binger
Colonel Catherine A. Chilton
Colonel James A. Firth
Colonel Robert M. Haire
Colonel Stayce D. Harris
Colonel Thomas P. Harwood, III
Colonel Maryanne Miller
Colonel Pamela K. Milligan
Colonel Robert K. Millmann, Jr.
Colonel James J. Muscatell, Jr.
Colonel Dennis P. Ployer
Colonel Kevin E. Pottinger
Colonel Derek P. Rydholm
Colonel George F. Williams

IN THE ARMY

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

To be major general

Brig. Gen. Vincent K. Brooks

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

To be major general

Brig. Gen. James K. Gilman
Brig. Gen. Philip Volpe

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

To be brigadier general

Col. William B. Gamble
Col. Richard W. Thomas

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Paul W. Brier
Col. Frans J. Coetzee

OFFICE OF PERSONNEL MANAGEMENT

John Berry, of the District of Columbia, to be Director of the Office of Personnel Management for a term of four years.

SMALL BUSINESS ADMINISTRATION

Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration.

[NEW REPORTS]

DEPARTMENT OF VETERANS AFFAIRS

W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN94 AIR FORCE nomination of Kathy L. Fullerton, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN95 AIR FORCE nominations (3) beginning EMIL B. KABBAN, and ending STEPHEN H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN96 AIR FORCE nominations (29) beginning BRIAN D. ANDERSON, and ending MARGARET M. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN97 AIR FORCE nominations (21) beginning MARK T. ALLISON, and ending PHILIP T. WOLD, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN98 AIR FORCE nominations (3) beginning TINA M. BARBERMATTHEW, and ending REGAN J. PATRICK, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN99 AIR FORCE nominations (32) beginning JAMES J. BALDOCK IV, and ending BRENDA L. YI, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN100 AIR FORCE nominations (67) beginning LISA L. ADAMS, and ending RICHARD J. ZAVADIL, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN101 AIR FORCE nominations (1179) beginning ARIEL O. ACEBAL, and ending STEVEN M. ZUBOWICZ, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN118 AIR FORCE nomination of Jonathon V. Lammers, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN119 AIR FORCE nominations (3) beginning GARY A. FOSKEY, and ending CONNIE L. WARR, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN120 AIR FORCE nominations (7) beginning BRYSON D. BORG, and ending DEXTER W. LOVE, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN155 AIR FORCE nominations (2) beginning GEORGE B. GOSTING, and ending JOSEPH S. PARK, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN158 AIR FORCE nominations (51) beginning RICHARD D. BAKER, and ending GREGORY B. YORK, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN159 AIR FORCE nominations (15) beginning JEFFREY L. ANDRUS, and ending ROSE M. WOJCIK, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN160 AIR FORCE nominations (16) beginning FEDERICO C. AQUINO JR., and ending JUNKO YAMAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN161 AIR FORCE nominations (148) beginning JOSELITA M. ABELEDA, and ending GABRIEL ZIMMERER, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN162 AIR FORCE nominations (40) beginning THOMAS J. BAUER, and ending STACEY E. ZAIKOSKI, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN163 AIR FORCE nominations (286) beginning AMANDA J. ADAMS, and ending DON L. ZUST JR., which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN192 AIR FORCE nominations (3) beginning XAVIER A. NGUYEN, and ending JENNIFER A. TAY, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN193 AIR FORCE nominations (3) beginning JOHN M. BEENE II, and ending ELIZABETH N. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN234 AIR FORCE nomination of Ryan G. McPherson, which was received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN235 AIR FORCE nomination of Mark J. Ivey, which was received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN238 AIR FORCE nominations (37) beginning CHRISTOPHER B. BENNETT, and ending DAVID J. WESTERN, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

IN THE ARMY

PN102 ARMY nomination of Peter C. Gould, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN103 ARMY nomination of Garrett S. Yee, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN104 ARMY nominations (6) beginning ROY L. BOURNE, and ending STANLEY W. SHEFTALL, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN121 ARMY nomination of Frank Rodriguez Jr., which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN122 ARMY nomination of Edward E. Turski, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN123 ARMY nomination of Joseph R. Krupa, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN124 ARMY nomination of Kathleen P. Naiman, which was received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN125 ARMY nominations (2) beginning JUAN G. ESTEVA, and ending THOMAS E. STARR, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN126 ARMY nominations (2) beginning ROBERT F. DONNELLY, and ending ANGELICA REYES, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN127 ARMY nominations (3) beginning RICHARD H. DAHLMAN, and ending DAVID A. STILLS, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN128 ARMY nominations (4) beginning JULIE S. AKIYAMA, and ending ANDREW L. HAGEMASTER, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN129 ARMY nominations (3) beginning MICHAEL L. NIPPERT, and ending JOHN K.

GOERTMILLER, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN130 ARMY nominations (3) beginning MARTIN L. BADEGIAN, and ending MARK J. HODD, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN131 ARMY nominations (5) beginning DEBRA H. BURTON, and ending LEE D. SCHNELL, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN132 ARMY nominations (10) beginning PAUL P. BRYANT, and ending CHRISTOPHER R. WARD, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN133 ARMY nominations (77) beginning ROBERT J. ABBOTT, and ending PATRICK J. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN134 ARMY nominations (22) beginning VANESSA A. BERRY, and ending SCOTT F. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN135 ARMY nominations (8) beginning EFREN E. RECTO, and ending WILLIAM A. WOLKSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN136 ARMY nominations (14) beginning SUZANNE D. ADKINSON, and ending BRANDON S. WATKINS, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN156 ARMY nominations (7) beginning THOMAS M. CARDEN JR., and ending ANTHONY WOODS, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN194 ARMY nomination of Laura K. Lester, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN195 ARMY nomination of Brigitte Belanger, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN196 ARMY nomination of Mitzi A. Rivera, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN197 ARMY nomination of Catherine B. Evans, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN198 ARMY nomination of Victor G. Kelly, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN199 ARMY nomination of Ryan T. Choate, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN200 ARMY nominations (9) beginning RAFAEL A. CABRERA, and ending CARL J. TADAKI, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN201 ARMY nominations (43) beginning ROBERT A. BORCHERDING, and ending MICHAEL C. WONG, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN241 ARMY nomination of Victor J. Torres-Fernandez, which was received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN242 ARMY nominations (86) beginning JOSEPH ANGERER, and ending MATTHEW J. YANDURA, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN243 ARMY nominations (3) beginning TED R. BATES, and ending PETER M. MENICUCCI, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN244 ARMY nominations (3) beginning JOHN M. DIAZ, and ending LAVORE L. RICHMOND JR., which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN245 ARMY nominations (2) beginning LUISA SANTIAGO, and ending YEVGENY S. VINDMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN246 ARMY nominations (124) beginning RANDALL W. COWELL, and ending DANIEL M. ZERBY, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN247 ARMY nominations (16) beginning ALBERT J. ADKINSON, and ending WILLIAM E. WYNNS JR., which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

IN THE MARINE CORPS

PN112 MARINE CORPS nominations (5) beginning DAVID G. ANTONIK, and ending STEVEN D. PETERSON, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN113 MARINE CORPS nominations (132) beginning KELLY P. ALEXANDER, and ending ANTHONE R. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN137 MARINE CORPS nominations (773) beginning DEREK M. ABBEY, and ending ROBERT B. ZWAYER, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN138 MARINE CORPS nominations (464) beginning HARALD AAGAARD, and ending MARK W. ZIPSIE, which nominations were received by the Senate and appeared in the Cressional Record of February 25, 2009.

IN THE NAVY

PN55 NAVY nomination of Scott D. Shiver, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN107 NAVY nominations (2) beginning STEVEN A. KHALIL, and ending DAVID B. ROSENBERG, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN108 NAVY nomination of Miguel Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN109 NAVY nomination of David M. Dromsky, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN110 NAVY nomination of Jed R. Espiritu, which was received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN111 NAVY nominations (27) beginning CHARLES C. ADKISON, and ending TRICIA L. TEAS, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2009.

PN164 NAVY nominations (2) beginning GREGORY G. GALYO, and ending OLIVER C. MINIMO, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN248 NAVY nominations (12) beginning CHRISTOPHER G. CUNNINGHAM, and ending CHRISTOPHER A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN249 NAVY nominations (3) beginning JANET L. JACKSON, and ending TODD M. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

DEPARTMENT OF AGRICULTURE

James W. Miller, of Virginia, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, vice Mark Everett Keenum, resigned.

Kathleen A. Merrigan, of Massachusetts, to be Deputy Secretary of Agriculture, vice Charles F. Conner, resigned.

Joe Leonard, Jr., of the District of Columbia, to be an Assistant Secretary of Agriculture, vice Margo M. McKay, resigned.

NOMINATION OF KAREN GORDON MILLS

Ms. LANDRIEU. Mr. President, today the Senate Committee on Small Business and Entrepreneurship unanimously reported the President's nomination of Karen Gordon Mills to serve as Administrator for the Small Business Administration. I would like to thank my ranking member, Senator SNOWE, who recommended Ms. Mills for this post and her staff for their work on this nomination.

I am pleased that President Obama nominated Karen Mills. I believe she has the right mix of experience and education and a willingness to serve that will benefit her in this challenging position. As our new SBA Administrator, Ms. Mills will be an extraordinary role model for entrepreneurs across America—particularly for women entrepreneurs.

Ms. Mills graduated magna cum laude from Harvard with a degree in economics. She then stayed at Harvard to earn her MBA. She started out working as a product manager for General Mills and then segued into what was to become her true passion—growing new businesses. Ms. Mills is a founding partner and was managing director of Solera Capital, a NY-based venture capital firm run largely by women. She currently serves as President at MMP Group, Inc., a private equity investment and advising firm.

Ms. Mills has balanced her role in private, for-profit enterprises with active involvement in her community. This has been demonstrated in the work she has done in Maine, serving on the boards of many nonprofits that work to promote economic development. It also shows in the work that she has done for organizations like the Council on Foreign Relations.

From my meetings with Ms. Mills, it is clear that we share many of the same priorities—for example, assisting women and minority entrepreneurs and making sure small businesses can access credit in these trying economic times.

The SBA is an agency at a crossroads. Under the previous administration, the agency's funding was slashed by 28 percent—the biggest cut of any Federal agency. In my view, the agency was relegated to the back benches during important policy debates on health care, trade and technology innovation, to name a few.

We need strong, capable leadership to return this agency to its rightful place as a Federal advocate for small business interests. In Ms. Mills, I am confident that we have it.

NOMINATION OF JANE HOLL LUTE TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 57, the nomination of Jane Holl Lute.

The assistant legislative clerk read the nomination of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

Mr. LIEBERMAN. Mr. President, I rise to express my unqualified endorsement of Jane Holl Lute to be Deputy Secretary for the Department of Homeland Security.

Mrs. Lute has impressive educational credentials—including a Ph.D. from Stanford, a J.D. from Georgetown, and 3 years as a professor at West Point—an outstanding professional history, and broad national security and management experience, all of which is more than ample preparation for the position to which she has been nominated.

She had a distinguished career in the military, served as the European specialist at the National Security Council during the first Bush and Clinton administrations, and for the past several years has worked in various positions with United Nations Peacekeeping Operations.

Mrs. Lute joined the Army right out of college and spent the next 16 years serving in a variety of capacities, including as an action officer in Operation Desert Storm, U.S. Army Central Command, Riyadh; as company commander, U.S. Signal Command, a brigade signal officer; and as director for european affairs on the National Security Council for President George H.W. Bush and President Bill Clinton. Her military experience with signals intelligence and on the National Security Council has helped prepare her for the intelligence and counterterrorism missions of DHS.

Since 2003, she has served in a variety of senior leadership positions with the U.N., including as the Assistant Secretary-General of Peacekeeping Operations, and most recently as the Assistant Secretary General for Peacekeeping Support in the Executive Office of the Secretary-General of the U.N.

As Assistant Secretary-General, Mrs. Lute has managed a very large and complex Peacekeeping workforce, with responsibility for hundreds of thousands of military and civilian personnel in over 30 countries, including hotspots such as Kosovo, the Congo, and Darfur, to name just a few. This was no small accomplishment. Her leadership helped to ensure the security and welfare of people around the globe living in unaccommodating and hostile circumstances.

She also managed multibillion-dollar budgets and welcomed oversight and constructive criticism of her department, in an organization that many have described as ''openly hostile'' to such transparency.

At the U.N., she managed support operations for the second largest deployed military force in the world, and oversaw a multibillion budget, which grew from $2 billion to nearly $8 billion annually. She undertook a variety of initiatives to improve the management and financial accountability of the Department of Peacekeeping Operations, which included instituting a requirements review panel for acquisitions and a mission startup monitoring process.

When she noticed that the U.N. was short on the procurement personnel with the language skills and expertise needed for the complex transactions they would work on, she helped institute a program to identify, recruit, and train additional staff.

She also instituted advanced training programs for senior administrative and management personnel, in response to deficiencies she observed.

I am particularly impressed by Mrs. Lute's leadership and management experience in a career dedicated to public service. In her testimony before the Homeland Security and Governmental Affairs Committee last week, it was apparent that her experiences have helped her develop into the leader she is today: One who recognizes that, in her own words, ''people are the most important resource any . . . organization has.''

It is a testimony to Mrs. Lute and her work that the committee has received numerous letters supporting her nomination. Letters have come from the International Association of Emergency Managers, the National Emergency Managers Association, the International Association of Fire Chiefs, the Major Cities Chiefs, the National Sheriffs' Association, Lee Baca, the Sheriff of L.A. County, Lee Hamilton, former congressman and current President and Director, Woodrow Wilson International Center for Scholars, HRH Prince Zeid Ra'ad Al-Hussein, Jordan's Ambassador to the U.S., and many others.

Managing the Department of Homeland Security is no small task, demanding a smart and steady hand. The Deputy Secretary post carries with it diverse responsibilities that range from overseeing preparations to respond to a nuclear terrorist attack to ensuring that DHS employees have adequate office space.

DHS has at times struggled to gain solid footing over the course of its six-year lifespan. Each year it becomes stronger, I am happy to note. And I don't think there is any question that the country is safer as a result of the Department's efforts.

But the Department has a difficult and varied mission and its work is central to the security of all Americans. So we must continue to press forward to improve upon its capabilities.

To that end, I am working to draft the Senate's first authorization bill for the Department as a means of laying out what I believe should be its priorities and to make the Department more efficient and effective in its missions. Needless to say, we will be seeking input from the administration.

One of the biggest problems the Department faces is its management of acquisitions. Some of the Department's largest and most troubled acquisition programs—Deepwater, SBINet, radiation detection portal monitors—need stronger oversight and more decisive leadership than they have gotten in the past.

Furthermore, the Department's heavy reliance on contractors to perform basic services raises serious questions about whether DHS is building sufficient internal capacity and institutional knowledge. Right now, DHS still has insufficient capacity to develop requirements and evaluate the technical feasibility of contractors' proposals.

In recent years the United States has seen serious threats to our cyber networks and we have not yet developed the tools to detect and defend against these threats. Due to the vulnerabilities that still exist, we have experienced massive identity theft, monetary loss, and leaks of sensitive information. Moreover, if these vulnerabilities are ever fully exploited, there is the potential to do significant damage to our Nation's critical infrastructure. The Department of Homeland Security has the important responsibility of leading Federal efforts to protect domestic cyber networks, both public and private. The Department has made some progress in developing its capabilities in this area, but much more work remains to be done. I look forward to working with Mrs. Lute to bolster the nation's cyber security.

Clearly, our southern border security has also become a central focus for the Department and the Obama administration. Senator COLLINS and I successfully amended the budget resolution this week to add $550 million for the Departments of Homeland Security and Justice to help stem the flow of drugs and people moving north into the U.S. and guns and money moving south into Mexico. I look forward to a close collaboration with the Department in this area.

The Department faces many other challenges that must be met and conquered if it is to succeed in its ultimate mission of protecting the nation from terrorism and natural disasters. This committee has always worked cooperatively with the Department and will continue to do so to ensure its success.

If confirmed, Mrs. Lute will play a large part in setting the Department on course to overcome these challenges. I want to thank her for her many years of service and say that I believe she is exceptionally qualified to take on DHS' challenges. I urge my fellow Senators to support her confirmation.

Mr. COBURN. Mr. President, Jane Holl Lute has been nominated to become the Deputy Secretary for Management at the Department of Homeland Security, (DHS). If confirmed, she would be responsible for the following at DHS: budget, appropriations, expenditure of funds, accounting and finance; procurement; human resources and personnel; information technology systems; facilities, property, equipment, and other material resources; and performance measurements tracking.

After reviewing the parts of her U.N. record that had to be leaked for any of us to know about it, it is clear that Ms. Lute is either not qualified or not experienced to manage the DHS. When pressed to explain the mismanagement, fraud, and corruption that took place under her watch at U.N. Peacekeeping Operations, Ms. Lute consistently diverted blame to other U.N. officials or departments—making it appear she really didn't manage much of the U.N. If accurate, she is not experienced. When pressed to explain how she is experienced enough to manage DHS, Ms. Lute then claims she was at the center of Peacekeeping Operations, managed the internal operations—making it appear that she was responsible for everything. If accurate, this means she is also responsible for the mismanagement and waste. Ms. Lute cannot have it both ways.

An overall assessment of Peacekeeping Operations is that they are saturated in fraud and abuse.

In 2007 and 2008, the U.N. Procurement Task Force, a branch of the U.N. Office of Internal Oversight Services, OIOS, issued several reports that had to be leaked in order for anyone outside the U.N. to know about them.

The reports were based on investigations related to U.N. peacekeeping management and procurement that uncovered a significant amount of corruption, fraud, waste, overpayments, abuse, negligence and mismanagement in a number of high value contracts. This reflects a lack of an internal control system within U.N. Peacekeeping procurement under Ms. Lute's management.[1]

The findings of the U.N. audit reports are alarming.

For example, the reports found 43 percent of mostly U.N. peacekeeping procurement tainted by fraud. Out of $1.4 billion in U.N. contracts internally investigated, $610 million was tainted by 10 ''significant fraud and corruption schemes.''[2] Since 43 percent of the procurement contracts are tainted and the U.S. taxpayer contributes up to 26 percent of all U.N. funding, it is safe to say the entire U.S. contribution in this case was tainted by corruption an waste.

''Total disregard for controls'' is how the task force described senior U.N. officials involved in peacekeeping procurement fraud.[3] In an environment of no controls, Ms. Lute's Peacekeeping Operations suffered from numerous problems that greatly increased the cost of operations or lost resources altogether.

Specific examples listed in the report include criminal acts such as bribery and kickback schemes, overpayments to vendors, lack of competitive bidding, lack of acquisition plans, lack of qualified procurement staff, splitting single contracts apart to avoid reporting requirements, transactions with no contract in place, unauthorized contracts issued, use of uneconomical contractors, unnecessary expenditures, and dysfunctional asset and property management.

The task force found that significant Peacekeeping missions lacked ''indicators of achievement and performance measures'' for the political and civilian affairs components of operations. Specifically, roles and responsibilities were not formally established, and there were no defined reporting lines and accountability.[4]

The task force reports that a major roadblock to its investigation is due to ''limited cooperation'' from U.N. staff and vendors due to the lack of a compulsory process for obtaining documents and testimony.[5]

Even after the task force exposed Peacekeeping mismanagement, peacekeeping and procurement management were not ''consistent in applying the standards to which they are supposed to hold staff accountable.''[6]

For each of its audits and investigations, the task force made recommendations to Ms. Lute and her U.N. Peacekeeping team on how to address the serious fraud and mismanagement issues. A number of critical recommendations were not accepted.[7]

Regarding Peacekeeping procurement, Ms. Lute tries to have it both ways by diverting blame but also claiming she still has procurement experience.

When asked at her nomination hearing about the procurement corruption under her watch, Ms. Lute claimed that the corruption and mismanagement was not her fault but the fault of procurement staff in the field.

Since she indicated at the hearing that she had little or no responsibility for the Peacekeeping procurement, Ms. Lute was asked in her questions for the record what other procurement experience she had that would qualify her for managing procurement at DHS. Her written response reveals that Ms. Lute was much more responsible for Peacekeeping procurement than she admitted at the hearing. She wrote in her response that she had ''responsibility for oversight of personnel responsible for directly engaging and supervising the provision of contract services.''

Another indication that Ms. Lute has a much larger role and influence on Peacekeeping procurement than she admitted at her hearing is how she pushed through a no-bid contract for her mission to Darfur in 2007. In 2007, Lute personally steered a $250 million no-bid contract for U.N. peacekeeping in Darfur to a subsidiary of Lockheed Martin.

At the time, the Officer-in-Charge of the U.N. Department of Management where much of the U.N.'s procurement took place sent Ms. Lute a memo responding to her charges that Peacekeeping procurement problems was the fault of the U.N. Department of Management.

While the Department of Management has many faults and has an equally tarnished record within the U.N., the comments in the memo are telling in that they reinforce the findings of several OIOS and Procurement Task Force reports.

According to the memo, Ms. Lute failed to plan for the Darfur peacekeeping mission which led to sole source contracting despite having 18 months to prepare. The memo also indicates Ms. Lute failed the preparedness test by not having a logistics concept in place to embark on a logistics delivery capability at short notice that will also meet U.N. procurement rules. Finally, the memo states that the delays in startup of the mission were due to Ms. Lute constantly changing mission requirements. According to the memo, these delays ''constitute a pattern, to which oversight bodies of the U.N. may be less charitable towards and may well find the pattern as troubling.''

In a 2008 OIOIS Procurement Task Force report, U.N. auditors expressed concerns that based on prior audits and investigations that Peacekeeping Operations will face a ''higher-risk exposure to mismanagement, fraud and corruption'' as a result of the no-bid contract requested by Ms. Lute.[8]

It is also important to point out that almost the entire U.N. shares concerns about what Ms. Lute did with this contract. In 2007, the U.N. General Assembly voted 142 to 1, sadly with only the United States dissenting, to express concern about the no-bid contract[9]

Even though Ms. Lute claimed at her hearing that she had little responsibility in contracting decisions or oversight, she clearly had enough influence on the process to pressure her U.N. colleagues to accept a no-bid contract. Why would she then be unable to use this same influence to press for controls, transparency, and accountability in order to protect her Peacekeeping Operations from being undermined by cost overruns, waste, and illicit behavior?

If the assessment from the U.N. official in the Management Department is correct, Ms. Lute failed the preparedness test when it came to rapid deployment of resources and personnel to respond to new crises. Preparedness is what she was responsible for at U.N. Peacekeeping, and it will be what she is responsible for at DHS.

Another indication that Ms. Lute had more responsibility for Peacekeeping procurement than what she admitted to at her hearing was that she publicly defended the Peacekeeping procurement fraud when it was made public in

the media. In 2007, the Washington Post published its report on the Peacekeeping procurement fraud after the U.N. audits were leaked. Ms. Lute chose to respond on behalf of U.N. Peacekeeping. In her op-ed, she makes excuses for the fraud, claims there is no pattern of abuse in peacekeeping procurement, and misrepresented the Washington Post article in order to discredit it. She claims the article was misleading when it said that peacekeeping ''suffered losses in the hundreds of millions.'' In reality, the article quoted directly from the U.N. audits saying correctly that U.N. auditors found multiple instances of fraud that tainted $610 million worth of contracts.[10]

If Ms. Lute was truly not responsible for the massive amount of procurement fraud, it is odd that she would then choose to represent peacekeeping procurement and rebut this article. Even if she had no responsibility for the mismanagement and fraud, it would have been much more productive if Ms. Lute chose instead to use this opportunity in her op-ed to make the case for reforming Peacekeeping operations and procurement, offer suggestions for cutting waste, and laying out a better preparedness plan and logistics concept. Unfortunately, we have no record of Ms. Lute speaking out about the problems that were undermining U.N. Peacekeeping or offering reform ideas whether at a press conference or in a report to the U.N. Security Council.

The Procurement Task Force released a report in July of 2007 regarding its investigation of ground fuel procurement in the U.N. peacekeeping mission to Haiti, MINUSTAH.[11] The conclusion of the report indicated the ground fuel procurement process was not conducted in a fair and transparent manner resulting in bid rigging and the awarding of the contract to a company initially ranked as ''non-compliant.'' U.N. staff from both Procurement and Peacekeeping Departments was responsible. This report made several findings that reflect on Ms. Lute's performance as manager of resources and field deployment.

For example, it reports that Ms. Lute failed to staff MINUSTAH with experienced fuel staff that could evaluate the technical and commercial aspects of the fuel contracting.[12]

It also illustrates that Ms. Lute failed to act on the continual supply chain inconsistencies. The report shows that Peacekeeping staff reported problems including the discrepancy between how much fuel was purchased and what was actually delivered, the contractor's use of substandard fuel tankers, and other problems. Even after the problem had been flagged, the contract was never pulled and reassigned.[13]

Making the U.N.'s risk exposure even worse, under Ms. Lute's watch, MINUSTAH received its fuel supply with an expired contract. The initial fuel contract expired, and while the long-term contract was being prepared, the poor-performing contractor continued to supply fuel to the mission without a written contract.[14]

Ms. Lute failed to step in when poor-performing contractor was given long-term contract despite repeated reports of inconsistent fuel supply and poor performance measurements.[15] Bid rigging by U.N. Peacekeeping and Procurement staff was again to blame.[16]

Since this took place towards the end of her time managing U.N. Peacekeeping, it is telling that, even after five years managing Peacekeeping Operations, Ms. Lute failed to have the proper controls in place that would prevent this from occurring or from being overlooked so many times.

Another U.N. audit report written towards the end of Ms. Lute's time managing Peacekeeping revealed another mission she deployed without proper controls in place. The Procurement Task Force released an audit in May of 2007 regarding its assessment of procurement fraud indicators in the mission to Liberia, UMIL.[17] The audit was designed to test whether UNMIL had the proper controls in place to protect against fraud and corruption.

Regarding UNMIL's requisitioning office, which is under Ms. Lute's management, the audit found that Ms. Lute failed to initiate good business practice and internal control principles by not limiting the number of persons that can raise requisitions.[18] It also found that Ms. Lute failed to staff the requisition office with qualified staff that could ensure specifications on the requisition are accurate. This could lead to inefficient procurement, wasteful purchases, and loss of funds.[19]

Ms. Lute's record responding to Peacekeeper rape and sexual exploitation of women and children is also troubling.

For years, U.N. watchdogs, human rights groups, and now U.N. auditors have been documenting hundreds of allegations and confirmed instances of sexual crimes against women and small children under U.N. peacekeeping care and protection. The perpetrators include both military and civilian Peacekeeping personnel. Allegations of misconduct have been made in every major Peacekeeping operation including the Democratic Republic of Congo, Bosnia, Burundi, Cambodia, Guinea, Haiti, Ivory Coast, Kosovo, Liberia, Sierra Leone, and the Sudan.[20]

Ms. Lute was responsible for the U.N. response to and prevention of the rape and sexual exploitation. Despite claiming a ''zero tolerance'' policy and having systems in place to help prevent this abuse, Ms. Lute's record suggests otherwise with abuse continuing to plague peacekeeping operations and no known prosecution and imprisonment of a single perpetrator.

In 2004, reports first began emerging of the rampant sexual exploitation of children at the Republic of Congo, DRC, peacekeeping mission. According to press reports, in June 2004, U.N. Peacekeeping managers were informed by the head of the DRC Mission that there were initially 50 allegations of sexual abuse, 42 involving minors, but total allegations rose to 72 in a followup report.[21] The report detailed acts such as the rape of a minor in a U.N. armored personnel carrier and a prostitution network of minors at the U.N. airport.

The media reports indicate that the investigation done by Ms. Lute and the other managers of U.N. Peacekeeping Operations was fatally flawed. There was no witness protection offered to the victims which led to witnesses being bribed or threatened to change their testimony. Investigators were reportedly ordered to only investigate claims in one town while ignoring the numerous claims made throughout the DRC.

It is also reported that a high-ranking Peacekeeping official for the U.N. Mission to the DRC was sexually exploiting minors as young as 13, and eventually 150 cases were brought against Peacekeeping soldiers and civilians ranging from abduction and rape of minors to the finding of more than 250 images of child pornography involving Congolese children on the laptop of a U.N. official.

The OIOS documented in January, 2005 at least 7 cases of underage sexual abuse committed by U.N. peacekeepers, and all but one of them were fully substantiated.

There were also press reports of abuses in the Sudan during this same time period. According to The Daily Telegraph, in 2005, U.N. officials knew of the sexual abuse of children as young as 12 that began in 2005 soon after the U.N. Peacekeeping mission in Southern Sudan, UNMIS, went to work to rebuild the region.[22] A leaked internal report compiled by the U.N. children's agency, UNICEF, in July 2005 referred to the sexual exploitation perpetrated by U.N. peacekeepers, military policy, and civilian staff. According to the paper, this report was substantiated by a preliminary report from a leading U.N. affiliated NGO that was unwilling to be named for political reasons.

Allegedly hundreds of children have been abused, and the Telegraph has independently documented at least 20 victims claiming U.N. peacekeepers and civilian staff regularly picked up young children in U.N. vehicles and raped them.

As Under Secretary General for Field Support, Ms. Lute was responsible for responding to this issue and implementing policies to prevent this abuse and bring the perpetrators to justice. Sadly, even after implementing weak reforms—such as what amounts to sexual harassment training for peacekeepers—the abuse continued and there are no known prosecutions or imprisonments for the perpetrators.

In 2006, U.N. investigators at the OIOS substantiated reports that U.N. peacekeepers in Liberia had sexually

abused an under-age girl and U.N. peacekeepers in the Sudan had sexually abused four women.[23] In 2008, the NGO Save the Children reported that peacekeepers were sexually abusing very young children in war zones and disaster areas in the Ivory Coast, southern Sudan, and Haiti— and going largely unpunished.[24] Save the Children reports, ''Children as young as six are trading sex with aid workers and peacekeepers in exchange for food, money, soap and, in very few cases, luxury items such as mobile phones.''

According to Marianne Mollman of Human Rights Watch, the current status of the U.N. response to peacekeeping abuses continues to be poor.[25] Mollman describes investigations of the abuse carried out by Ms. Lute as follows: lack of speed of investigations, lack of transparency and follow through of investigations, and lack of breadth of investigations.

There are other instances of illicit behavior going largely unpunished during Ms. Lute's tenure at Peacekeeping. In 2008, Human Rights Watch issued a letter regarding several cases where Peacekeepers were involved in other illicit activities such as gold-smuggling and weapons trading. In these cases, like the sexual abuse case, Human Rights Watch reports that ''the slow process in carrying out this investigation and the continued lack of action raises important questions on how the U.N. investigates itself.''[26]

When I questioned Ms. Lute about the number of victims she provided assistance to, the budget of her victims' assistance program, the number of perpetrators she successfully had prosecuted, and other basic information, she responded saying she knows of no reports that track this information. This is a disturbing answer from someone claiming to effectively deploy victims' assistance into the field while reports on the ground claim there are many victims that have been waiting for over 4 years but still have not received assistance from Ms. Lute. This certainly does not sound like a policy of ''zero tolerance.''

In her response, Ms. Lute also points out that she coordinated meetings and discussions and conferences at the U.N. regarding Peacekeeping abuse and victims' assistance. But she cannot produce any evidence or information illustrating she carried out the victims' assistance programs or whether any such programs were effective.

In my questions for the Record, in order to ascertain whether or not Ms. Lute has the qualifications to manage DHS, I asked Ms. Lute whether she had experience managing DHS issues and activities such as border security, immigration, port security, counterterrorism, or other DHS-specific portfolios. In her written response, Ms. Lute claims she had ''responsibilities for border security and management where stopping the flow of illegal arms and narcotics is a central part of the Mission's mandate.''

It is important to point out that we have no evidence or data that suggests Ms. Lute has been successful in this endeavor. Using the Peacekeeping Mission to Lebanon as an example, this one mission alone illustrates Ms. Lute's poor performance at stopping the flow of illegal arms as Hezbollah has, on multiple occasions, successfully armed and rearmed on the Israeli border. There are also multiple reports of illegal arms smuggling involving Peacekeepers in Africa supplying arms to local militias.[27]

Ms. Lute also pointed out that she operated a port in the Congo along a river. When I questioned her at the hearing regarding her responsibility for the abuse that took place in the Congo on her watch, she claimed that she had little ''on the ground'' management responsibilities. Her story changes when asked to provide her experience and qualifications to manage DHS.

In her response to my prehearing questions, Ms. Lute indicated that she utilized several performance indicators to determine whether or not her programs were effective. I then asked Ms. Lute whether there is any record of these performance measures or any reports that audit her operations based on these indicators. Ms. Lute responded that she ''cannot recall specifically which report or which measure'' were tracking her performance. In other words, it appears Ms. Lute has not received specific performance reports and lacks a working knowledge of how she performed according to those standards. I believe it is impossible to manage what you do not measure.

Unfortunately for Ms. Lute, the entire U.N. system, including Peacekeeping Operations, lacks even the most basic transparency or accountability. Without transparency, we cannot discover whether or not there is evidence that Ms. Lute, during her tenure at U.N. Peacekeeping, was able to turn her operations around, institute controls, make policy reforms, and whether these efforts were successful.

Every U.N. report that we were able to receive after they were first leaked indicates that operations under Ms. Lute's management were undermined by fraud, waste, corruption, and mismanagement. We have no positive record of Ms. Lute's performance measurements. Several former U.N. officials have written letters of endorsement for Ms. Lute, but the endorsements were based on Ms. Lute's verbal commitment to address the waste and fraud, and none of these officials actually investigated what Ms. Lute did in response or whether her response was effective.

I believe that Ms. Lute is unqualified and inexperienced to manage the Department of Homeland Security. Given her record that we are able to document, I cannot in good conscience support her nomination.

ENDNOTES

[1] Report of the Office of Internal Oversight Services Part two: peacekeeping operations,'' U.N. Office of Internal Oversight Services, February 23, 2007 and ''Report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18–month period ended 30 June 2007,'' U.N. Office of Internal Oversight Services, October 5, 2007—*http://tinyurl.com/9ext17;* ''Report on the activities of the Office of Internal Oversight Services for the period from 1 January to 31 December 2007,'' U.N. Office of Internal Oversight Services, February 25, 2008.

[2] OIOS, October 5, 2007, pg 16.

[3] OIOS, February 23, 2007, pg 2.

[4] OIOS, February 25, 2008., pg 11.

[5] OIOS, October 5, 2007, pg 2.

[6] OIOS, February 23, 2007, pg. 8.

[7] OIOS, February 23, 2007, pg. 17.

[8] Pg 9–10, ''Report on the activities of the Office of Internal Oversight Services for the period from 1 January to 31 December 2007,'' U.N. Office of Internal Oversight Services, February 25, 2008.

[9] Lee, Matthew Russel, ''UN's Jane Holl Lute Admits No-Bid Lockheed Martin Deal Caused 'Confusion,' Says No Conflict of Interest In Iraq and Afghan Overlap with Husband's Role,'' Intercity Press, February 11, 2008—*http://tinyurl.com/cvycq6*

[10] Lynch, Colum, ''U.N. Finds Fraud, Mismanagement in Peacekeeping,'' Washington Post, December 18, 2007; Lute, Jane Holl, ''Overstating Corruption at the U.N.,'' Washington Post, December 26, 2007.

[11] ''Report on the Ground Fuel Procurements at MINUSTAH,'' Report no. PTF–R010/07, OIOS, July 16, 2007.

[12] OIOS, July 16, 2007, pg. 10.

[13] OIOS, July 16, 2007, pg. 22.

[14] OIOS, July 16, 2007, pg. 24.

[15] OIOS, July 16, 2007, pg. 33.

[16] OIOS, July 16, 2007, pg. 44.

[17] ''Audit Report: Procurement fraud indicators in UNMIL,'' Assignment no. AP2006/626/02, OIOS, May 21, 2007.

[18] OIOS, May 21, 2007, pg. 2.

[19] OIOS, May 21, 2007, pg. 3.

[20] Schaeffer, Brett, ''United Nations Peacekeeping: The U.S. Must Press for Reform,'' Heritage Foundation, September 18, 2008—*http://tinyurl.com/brazs6*

[21] Holt, Kate and Sarah Hughes, ''UN: When peacemakers become predators,'' The Independent, January 11, 2005

[22] Holt, Kate and Sarah Hughes, ''U.N. Staff Accused of Raping Children in Sudan,'' The Daily Telegraph, January 4, 2007—*http://tinyurl.com/ympgtn*

[23] ''Report of the Office of Internal Oversight Services Part two: peacekeeping operations,'' Office of Internal Oversight, February 23, 2007.

[24] Corinna Csáky, ''No One to Turn To: The Under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers,'' Save the Children, 2008—*http://tinyurl.com/cun6zb*

[25] Phone interview with and email from Marianne Mollman, Human Rights Watch, February 2, 2008.

[26] Roth, Kenneth and Steve Crawshaw, ''UN: Hold Peacekeepers Accountable for Congo Smuggling: Letter to Chief of UN Peacekeeping Urges Follow-Through,'' Human Rights Watch, July 22, 2007—*http://tinyurl.com/dj36xb*

[27] Roth, Kenneth and Steve Crawshaw, ''UN: Hold Peacekeepers Accountable for Congo Smuggling: Letter to Chief of UN Peacekeeping Urges Follow-Through,'' Human Rights Watch, July 22, 2007—*http://tinyurl.com/dj36xb;* ''Peacekeepers sell arms to Somalis,'' BBC News, May 23, 2008—*http://news.bbc.co.uk/2/hi/africa/7417435.stm.*

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of Jane

Holl Lute to be Deputy Secretary of Homeland Security?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

Mr. LEAHY. Mr. President, the Senate was poised today to confirm three more superbly qualified nominees to fill top leadership positions at the Department of Justice before adjourning for the 2-week April recess. Instead, the Republican minority has returned to the tactics of anonymous and unaccountable holds they employed when they were in the majority to block scores of President Clinton's nominees.

Attorney General Holder needs his leadership team in place to rebuild and restore the Department. Tony West, President Obama's nominee to lead the Civil Division, Lanny Breuer, nominated to head the Criminal Division, and Christine Varney, nominated to head the Antitrust Division, have all chosen to leave lucrative private practices to return to Government service.

None of these are controversial nominees. They all received numerous letters of strong support, and endorsements from both Republican and Democratic former public officials. They were all reported out of the Judiciary Committee last week by unanimous consent. We should be confirming them today, not holding them hostage to the tired partisan playbook of Senate Republicans.

Tony West knows the Department of Justice well. He served in the Department as a Special Assistant to Deputy Attorneys General Philip Heymann and Jamie Gorelick. He then worked as a Federal prosecutor in the U.S. Attorney's Office for the Northern District of California. His commitment to public service continued when he became a Special Assistant Attorney General in the California Department of Justice. He has also worked in private practice. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

His nomination has earned support from both sides of the aisle. The former chairman of the California Republican Party, George Sundheim, sent a letter to the committee stating that Mr. West is admired by ''both sides of the aisle'' for his ''integrity, honesty and decency,'' and that there is no one ''more qualified to assume a position of leadership in the Department of Justice.'' The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's ''extraordinary professionalism,'' and ''smart advocacy . . . executed with the highest degree of integrity.'' We should be confirming this outstanding leader for the Civil Division today.

President Obama has said that Lanny Breuer has the ''depth of experience and integrity'' to fulfill the highest standards of the American people and the Department of Justice. I agree. Mr. Breuer began his legal career as an assistant district attorney in the Manhattan District Attorney's Office. He told us during his hearing that his commitment to ensuring justice for all Americans stemmed from his days working on the front lines of the fight against crime as a Manhattan prosecutor. His call to public service continued while serving in the White House Counsel's Office as a special counsel to President Clinton. Mr. Breuer has also worked in private practice for the prestigious Washington, DC, law firm of Covington & Burling. He is a graduate of Columbia Law School and Columbia University.

Michael Chertoff, who led the Criminal Division at the Department of Justice during the Bush administration, endorsed Mr. Breuer's nomination, saying he has ''exceptionally broad legal experience as a former prosecutor and defense attorney'' and has ''outstanding judgment, a keen sense of fairness, high integrity and an even temperament.'' Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is ''everything one could hope for in a leader of the Criminal Division.''

Mr. Breuer's former colleagues from the Manhattan District Attorney's Office have said that as a criminal prosecutor, he ''distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice.'' Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written to the committee in support of Mr. Breuer's nomination. I agree with all their comments and wish the Republican minority was not stalling confirmation of Mr. Breuer's nomination.

Christine Varney was confirmed to be a U.S. Federal Trade Commissioner in 1994, after being nominated by President Clinton. As a Federal Trade Commissioner, Ms. Varney gained valuable experience in antitrust enforcement and in reducing anticompetitive measures that harm American consumers. Her Government service work includes a high level position in President Clinton's White House, where she served as an assistant to the President and secretary to the Cabinet. She has worked in private practice for the prestigious Washington, DC, law firm of Hogan & Hartson. She also graduated from my alma mater, the Georgetown University Law Center.

Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, say that she is ''extraordinarily well qualified to lead the Antitrust Division.'' Twenty former chairs of the American Bar Association Section of Antitrust Law have described Ms. Varney as a ''highly accomplished, capable nominee who will serve consumers and this country with distinction'' and who will have ''immediate credibility'' in her new position.

I agree. At a time when our economy is suffering, there is a temptation to act anticompetitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place. Now is not the time for delay.

Republican Senators delayed for weeks the confirmation of Harvard Law School Dean Elena Kagan to be the Solicitor General of the United States, before demanding an extended debate on her nomination. They have yet to consent to a time agreement on the nomination of Dawn Johnsen to lead the critical Office of Legal Counsel. And they are now holding up three nominations today, including the nomination of Christine Varney to head the Antitrust Division. I am concerned that Republican delay tactics are creating a double standard for these highly qualified women. Republicans did not apply the same standards or make the same demands for extensive followup information and meetings when supporting President Bush's nominations to the same posts.

Indeed, The New York Times and Roll Call yesterday each featured reports suggesting that Senate Republicans intend to, and are planning to, filibuster the nomination of Dawn Johnsen to serve as the Assistant Attorney General for the Office of Legal Counsel at the Justice Department. I cannot remember a time when Democratic Senators filibustered a Justice Department nomination. Speech after speech by Republican Senators just a few short years ago about how it would be unconstitutional to filibuster Presidential nominees appear now to be just speeches that served a partisan political purpose at the time.

During last week's formal installation of the Attorney General, President Obama reminded Americans and the world that what makes our country unique is that ''we are bound together not by a shared bloodline or allegiance to any one leader or faith or creed, but by an adherence to a set of ideals.'' The men and women at the Department of Justice have a special duty to uphold the rule of law because ''laws are only as effective, only as compassionate, [and] only as fair as those who enforce them.''

All of the nominees we should be considering and confirming today fit the mold described by President Obama and the best traditions of the Department of Justice. I urge Republican Senators to reconsider their partisan obstructionist approach and return from recess ready to end the delays and confirm these nominees.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDER OF PROCEDURE—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Monday, April 20, at 5:30 p.m., the Senate proceed to executive session to consider the following nominations, and that once reported, the Senate proceed to vote as follows:

Calendar No. 34, the nomination of Tony West; Calendar No. 35, the nomination of Lanny Breuer; Calendar No. 36, the nomination of Christine Anne Varney.

I further ask that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; and after the first vote in this sequence, the succeeding votes be limited to 10 minutes each; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 43, the nomination of Christopher R. Hill, to be Ambassador to Iraq.

The assistant legislative clerk read the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.

Harry Reid, John F. Kerry, Richard Durbin, Charles E. Schumer, Jon Tester, Tom Udall, Dianne Feinstein, Edward E. Kaufman, Mark Begich, Frank R. Lautenberg, Bill Nelson, Sheldon Whitehouse, Jack Reed, Bernard Sanders, Christopher J. Dodd, Patty Murray, Benjamin L. Cardin.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the nominations specified in a previous order for Monday, April 20, there be 20 minutes of debate, equally divided and controlled between the leaders or their designees prior to the cloture vote on the Hill nomination, and that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

CORPORAL MICHAEL OUELLETTE

Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the loss of Marine Cpl Michael W. Ouellette, a 29-year-old native of Manchester, NH. Corporal Ouellette died on March 22, 2009, as a result of injuries sustained from an improvised explosive device while on foot patrol in the Helmand Province of Afghanistan. Another marine was killed in the attack and two others were injured.

Corporal Ouellette graduated from Memorial High School in Manchester in 1999. He joined the Marines in June 2005 and was trained as an infantryman. He served two terms in Iraq, deploying there in March 2006 and again in July 2007. He began his third tour overseas when he deployed to Afghanistan in November 2008. Ouellette was assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, NC.

Corporal Ouellette served with honor and distinction throughout his highly decorated military career. He received a number of awards for his duty, including the Afghanistan Campaign Medal, the Combat Action Ribbon, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, the Iraq Campaign Medal, and the National Defense Service Medal.

New Hampshire is proud of Corporal Oullette's service to and sacrifice for our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Corporal Ouellette is survived by his parents, Donna and Leonard Ouellette, as well as a brother, Alan, and a sister, Stephanie. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Marine Cpl Michael Ouellette.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to Cpl Michael Ouellette of Manchester, NH, for his service and the sacrifice he paid for his country.

Michael exhibited willingness and enthusiasm to serve and defend his country after visiting hurricane-ravaged New Orleans in 2005. He subsequently joined the U.S. Marine Corps and served two tours of duty in Iraq before deploying to Afghanistan. Tragically, on March 22, 2009, Michael paid the ultimate sacrifice. In support of his brothers in arms and the country he loved, Michael was killed by an improvised explosive device in Helmand Province, Afghanistan. Corporal Ouellette will live on as a decorated hero and the epitome of a patriot.

Michael graduated from Manchester Memorial High School in 1999. A beloved member of the Manchester community, Michael was the embodiment of selflessness. With the same sense of altruistic integrity that led him to help an unfamiliar and unsuspecting Memorial High classmate fix a flat tire; Michael answered the call to help his country.

In giving his life to protect our freedoms, Michael personified our greatest attributes as citizens. His hard work and dedication was paramount to his unit's success and places him among the great heroes and citizens our state has known. Michael was regularly recognized for his courageous actions in Afghanistan and Iraq, receiving the Afghanistan Campaign Medal, Combat Action Ribbon, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, the Iraq Campaign Medal, and the National Defense Service Medal. He will always be remembered for his courage, kindness, and unwavering devotion.

My thoughts, condolences, and prayers go out to Michael's family. I offer them my deepest sympathies and heartfelt thanks for Michael's service. We will keep his memory alive knowing that his efforts have made us safer and have preserved the liberties we enjoy every day. God Bless Michael Ouellette.

60TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION

Ms. MIKULSKI. Mr. President. I wish today to recognize the 60th anniversary of the creation of the North Atlantic Treaty Organization.

Sixty years ago this April, NATO was created to ensure the freedom and security of western nations in the aftermath of the Second World War. Since

then, it has evolved into the most comprehensive international security organization the world has ever known and has become a reliable cornerstone of America's national security.

As many of my Senate colleagues know, I was an active proponent of NATO expansion in 1999 and again in 2004. For me, the debate over whether to expand NATO had deep personal resonance. For many of the countries aspiring to join NATO at that time, freedom did not come to every nation in Europe at the end of the Second World War. For those countries caught behind the Iron Curtain, the end of the Second World War marked the beginning of a long struggle for freedom and democracy. Even after the Iron Curtain fell, their freedom and security was not ensured. For many of those countries, joining NATO in the expansion rounds in 1999 and 2004 provided true security for the first time.

For me, growing up as a Polish American in east Baltimore, I learned about the burning of Warsaw. I knew about the occupation of Poland by the Nazis. I learned about the burning of Warsaw at the end of World War II, when the Germans burned it because of the Warsaw uprising, Soviet troops stood on the other side of the Vistula River and watched it burn. I learned about the Katyn massacre, where Russians murdered more than 4,000 military officers and intellectuals in the Katyn Forest at the start of the Second World War, so there would not be an intellectual force in Poland, ever, to lead it to democracy. I learned that these terrible events must never be permitted again. When the Senate voted to ratify the accession of Poland, the Czech Republic, and Hungary into NATO, I knew that Poland could finally emerge from the shadow of the Cold War to join the family of Western nations.

In the 60 years since it was created, NATO has been an unprecedented success in deterring conflict and promoting peace and stability. To remain relevant and successful in the future, NATO must keep its doors open to those European democracies ready to bear the responsibilities, as well as the burdens, of membership. We must all remember that for many nations that have been occupied and oppressed over the last 100 years, NATO represents an institution that will guard against a repeat of the despicable and inhumane practices of the old century.

LETTER TO PRESIDENT OBAMA FROM CUBAN PATRIOTS

Mr. MARTINEZ. Mr. President, I wish to share with my colleagues a recent letter from 17 courageous activists within Cuba who are calling for democracy for their country. These individuals represent peaceful local movements across the nation. They represent Cuba's future more than the aged military elite now ruling that country alongside Raul Castro. They are asking for the support of the United States, including a policy that does not ''sacrifice the moral leadership of the United States in the face of commercial temptations.''

Though Cubans have suffered oppression under the Castro regime for more than 50 years, this is an especially appropriate time to raise awareness of the ongoing plight of the Cuban people. In recent weeks, the Cuban regime has tightened its grip on the reins of power and installed hard-line military officers in top government posts. Ironically, at a time with increasing harassment and imprisonments taking place in Cuba, there are efforts within this Congress to adjust U.S. policy in a way that would essentially reward the Cuban regime.

Before any Member of this body or the President considers loosening the sanctions we have on Cuba, I commend the following letter to their reading:

The material follows:

[Informal Translation]

DEAR PRESIDENT OBAMA, Your election is a formidable symbol of what civic determination can do to institute transcendental social and political change. By assuming and conducting your important Presidential duties, you honor the millions of Americans who have fought for liberty, social justice, civil rights and human dignity.

In Cuba, there is a movement representing a broad racial and religious spectrum, formed by women, men, workers, and young people that—despite being the object of terrible repression by the regime in power—is conducting a peaceful civic struggle for democracy and human rights.

Our movement includes the desire for CHANGE by thousands of Cubans who have defied the repression, the intimidation and have overcome the fear to sign their names in petitions for constitutional reforms and academic freedom. Thousands more have refused to join in the attacks or ''actos de repudio'' ordered by the political police against those who aspire for peaceful political change. We are sustained by the inspiration of the more than 1.4 million Cubans that boycotted the elections of a single party and candidate organized by the regime in January and February 2008. Every day, in subtle and not so subtle ways, in visible and invisible ways, the Cuban people increasingly deny their support to the regime in power through acts of civil disobedience.

A great majority of Cubans, including many within the government, yearn for deep democratic changes in Cuba.

The great example of the civil rights movement in the United States is a ray of hope that the full dignity of every Cuban will be restored. We want to determine our future through democratic means.

It is our understanding that your administration will redirect the policy of the United States on Cuba and the regime. We ask that you do not put commercial considerations ahead of political freedom for our people. The regime's repression has increased considerably during the last year, and the militarization at high levels of government is a clear signal of the government's lack of will to initiate real changes. Today, hundreds of political prisoners languish in terrible conditions in Castro's jails. Their only crime has been to fight for the same freedoms that Americans such as Abraham Lincoln and Dr. Martin Luther King, Jr. gave their lives for. Have no doubt Mr. President Obama that their fight is our fight now.

We ask that you consider an international, multilateral strategy that would compel the regime to open itself to its own people by freeing the political prisoners, restoring the civil rights of the Cuban people and organizing free elections with international supervision. Such a policy would reinforce and strengthen the work of many groups of Cubans dedicated to the peaceful political change.

This movement for change seeks to peacefully and deeply transform the political scene of Cuba.

We invite you to not sacrifice the moral leadership of the United States in the face of commercial temptations. Your presidency is a tribute to everything that can be conquered when a cause is just and correct. We dedicate our lives to the movement for the freedom of Cuba and expect—one day—to have a democratically-elected Cuban president who would welcome you to Havana.

Do not forget us. We need your support. We, too, ''have a dream'' of freedom.

Attentively,

1. Jorge Luis García Pérez ''Antúnez'', Presidio Político Pedro Luis Boitel
2. Néstor Rodríguez Lobaina, Movimiento Cubano de Jóvenes por la Democracia, La Habana
3. Rolando Rodríguez Lobaina, Alianza Democrática Oriental, Guantánamo
4. Idania Yánez Contreras, Coalición Central Opositora, Villa Clara
5. Juan Carlos González Leiva, Consejo de Relatores de Derechos Humanos, La Habana
6. Iris Pérez Aguilera, Movimiento Feminista de Derecho Civiles Rosa Parks, Villa Clara
7. Alejandro Tur Valladares, Jagua Press, Cienfuegos
8. Ana Margarita Perdigón Brito, Presidio Político Pedro Luis Boitel, Sancti Spiritus
9. Joaquín Cabezas de León, Movimiento Cubano Reflexión, Villa Clara
10. Ricardo Pupo Sierra, Plantados hasta la Libertad y la Democracia, Cienfuegos
11. Enyor Díaz Allen, Movimiento Cubano de Jóvenes por la Democracia, Guantánamo
12. Cristián Toranzo, Movimiento Cubano de Jóvenes por la Democracia, Holguín
13. Marta Díaz Rondón, Movimiento Feminista de Derecho Civiles Rosa Parks, Holguín
14. Margarito Broche Espinosa, Consejo de Relatores de Derechos Humanos de Cuba, Villa Clara
15. María de la Caridad Noa González, Comisión de Derechos Humanos y Reconciliación Familiar, Villa Clara
16. Virgilio Mantilla Arango, Fundación Cubana de Derechos Humanos, Camagüey
17. Yorledis Duvalón Gibert, Movimiento Cubano de Jóvenes por la Democracia, Santiago de Cuba

COMMISSION OF INQUIRY

Mr. LEAHY. Mr. President, since I last came to the floor to discuss a proposal for a Commission of Inquiry, Americans have learned disturbing new facts that underscore the need for such a nonpartisan review. In the last 8 years, expansive views of Presidential authority and misguided policies have dominated the question of how best to preserve and protect national security. As Senators, we each take an oath to ''support and defend the Constitution of the United States.'' In the months and years following 9/11, driven by an inflated view of executive power, the Bush-Cheney administration compromised many of the very laws and

protections that are the heart of our democracy. Their policies, which condoned torture, extraordinary renditions, and the warrantless wiretapping of Americans, have left a stain on America's reputation in the world.

In recent weeks, we have also seen a few more opinions previously issued by the Office of Legal Counsel after 9/11 that had been kept secret until now. I commend the new Attorney General on their release. I have asked that more be released, and it is my hope that they will be soon. These opinions sought to excuse policies that trample upon the Constitution and our duly enacted legal protections. These opinions arise from an arrogant rationale that the President can do anything he wants to do, that the President is above the law. The last President to make that claim was Richard Nixon. We saw the results of that policy in Watergate. It was through efforts like the Church Committee that we revised our laws and moved forward. In my view, it is time to do so again.

Perhaps the most persuasive new revelation that demonstrates why we cannot just turn the page without reading it is Mark Danner's account of a leaked copy of a report on the treatment of detainees at Guantanamo Bay. The report, compiled by the International Committee of the Red Cross, is nothing short of chilling. One detainee interviewed describes: ''Two black wooden boxes were brought into the room outside my cell. One was tall, slightly higher than me and narrow .The other was shorter, perhaps only [3½ feet] in height. I was taken out of my cell and one of the interrogators wrapped a towel around my neck, they then used it to swing me around and smash me repeatedly against the hard walls of the room. . . . I was then put into the tall black box for what I think was about one and a half to two hours. . . . They put a cloth or cover over the outside of the box to cut out the light and restrict my air supply. It was difficult to breathe.''

The report continues to describe how these men were kept naked, shackled to a chair for weeks in freezing cold temperatures, forced with cold water to stay awake for days on end, bombarded with loud music, starved, and beaten over and over again. In one interview, a man describes how he was waterboarded: He was ''dragged from the small box, unable to walk properly and put on what looked like a hospital bed, and strapped down very tightly with belts.'' As they poured water on him, he said ''I struggled against the straps, trying to breathe, but it was hopeless. I thought I was going to die.''

The report concludes that from those descriptions, this was torture. And there is mounting evidence to suggest it was a Bush administration policy. Media reports suggest that the CIA briefed high-level administration officials on the interrogation plan. Vice President Cheney admitted in an interview with ABC News that he supported the plan that authorized these measures, including waterboarding. In fact he continues to claim, without any basis, that the Bush administration's interrogation tactics, including torture, were appropriate and effective.

This past Sunday, a Washington Post article described how the waterboarding of Abu Zubaida failed to produce any useful intelligence. Of course, Zubaida is a detainee who many Bush administration officials had long claimed provided useful intelligence only after he was subjected to harsh interrogation techniques. According to Post interviews of former senior government officials, ''not a single significant plot was foiled as a result of Abu Zubaida's tortured confessions . . . Nearly all of the leads attained through the harsh measures quickly evaporated, while most of the useful information from Abu Zubaida . . . was obtained before waterboarding was introduced.''

Jack Goldsmith refers to the August 2002 ''Bybee memo'' as the ''golden shield,'' because it redefined torture in order to shield decisionmakers from liability for these tactics. The release of related memos is needed. Whether they end up shielding decisionmakers from prosecution, they should not shield them from accountability. Accountability does not only happen in a courtroom. We need to know what was done. Transparency and accountability can help restore our reputation around the world. Most importantly, to reestablish the trust of the American public in their government, they deserve to know and understand what happened.

Just last week, we heard about the Bush administration's attempt to silence Binyam Mohammed, a British citizen held for years as an enemy combatant at the detention facility at Guantanamo Bay. He claims that he was tortured during the course of his detention. Bush administration officials apparently demanded that he sign a secret plea bargain which would have prohibited him from ever suing the United States over his alleged torture in order to be sent back to the United Kingdom. He did not and now Britain is investigating his allegations. When asked about the involvement of a particular British intelligence agent, Mr. Mohammed said, ''I feel very strongly that we shouldn't scapegoat the little people. We certainly shouldn't blame 'Witness B,' he was only following orders.''

One of my concerns in proposing the Commission of Inquiry is that we not scapegoat or punish those of lesser rank. Such a commission's objective would be to find the truth to provide accountability for the past. People would be invited to come forward and share their knowledge and experiences, not for purposes of constructing criminal indictments, but to assemble the facts, to know what happened and to make sure mistakes are not repeated. We have had successful oversight in some areas, but on issues including harsh interrogation tactics, extraordinary rendition and executive override of the laws, the last administration successfully kept many of us in the dark about what happened and who ordered it.

One month ago, the Judiciary Committee held a hearing to explore my proposal. A bipartisan panel of respected witnesses explained why we need such a commission. Since that time, this idea has received a wide range of support from people all across this country. I am not interested in a panel comprised of partisans intent on advancing partisan conclusions. I regret that Senate Republicans have approached this matter to date as partisans. That was not my intent or focus. Indeed, it will take bipartisan support in order to move this forward.

I continue to talk about this prospect with others in Congress, and with outside groups and experts. I continue to call on Republicans to recognize that this is not about partisan politics. It is about being honest with ourselves as a country. We need to move forward together.

I recently heard from the Nobel Prize recipient Bishop Desmond Tutu about this proposal. Bishop Tutu, respected throughout the world for his efforts for peace and justice in his own country of South Africa, offered his support for what we are trying to do.

The legacy of the last administration left us facing crises in more areas than just the economy, the wars in Iraq and Afghanistan, and the worst recession since the Great Depression. There is no question that those are all pressing issues. But we cannot ignore the failures of government forever. We do so at our peril.

We are tackling tough issues in these difficult and uncertain times. The Judiciary Committee has a full legislative agenda, having reported bipartisan legislation to fight fraud, public corruption and to aid the economy through patent reform. But the fact remains that under the most remarkably broad expansion of executive authority in my lifetime, we have seen policies on detention and interrogation that undermined our values, our reputation and, many believe, our efforts to ensure national security.

The country will need to have an honest discourse about what happened and what went wrong. I continue to feel strongly that a Commission of Inquiry would provide us the best nonpartisan setting in which to undertake that study and national conversation. I think we should proceed sooner rather than later. I am continuing to reach out and to work on the proposal. But a conversation is not something I can undertake unilaterally. As strongly as I feel, it will take the cooperation and commitment of others for this proposal to serve its intended purpose so that we can join together to move past the mistakes of the recent past.

RECOGNIZING HOSTELLING INTERNATIONAL USA

Mr. UDALL of New Mexico. Mr. President, today I wish to recognize Hostelling International USA for 75 years of service to intercultural understanding and youth travel.

Since 1934, Hostelling International USA has hosted 22 million visitors in its 70 hostels across the country. These visitors came from across the country and around the world. Hostels made their trips affordable and gave them the opportunity to see more of our country. My State of New Mexico is the proud home of 10 hostels that give visitors the opportunity to see our beautiful landscape and experience our unique culture.

HI-USA works because of the many volunteers who help educate travelers, find sites for new hostels, and promote youth travel.

Please join me in celebrating 75 years of Hostelling International USA.

DENOUNCING THE IMPRISONMENT OF MIKHAIL KHODORKOVSKY

Mr. CARDIN. Mr. President, last October marked the fifth anniversary of the arrest of Mikhail Khodorkovsky, the former head of Yukos, Russia's largest oil company. The Council of Europe, Freedom House, and Amnesty International, among others, have concluded he was charged and imprisoned in a process that did not follow the rule of law and was politically influenced. This miscarriage of justice in 2003 is significant because it was one of the early signs that Russia was retreating from democratic values and the rule of law.

Last month, Russian authorities decided to go to trial with a second set of charges first introduced in 2007 when Khodorkovsky was to become eligible for parole. Despite credible reports that he was a model prisoner, parole was denied on apparently flimsy and contrived technical grounds. Yet the Russian judiciary recently saw fit to grant parole to Colonel Yuri Budanov, who was serving a sentence for raping and murdering a Chechen girl. I would also like to note that it was Stanislav Markelov, a courageous attorney who was instrumental in putting Budanov behind bars. But Budanov is now free and Markelov was gunned down, along with Anastasia Baburova a journalist for Russia's premier independent newspaper Novaya Gazeta, in broad daylight in central Moscow last January. The message this sends is loud and clear and profoundly disturbing.

Based on the observations of many independent international lawyers and organizations, there was no compelling evidence that Khodorkovsky or any of his associates were guilty of the crimes for which they were originally charged or that the legal process reflected the rule of law or international standards of justice. Even Russian officials have acknowledged that Khodorkovsky's arrest and imprisonment were politically motivated. As reported by the Economist, Igor Shuvalov, First Deputy Prime Minister of Russia, admitted that Khodorkovsky was in a Siberian prison camp ''for political reasons.'' He added that ''Once you behead someone, you give a good example (to other Russian tycoons) of how to behave.'' In other words, freedom for Russia's businessmen is determined by the Kremlin's political expediency. As reported by The Washington Post and the Boston Globe, Shuvalov has called the trial and continued imprisonment of Khodorkovsky a ''showflogging'' intended to serve as an example to others on the political consequences of challenging the Kremlin's economic ambitions.

The current charges against Khodorkovsky amount to legal hooliganism and highlight the petty meanness of the senior government officials behind this travesty of justice.The charges and verdicts have been inexplicable to Russian and Western lawyers, leading international organizations, courts, and human rights groups to condemn the trial as politically inspired. The second set of charges against Khodorkovsky should be dropped and the new trial should be abandoned.

I strongly support President Obama's call to reset the U.S.-Russian relationship and welcome the statement that emerged from his meeting in London with Russian President Medvedev. We have many common interests with Russia and must seek to improve the atmosophere and substance of our ties with Moscow. But the Helsinki process is predicated on the idea that domestic politics and inter-state relations are linked. I hope that President Medvedev, a trained jurist from whom many hope to see evidence of a reformist approach, will make that connection. The case of Mikhail Khodorsky is a good place to start.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Due to the price of gas, my husband might get laid off. He shuttles the railroad employees around Idaho. At this time I do not have a job due to being laid off from St. Al's, so gas prices have and will continue to affect our family until something is done about it!

SARAH.

In short, the fuel prices are making small farming extremely difficult. I have been retired for seven years, and have a small farm to help supplement our income. I have empathy for all citizens in this fine country who are struggling. The time is far spent; our resources need to be utilized now. The environmental hacks and the tree huggers as well as the nuke protestors [have caused harm to our country]. America is hurting because of political gaming. My grandchildren desire to see my wife and me; however, we can no longer afford the fuel for long trips. I am thankful for being able to plant two gardens with intentions of helping less fortunate with food items as they struggle to make ends meet. I have discontinued use of any recreational outings to help stave off the discomfort of tight budgets. A sad commentary after working and saving for over 45 years, and this is the kind of retirement that has been foisted upon millions of us seniors.

RALPH, *Mountain Home.*

Thank you for asking: Here is the data—I spend $85 a week or $340 a month driving to work. I spend an equal amount for health care; or that amounts to two paychecks in a month leaving me and family two paychecks for food and housing. Simple math makes one question—in whose interests are our elected leaders working?

FLOYD, *Pocatello.*

When we talk about energy, most people think of two things; Gasoline and the power and gas for their homes. When I hear you politicians talk about weaning ourselves off of fossil fuels, it makes me cringe. How far are from having the technology to produce electric engines that will fly an airplane and what will it cost to produce them? Right now we are at least 50 years from become free of fossil fuels unless I am not up to speed on things, (which is possible). Let us not forget also all the other petroleum-based products we use in our everyday lives. Plastics, foam, etc., are all going to still be wanted and they are also going up in price. I like where you stand on nuclear energy, but until we can quiet the environmental extremists on this point, we will not soon get there. As long as this country is held hostage by special interest environmental groups we will continue to slide economically. I hope [conservatives have not] moved so far left already to start curbing some of this.

My husband and I live in Oakley, which is a small farming community located 20 miles from the nearest town of Burley. Our farmers are getting hit extremely hard due to the cost of diesel, which also raises the cost of shipping. We owned a trucking company that we were forced to close due to the rising costs of fuel. My husband is also a disabled Viet Nam veteran and must drive to the VA hospital every week for various treatments. That is a distance of 200 miles. Since we are on a very small fixed income, we are soon going to be unable to afford to pay our basic living expenses. Our elderly parents live on the coast, and we have had to cancel all plans to visit them this summer. Please stop

this runaway inflation. I am in favor of using domestic energy sources but congress has been ignoring it. It will soon be too late for most of us.

UNSIGNED.

Yes, I am spending more on gas this year. Yet, I believe we need to put more of our government money into conservation and alternative energies not increasing energy exploitation in the U.S. We have the technology and the innovation as Americans to be creative about this problem. I would love a tax break to purchase a hybrid vehicle or a vehicle that uses biodiesel. Please represent us well and keep our pristine, beautiful environment in Idaho and the coastal U.S. any further.

JENNIFER, *Victor*.

My husband is a dentist and earns a good living, but we have felt a need to curtail our usual driving habits because of fuel prices. My husband drives a diesel pickup to and from work and we also use it to pull our boat. He has been considering buying a scooter/m.bike to ride because of the high diesel price, but I really do not want him crossing busy roads on a vehicle that is harder for another driver to see. I have curtailed my trips to town which cuts down on my consumerism. Not a bad idea, but it will likely be what others are doing which is not good for the local economy. Our own dental practice feels the crunch of conservative spending. Our grown children that live away from this area are cutting back on their visits. I do not like not being able to see my grandchildren as often. Higher gas prices limits the lifestyle of everyone. We are so spread out in this country that it is an investment to go anywhere. Let us get drilling!!!

RENEE, *Twin Falls*.

I am in the insurance business and use my vehicle for work. The high fuel prices are really eating into my margins and are making it increasingly hard to stay on top of my personal and business finances. The way I see it is we need to: First, increase our refinery capacity. Build new refineries. Second, increase drilling for more crude. But this will not help until we have the refinery capacity to process it. Third build nuclear power plants for inexpensive electricity.

Of course, all of the above are extremely difficult with the left wing environmentalists fighting us but somehow we have got to get it done! I am just not sure alternative fuels are the answer because of the cost of production.

KENT, *Paul*.

I have supported you because you have always listened and tried your best to solve the problems of all of your constituents. Now you ask for stories about how the high price of oil has affected Idaho families. I would like to give you rather than a story is a solution, albeit a simple-minded one.

As gasoline prices keep racing towards $5 per gallon, I think it is time to rethink some of our policies. OPEC feels it has a stranglehold on the West and continues to tighten. Now a real simplistic approach to this problem from a purely capitalist point of view would be to look at what goods these countries cannot produce themselves and increase prices there until they feel the pressure to release oil at a more reasonable cost per barrel. You know it is supply versus demand. Last time I checked, they cannot grow enough grain or other food products to sustain life in that region and yet we continue to give away everything. I know this does not breed friendship abroad but they are not our friends anyway, they have proved that time and again.

We also need to release all the energy alternatives that oil companies have been withholding from this country to continue [their] stranglehold on the United States for their profits. This would allow us to relinquish our addiction to foreign oil and strengthen our economy, rather than making continually throwing money at our enemies. Then and only then can we become the Land of the Free and Home of the Brave once again.

Just my opinion, Thank you for your time and allowing me to vent these ideas to you.

JEFF, *Nampa*.

My wife and I like many Idahoans and Americans are feeling the pinch with energy costs rising. There are many issues that attribute to the problem and I feel helpless as an individual that any of these issues will be resolved but we must try, we have no alternatives but to try. If I could prioritize a list of things that I feel we should to do help immediately relieve some of the pain, I would say do the following in order of priority:

(1) Stop the big oil companies from getting so much profit by putting controls on their profits and not help them get such big profits;

(2) Use domestic energy sources;

(3) Nuclear power; and

(4) Renewable and alternative sources of energy.

Now the number one priority in my opinion will be the toughest because I believe like so many other Americans that most government officials will not allow this to happen either because of special interest or under the table money they are receiving from big oil companies. The problem is our government officials are doing nothing illegal in most cases because it is not against the law for special interest groups to contribute to or otherwise [provide a political benefit to their supporters]. As long as this is going on, our rising energy problems will never be solved. We need to get this under control otherwise the big oil companies will pillage us Americans as long as they can.

Other obvious fixes are to use domestic energy sources and nuclear power as much as possible. But as long as the oil companies have free reign, our skyrocketing energy costs will never get under control. We need to pass laws against extreme profits and against allowing big oil companies to lobby our Senators and Congreesman.

DIRCK and CINDY.

Promoting the transition to a hydrogen economy (fuel cell-powered cars) benefits Idaho in two ways: (1) It reduces our dependence on oil and (2) It will fuel the expansion of Idaho National Lab's nuclear research efforts. The two best contenders to replace fossil fuels are batteries or fuel cells. Fuel cells are more compact and better suited for cars, but energy to charge a car battery is much more readily available.

The Next Generation Nuclear Plant (NGNP) being developed at INL (among other national labs) will produce hydrogen at low cost with no carbon emissions. By promoting the growth of the hydrogen economy, Congress will steer research in the direction of NGNP as a replacement to current oil-derived hydrogen.

To make hydrogen viable, the government needs to make more hydrogen available. This means subsidizing hydrogen ''gas stations'' in high-commuter areas and pushing the NGNP concept through DOE funding. Idaho is a big part of the solution, but the federal government needs to start tapping its valuable scientific resources now.

AARON.

We live in Parma. There is nothing here, a little store and a gas station, but nothing else. To do any serious shopping we have to go into Caldwell or Nampa or Boise, at a cost of over $50 for one trip. We do not go shopping often and paying for the gas makes it so expensive we have to cut down on other purchases. We are eating a lot of beans and cornbread, grinding our own wheat and raising a garden because I cannot afford both fuel and food for my little family.

What's going to happen this winter? Where are the programs for underwriting the cost of propane and natural gas? How about helping with the purchase of wood? Have you considered a quick program that would insulate the homes, or help purchase new windows and doors?

There is a new solar energy development from NanoSolar that no one will make available to homeowners. We could have solar power for a few cents a foot on our roofs. Solar is free and clean, unlike the deadly option like nuclear power. If we do not know how to take care of the garbage from nuclear, then we should not have nuclear power in the first place.

If action is not taken in a big way to save what we have and get into renewable power, the country is not going to survive and this winter will be deadly.

ANN, *Parma*.

I first want to thank Mike Crapo for taking an interest in what we the people are worried about. Finally, someone in our government that is listening to the people and their concerns. I hope that these concerns do not fall on deaf ears and can promise each of you if they do, you will not remain in office long. We as Americans will not tolerate being ignored.

I work in a hospital and help people in need every day by using my field of expertise. (I expect the same from our government representation.) However when I see people holding off until they have no choice but to come in for major medical issues because of financial concerns and when I see many who die because they did not get help soon enough, I feel it time for someone to stand up for them and say enough is enough. It is time for a change.

I do not make a ton of money but know that I am in much better shape than those who work so hard in housekeeping, maintenance, and other lower paying areas in our hospital. I feel the crunch pretty hard with five kids, a mortgage and such and have tried not to drive but walk or ride my bike when I can. However, with the winters, we have and the distance we have to travel in our great state, this is often not possible. So I have to drive. When I get down to a half a tank of fuel, I fill up. Why? Well, it costs me $72 for a half a tank of diesel and I fear that I would have a stroke on the spot if I had to fill it from empty. That gentleman is ridiculous! I cannot even imagine how those in lower-paying jobs can even make it! When I go to the store and see food prices I am again appalled at what is happening. When I buy clothing, still again I am shocked at the staggering prices. Everything seems to be going up but our wages. Now we do not have the best. We do not buy name brand. We have tightened our belt, and there was not a lot of fat to trim before that. Then we have tightened again. There is not much more to tighten. And I would consider us to be a family in a very modest home, with not much in the way of extras and we have tried to keep our debt to home and car (and never a new car). But with the price of fuel, both for cars and home, things are getting out of hand in a hurry. Why? Greed and power through fear!

Here is the deal. We sit on more oil then OPEC. And yet we have closed at least three refineries in the last ten years. We have never been able to refine oil as cleanly and

efficiently then we can now and yet our government chooses not to build more refineries and sink more oil wells. Supply and demand still runs any business and yet if we were to increase supply, we could still make a healthy profit. Enough to pay for the refineries in a hurry and to put more research into alternative fuels. Not to mention lower dramatically the prices not only at the pump, but everywhere else as well. We might even start to help replenish our failing Social security and pay down our national debt. Business sense is what we need in Washington. Reagan Economics that helps to build for the future, not run our great nation further into the ground. We do not need more taxes; we need more initiative in Washington. We need leaders that put the interests of the people first and the world second. We need to use what we have while developing new technology for the future. We need some good old fashion farm boy ''fix it''—live within your means, balance your own checkbook logic. Occam's Razor says that ''the simplest answer is usually the best one''. We do not need bickering and fighting; we need cooperation. We do not need pork bellies and hidden agendas; we need playing well in the sandbox. We do not need environmentalists dictating to us; we need people who look out for the environment while utilizing in the best way we can, the resources that we have. We need to tap into the creative genius of a nation that has continued to wow the world for over 200 years. We need God and we need to humble ourselves enough to see the other person's ideas for what they are, [accept] what we can use and build together the nation we have had in the past. It is time to put away selfishness and start working with each other toward a stronger more sound America.

Remember that people cannot create and press forward when they can hear nothing but their bellies growling and feel the discomfort of not having their physical needs met. It is when their physical needs are met that they can concentrate on other higher creative thought processes.

Fuel has brought us down in a hurry of late and is a great place to start to bring us back up. Roll up your sleeves and get to work. Supply and demand is still what runs a business, and it seems that we have more than enough supply of professional politicians, saying one thing and doing another or just plain ignoring what we the people say, each of you know where that leads. Be the one to stand shoulder to shoulder with those that have Americas best interest at heart and make a change for the better. We sure do need it if we are to survive.

STEVEN, *Idaho Falls.*

Thank you for giving the people the opportunity to be involved. There is definitely a need for concern about the energy crisis, economy and environmental impacts. These problems are linked and have been around for a long time. They are only going to get worse unless we take stronger action now. There is a solution for the crisis and there always has been. The solution is to unite the people for the cause. ''For united we stand and divided we fall''.

The following are topics that can immediately be addressed: (1) personal choices; (2) clean energy economy; (3) adoption of renewables; (4) enhanced energy efficiencies; (5) innovative leadership. Visit www.wecansolveit.org for more details.

My story is to get involved and encourage others to get involved! We can start with personal choices by using products and technologies that enhance energy efficiencies such as light bulbs, water saving and efficient toilets, dishwashers, clothes washers, moisture controlled sprinkler systems, biodegradable products, etc.

Fuel reformulators would increase fuel economy by as much 20% and decrease hydrocarbons in the atmosphere by at least 30%. A bridge over troubled waters? (If everyone participated in this one, it would be like taking approximately 145,000,000 cars and trucks off the highway nationally or 175,000 in the state of Idaho alone!). Visit www.forearthonline.com/EarthLink

Recycle materials and Vote for candidates who are for the people, for the cause, for the earth!

LARRY, *Hailey.*

ADDITIONAL STATEMENTS

REMEMBERING ANDREA MEAD LAWRENCE

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in reflecting on the memory and deeds of a remarkable American, Andrea Mead Lawrence, who passed away March 31 in the town of Mammoth Lakes in Mono County.

Andrea was born in Vermont, where she developed a life-long love of winter sports. At the age of 15, she participated in the 1948 Winter Olympics in St. Moritz, Switzerland. In the 1952 Winter Olympics she won two Gold Medals in the Olympic Special and Giant Slalom races in Oslo, Norway. She also competed in the 1956 Olympics in Cortina d'Ampezzo, Italy. She was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25. In 1960, she was the torch lighter at the Winter Olympics in Squaw Valley, CA. She remains the only American double-Gold Medalist in Alpine Skiing. Additional honors and her love of winter sports continued the rest of her life.

In 1967, she moved to Mammoth Lakes in California's spectacularly beautiful Eastern Sierra, a place that she fought to protect, for the rest of her life. Serving 16 years on the Mono County Board of Supervisors, she worked tirelessly to protect and restore Mono Lake and as a member of the Great Basin Air Pollution Control District, she saw that air pollution caused by the de-watering of Owens Lake was reduced. She founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much.

Last summer, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra Wild Heritage Act, a bill that became law with the signature of President Barack Obama, the day before she died. Andrea knew that this legislation to protect nearly 500,000 acres of her beloved Eastern Sierra had become law.

Andrea Mead Lawrence passed away surrounded by her children, Cortlandt, Matthew, Dierdre, Leslie and Quentin, and leaves four grandchildren. She was 76 years old. Andrea had a remarkable and wonderful life and she will be sorely missed by all those who were fortunate enough to know her. She leaves a rich legacy that will continue to benefit present and future generations.•

150TH ANNIVERSARY OF CARIBOU, MAINE

• Ms. COLLINS. Mr. President, it is with pride and gratitude that today I commemorate the 150th anniversary of Caribou, ME, which happens to be my hometown.

The early settlers of Caribou were brave, self-reliant pioneers who left the comfort and security of established communities behind to make their own way in the wilderness of northern Maine. I am proud that my ancestors, led by Samuel Wilson Collins, were among that intrepid number, and grateful that for six generations my family has been a part of this wonderful community.

I have great memories of growing up in Caribou, where my parents both served as mayor, and where my brothers now run our fifth generation family lumber business. I remember fondly starting the school year in August so that we could take time off to pick potatoes, working at the public library, and the fun we had going to high school basketball teams, especially during the exciting 1969 State championship season.

But more than anything, I remember what it was like to grow up in a place that had such a strong sense of community. We learned to care for our friends and neighbors and to value our family members. We learned to help those in need. And Caribou's farm and lumber roots taught us the importance of hard work. The lessons I learned growing up in Caribou have stayed with me my entire life and I know many others who would say the same.

This sesquicentennial year is a time to honor those who turned a remote settlement into a center of commerce, education, arts and recreation. It is a time to honor the valiant young men who served in many wars, beginning with the Civil War, and who have risen to our Nation's defense ever since.

It is a time to honor the people of Caribou who celebrate each others' joys and who share each others' burdens.

Mr. President, a couple of years ago, the television host and author Larry King asked me to contribute to a book he was compiling of short essays describing an all-important lesson the contributors learned growing up. I was delighted by the request and had no trouble recalling that defining moment.

One of my earliest childhood memories is of being taken to the Caribou Memorial Day Parade by my Dad. A decorated World War II veteran, with the modesty characteristic of all who serve our Nation in uniform, he would hoist me onto his shoulders so I could better see the parade. And what I was able to see was the entire street lined by the people of Caribou, taking off their hats and putting their hands over their hearts as our flag went by, their eyes shining with pride in their country and with gratitude for those who serve her. A community that joins together to honor its past and to face its

future that is Caribou. That is my hometown.

Mr. President, I am proud of what the people of Caribou, ME, have accomplished in building a great American community. I am deeply grateful for the many blessings that this community has given me, and so many others.●

TRIBUTE TO ADMIRAL ROBERT PEARY

● Ms. COLLINS. Mr. President, today I wish to commemorate the expedition of ADM Robert Peary and his discovery of the North Pole 100 years ago, on April 6, 1909.

While Robert Peary was born in Pennsylvania, he was educated in the State of Maine, at Bowdoin College in Brunswick. He graduated in 1877. He lived in Portland and Fryeburg, and built a home on Eagle Island, which is now a State park.

A century ago, Admiral Peary and his men set sail for the North Pole in the Maine-built SS *Roosevelt*. They sailed through the frigid, ice-laden North Atlantic and froze the ship into a bay off northern Ellesmere Island. After more than a month of dog sledging over the moving sea ice covering the Arctic Ocean, Admiral Peary, Matthew Henson, and four Inughuit men stood at the northernmost place on Earth—the sea ice that marked the North Pole.

Peary's success had come after a number of previous failures and lessons learned. Nations had competed to get there; countless men had suffered trying to do so, and some had even perished.

The story of Robert Peary, his expeditions, and his attainment of reaching the North Pole is a celebration of the triumph of leadership, creativity and ingenuity.

Though traveling there has become significantly easier than it was in 1909, the North Pole remains a destination for scientists. The fact is, however, the North Pole of today is not the same North Pole that Admiral Peary discovered. The thick, multiyear sea ice that Admiral Peary encountered has disappeared. In the last 30 years, the Arctic has lost sea ice cover over an area ten times as large as the State of Maine, and at this rate the Arctic Ocean will be ice free by 2050. Global climate change is one of the most significant environmental challenges facing our country, and it has renewed scientific interest in the North Pole.

Today, visitors to the Peary-MacMillan Arctic Museum at Bowdoin College can learn more about Admiral Peary's historic journey to the top of the Earth. In special recognition of the 100th anniversary of the expedition, the museum has brought together an impressive collection of objects that were at the North Pole on April 6, 1909, including an American flag that flew at the pole on that day, a page from his diary where he reflects on his accomplishment, and one of his sledges.

The people of Maine, and especially those at Bowdoin College, are proud of Robert Peary and of all of those involved in his epic journey. I am pleased to honor the anniversary of this historic occasion.●

20TH ANNIVERSARY OF THE EITELJORG MUSEUM OF AMERICAN INDIANS AND WESTERN ART

● Mr. LUGAR. Mr. President, I am pleased to have this opportunity to recognize a hallmark event taking place this year in Indianapolis, IN—the 20th anniversary of the Eiteljorg Museum of American Indians and Western Art.

The museum's facility first opened its doors on June 24, 1989, and was one of the first cultural institutions to take residence in White River State Park, which has in turn become a vibrant hub of recreational and cultural activities in Indianapolis and greater central Indiana. A popular attraction since its opening, the Eiteljorg Museum continues to thrive. Recently, in 2005, it underwent an important expansion that doubled its space by creating a variety of new galleries, an education center, a café, and a resource center and library.

But it is not only its facility and its existing collections that are to be lauded, for the Eiteljorg is also actively engaged in supporting new generations of artists and their work. This is perhaps best highlighted through the museum's Eiteljorg Fellowship for Native American Fine Art and its artists-in-residence program.

In honor of this year's special anniversary occasion, the museum has planned a series of events for its patrons and the community. The festivities officially began last month, on March 14, 2008, when the new ''Facing West: Celebrating 20 Years of the Eiteljorg Museum'' exhibition was unveiled during a special opening day celebration. Celebratory events will continue throughout this summer and fall, however, and will include a lecture series, festival days at the museum and the holding of an anniversary gala later this month.

Like so many of my fellow Hoosiers, I take pride in the Eiteljorg's presence in our State and am thankful for its continued commitment to its mission: ''to inspire an appreciation and understanding of the art, history and cultures of the American West and the indigenous peoples of North America.'' In the actualization of this mission, the Eiteljorg has reached a wide patronage of both local residents and visitors alike who have come to this unique and inspiring facility to take advantage of its wonderful offerings.●

TRIBUTE TO MIKE FIELD

● Mr. RISCH. Mr. President, I want to talk for a moment about Mike Field, a man whose public service has done much to improve the quality of life for people in our home State of Idaho.

Like many Western States, much of Idaho is made up of large swathes of rural areas where it can be challenging to provide the housing, infrastructure and economic opportunities for those residents. Having grown up in the rural community of Grandview, Mike learned this firsthand. Raised by loving and civic-minded parents, Oscar and Francis, he saw the work ethic and generosity that was demonstrated within his own family and by his neighbors. It became a foundation he used as he built his career in extending the helping hand of the State and Federal governments to Idahoans in our rural areas.

He started his work in this body, the U.S. Senate, where he served under Senators Jim McClure and Larry Craig. Mike worked with fellow Idahoans and helped them sort out their difficulties with Federal agencies. Showing a deft touch with people, he became the Idaho State director of USDA Rural Development and later the USDA Farm Service Agency. In both roles, Mike naturally led and served Idaho's many farmers and ranchers, in part based on his days growing up and working with them. Mike then was appointed as a council member to the Northwest Power Planning Council, where he worked to provide an infrastructure for reliable and cost effective power that would reach many areas of Idaho. He also dealt with natural resource issues that impacted the livelihood of many in the rural parts of our State.

From there, he returned as the head of the USDA Rural Development IDAHO, where he has served over the past 8 years. In that capacity he has used his optimism and good nature to lead and motivate a team that has brought hundreds of millions of dollars in improvements to our State. He oversaw many positive changes in housing, drinking water and jobs throughout our rural areas. Mike built a strong trust between the different levels of government, tribes and agencies as he worked to improving the quality of life for rural Idahoans.

I cannot imagine what Idaho, and particularly its rural areas, would look like today without the efforts of Mike Field. Together, with his wife Debbie, they have greatly improved the lives of Idahoans with their dedicated public service.

I congratulate Mike for his many years of outstanding leadership and service to his fellow Idahoans.●

TRIBUTE TO AL SCHOCK

● Mr. THUNE. Mr. President, today I wish to honor Al Schock of Sioux Falls, SD, for his years of extraordinary service to his community as a member of the Downtown Lions Club. Mayor Dave Munson of Sioux Falls will be recognizing his lifetime of accomplishments by proclaiming April 14, 2009, to be Al Schock, Lion King Day.

Al Schock has been a dedicated member of the Downtown Lions Club since

1949 and has worked to promote its humanitarian mission of improving lives and communities around the world. He has served in almost every capacity possible, including club president, district governor, and member of the Lions International Board of Directors. Since he first joined the Lions Club, he has shown tremendous leadership by recruiting a total of over 100 new members to the organization. He has also excelled in fundraising for the South Dakota Lions Foundation, having sold over 50,000 tickets to community fundraising events.

Schock has also contributed to the community of Sioux Falls through his involvement with the Chamber of Commerce, the Sioux Falls Development Foundation, Augustana College, the YMCA, the First Lutheran Church, Luther Manor health care, and The Banquet. He and his brother, Ozzie Schock, started the Shock Foundation, a nonprofit organization that works to support local charitable organizations. Al Shock's selfless devotion and faithful service to others and to his community is truly commendable.

It gives me great pleasure to congratulate Al Schock for receiving this honor, and to thank him for all his years of service to South Dakota and our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1388. An act entitled ''The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.''

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 11:58 a.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 bill, in which it requests the concurrence of the Senate:

H.R. 1664. An act to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

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. 93. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess of adjournment of the Senate.

The message further announced that pursuant to section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), the Minority Leader appoints The Honorable Christopher Shays of Connecticut to the Commission on Wartime Contracting to fill the existing vacancy thereon.

At 5:06 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 bill, in which it requests the concurrence of the Senate:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1256. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

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–1172. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Import/Export User Fees'' (Docket No. APHIS–2006–0144) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1173. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Specialty Crop Block Grant Program—Farm Bill'' (RIN0581–AC88) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1174. A communication from the Acting Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements'' ((Docket No. AMS–FV–08–0106)(FV09–925–1 IFR)) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1175. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Requirements for the Disposition of Cattle that Become Non-Ambulatory Disabled Following Ante-Mortem Inspection'', received in the Office of the President of the Senate on March 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1176. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2008 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–1177. A communication from the 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; Sablefish Managed Under the Individual Fishing Quota Program'' (RIN0648–XN73) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1178. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Groundfish Fishery; Amendment 15; Correction'' (RIN0648–AW08) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1179. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Catch Sharing Plan'' (RIN0648–AX44) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1180. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Saugus River, Lynn, MA'' ((RIN1625–AA00)(Docket No. USCG–2008–1026)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1181. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Underwater Object, Massachusetts Bay, MA'' ((RIN1625–AA00)(Docket No. USCG–2008–1272)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1182. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida'' ((RIN1625–AA00)(Docket No. USCG–2008–0411)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1183. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations; Port of New York'' ((RIN1625–AA01)(Docket No. USCG–2008–0155)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1184. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Coast Guard Base San Juan, San Juan Harbor, Puerto Rico'' ((RIN1625–AA87)(Docket No. USCG–2008–0440)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1185. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Coast Guard Air Station San Francisco Airborne Use of Force Judgmental Training Flights'' ((RIN1625–AA00)(Docket No. USCG–2009–0063)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1186. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Baltimore Captain of the Port Zone'' ((RIN1625–AA00)(Docket No. USCG–2008–0129)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1187. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0046)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1188. A communication from the Project Counsel, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Consolidation of Merchant Mariner Qualification Credentials'' ((RIN1625–AB02)(Docket No. USCG–2006–24371)) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1189. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule To Identify the Western Great Lakes Populations of Gray Wolves as a Distinct Population Segment and To Revise the List of Endangered and Threatened Wildlife'' (RIN1018–AW41) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Environment and Public Works.

EC–1190. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife'' (RIN1018–AW37) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Environment and Public Works.

EC–1191. A communication from the Regulation Coordinator of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Premiums and Cost Sharing'' (RIN0938–AO47) received in the Office of the President of the Senate on March 31, 2009; to the Committee on Finance.

EC–1192. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Security-Related Assistance Provided by the United States to the Countries of Central Asia''; to the Committee on Foreign Relations.

EC–1193. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''United States Participation in the United Nations; A Report by the Secretary of State to the Congress for the Year 2007''; to the Committee on Foreign Relations.

EC–1194. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 62nd World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC–1195. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more with Mexico; to the Committee on Foreign Relations.

EC–1196. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of defense services and defense articles in the amount of $100,000,000 or more to Spain; to the Committee on Foreign Relations.

EC–1197. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or defense services in the amount of $100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–1198. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–1199. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $100,000,000 or more with Italy and the United Kingdom; to the Committee on Foreign Relations.

EC–1200. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of two rules entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) and ''Annual Financial and Actuarial Information Reporting; Pension Protection Act of 2006'' (RIN1212–AB09) received in the Office of the President of the Senate on April 1, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1201. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, an annual report relative to the Federal Employee Anti-Discrimination and Retaliation Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1202. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to agency compliance with the Freedom of Information Act; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–16. A petition transmitted by a private citizen relative to the Long-Term Care Security Act; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, with an amendment in the nature of a substitute:

S. 454. A bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 515. A bill to amend title 35, United States Code, to provide for patent reform.

By Mr. KERRY, from the Committee on Foreign Relations, with amendments and with a preamble:

S. Con. Res. 11. A concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ROBERTS (for himself, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. BAYH, Mr. LUGAR, Mr.

CHAMBLISS, Mr. CARDIN, Mr. ISAKSON, Mr. BURR, and Ms. LANDRIEU):

S. 781. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 782. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 783. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 784. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 785. A bill to establish a grant program to encourage retooling of entities in the timber industry in Alaska, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 786. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. CARDIN, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. DODD, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. MERKLEY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 787. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 788. A bill to prohibit unsolicited mobile text message spam; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 789. A bill to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. CASEY, Mr. KOHL, and Mr. UDALL of New Mexico):

S. 790. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Finance.

By Mr. BAUCUS:

S. 791. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Environment and Public Works.

By Mr. SANDERS:

S. 792. A bill to amend the Public Health Service Act to improve the National Program of Cancer Registries by expanding data collection and allowing data sharing for public health objectives, while preserving the confidentiality of patients, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 793. A bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 794. A bill to amend title 10, United States Code, to modify certain retirement pay and grade authorities for service performed after eligibility for retirement, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. KOHL, and Ms. SNOWE):

S. 795. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 796. A bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. WYDEN, Mr. JOHNSON, Ms. CANTWELL, Ms. MURKOWSKI, Mr. THUNE, Mr. TESTER, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 798. A bill to amend the Internal Revenue Code of 1986 to permanently extend existing elective tax treatment for Alaska Native Settlement Trusts; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 799. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. CASEY):

S. 800. A bill to require the President to update and modify the website recovery.gov; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, and Mr. ROCKEFELLER):

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 802. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. CORNYN, and Mr. UDALL of New Mexico):

S. 803. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 804. A bill to amend subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 to establish incentives for States to extend the minimum length of the school year to 200 full days by 2014, and for other purposes; to the Committee on Health, Education, Labor , and Pensions.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 805. A bill to provide for a comprehensive study by the National Research Council of the National Academy of Sciences to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska:

S. 807. A bill to reduce fuel prices and improve national energy security by increasing domestic supply, reducing excessive speculation in the markets, and promoting long-term security through alternative energy sources, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. BOND, Mr. AKAKA, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 808. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 809. A bill to establish a program to provide tuition assistance to individuals who have lost their jobs as a result of the economic downturn; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 810. A bill to establish 4 regional institutes as centers of excellence for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 811. A bill to amend the Public Health Service Act to promote mental and behavioral health services for underserved populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 812. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. KENNEDY, and Mr. FEINGOLD):

S. 813. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 814. A bill to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County , Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, and Mr. MENENDEZ):

S. 815. A bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. TESTER, Mrs. LINCOLN, and Mr. BENNETT):

S. 816. A bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH):

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. BURR, Mr. KENNEDY, Mr. HATCH, and Mrs. MURRAY):

S. 818. A bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 819. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 820. A bill to amend title 38, United States Code, to enhance the automobile assistance allowance for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 821. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 822. A bill to support the recruitment and retention of volunteer firefighters and emergency medical services personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself, Mr. BAUCUS, Mr. HATCH, Ms. STABENOW, Mr. ENSIGN, Mrs. LINCOLN, Ms. CANTWELL, and Mr. NELSON of Florida):

S. 823. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 824. A bill to establish a Jobs Creation Coordinator in the Department of Commerce to ensure that agencies in the Department use resources in a manner that maximizes the maintenance and creation of jobs in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 825. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Ms. SNOWE):

S. 826. A bill to promote renewable energy, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. ROBERTS, and Mr. LEAHY):

S. 827. A bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON):

S. 828. A bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. VITTER:

S. Res. 98. A resolution designating each of April 15, 2009, and April 15, 2010, as ''National TEA Party Day''; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BINGAMAN):

S. Res. 99. A resolution expressing the sense of the Senate that the Government of Uzbekistan should immediately enforce its existing domestic legislation and fulfill its international commitments aimed at ending state-sponsored forced and child labor; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. Res. 100. A resolution expressing the support of the Senate for the establishment of an Urban Youth Sport Initiative in partnership with the United States Olympic Committee; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR (for himself and Mrs. HAGAN):

S. Res. 101. A resolution expressing the sense of the Senate on the tragic events at the Pinelake Health and Rehab Center in Carthage, North Carolina on Sunday, March 29, 2009; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 102. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 103. A resolution to authorize testimony and document production in Richard Bowen v. Department of the Navy (MSPB); considered and agreed to.

By Mrs. GILLIBRAND (for herself and Mr. SPECTER):

S. Con. Res. 17. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 27, a bill to establish the Daniel Webster Congressional Clerkship Program.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 384

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 423

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

S. 442

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 442, a bill to impose a limitation on lifetime aggregate limits imposed by health plans.

S. 454

At the request of Mr. LEVIN, the names of the Senator from Nebraska

(Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 467, a bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 475

At the request of Mr. BURR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 514

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to enhance vocational rehabilitation benefits for veterans, and for other purposes.

S. 515

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Texas (Mr. CORNYN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 534

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 534, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 599

At the request of Mr. CARPER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 605

At the request of Mr. KAUFMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 605, a bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 622

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 622, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 633

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 633, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 661

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 729

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 773

At the request of Mr. BAYH, his name was added as a cosponsor of S. 773, a bill to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes.

S. 778

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 778, a bill to establish, within the Executive Office of the President, the Office of National Cybersecurity Advisor.

S. 780

At the request of Mr. NELSON of Florida, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 780, a bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries.

S. RES. 72

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. Res. 72, a resolution expressing the sense of the Senate regarding drug trafficking in Mexico.

S. RES. 92

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 92, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

AMENDMENT NO. 742

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 742 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 755

At the request of Mr. CASEY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 755 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 764

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 764 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 765

At the request of Mr. BARRASSO, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 765 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 784

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 784 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 785

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 785 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 786

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 786 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 787

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 787 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 792

At the request of Mr. ALEXANDER, the names of the Senator from Texas (Mr. CORNYN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 792 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 799

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 799 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 799 proposed to S. Con. Res. 13, supra.

AMENDMENT NO. 803

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 803 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 808

At the request of Mr. BROWN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 808 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 810

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 810 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 819

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 819 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 821

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 821 intended to be proposed to S. Con. Res. 13, an original

concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 825

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 825 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 838

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 838 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 841

At the request of Ms. MURKOWSKI, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 841 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 843

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 843 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 852

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 852 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 864

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 864 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 870

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 870 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 872

At the request of Mr. DODD, the names of the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. SANDERS) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 872 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 873

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 873 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 875

At the request of Mr. SANDERS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 875 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 876

At the request of Mrs. LINCOLN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 876 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 881

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 881 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 890

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 890 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 904

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Alaska (Mr. BEGICH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 904 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 905

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 905 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 916

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 916 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 920

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 920 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the

congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 921

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 921 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 784. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill to allow five Southeast Alaska communities to finally be allowed to form urban corporations under the terms of 1971's Alaska Native Claims Settlement Act, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act.

At the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of congressional policy that explain the underpinnings of this landmark legislation.

The first clause reads, ''There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims.'' The second clause states, ''The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives.''

Mr. President, 37, going on 38, years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Ketchikan, Wrangell, Petersburg, Tenakee and Haines—the five ''landless communities'' are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded $966 million and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native corporations—12 based in Alaska. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy clear explanation the Native peoples of the ''landless communities,'' were not permitted by the Alaska Native Claims Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. For example, Ketchikan had more Native residents in 1970, the year of a member census, than Juneau, which was permitted to form the Goldbelt urban corporation. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 34 years. An independent study issued more than 12 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 38th anniversary of Congress' promise to the Native peoples of Alaska, the promise of a rapid and certain settlement. And still the landless communities of Southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for so long.

The legislation that I am introducing today would enable the Native peoples of the five ''landless communities'' to organize five ''urban corporations,'' one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to 23,040 acres of land—one township as granted all other village corporations. Sealaska Corporation, the regional Alaska Native Corporation for Southeast Alaska, would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of Southeast Alaska a small slice of the aboriginal lands that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice that has gone on far too long and finally give the Native peoples of Southeast Alaska the rapid and certain settlement for which they have been waiting.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 785. A bill to establish a grant program to encourage retooling of entities in the timber industry in Alaska, and for other purposes; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to speak about a bill that I have introduced, the Southeast Alaska Timber Industry Retooling and Restructuring Act, which is intended to stimulate employment in Southeast Alaska, by helping firms that have focused on the region's timber industry to modernize or branch out into new industries.

In 1954, the US Department of Agriculture encouraged the development of a sawmill and pulp mill timber industry in the Tongass National Forest in Southeast Alaska, which at 16.98 million acres is the largest national forest in America. From the startup of the pulp mills in Ketchikan and in Sitka in 1961 to passage of the Alaska National Interest Lands Conservation Act in 1980, the Tongass was producing about 600 million board feet of timber a year, generating 3,500 direct and 2,500 indirect jobs and providing the largest number of year-round jobs in the region.

But following passage of ANILCA that created 14 wilderness areas covering about 4.9 million acres and the follow up Tongass Timber Reform Act of 1990 that placed another 727,762 acres into protected non-roaded status and created another 12 wilderness areas containing 300,000 acres, the timber harvest and thus timber industry-related employment plummeted in the region—an area nearly the size of Maine. While the two pulp mills closed in the mid 1990's, sawmills have tried to survive on the then anticipated 268 mmbf of allowable timber harvest. But a litany of Federal forest policy changes from the Clinton-era roadless policy, to changes in Forest Service sale and road policies, to sale delays caused by litigation have resulted in harvest levels falling to 28 million board feet from Federal lands and less than 50 million from private lands in 2008. That harvest level is far below the 192 mmbf reached in 2006 and about half of the 144 mmbf of 2007. Recent years have been drastically down from the 495 million board feet harvested from all lands as recently as 1997.

Year round timber employment, according to U.S. Forest Service in 2007, the last year of current full data, was 402 jobs, just 13 percent of the employment of a decade earlier. The impacts on the region's economy have been clearly documented. According to a report by The McDowell Group consultants, total timber-related payroll in 2007 hit just $17 million, compared to $300 million in 1990. Currently, according to the State of Alaska, unemployment in December 2008 has reached 16.5 percent on Prince of Wales Island, the resource base for traditional southern timber operations, and 24.6 percent in the Hoonah and Angoon area, the former resource base for central timber

operations—three times the rising national average.

This bill is a measure that calls on the Federal Government to finally acknowledge its role in the reduction of economic activity in the region. By the act, the Government would on a one-time basis, allow the Secretary of Agriculture to provide grants to allow existing timber facilities to retool either to adopt new timber production practices that can operate profitably on far smaller harvests or to convert timber plants to totally new types of manufacturing/business operations, leaving timber-dependent work. Firms—sawmills, logging companies and road construction companies involved in timber work for at least a decade—that seek funding for ''retooling projects'' must submit business plans and demonstrate the likelihood of success. More importantly they must commit to the ''extent practicable'' to continue to employ substantially the same number of employees for a ''reasonable'' period after completion of a retooling project. To limit the impact of the aid, grants may only go to businesses hat operated in the Tongass for not less than 10 years prior to Jan. 1, 2009. The program sunsets within 2 years with the maximum authorization of aid being $40 million subject to appropriation.

The bill would allow companies that used to build Forest Service timber roads, for example, to buy more appropriate equipment to bid on Federal highway work and water and sewer line work. It could help firms move into sand and gravel operations. It could allow sawmills with water access to be converted to marine repair facilities or into wood treatment plants. And it might allow some mills to convert to higher value-added products requiring less raw materials, like door and window sash manufacturing.

The changes would ease environmental pressures on timber stands, while aiding the economy by helping to replace the former year-round jobs in a region now nearly solely dependent on fishing and tourism income, besides government-sector spending, for employment. In a region where non-government jobs are precious, it could stimulate job retention and help create new employment. At a time when Congress is contemplating spending nearly $1 trillion to stimulate employment, this measure is a reasonable expenditure to help potentially transition employees to 21st century jobs. The Federal Government was the leading advocate for the establishment of a pulp-timber industry in the region following World War II. It is more than fitting that it provide more assistance to help the region transition to a new era of reduced timber harvests—an era prompted by major environmental legislation that this Congress passed in 1980 and 1990 that is largely responsible for the sharp drop in timber harvests. I hope this body will give fair and swift consideration to this measure.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. INOUYE, and Mr. LIEBERMAN):

S. 786. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, today I am reintroducing the Improving Access to Mainstream Financial Institutions Act of 2009. This bill provides economic empowerment and educational opportunities for working families by helping bank the unbanked and increasing access to financial literacy opportunities. It will also encourage the use of mainstream financial institutions for working families that need small loans. I thank my cosponsors, Senators SCHUMER, INOUYE, and LIEBERMAN.

Too many Americans lack basic financial literacy. Americans of all ages and backgrounds face increasingly complex financial decisions as members of the nation's workforce, managers of their families' resources, and voting citizens. Many find these decisions confusing and frustrating because they lack the tools necessary that would enable them to make wise, personal choices about their finances.

Without a sufficient understanding of economics and personal finance, individuals will not be able to appropriately manage their finances, effectively evaluate credit opportunities, successfully invest for long-term financial goals in an increasingly complex marketplace, or be able to cope with difficult financial situations. Unfortunately, today too many working families are struggling as they are confronted with increases in energy and food costs or the loss of a job.

We must work toward improving education, consumer protections, and empowering individuals and families through economic and financial literacy in order to build stronger families, businesses, and communities. The bill that I am introducing today would help to educate, empower and protect consumers.

Millions of working families do not have a bank or credit union account. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, and send remittances. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings diminished by reliance on these high-cost and often predatory financial services. Among those families who make up the bottom 20 percent of earners, one in four does not have a transaction account according to the Federal Reserve's Survey of Consumer Finances. Indeed, the unbanked are often among the most vulnerable. More than 15 percent of families headed by a single parent are unbanked. The unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses making it difficult for these individuals to better their finances.

My bill authorizes grants intended to help low- and moderate-income unbanked individuals establish bank or credit union accounts. Providing access to a bank or credit union account can empower families with tremendous financial opportunities. An account at a bank or credit union provides consumers with alternatives to rapid refund loans, check cashing services, and high cost remittances. In addition, bank and credit union accounts provide access to saving and borrowing services.

Low- and moderate-income individuals are often challenged with a number of barriers that limit their ability to open and maintain accounts. Regular checking accounts may be too costly for some consumers unable to maintain minimum balances or unable to afford monthly fees. Poor credit histories may also hinder their ability to open accounts. By providing Federal resources for product development, administration, outreach, and financial education, banks and credit unions will be better able to reach out and bank the unbanked.

The second grant program authorized by my legislation provides consumers with a lower cost, short term alternative to payday loans. More needs to be done to encourage mainstream financial service providers to develop affordable small loan products. My legislation will help support the development of affordable credit products at bank and credit unions. Working families would be better off by going to their credit unions and banks, mainstream financial services providers, than payday loan shops. Payday loans are cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loans often have triple digit interest rates that range from 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break.

There is a great need for working families to have access to affordable small loans. My legislation would encourage banks and credit unions to develop payday loan alternatives. Consumers who apply for these loans would be provided with financial literacy and educational opportunities. Loans extended to consumers under the grant would be subject to the annual percentage rate promulgated by the National Credit Union Administration's, Loan Interest Rates. Several credit unions have developed similar products.

I will work to enact this legislation so vital to empowering our citizens. In our current, modern, complex economy, not having a bank or credit union

account severely hinders the ability of families to improve their financial condition or help them navigate difficult financial circumstances. Instead of borrowing money from payday lenders at outrageous fees, we need to encourage people to utilize their credit unions and banks for affordable small loans. Banks and credit unions have the ability to make the lives of working families better by helping them save,

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. 786

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 ''Improving Access to Mainstream Financial Institutions Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(4) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(A) in which employees participate;

(B) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and

(C) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(5) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose, the provision of services to Native Hawaiians.

(6) PAYDAY LOAN.—The term ''payday loan'' means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(8) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 3. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to award grants, including multi-year grants, to eligible entities to establish an account in a federally insured depository institution for low- and moderate-income individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section, if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) an agency of a State or local government;

(4) a community development financial institution;

(5) an Indian tribal organization;

(6) an Alaska Native Corporation;

(7) a Native Hawaiian organization;

(8) a labor organization; or

(9) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(c) EVALUATION AND REPORTS TO CONGRESS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 4. LOW COST ALTERNATIVES TO PAYDAY LOANS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly, predatory payday loans.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) a community development financial institution; or

(4) a partnership comprised of 1 or more of the entities described in paragraphs (1) through (3).

(c) TERMS AND CONDITIONS.—

(1) PERCENTAGE RATE.—For purposes of this section, an eligible entity that is a federally insured depository institution shall be subject to the annual percentage rate promulgated by the National Credit Union Administration's Loan Interest Rates under part 701 of title 12, Code of Federal Regulations (or any successor thereto), in connection with a loan provided to a consumer pursuant to this section.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—Each eligible entity awarded a grant under this section shall offer financial literacy and education opportunities, such as relevant counseling services or educational courses, to each consumer provided with a loan pursuant to this section.

(d) EVALUATION AND REPORTS TO CONGRESS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 5. PROCEDURAL PROVISIONS.

(a) APPLICATIONS.—A person desiring a grant under section 3 or 4 shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

(b) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under section 3 or 4 may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out the grant programs authorized by this Act, to remain available until expended.

SEC. 7. REGULATIONS.

The Secretary is authorized to promulgate regulations to implement and administer the grant programs authorized by this Act.

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. CARDIN, Mr. BROWN, Ms. CANTWELL. Mr. CARPER, Mr. DODD, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. MERKLEY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 787. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to restore Clean Water Act protections for the same waters that were covered by the Act prior to two recent divisive U.S. Supreme Court decisions. I want to thank Senators BOXER, CARDIN, BROWN, CANTWELL, CARPER, DODD, DURBIN, GILLIBRAND, KERRY, KOHL, LAUTENBERG, LEAHY, LEVIN, LIEBERMAN, MENENDEZ, MERKLEY, REED, SANDERS, SCHUMER, SHAHEEN, STABENOW, WHITEHOUSE, and WYDEN for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply and agricultural and industrial uses, and available for wildlife and fish habitat has broad public support not only as a worthy endeavor but also as a fundamental expectation of Government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We must remain committed to the Clean Water Act of 1972, and to that end, Congress must enact legislation. Every day that Congress fails to act, more and more rivers, streams, wetlands and other waters that have long

been protected by the Clean Water Act are being stripped of their Clean Water Act protections and being polluted or destroyed altogether. According to the Environmental Protection Agency, over 20,000 determinations have been made since the court decisions on whether specific water bodies are covered by the act. Congress should not delay action until protections are stripped from more water bodies throughout the country. The EPA estimates that the court decisions could ultimately impact over half the stream miles and 20 percent of wetlands in the lower 48 States. Lost protections for these waters means the drinking water sources for over 110 million Americans are in jeopardy of pollution.

The Clean Water Restoration Act must be enacted to restore historical protections, using a surgical fix that reaffirms protections for the same categories of waters identified in the over three-decade-old EPA regulatory definition of ''waters of the United States.''

This is a serious problem, demanding serious debate and action. If we do not act, we will be allowing the Clean Water Act to be rolled back. That would mean increased uncertainty, confusion, litigation, and permitting delays resulting from the court decisions and subsequent agency guidelines. It also would pose a very real threat to Clean Water Act protections for public water supplies, industrial and agriculture uses, fish and wildlife, and recreation.

I am pleased to lead the effort to protect the Clean Water Act in the Senate, and to have support from a range of interested parties, including former EPA Administrators from both Republican and Democratic administrations; governors; attorneys general; State agencies; professional societies and associations; labor and business professionals and unions; farming organizations; and over 400 hunting, fishing, recreational, and conservation organizations.

In response to suggestions I received last Congress, I made several revisions to the bill to make Congressional intent very clear.

My bill, the Clean Water Restoration Act, would continue to protect only those waters historically protected by the Clean Water Act prior to the Supreme Court decisions. This is the crux of my bill, Section 4. In 1972, Congress granted Clean Water Act protections to ''navigable waters'' and broadly defined those as ''the waters of the United States, including the territorial seas'', in stark contrast to the 1899 Rivers and Harbors Act, which had only provided protections for the commercially navigable waters. Since the 1970s, EPA and Corps regulations, 40 CFR 122.2 and 33 CFR 328.3, have properly established the scope of ''waters of the United States'' to be protected, including all intrastate and interstate rivers, streams, lakes, and wetlands. My bill simply takes the longstanding, existing regulatory definition for ''waters of the United States'' and puts it into law, in lieu of defining ''navigable waters'' as ''waters of the United States,'' as the Act does now. This surgical fix is necessary because the Supreme Court used the word ''navigable'' to create a more narrow definition for ''waters of the United States'' than the definition used for over 30 years. The Court did not, however, limit protections more drastically to only ''navigable-in-fact'' and continuously flowing waters as some interests have called for. This might have been the law in 1899 when the Rivers and Harbors Act focused on commercial navigation, but it would be entirely inappropriate for the modern day clean water protections provided by the Clean Water Act of 1972.

My bill also asserts appropriate constitutional authority to protect the Nation's waters. Despite claims to the contrary, Congress has broad constitutional authority, including under the Commerce Clause, Property Clause, Treaty Clause, and Necessary and Proper Clause, to enact laws protecting our nation's water quality. To prevent future courts from narrowly applying Congress's constitutional authority, my bill includes the phrase ''activities affecting those waters.''

My bill also maintains existing exemptions for farming, silviculture, ranching, and other activities, and leaves unchanged the activities that require a permit. The bill only ensures that the same types of waters covered before the Supreme Court decisions continue to be protected and does not affect the activities that require permits. In short, if you have not needed a permit for the last thirty-five years for an activity, you will not need one when this bill is enacted.

Importantly, in 1977, when the Act was modified, a significant compromise was reached to exempt farming, silviculture, and forestry activities from the Act. I stand by this understanding, and just to be sure, the Clean Water Restoration Act explicitly states that the Act's existing exemptions are maintained. As stated in the Act and left unchanged by my bill, agricultural activities are largely exempt from the Clean Water Act [the main permitting programs affecting agriculture address point-source discharge, Section 402, not non-point, and the dredging and filling of waters, Section 404. The following agricultural activities are exempt: normal farming activities (which casts a wide net for plowing, cultivating, harvesting, conservation practices, etc.), agriculture run-off/stormwater discharges, return flows from irrigation, maintenance and construction of farm roads, farm and stock ponds, and irrigation ditches, and maintenance of drainage ditches. There are additional EPA regulatory exemptions for prior converted cropland, and wastewater treatment systems, including treatment lagoons and ponds. Again, my bill does not affect these exemptions and the findings make Congressional intent very clear in this regard.

In short, my bill will allow those waters always protected by the Clean Water Act to continue to receive basic protections. I appreciate the depth and breadth of support for reaffirming the Clean Water Act of 1972 and importantly, rejecting efforts to roll back the law.

Mr. WYDEN. Mr. President, If there is one environmental issue that divides us more than unites us, it's water, especially in the West.

Farmers, ranchers, cities, towns, all compete for limited supplies. Salmon and other economically and culturally important fish depend on its flow. If it is not water quantity, then it is water quality that makes what gets passed on to the next water user the source of contention.

The Clean Water Act has been enormously successful at making water users clean up the water that they use before it is discharged back into lakes, rivers, and streams, and, before it's used by the next person downstream. It has also helped ensure the survival of fish and wildlife.

Over the past 8 years, the U.S. Supreme Court has rendered two major decisions that have restricted the scope of the Act. As it is now being interpreted by the U.S. Environmental Protection Agency and the Corps of Engineers, the Act no longer prevents the discharge of pollution or fill into many wetlands or intermittent streams, lakes and ponds. By some estimates, more than half the streams in Oregon could be classified as intermittent streams and no longer protected. Another estimate concludes that over one million Oregonians get their drinking water from sources that would no longer be fully protected by the Clean Water Act. I think this is the wrong thing to do.

Last year, I cosponsored S. 1870—the Clean Water Restoration Act—legislation which was intended to return the protections of the Clean Water Act to the way they were before these two Supreme Court decisions occurred. No more, and no less.

In my town hall meetings around Oregon, I have received questions and complaints about this legislation. The biggest concern that many people had was that this new bill was actually going to expand the reach of the Federal Government over water regulation in ways that would literally threaten the ability of farmers to farm and ranchers to ranch. People were also concerned that this legislation would not only regulate discharges into rivers and streams, but it would also regulate the quantity of water they use.

I am no supporter of Federal water grabs. I would not have cosponsored this legislation in the last Congress if it would threaten Oregon farmers' ability to farm or our ranchers' ability to ranch. I would have opposed it.

Ranchers and farmers and forest owners know how to be stewards of the land they ranch and farm and manage because their livelihoods depend on it,

and if they are not careful about how they manage that land there will be nothing to pass on to the next generation. The same is true for how we must treat our rivers, streams and wetlands.

So over the past few months, my staff and I have worked with Senator FEINGOLD, the primary sponsor of the bill, to clarify that intent of this legislation is to simply restore the interpretation of the Clean Water Act to what it had been before these Supreme Court decisions. No more, and no less.

Earlier this year, in response to my concerns about how the bill would impact rural Oregon, Senator FEINGOLD reiterated in a letter to me his intent that the Clean Water Restoration Act not expand the scope of the law. Sen. FEINGOLD also revised the text of the bill in a way that I believe makes it even clearer that the goal is not to expand the scope of the Clean Water Act beyond what it was in 2001 before the Supreme Court decisions.

First of all, the bill again includes a savings clause that clearly continues the existing exemption for irrigation return flows from Clean Water Act regulation. It continues the exemption for dredged or fill materials from normal farming, silviculture and ranching activities. It continues the exemption for construction and maintenance of farm or stock ponds or irrigation ditches and drainage ditches. It continues the exemption for construction and maintenance of farm roads or forest roads.

Second, the bill now contains a much more detailed set of findings that make it absolutely clear that the intent of Congress with enactment of the bill is to restore the regulatory system for the Clean Water Act to what it was before these two Supreme Court decisions. These findings also make it clear that the bill is not regulating ground water, only surface water, just as the Clean Water Act has always done. The findings make it clear that exclusions for prior converted cropland and manmade impoundments remain in place. They make it clear that the intent is to regulate water quality, not quantity or ownership.

If more changes are needed to ensure that the bill does what Sen. FEINGOLD and I say it does, than I am certainly open to making more changes to make sure the Senate gets this crucial issue right.

Some people do not like the pre-2001 Clean Water Act regulatory system. Some believe that the Supreme Court did the right thing by removing many wetlands and intermittent streams and lakes from the protections of the Clean Water Act. I disagree. I think those protections are needed to protect our water supplies and our environment and wildlife habitat. Farmers and ranchers need those protections for their livelihoods. But I want to be absolutely clear, that I will not support expanding Federal authority in this area beyond what it was before 2001.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 8, 2009.

Hon. RON WYDEN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WYDEN: Thank you for your commitment to reinstating longstanding Clean Water Act protections, which have been unquestionably reduced and blurred by recent Supreme Court decisions. I appreciate you contacting me on behalf of your constituents with some important questions about the intent and effect of my bill, the Clean Water Restoration Act.

Like you, I am committed to restoring the scope of the Clean Water Act of 1972 and strongly oppose efforts to roll back the Act—which is happening and will continue to happen until Congress acts. A recent investigation by the House Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure found that the 2006 Rapanos case and subsequent agency guidance are directly responsible for ''a drastic deterioration of [the Environmental Protection Agency's] Clean Water Act enforcement program . . . hundreds of violations have not been pursued.'' The investigation revealed that top EPA officials warned that ''the difficulty in interpreting and applying the Rapanos decision and the Inter-Agency guidance has created a drain on [EPA] resources, caused delays and uncertainty in compliance determinations. . . .'' According to the EPA, over 50 percent of U.S. streams, 20 million acres of wetlands, and the drinking water for 110 million Americans remain in jeopardy of being polluted or destroyed as a result of the Supreme Court decisions.

Since Congress is the only branch of government that can reinstate protections and prevent a significant roll-back of the Act. I introduced the Clean Water Restoration Act to do just that, and only that.

The bill will not increase permitting and does not change the requirements for what activities need a permit. The Clean Water Restoration Act would only modify one term in the Act and does not alter any other sections of law, including those identifying what activities need a permit. Nevertheless, when the bill was reintroduced in the 110th Congress, we added a savings clause to make it explicitly clear that the exemptions for agriculture, ranching, and forestry are maintained. The Act was amended in 1977 to add these permitting exemptions and my bill will not change those exemptions, or existing exemptions in the regulations that do not require permits for agricultural activities affecting prior converted cropland or for wastewater treatment systems.

As you know, the Clean Water Act protects ''navigable waters,'' which the Act broadly defines as ''waters of the United States, including the territorial seas'' (though often a source of confusion, the term ''navigable waters'' has a very different meaning in the Clean Water Act than it does in the Rivers and Harbors Act of 1899, which extends only very narrow protections to commercially navigable waters). ''Navigable waters'' and ''waters of the United States'' are broadly defined, for purposes of the Clean Water Act, in the Environmental Protection Agency and U.S. Army Corps of Engineers' regulations to cover all waters necessary to achieve the Act's water quality purposes. This includes such so-called isolated wetlands as prairie potholes and playa lakes, which have been jeopardized since the 2001 SWAIVCC case, as well as intermittent streams, which remain jeopardized by the 2006 Rapanos case and subsequent agency guidance. In order to meet the intent and purpose of the Clean Water Act of 1972, we must ensure all these waters continue to be protected—which is why the Clean Water Restoration Act defines ''waters of the United States'' using the same list of waters.

In your letter, you asked about an exchange at a hearing on the bill in 2008 where the former Administrator of the EPA, Carol Browner, responded to a question about whether a ''puddle'' is a ''wetland.'' Though the question was likely intended in jest, there is a longstanding, scientific process for determining and delineating a wetland. Professional determinations are made, for purposes of Section 404 of the Clean Water Act, using the Corps regulatory definition of a wetland. Wetlands generally include swamps, marshes, bogs, and similar areas (33 CFR 328.3(b)).

Lastly, the Clean Water Act does not regulate water quantity, only water quality. Its purpose is to ''restore and maintain the chemical, physical, and biological integrity of the nation's waters'' (33 U.S.C. 1251 et seq.). I am pleased to lead the effort to protect the Clean Water Act in the Senate, and to have your support, as well as that of a range of interested parties, including former EPA Administrators from both Republican and Democratic administrations; governors; attorneys general; state agencies; professional societies and associations; labor and business professionals and unions; farming organizations; and over 400 hunting. fishing, recreational, and conservation organizations.

Thanks for your efforts to educate others about the importance of this legislation and the true purpose of the Clean Water Restoration Act. As always. I am committed to working with you and others to restore historical protections to the waters of the United States.

Sincerely,

RUSSELL D. FEINGOLD.

By Ms. SNOWE (for herself and Mr. NELSON, of Florida):

S. 788. A bill to prohibit unsolicited mobile text message spam; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator BILL NELSON, to introduce legislation that would curb a growing nuisance that millions of wireless customers experience on a daily basis—unsolicited text messages or mobile spam.

Spam has long been loathed by email users around the world. It is for good reason—percent of all email sent worldwide is considered spam, which means close to 200 billion spam messages are sent every day. The vast majority of the spam sent on the Internet is done so illegally through the use of botnets, which are ''networks'' of hijacked or compromised computers. One botnet, Srizbi, which consists of more than 450,000 compromised PCs is able to send on average more than 60 billion spam messages per day. Many of these spam messages include viruses, malicious spyware, or are phishing attacks.

With more data functionality and improved user interfaces with wireless devices, it is expected that mobile spam will grow over the next several years. Those viruses and malware that are so prevalent on a user's computer could

and most likely will show up on their cell phones through m-spam. So a very significant threat to wireless users looms.

While the FCC and the FTC have adopted rules to prohibit sending unwanted commercial e-mail messages to wireless devices without prior permission, text messages are not covered by their rules so it is not having the desired effect of deterring distribution of mobile spam, let alone email spam. The m-SPAM Act would provide more government attention to this growing problem and makes modifications to existing law in order to improve efforts to restrain mobile spam—before it becomes more than an annoyance.

More text and voice spam are steadily invading handsets. Wireless users in the U.S. received more than 1.1 million spam text messages in 2007, up 38 percent from 2006. Mobile spam not only clutters a wireless user's inbox, but it also unduly increases the monthly wireless bill—wireless subscribers typically are charged for sending and receiving text messages—sometimes as much as 20 cents per message.

Some telephone companies have been proactive in preventing spam—wireless carriers already block up to 200 million unsolicited text messages per month, but many times the senders cannot be located and brought to justice without Government help. In May 2007, Verizon Wireless sued telemarketers that had inundated the company with more than 12 million mobile spam messages. The carrier was able to block most of them but the inundation still hit consumers with unwanted charges and the carrier with a congested network. So more can be done to prevent this aggravating practice and relieve consumers of having to resolve these charges on their bills. Even the wireless industry recently has urged government to do more to catch and prosecute spammers.

That is why I sincerely hope that my colleagues will join Senator BILL NELSON and me in supporting this critical legislation.

By Mr. BINGAMAN (for himself, Mr. CASEY, Mr. KOHL, and Mr. UDALL, of New Mexico):

S. 790. A bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators ROBERT CASEY, HERB KOHL, and TOM UDALL to introduce the Health Access and Health Professions Supply Act of 2009.

Health care reform is a national priority—far too many Americans do not have access to meaningful, affordable health insurance. But even if every person in the U.S. had health insurance, we do not have a cohesive or coordinated strategy to address health workforce emergencies and shortages, and problems with reliable access to quality, affordable care. Over 20 percent of Americans are living in health professions shortage areas without access to adequate medical, dental, and mental and behavioral health services. This workforce deficiency will worsen as the population ages and grows by an estimated 25 million individuals per decade and, could be severely exacerbated by epidemics and disasters. It is estimated that without intervention, the United States will experience shortages of as many as 200,000 physicians and one million nurses by 2020. It takes many years to create a pipeline of health professionals. I am introducing the Health Access and Health Professions Supply Act of 2009 to coordinate our health workforce strategy, to build and maintain this pipeline, so that health and safety of every American is protected. The legislation is based on the most recent recommendations developed by Council on Graduate Medical Education and other health workforce experts.

This legislation addresses these issues in an unprecedented and comprehensive manner. It creates a Permanent National Health Workforce Commission to assure that the Federal investment in the education of health professionals is a public good that address the needs of the American people. The Commission is tasked to design, revise, implement and evaluate programs, grants, and regulations related to the nation's health workforce.

The Health Access and Health Professions Supply Act of 2009 expands the Medicare medical home demonstration project. This pilot program would include 1,000 medical home primary care providers working in interdisciplinary teams. These clinicians will provide the highest quality medical care using the best health information technology, and personalized, coordinated, and accessible care.

But new models are not enough. We have allowed our primary care educational infrastructure to crumble. Without intervention, the decline will likely continue, and access to care in underserved areas will rapidly deteriorate. Family physicians represent 58 percent of the rural physician workforce, 70 percent of non-federal physicians in whole-county health professional shortage areas, and 78 percent of primary care physician full-time equivalents in the National Health Service Corps. Yet, the number of graduates from medical school in the U.S. who choose to practice family medicine has plummeted 50 percent in less than 10 years. Currently, less than 5 percent of graduates from medical school specialize in primary care. This is despite the fact that one of the most significant measures of the effectiveness and efficiency of a healthcare system is the degree to which the population has access to meaningful and coordinated primary care.

Experts tell us that the dearth of primary care providers may be attributed to many factors including low reimbursement levels and a lack of federal incentives to teaching institutions to promote primary care. My legislation would allow the National Health Workforce Commission to analyze these issues and recommend solutions including changes in Federal reimbursement systems. For example, this bill calls for improved transparency and accountability for Federal dollars spent for medical education through direct Graduate Medical Education, GME, and Indirect Medical Education, IME, and money paid in Disproportionate Share, DSH, support for safety net services provided under the Medicare and Medicaid programs.

This legislation also substantially increases funding for the National Health Service Corps. This will help provide healthcare access to the areas of our country that are in most desperate need. Also, included are expanded loan forgiveness and grant programs to develop new training programs in rural and other underserved communities to help us train health professionals in areas where they are needed.

The Health Access and Health Professions Supply Act of 2009 establishes a U.S. Public Health Sciences Track to train physicians, dentists, nurses, physician assistants, mental and behavior health specialists, pharmacists, and public health professionals emphasizing team-based service, public health, epidemiology, and emergency preparedness and response in affiliated institutions. Students in this program are accepted as Commission Corps officers in the U.S. Public Health Service and will receive tuition remission and a stipend with a two year service commitment for each year of school covered. This group will form an elite cadre of healthcare professionals that can be deployed when epidemics, natural or other disasters strike.

I am introducing the Health Access and Health Professions Supply Act of 2009 with the understanding that our health workforce shortfall cannot be solved using a piecemeal approach. We must address health workforce issues in health care reform to guarantee access to quality care for all Americans but we must also ensure that taxpayer dollars used to support health professions education are spent wisely.

This legislation has received widespread support and is endorsement by the: National Association of Community Health Centers, National Rural Health Association, American Medical Students Association, Trust for America's Health, American Psychological Association, American Association of Colleges of Pharmacy, American Academy of Physician Assistants, Commissioned Officers Association of the U.S. Public Health Service, National Rural Recruitment and Retention Network, American Academy of Child and Adolescent Psychiatry, New Mexico Health Resources, New Mexico Medical Society, New Mexico Chapter of the American College of Physicians, and the Santa Fe Project Access.

I urge my colleagues in the Senate to join us in support of the Health Access and Health Professions Supply Act of 2009.

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. 790

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 ''Health Access and Health Professions Supply Act of 2009'' or ''HAHPSA 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—AMENDMENTS TO THE SOCIAL SECURITY ACT

Sec. 101. Permanent National Health Workforce Commission.
Sec. 102. State health workforce centers program.
Sec. 103. Medicare medical home service and training pilot program.
Sec. 104. Improvements to payments for graduate medical education under medicare.
Sec. 105. Distribution of resident trainees in an emergency.
Sec. 106. Authority to include costs of training of psychologists in payments to hospitals for approved educational activities under Medicare.

TITLE II—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

Sec. 201. Expansion of National Health Service Corps programs.
Sec. 202. National health service corps scholarship program for medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students in the United States public health sciences track in affiliated schools.
Sec. 203. Federal medical facility grant program and program assessments.
Sec. 204. Health professions training loan program.
Sec. 205. United States Public Health Sciences Track.
Sec. 206. Medical education debt reimbursement for physicians of the Veterans Health Administration.

TITLE III—HEALTH PROFESSIONAL TRAINING PIPELINE PARTNERSHIPS PROGRAM

Sec. 301. Grants to prepare students for careers in health care.

SEC. 2. FINDINGS.

(a) FINDINGS RELATED TO HEALTH CARE ACCESS IN RURAL, FRONTIER, AND URBAN UNDERSERVED AREAS OF THE UNITED STATES.—Congress finds the following:

(1) The United States does not have a cohesive or coordinated approach to addressing health workforce shortages and problems with reliable access to quality, affordable health care.

(2) There are 50,000,000 citizens of the United States living in areas that are designated under section 332(a)(1)(A) of the Public Health Service Act as health professional shortage areas.

(3) The population of the United States will grow by 25,000,000 each decade.

(4) The number of individuals over 65 years of age in the United States will double between 2000 and 2030, with such individuals accounting for 20 percent of the total population of the United States in 2030.

(5) Individuals over 65 years of age have twice as many doctor visits as those individuals under 65 years of age, resulting in an increase in the demand for physicians, physician assistants, pharmacists behavioral and mental health professionals, nurses, and dentists.

(6) The rates of chronic diseases (such as diabetes) are increasing in the population of the United States.

(7) There are 47,000,000 citizens of the United States who do not have health insurance, and over 130,000,000 individuals within the United States who do not have dental insurance. Those individuals who are uninsured have limited access to health care.

(8) Academic health centers, Federal medical facilities, and teaching hospitals provide a substantial percentage of safety net services in the United States to uninsured and underinsured populations and to those individuals who have 1 or more chronic diseases. Such centers, facilities, and teaching hospitals provide those safety net services while concurrently providing for the training of health professionals.

(9) The pipeline for the education of health professionals—

(A) begins and often ends in urban areas;

(B) does not reliably include Federal support for nonphysician training;

(C) does not incorporate modern training venues and techniques, including community-based ambulatory sites; and

(D) discourages interdisciplinary, team, and care coordination models as a result of restrictive regulations.

(10) Health reform must include measures to transform the health delivery system to assure access, quality, and efficiency by utilizing contemporary models and venues of care.

(11) Reform of the health delivery system will require modernization of the training of health professionals to ensure that health professionals—

(A) practice in integrated teams in a variety of delivery venues (including inpatient and ambulatory settings and long-term care facilities) to utilize decision support and health information systems;

(B) deliver patient-centered care;

(C) practice evidence-based health care;

(D) learn performance-based compensation systems, comparative effectiveness, and costs of care across the spectrum; and

(E) deliver culturally appropriate, personalized care.

(b) FINDINGS RELATED TO ACCESS TO ORAL HEALTH.—Congress finds the following:

(1) Dental care is the number 1 unmet health care need in children, and is 1 of the top 5 unmet health care needs in adults.

(2) Over 130,000,000 citizens of the United States are without dental insurance.

(3) Over 45,000,000 citizens of the United States live in areas that are designated under section 332(a)(1)(A) of the Public Health Service Act as dental health professional shortage areas.

(4) Rural counties have less than half the number of dentists per capita compared to large metropolitan areas (29 versus 62 for population of 100,000).

(5) In 2006, over 9,000 dentists were needed in such dental health professional shortage areas.

(6) Between 27 and 29 percent of children and adults in the United States have untreated cavities.

(7) The number of dental school graduates in the United States decreased by 20 percent between 1982 and 2003 and the average age of practicing dentists in the United States is 49.

(8) There were over 400 dental faculty vacancies in the school year beginning in 2006.

(9) In 2007, the average debt of a dental student at graduation was $172,627.

(c) FINDINGS RELATED TO PHYSICIAN SHORTAGES, EDUCATION, AND DISTRIBUTION.—Congress finds the following:

(1) By 2020, physician shortages are forecasted to be in the range of 55,000 to 200,000.

(2) Although 21 percent of the population of the United States lives in rural areas, only 10 percent of physicians work in rural areas and, for every 1 physician who goes into practice in regions with a low supply of physicians, 4 physicians go into practice in regions with a high supply of physicians.

(3) According to a 2004 report by Green et al. for the Robert Graham Center of the American Academy of Family Physicians, the number of applicants from rural areas accepted to medical school has decreased by 40 percent in the last 20 years while the number of such applications has remained the same.

(4) In order to respond to forecasted shortages, experts have recommended an increase between 15 and 30 percent in class size at medical schools over the next 10 years.

(5) There are 55,000,000 citizens of the United States who lack adequate access to primary health care because of shortages of primary care providers in their communities.

(6) The number of graduates from medical school in the United States who choose to practice family medicine has plummeted 50 percent in less than 10 years. Without congressional intervention, such decline will likely continue, and access to care in underserved areas will rapidly deteriorate. Family physicians represent 58 percent of the rural physician workforce, 70 percent of non-Federal physicians in whole-county health professional shortage areas, and 78 percent of primary care physician full-time equivalents in the National Health Service Corps.

(7) Current trends indicate that fewer resident trainees from pediatric and internal medicine residencies pursue generalist practice at graduation.

(8) Funding for medical education which is provided through direct Graduate Medical Education (GME) and Indirect Medical Education (IME) under the Medicare program is not transparent or accountable, nor is it aligned to the types of health professionals most needed or to the areas in which health professionals are most needed.

(9) Physician supply varies 200 percent across regions and there is no relationship between regional physician supply and health needs.

(10) The Council on Graduate Medical Education's 18th Report (issued in 2007), entitled ''New Paradigms for Physician Training for Improving Access to Health Care'', and 19th Report (issued in 2007), entitled ''Enhancing Flexibility in Graduate Medical Education'', each call for changes to address the healthcare needs of the United States by removing barriers to expanding and more appropriately training the physician workforce.

(d) FINDINGS RELATED TO NURSING SHORTAGES, EDUCATION, AND DISTRIBUTION.—Congress finds the following:

(1) By 2020, nursing shortages are forecast to be in the range of 300,000 to 1,000,000 and the Bureau of Labor Statistics of the Department of Labor estimates that more than 1,200,000 new and replacement registered nurses will be needed by 2014.

(2) Nurse vacancy rates are currently 8 percent or greater in hospitals and community health centers receiving assistance under

section 330 of the Public Health Service Act, and for nursing faculty positions.

(3) Surveys indicate that 40 percent of nurses in hospitals are dissatisfied with their work and, of nurses who graduate and go into nursing, 50 percent leave their first employer within 2 years.

(4) Nursing baccalaureate and graduate programs rejected more than 40,000 qualified nursing school applicants in 2006, with faculty shortages identified by such programs as a major reason for turning away qualified applicants.

(5) More than 70 percent of nursing schools cited faculty shortages as the primary reason for not accepting all qualified applicants into entry-level nursing programs.

(6) The nursing faculty workforce is aging and retiring and, by 2019, approximately 75 percent of the nursing faculty workforce is expected to retire.

(7) The average age of nurses in the United States is 49 and the average age of an associate professor nurse faculty member in the United States is 56.

(8) Geriatric patients receiving care from nurses trained in geriatrics are less frequently readmitted to hospitals or transferred from skilled nursing facilities and nursing facilities to hospitals.

(e) FINDINGS RELATED TO PUBLIC HEALTH WORKFORCE SHORTAGES.—Congress finds the following:

(1) The United States has an estimated 50,000 fewer public health workers than it did 20 years ago while the population has grown by approximately 22 percent.

(2) Government public health departments are facing significant workforce shortages that could be exacerbated through retirements.

(3) Twenty percent of the average State health agency's workforce will be eligible to retire within 3 years, and by 2012, over 50 percent of some State health agency workforces will be eligible to retire.

(4) Approximately 20 percent of local health department employees will be eligible for retirement by 2010.

(5) The average age of new hires in State health agencies is 40.

(6) 4 out of 5 current public health workers have not had formal training for their specific job functions.

(f) FINDINGS RELATED TO PHYSICIAN ASSISTANT SHORTAGES.—Congress finds the following:

(1) The purpose of the physician assistant profession is to extend the ability of physicians to provide primary care services, particularly in rural and other medically underserved communities.

(2) Physician assistants always practice medicine as a team with their supervising physicians, however, supervising physicians need not be physically present when physician assistants provide medical care.

(3) Physician assistants are legally regulated in all States, the District of Columbia, and Guam. All States, the District of Columbia, and Guam authorize physicians to delegate prescriptive authority to physician assistants.

(4) In 2007, physician assistants made approximately 245,000,000 patient visits and prescribed or recommended approximately 303,000,000 medications.

(5) The National Association of Community Health Centers, the George Washington University, and the Robert Graham Center for Policy Studies in Family Medicine and Primary Care found that while the number of patients who seek care at community health centers has increased, the number of primary care providers, including physician assistants, has not. The report estimates a need for 15,500 primary health care providers to provide care at community health centers.

(g) FINDINGS RELATED TO MENTAL HEALTH PROFESSIONAL SHORTAGES.—Congress finds the following:

(1) The National Institute of Mental Health estimates that 26.2 percent of citizens of the United States ages 18 and older suffer from a diagnosable mental disorder. Approximately 20 percent of children in the United States have diagnosable mental disorders with at least mild functional impairment.

(2) The Health Resources and Services Administration reports that there are 3,059 mental health professional shortage areas within the United States with 77,000,000 people living in those areas. More than 5,000 additional mental health professionals are needed to meet demand.

(3) According to the Department of Health and Human Services, minority representation is lacking in the mental health workforce. Although 12 percent of the population of the United States is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American. Moreover, there are only 29 mental health professionals who are Hispanic for every 100,000 individuals who are Hispanic in the United States, compared with 173 non-Hispanic White providers for every 100,000 individuals who are non-Hispanic White in the United States.

(h) FINDINGS RELATED TO HEALTH PROFESSIONAL SHORTAGE AREAS.—

(1) In 2006, the National Health Service Corps had a total of 4,200 vacant positions in health professional shortage areas, but only 1,200 of those positions were funded. For each National Health Service Corps award, there are 7 applicants.

(2) Community health centers receiving assistance under section 330 of the Public Health Service Act have expanded to serve 16,000,000 individuals in over 1,000 sites. Such community health centers have high vacancy rates for family physicians (13 percent), obstetricians and gynecologists (21 percent), dentists, nurses, and other health professionals.

(3) The Institute of Medicine of the National Academies has recommended that medical education and public health issues be more closely aligned, especially in relation to preparedness for natural disasters, pandemic, bioterrorism, and other threats to public health.

(4) The education of health professionals must be more closely aligned with health care needs in the United States, with special attention to underserved populations and areas, health disparities, the aging population, and individuals with 1 or more chronic diseases.

(5) There is some duplication, and little coordination, between the Council on Graduate Medical Education (related to the physician workforce), the National Advisory Committee on Nursing Programs (related to the nursing workforce), the Advisory Committee on Training in Primary Care Medicine and Dentistry, and other advisory committees and councils.

(6) The Association of Academic Health Centers calls for making the health workforce of the United States a priority domestic policy issue and creating a national health workforce planning body that engages Federal, State, public, and private stakeholders.

TITLE I—AMENDMENTS TO THE SOCIAL SECURITY ACT

SEC. 101. PERMANENT NATIONAL HEALTH WORKFORCE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Permanent National Health Workforce Commission (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) REVIEW OF FEDERAL POLICIES AND ANNUAL REPORTS.—

(A) REVIEW.—The Commission shall review Federal policies with respect to the training, financing, and distribution of the health professional workforce, particularly with respect to such workforce in rural, frontier, and urban underserved areas, including the specific topics described in paragraph (2). Such review shall include a comprehensive analysis and reporting of—

(i) the most recent COHPPERDDUST Annual Report;

(ii) the number of medical students and residents, physician assistant students, pharmacy students and residents, behavioral and mental health students and residents, dental students and residents, nursing students and advance practice nursing trainees, and other health professionals in need of training, the rates of payment for such training; and the methodologies for funding such training;

(iii) how to align payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) with other Federal and State subsidies and payments for health professions education with desired outcomes for the health professional workforce;

(iv) whether Federal medical facilities should be permitted to train health professionals with support paid directly by the entity sponsoring the health professional;

(v) whether the establishment of transparent, accountable Federal payment policies for training health professionals would ensure that the types of health professionals trained and the distribution of such health professionals would meet the health care needs of the population of the United States;

(vi) the feasibility of establishing a National Health Professions Education Trust Fund to ensure an open and fair system of Federal, State, and private support for providing education for health professionals; and

(vii) any other issues related to such Federal policies as the Commission determines appropriate.

(B) COHPPERDDUST ANNUAL REPORTS.—Not later than each of January 1 of each year (beginning with 2012) the Commission shall submit to the Secretary and to Congress a report containing—

(i) the results of the review conducted under subparagraph (A); and

(ii) recommendations—

(I) with respect to the Health Professions Pipeline, Education, Research, Diversity & Distribution to Underserved Areas Utilizing Service/Training Models; and

(II) for such legislation or administrative action, including regulations, as the Commission determines appropriate.

(2) SPECIFIC TOPICS DESCRIBED.—

(A) PAYMENTS FOR HEALTH PROFESSIONS EDUCATION.—Specifically, the Commission shall review, with respect to the training, financing, and distribution of the health professional workforce, the following:

(i) The regular update, revision, and standardization of hospital-specific and sponsoring institution-specific base-period per resident amounts and cost reporting periods for payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)).

(ii) The feasibility of the Secretary, subject to review by the Commission, granting a waiver under the Medicare program, such as

the waiver granted to the Utah Medical Education Commission, which would allow States flexibility to utilize funding under titles XVIII, XIX, and XXI of the Social Security Act for direct graduate medical education and indirect graduate medical education to support coordinated and comprehensive health workforce training innovations.

(iii) Replacement of the current methodology for making payments for such direct graduate medical education costs and such indirect costs of medical education with a workforce adjustment payment, based on a Sustainable Growth Rate formula or a prospective payment system, under which—

(I) payments would be made directly to the sponsoring institution where such education is provided; and

(II) payments would be separated to reflect the costs to the professional and facility components of such education.

(iv) The establishment of standards for the financing of education for health professionals who are not physicians.

(v) The expansion of the definition, for purposes of making payments for health professions education (including such direct graduate medical education costs and such indirect costs of medical education), of the term ''sponsoring institution'', which traditionally has been a teaching hospital or medical school, to include nonteaching hospital-based entities (such as managed care organizations and public and private healthcare consortia) that are capable of assembling all of the resources necessary for effectively providing the training and education required to address healthcare access, quality, and costs and to meet workforce needs.

(vi) The provision of health professions education by nonteaching hospital-based entities (including rural health clinics (as defined in subsection (aa)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x)), community health centers (as defined in section 330 of the Public Health Service Act (42 U.S.C. 254b)), and Federally qualified health centers (as defined in subsection (aa)(4) of such section 1861) that are not sponsoring institutions (as defined under clause (v)) as affiliates of the sponsoring institution for purposes of providing more limited, but highly valuable clinical training.

(vii) The establishment of incentives to promote interdisciplinary, team-based, and care coordination-based education of health professionals, including incentives to encourage the development of health information technology (such as a repository of consumer health status information in computer processable form) which can be used for diagnosis, management, and treatment and includes price and cost information.

(viii) Adjustment to the Medicare caps on graduate medical education positions to increase the number of primary care residents, general dentistry residents, geriatric fellowship trainees, and other health professionals trained in Federal medical facilities.

(ix) The development of pay-for-performance methodologies for payments for health professions education (including such direct graduate medical education costs, payments for such indirect costs of medical education, and disproportionate share payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))) to—

(I) increase payments to sponsoring institutions and the affiliates of such institutions that achieve desired outcomes; and

(II) reduce payments to such institutions and such affiliates that do not perform.

(x) The correlation between Federal policies with respect to the training, financing, and distribution of the health professional workforce and specific evidence-based, measurable, and comparative outcomes across sponsoring institutions and the affiliates of such institutions.

(xi) Disproportionate share payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) made to service and training institutions that provide safety net access, community-based outreach programs, measurable and transparent community benefit, and planned financial assistance to low-income patients, Medicare beneficiaries, and underinsured (including uninsured) individuals in rural, frontier, and urban underserved areas.

(xii) The establishment of a workforce adjustment payment under the Medicare program under title XVIII of the Social Security Act, the Medicaid program under title XIX of such Act, the State Children's Health Insurance Program under title XXI of such Act, and other publicly funded health insurance programs to support training programs for health professionals in Federal medical facilities, under which such workforce adjustment payment would be made directly to the sponsoring institution. Such payment would, as the Secretary determines appropriate, in consultation with the Commission, replace or supplement the provisions under clause (iii).

(B) DATA COLLECTION AND REVIEW.—Specifically, the Commission shall review, with respect to the adequacy, supply, and distribution of undergraduate and graduate education programs for health professionals, the following:

(i) Available data on the adequacy, supply, and distribution of such education programs for physicians, physician assistants, nurses, dentists, psychologists, pharmacists, behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)), public health professionals, and other health professionals, including data collected under the State Health Workforce Centers Program established under section 102.

(ii) Processes for improving the collection of data on health professionals, including the collection of more consistent, independent, and comprehensive data from entities (such as State licensure boards) to inform health professions workforce issues. In conducting such review, the Commission shall determine the costs of implementing such data collection.

(3) CONDUCT OF HEARINGS.—

(A) IN GENERAL.—The Commission shall conduct hearings on health professions education to assess performance, identify barriers, speed approval of innovative programs, improve flexibility, and reduce bureaucratic obstacles balancing hospital training while emphasizing sustained affiliation agreements with community-based, interdisciplinary, team, and care management methodologies and education designed to improve quality and efficiency of patient care across the care delivery system.

(B) TESTIMONY.—In conducting hearings under subparagraph (A), the Commission shall solicit testimony from the Accreditation Council for Graduate Medical Education, Residency Review Committees, and other appropriate organizations that accredit education programs for health professionals.

(C) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(ii) PROVISION OF INFORMATION.—The head of the agency shall provide the information to the Commission at the request of the Chairperson of the Commission.

(4) REDUCING HEALTH PROFESSIONAL ISOLATION AND BUILDING COMMUNITY HEALTH PROFESSIONAL TRAINING INFRASTRUCTURE.—

(A) IDENTIFICATION OF PROGRAMS.—The Commission shall identify programs to reduce health professional isolation and build community health professional training infrastructure in rural, frontier, and urban underserved areas through continuing education (including continuing education utilizing information technology, such as telehealth and health information technology), mentoring, and precepting activities.

(B) ANALYSIS.—The Commission shall examine—

(i) whether the establishment of regional or statewide Health Advice Lines would reduce after-hours calls responsibilities for overworked health professionals in remote sites with few health professionals available to fulfill such responsibilities; and

(ii) what support should be given to health professionals fulfilling such responsibilities—

(I) in hospitals and emergency departments in areas designated under section 332 of the Public Health Service Act as health professional shortage areas;

(II) under practice relief programs that allow health professionals practicing in such areas to have their practice and calls covered when they are ill, pursuing continuing education, or taking a vacation;

(III) with respect to field faculty development to become supervisors, mentors, and preceptors for health professional students and trainees;

(iii) support structures (such as Area Health Education Centers) for health professionals; and

(iv) whether the establishment of Rural Health Education Offices, based on the model of agricultural extension offices, would—

(I) help build community health professional service and training capacity; and

(II) spur local economic development.

(5) DEVELOPMENT OF GUIDING PRINCIPLES AND ACCOUNTABILITY STANDARDS.—The Commission shall develop guiding principles and accountability standards for Federal, State, and private sector education of health professionals. Such guidelines shall be crafted to assure that the Federal investment in the education of health professionals is a public good, regardless of whether a portion of such education is funded by other sources.

(6) IDENTIFICATION OF STATE AND REGIONAL HEALTH PROFESSIONS EDUCATION COMMISSIONS.—The Commission shall identify State and regional Health Professions Education Centers. The Commission shall enter into agreements with such Centers under which the Centers shall provide data and reports to the Commission to provide a balanced and adequate assessment of the entire Nation's healthcare workforce.

(c) SECRETARIAL RESPONSIBILITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, in consultation with the Commission, and through negotiated rulemaking, promulgate regulations to address the matters reviewed under clauses (i) through (vii) of subsection (b)(1)(A), as the Secretary determines appropriate to address access and health professional shortages and needs identified by the Commission with respect to titles XVIII, XIX, and XXI of the Social Security Act.

(d) MEMBERSHIP.—

(1) NUMBER OF APPOINTMENT.—The Commission shall be composed of 20 members appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS.—The membership of the Commission shall include representatives of—

(A) dentists and dental hygienists who practice in urban underserved and rural areas;

(B) primary care providers who practice in urban underserved and rural areas;

(C) nurses and physician assistants who practice in urban underserved and rural areas;

(D) psychologists and other behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)) who practice in urban underserved and rural areas;

(E) public health professionals;

(F) clinical pharmacists who practice in a Federal market or are sole-community providers;

(G) national and specialty physician and nursing organizations;

(H) schools of medicine, osteopathy, and nursing, educational programs for public health professionals, behavioral and mental health professionals (as so defined), and physician assistants, public and private teaching hospitals, and ambulatory health facilities, including Federal medical facilities;

(I) health insurers;

(J) business;

(K) labor; and

(L) any other health professional organization or practice site the Comptroller General determines appropriate.

(e) STAFF.—

(1) IN GENERAL.—The Comptroller General of the United States shall provide for the appointment of an executive director, deputy director, and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Comptroller General of the United States may fix the compensation of the executive director, deputy director, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director, deputy director, and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) STATUS AS PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) DEFINITIONS.—In this section:

(1) COHPPERDDUST ANNUAL REPORT.—The term ''COHPPERDDUST Annual Report'' means the annual report submitted by the Commission under subsection (b)(1)(B).

(2) FEDERAL MEDICAL FACILITY.—The term ''Federal medical facility'' means a facility for the delivery of health services, and includes—

(A) a Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)), a public health center, an outpatient medical facility, or a community mental health center;

(B) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

(C) a migrant health center or an Indian Health Service facility;

(D) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act (42 U.S.C. 250)) or a State correctional institution;

(E) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act (42 U.S.C. 247e, 248, 249, 251, 252, or 253));

(F) a nurse-managed health center; or

(G) any other Federal medical facility.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 102. STATE HEALTH WORKFORCE CENTERS PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program (in this section referred to as the ''program'') under which the Secretary makes grants to participating States for the operation of State Health Workforce Centers to carry out the activities described in subsection (c).

(b) PARTICIPATING STATES.—A State seeking to participate in the program shall submit an application to the Secretary containing such information and at such time as the Secretary may specify. The Secretary may only consider under the preceding sentence 1 application submitted by each State which has been certified by the Governor or the chief executive officer of the State.

(c) USE OF FUNDS.—Grants awarded under subsection (a) may be used to support activities designed to improve the training, deployment, and retention of critical health professionals in underserved areas and for underserved populations, including the following:

(1) Conducting assessments of key health professional capacity and needs. Such assessments shall be conducted in a coordinated manner that provides for the nationwide collection of health professional data.

(2) Convening State health professional policymakers to review education, education financing, regulations, and taxation and compensation policies which affect the training, deployment, and retention of health professionals. A participating State may, taking into consideration the results of such reviews, develop short-term and long-term recommendations for improving the supply, deployment, and retention of critical health professionals in underserved areas and for underserved populations.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $13,750,000 to carry out this section.

(2) MATCHING REQUIREMENT.—The Secretary may require a State, in order to be eligible to receive a grant under this section, to agree that, with respect to the costs incurred by the State in carrying out the activities for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to a percent of Federal funds provided under the grant (as determined appropriate by the Secretary).

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(2) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 103. MEDICARE MEDICAL HOME SERVICE AND TRAINING PILOT PROGRAM.

(a) EXPANSION OF MEDICARE MEDICAL HOME DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall expand the Medicare medical home demonstration project under section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2987) by adding a Medicare medical home service and training pilot program (in this section referred to as the ''pilot program'') to redesign the methodologies for payments to primary care providers for coordinating the care of applicable Medicare beneficiaries. Such pilot program shall be in addition to, and run concurrently with, the Medicare medical home demonstration program. Except for any modifications under this section, the Secretary shall carry out the pilot program under similar terms and conditions as the Medicare medical home demonstration program.

(2) APPLICABLE MEDICARE BENEFICIARIES DEFINED.—In this section, the term ''applicable Medicare beneficiary'' means an individual who—

(A) is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act, or is enrolled under part B of such title;

(B) has 1 or more chronic illnesses (such as diabetes, hypertension, chronic obstructive pulmonary disease, asthma, congestive heart failure, end stage liver disease, and end stage renal disease); and

(C) is in the top 2 quartiles of cost under the Medicare program under such title (as determined based on Medicare claims data for the most recent 2 years for which data is available).

(b) DETAILS.—

(1) DURATION; SCOPE.—The pilot program shall operate during the period beginning on January 1, 2011 and ending on December 31, 2014 and shall include not more than 1,000 medical home primary care providers.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary may implement the pilot program—

(i) under title XVIII of the Social Security Act; or

(ii) subject to subparagraph (B), under a combination of such title and other public or private programs or organizations.

(B) SPECIAL RULE.—In the case where the Secretary implements the pilot program under a combination of title XVIII of the Social Security Act and other public or private programs or organizations, the Secretary shall establish procedures to ensure that any funding made available under such title for

the pilot program is only used to furnish items and services to Medicare beneficiaries.

(3) PARTICIPATION OF PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—In no case shall participation in the pilot program be limited to primary care providers in those States participating in the Medicare medical home demonstration project under section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2987). Any primary care provider in the United States that meets the requirements and definitions under this section and, if applicable, such section 204, shall be eligible to participate in the pilot program. In selecting primary care providers to participate in the pilot program, the Secretary shall give preference to sites where clinical services and health professional education are provided concurrently, taking into consideration priorities of the Permanent National Health Workforce Commission established under section 101 of the Health Access and Health Professions Supply Act of 2009.

(B) DEFINITION OF PRIMARY CARE PROVIDERS.—In this section, the term ''primary care provider'' means—

(i) a personal physician (as defined in subsection (c)(1) of section 204 of Division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2987), except that, in applying such definition under this section, the requirements described in subsection (c)(2)(B) of such section 204 shall specify that the staff and resources of the physician may include a team of health professionals (such as nurse practitioners, clinical nurse specialists, certified nurse midwives, psychologists and other behavioral and mental health professionals (as defined in section 331(a)(3)(E)(i) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(E)(i)), physician assistants, and other primary care providers that meet requirements established by the Secretary)); and

(ii) any other primary care provider (such as a nurse practitioner or a physician assistant) that is subject to State licensure laws and the requirements of the Secretary.

(C) LIMITATION ON NUMBER OF PRIMARY CARE PROVIDERS PARTICIPATING IN THE PILOT PROGRAM WHO ARE NOT PERSONAL PHYSICIANS.—The Secretary shall ensure that the total number of independently practicing primary care providers who are not personal physicians participating in the pilot program reflects the percentage of such primary care providers in the United States (as determined by the Secretary), not to exceed 10 percent of the total number of primary care providers participating in the pilot program.

(4) SERVICES PERFORMED.—A primary care provider shall perform or provide for the performance of at least the services described in subsection (c)(3) of such section 204 under the pilot program.

(c) CARE COORDINATION FEE PAYMENT METHODOLOGY.—Under the pilot program, the Secretary shall provide for payment under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) of a per member per month care coordination fee to primary care providers for the care of eligible Medicare beneficiaries participating in the pilot program. The Secretary shall appoint a committee to make recommendations about the design and implementation of a methodology for payment of the per member per month care coordination fee.

(d) PROVISION OF DATA AND TECHNICAL ASSISTANCE.—The Secretary shall provide—

(1) data to primary care providers participating in the pilot program; and

(2) technical assistance to such primary care providers that do not meet the criteria for the highest tier of the pilot program (as defined by the Secretary).

(e) REPORTS BY THE SECRETARY.—

(1) INTERIM REPORT.—Not later than January 1, 2013, the Secretary shall submit to Congress an interim report on the pilot program.

(2) FINAL REPORT.—Not later than January 1, 2014, the Secretary shall submit to Congress a final report on the pilot program. Such report shall include outcome measures reported by the Secretary under the pilot program, including at least the following:

(A) The total costs to the Medicare program per eligible Medicare beneficiary participating in the pilot program.

(B) The performance of primary care providers participating in the pilot program with regard to—

(i) quality measures developed by the Secretary; and

(ii) patient safety indicators developed by the Secretary.

(C) The experience of eligible Medicare beneficiaries and primary care providers participating in the pilot program.

(D) An assessment of savings to the Medicare program per eligible Medicare beneficiary participating in the pilot program that are a result of such participation, as compared to traditional Medicare fee-for-service payment methodologies.

(f) GAO ASSESSMENT AND REPORT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall, at the completion of the pilot program, provide for an overall assessment of the efficacy of the pilot program.

(2) REPORT.—Not later than January 1, 2014, the Comptroller General shall submit to Congress a report containing the results of the assessment under paragraph (1).

SEC. 104. IMPROVEMENTS TO PAYMENTS FOR GRADUATE MEDICAL EDUCATION UNDER MEDICARE.

(a) INCREASING THE MEDICARE CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS.—

(1) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(A) in clause (i), by inserting ''clause (iii) and'' after ''subject to''; and

(B) by adding at the end the following new clause:

''(iii) INCREASE IN CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.—

''(I) IN GENERAL.—For cost reporting periods beginning on or after January 1, 2011, the Secretary shall increase the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine determined under clause (i) with respect to a qualifying hospital by an amount equal to 15 percent of the amount of the otherwise applicable limit (determined without regard to this clause). Such increase shall be phased-in equally over a period of 3 cost reporting periods beginning with the first cost reporting period in which the increase is applied under the previous sentence to the hospital.

''(II) QUALIFYING HOSPITAL.—In this clause, the term 'qualifying hospital' means a hospital that agrees to use the increase in the number of full-time equivalent residents under subclause (I) to support community-based training which emphasizes underserved areas and innovative training models which address community needs and reflect emerging, evolving, and contemporary models of health care delivery. A qualifying hospital shall give priority to providing such training and training models to health professionals in specialties which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines are in high-need (including family medicine, general surgery, geriatrics, general internal medicine, general surgery, and obstetrics and gynecology).

''(III) INCREASE IN PAYMENTS.—Notwithstanding any other provision of law, in the case of full-time equivalent residents added to a hospital's training program as a result of such increase, the Secretary shall provide for an increase in the amounts otherwise payable under this subsection with respect to direct graduate medical education costs that would otherwise apply with respect to such residents by 10 percent. Such increased payments shall be made to the facility in which the training is provided to such residents.''.

(2) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

''(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.''.

(b) APPLICATION OF MEDICARE GME PAYMENTS TO ADDITIONAL TRAINING SITE VENUES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall, by regulation, provide for the use of payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) to support the implementation of community-based training and innovative training models under subsections (h)(4)(F)(iii)(II) and (d)(5)(B)(x) of section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(2) USE OF MODEL OF CARE DELIVERY.—In promulgating regulations under paragraph (1), the Secretary shall consider the model of care delivery of the Institute of Medicine of the National Academies.

(3) CONSULTATION.—In promulgating such regulations, the Secretary shall consult with the Permanent National Health Workforce Commission established under section 101(a).

(c) DETERMINATION OF HOSPITAL-SPECIFIC APPROVED FTE RESIDENT AMOUNTS.—Section 1886(h)(2) of the Social Security Act (42 U.S.C. 1395ww(h)(2)) is amended by adding at the end the following new subparagraph:

''(G) FLEXIBILITY IN DETERMINATION.—

''(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, the approved FTE resident amount for each cost reporting period beginning on or after January 1, 2011, with respect to an applicable resident shall be determined using a methodology established by the Secretary that allows flexibility for payments to be made for costs in addition to the costs of hospital-sponsored education. Such methodology shall provide that nonteaching hospital-based entities (such as managed care organizations and public and private healthcare consortia) that are capable of assembling all of the resources necessary for effectively providing graduate medical education may receive payments for providing graduate medical education, either as the sponsor of such graduate medical education program or as an affiliate of such a sponsor.

''(ii) APPLICABLE RESIDENT.—In this subparagraph, the term 'applicable resident' means a resident—

''(I) in a specialty which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines is in high-need;

''(II) in a health professional shortage area (as defined in section 332 of the Public Health Service Act);

''(III) in a medically underserved community (as defined in section 799B of the Public Health Service Act), or with respect to a medically underserved population (as defined in section 330(b)(3) of the Public Health Service Act); and

''(IV) in a Federal medical facility.

''(iii) FEDERAL MEDICAL FACILITY.—In this subparagraph, the term 'Federal medical facility' means a facility for the delivery of health services, and includes—

''(I) a community health center (as defined in section 330 of the Public Health Service Act), a public health center, an outpatient medical facility, or a community mental health center;

''(II) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

''(III) a migrant health center or an Indian Health Service facility;

''(IV) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act) or a State correctional institution;

''(V) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act); or

''(VI) any other Federal medical facility.''.

SEC. 105. DISTRIBUTION OF RESIDENT TRAINEES IN AN EMERGENCY.

(a) EXCLUSION FROM 3-YEAR ROLLING AVERAGE.—Notwithstanding any other provision of law, in the case of a host hospital participating in an emergency Medicare GME affiliation agreement on or after the date of enactment of this Act and training residents in excess of its cap, consistent with the rolling average provisions applicable for closed programs as specified in section 413.79(d)(6) of title 42, Code of Federal Regulations, the Secretary of Health and Human Services shall exclude from the 3-year rolling average FTE residents associated with displaced residents during the period in which such agreement is in effect.

(b) ASSESSMENT AND REVISION OF GME POLICIES.—

(1) REVIEW.—The Secretary of Health and Human Services shall review policies with respect to payments for direct graduate medical education costs under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) and payments for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)).

(2) REVISION AND REPORT.—Not later than January 1, 2011, the Secretary shall—

(A) as appropriate, revise such policies that constrain the ability of the Secretary to respond to emergency situations and situations involving institutional and program closure; and

(B) in the case where the Secretary determines legislative action is necessary to make such revisions, submit to Congress a report containing recommendations for such legislative action.

SEC. 106. AUTHORITY TO INCLUDE COSTS OF TRAINING OF PSYCHOLOGISTS IN PAYMENTS TO HOSPITALS FOR APPROVED EDUCATIONAL ACTIVITIES UNDER MEDICARE.

Effective for cost reporting periods beginning on or after the date that is 18 months after the date of enactment of this Act, for purposes of payment to hospitals under the Medicare program under title XVIII of the Social Security Act for costs of approved educational activities (as defined in section 413.85 of title 42, Code of Federal Regulations), such approved educational activities shall include a 1-year doctoral clinical internship operated by the hospital as part of a clinical psychology training program that is provided upon completion of university course work.

TITLE II—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 201. EXPANSION OF NATIONAL HEALTH SERVICE CORPS PROGRAMS.

(a) IN GENERAL.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended—

(1) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2009, $165,000,000;

''(2) for fiscal year 2010, $198,000,000;

''(3) for fiscal year 2011, $231,000,000;

''(4) for fiscal year 2012, $264,000,000;

''(5) for fiscal year 2013, $297,000,000; and

''(6) for fiscal year 2014, $330,000,000.''; and

(2) by adding at the end the following:

''(d) EXPANSION OF PROGRAMS.—The Secretary shall use amounts appropriated for each of fiscal years 2010 through 2014 under subsection (a), that are in excess of the amount appropriated under such subsection for fiscal year 2009, to address shortages of health professionals in rural, frontier, and urban underserved areas through an expansion of the number of scholarships and loan repayments under this subpart to address health workforce shortages in health professional shortage areas (as defined in section 332), in medically underserved communities (as defined in section 799B), or with respect to medically underserved populations (as defined in section 330(b)(3)).''.

(b) EXPANSION OF OTHER PROGRAMS.—The Director of the Indian Health Service, the Secretary of Defense, and the Secretary of Veterans Affairs, shall expand existing loan repayment programs to emphasize the provision of health professions services to facilities that have health professional shortages.

(c) NO TAX IMPLICATIONS.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any amount received under a health-related Federal loan repayment program by a health professional providing health-related services in a Federal medical facility shall not be included in the gross income of such professional.

(2) DEFINITION.—In this subsection, the term ''Federal medical facility'' means a facility for the delivery of health services, and includes—

(A) a federally qualified health center (as defined in section 330A of the Public Health Service Act (42 U.S.C. 254c)), a public health center, an outpatient medical facility, or a community mental health center;

(B) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

(C) a migrant health center or an Indian Health Service facility;

(D) a facility for the delivery of health services to inmates in a penal or correctional institution (under section 323 of such Act (42 U.S.C. 250)) or a State correctional institution;

(E) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326 of such Act (42 U.S.C. 247e, 248, 249, 251, 252, or 253));

(F) a nurse-managed health center; or

(G) any other Federal medical facility.

(d) REDUCED LOAN SUPPORT FOR PART TIME PRACTITIONERS.—Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended by adding at the end the following:

''(e) Notwithstanding any other provision of this subpart, the Secretary shall develop procedures to permit periods of obligated services to be provided on a part-time basis (not less than 1,040 hours of such service per year). Such procedures shall prohibit an individual from holding other part-time employment while providing such part-time obligated services. The Secretary may provide for a reduction in the loan repayments provided to individuals who provide part-time obligated services under the authority provided under this subsection.''.

(e) LOAN SUPPORT FOR PARTICIPATING PRECEPTORS, MENTORS, AND ATTENDINGS TO SUPERVISE STUDENTS AND TRAINEES ON-SITE.—Section 338C of the Public Health Service Act (42 U.S.C. 254m), as amended by subsection (d), is further amended by adding at the end the following:

''(f) The Secretary shall develop procedures to permit up to 20 percent of the service obligation of an individual under this section to be provided by the individual through precepting or mentoring activities, or by preparing curriculum, for on-site students and trainees. The procedures developed under subsection (e) shall provide for the proportional application of this subsection with respect to individual providing obligated service on a part-time basis.''.

SEC. 202. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS IN THE UNITED STATES PUBLIC HEALTH SCIENCES TRACK IN AFFILIATED SCHOOLS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(A) in the heading by inserting ''**, Scholarship Program for Medical, Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools,**'' after ''**Scholarship Program**''; and

(B) by inserting after section 338A the following:

''SEC. 338A-1. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM FOR MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS IN THE UNITED STATES PUBLIC HEALTH SCIENCES TRACK IN AFFILIATED SCHOOLS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a program to be known as the National Health Service Corps Scholarship Program for Medical, Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools (in this section referred to as the 'U.S. Public Health Sciences Track Scholarship Program) to ensure, with respect to the provision of high-needs health care services, including primary care, general dentistry, nursing, obstetrics, and geriatricians pursuant to section 331(a)(2), an adequate supply of physicians, physician assistants, pharmacists, behavioral and mental health professionals, public health professionals, dentists, and nurses. The purpose of this program is to train an additional 150 medical students, 100 dental students, 100 physician assistant students, 100 behavioral and mental health students, 100 public health students, and 250 nursing students during each year. Of the 150 scholarships awarded to the medical students as described under the preceding sentence, 10 shall be for training at the Uniformed Services University of the Health Sciences as members of the Commissioned Corps of the Public Health Service.

''(2) RELATIONSHIP TO NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—

Scholarships provided under this section are intended to complement, and not take the place of, scholarships provided to students enrolled in courses of study leading to a degree in medicine, osteopathic medicine, dentistry, or nursing or completion of an accredited physician assistant, pharmacy, public health, or behavioral and mental health educational program under the National Health Service Corps Scholarship Program authorized by section 338A.

''(b) ELIGIBILITY.—To be eligible to participate in the U.S. Public Health Sciences Track Scholarship and Grants Program, an individual shall—

''(1) be accepted for enrollment as a full-time student—

''(A) in an accredited (as determined by the Secretary) educational institution in a State; and

''(B) in a course of study, or program, offered by such institution leading to a degree in medicine, osteopathic medicine, dentistry, physician assistant, pharmacy, behavioral and mental health, public health, or nursing;

''(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

''(3) submit an application to participate in the U.S. Public Health Sciences Track Scholarship and Grants Program; and

''(4) sign and submit to the Secretary, at the time of submittal of such application, a written contract to accept payment of a scholarship and to serve (in accordance with this subpart) for the applicable period of obligated service in an area in which the need for public health-related services may be demonstrated.''.

(2) NO TAX IMPLICATIONS.—For purposes of the Internal Revenue Code of 1986, any amount received under the National Health Service Corps Scholarship Program for Medical, Dental and Nursing Students in the United States Public Health Sciences Track in Affiliated Schools under section 338A–1 of the Public Health Service Act, as added by paragraph (1), by a medical student, dental student, or nursing student shall not be included in the gross income of such student.

(b) GRANTS TO INCREASE THE NUMBER OF AVAILABLE SLOTS FOR NEWLY ADMITTED MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS AND TO INCREASE PARTICIPATION IN THE U.S. PUBLIC HEALTH SCIENCES TRACK SCHOLARSHIP PROGRAM.—Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

''SEC. 749. GRANTS TO INCREASE THE NUMBER OF AVAILABLE SLOTS FOR NEWLY ADMITTED MEDICAL, DENTAL, PHYSICIAN ASSISTANT, PHARMACY, BEHAVIORAL AND MENTAL HEALTH, PUBLIC HEALTH, AND NURSING STUDENTS AND TO INCREASE PARTICIPATION IN THE U.S. PUBLIC HEALTH SCIENCES TRACK SCHOLARSHIP PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary may make grants to medical, dental, public health, and nursing schools and physician assistant, pharmacy, and behavioral and mental health programs for the following purposes:

''(1) To increase the capacity of the recipient medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program, to accept additional medical, dental, public health, nursing, physician assistant, pharmacy, or behavioral and mental health students each year.

''(2) To develop curriculum.

''(3) To acquire equipment.

''(4) To recruit, train, and retain faculty.

''(5) To provide assistance to students who have completed a course of study at the recipient medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program during the period in which such students are completing a residency or internship program affiliated with the recipient institution.

''(b) APPLICATION.—A medical, dental, public health, or nursing school or physician assistant, pharmacy, or behavioral and mental health program seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) DEFINITION OF MEDICAL SCHOOL.—In this section, the term 'medical school' means a school of medicine or a school of osteopathic medicine.''.

SEC. 203. FEDERAL MEDICAL FACILITY GRANT PROGRAM AND PROGRAM ASSESSMENTS.

(a) FEDERAL MEDICAL FACILITY GRANT PROGRAM.—Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E, the following:

''PART F—START-UP EXPENSES LOAN AND GRANT PROGRAMS FOR FEDERAL MEDICAL FACILITIES AND HOSPITALS STARTING HIGH NEEDS RESIDENCY PROGRAMS IN SHORTAGE AREAS

''SEC. 781. FEDERAL MEDICAL FACILITY GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary shall award grants to eligible facilities to increase interdisciplinary, community-based health professions training in high-needs specialties for physicians, nurses, dentists, physician assistants, pharmacy, behavioral and mental health professionals, public health professionals, and other health professionals as determined appropriate by the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009.

''(b) ELIGIBLE FACILITIES; APPLICATION.—

''(1) DEFINITION OF ELIGIBLE FACILITY.—In this section, the term 'eligible facility'—

''(A) means a facility which—

''(i) is located in a health professional shortage area (as defined in section 332);

''(ii) is located in a medically underserved community (as defined in section 799B), or with respect to a medically underserved population (as defined in section 330(b)(3));

''(iii) is a Federal medical facility;

''(iv) is an area health education center, a health education and training center, or a participant in the Quentin N. Burdick program for rural interdisciplinary training, that meet the requirements established by the Secretary; or

''(v) is establishing new residency programs in a specialty which the Secretary, in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, determines is in high-need; and

''(B) includes Medicare certified Federally Qualified Health Centers, community health centers, health care for the homeless centers, rural health centers, migrant health centers, Indian Health Service entities, urban Indian centers, health clinics and hospitals operated by the Indian Health Service, Indian tribes and tribal organizations, and urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act), and other Federal medical facilities).

''(2) APPLICATION.—An eligible facility desiring a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible facility shall use amounts received under a grant under subsection (a) to promote—

''(1) the training of health professionals in interdisciplinary, community-based settings that are affiliated with hospitals and other health care facilities and teaching institutions;

''(2) community development programs that assure a diverse health professions workforce through emphasis on individuals from rural and frontier areas and underrepresented minority groups;

''(3) the development of a reliable health professions pipeline that provides an emphasis on health-related careers in schools (such as schools participating in the Health Careers Opportunities Program) and centers of excellence, and that encourage individuals in underrepresented minorities (including Hispanic, African American, American Indian, and Alaska Native individuals) to pursue health professions careers;

''(4) the reduction of health professional isolation in rural, frontier, and urban underserved areas through the provision of continuing education, mentoring, and precepting activities, field faculty development, and the utilization of technology such as telehealth and electronic health records;

''(5) the establishment and operation of regional or statewide health advice telephone lines to reduce after-hours call responsibilities for overworked health professionals who provide services in remote areas that have few health professionals taking such after-hours calls;

''(6) an increase in the number of professionals taking after-hours calls in hospitals and emergency departments in health professional shortage areas (as defined in section 332), in medically underserved communities (as defined in section 799B), or with respect to medically underserved populations (as defined in section 330(b)(3));

''(7) the establishment and operation of relief programs that provide health professionals practicing in health professional shortage areas (as defined in section 332) with patient and call coverage when such professionals are ill, are pursuing continuing education, or are taking a vacation; and

''(8) the exposure of health professions residents to systems of health care that represent the contemporary American healthcare delivery program (such as 'P4' Prepare the Personal Physician for Practice and the 'Health Commons' programs).

''(d) SUBGRANTS.—An eligible facility may use amounts received under a grant under this section to award subgrants to States and other entities determined appropriate by the Secretary to carry out the activities described in subsection (c).

''(e) SET ASIDE.—In awarding grants under this section, the Secretary shall ensure that a total of $500,000 is awarded annually for the activities of the National Rural Recruitment and Retention Network, or a similar entity.

''(f) DEFINITION OF FEDERAL MEDICAL FACILITY.—In this section, the term 'Federal medical facility' means a facility for the delivery of health services, and includes—

''(1) a federally qualified health center (as defined in section 330A), a public health center, an outpatient medical facility, or a community mental health center;

''(2) a hospital, State mental hospital, facility for long-term care, or rehabilitation facility;

''(3) a migrant health center or an Indian Health Service facility;

''(4) a facility for the delivery of health services to inmates in a penal or correctional

institution (under section 323) or a State correctional institution;

''(5) a Public Health Service medical facility (used in connection with the delivery of health services under section 320, 321, 322, 324, 325, or 326)); or

''(6) any other Federal medical facility.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $623,000,000 for fiscal year 2009, $666,000,000 for fiscal year 2010, $675,000,000 for fiscal year 2011, $700,000,000 for fiscal year 2012, and $725,000,000 for fiscal year 2013.''.

(b) ASSESSMENTS.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish program assessment rating tools for each program funded through titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 and 296 et seq.).

(2) CRITERIA.—The Secretary, in consultation with the Administrator of the Health Resources and Services Administration and other appropriate public and private stakeholders, shall, through negotiated rulemaking, establish criteria for the conduct of the assessments under paragraph (2).

(3) ANNUAL ASSESSMENTS.—The Secretary shall annually enter into a contract with an independent nongovernmental entity for the conduct of an assessment, using the tools established under paragraph (1) and the criteria established under paragraph (2), of not less than 20 percent, nor more than 25 percent, of the programs carried out under titles VII and VIII of the Public Health Service Act, so that every program under such titles is assessed at least once during every 5-year period.

SEC. 204. HEALTH PROFESSIONS TRAINING LOAN PROGRAM.

Part F of title VII of the Public Health Service Act (as added by section 203) is amended by adding at the end the following

''SEC. 782. ESTABLISHMENT.

''(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall award interest-free loans to—

''(1) eligible hospitals to enable such hospitals to establish training programs in high-need specialties; and

''(2) eligible non-hospital community-based entities to enable such entities to establish health professions training programs.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a loan under subsection (a)—

''(A) a hospital shall—

''(i) be located in a health professional shortage area (as such term is defined in section 332);

''(ii) comply with the requirements of paragraph (2); and

''(iii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; or

''(B) a non-hospital community-based entity shall—

''(i) comply with the requirements of paragraph (2); and

''(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) REQUIREMENTS.—To be eligible to receive a loan under subsection (a), a hospital or non-hospital community-based entity shall—

''(A) on the date on which the entity submits the loan application, not operate a residency with respect to a high-needs specialty (as determined by the Secretary in consultation with the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009) or provide a health professions training program, as the case may be;

''(B) have received appropriate preliminary accreditation from the relevant accrediting agency (American Council for Graduate Medical Education, American Osteopathic Association, or Dental, Physician Assistant, Pharmacy, Behavioral and Mental Health, Public Health, and Nursing accrediting agencies), as determined by the Secretary; and

''(C) execute a signed formal contract under which the hospital or entity agree to repay the loan.

''(c) USE OF LOAN FUNDS.—Amounts received under a loan under subsection (a) shall be used only for—

''(1) the salary and fringe benefit expenses of residents, students, trainees, and faculty, or other costs directly attributable to the residency, educational, or training program to be carried out under the loan, as specified by the Secretary; or

''(2) facility construction or renovation, including equipment purchase.

''(d) PRIORITY.—In awarding loans under subsection (a), the Secretary shall give priority to applicants that are located in health professional shortage areas (as defined in section 332) or in medically underserved communities (as defined in section 799B), or that serve medically underserved populations (as defined in section 330(b)(3)).

''(e) LOAN PROVISIONS.—

''(1) LOAN CONTRACT.—The loan contract entered into under subsection (b)(2) shall contain terms that provide for the repayment of the loan, including the number and amount of installment payments as described in such contract. Such repayment shall begin on the date that is 24 months after the date on which the loan contract is executed and shall be fully repaid not later than 36 months after the date of the first payment.

''(2) INTEREST.—Loans under this section shall be repaid without interest.

''(f) LIMITATION.—The amount of a loan under this section with respect to each of the uses described in subsection (c)(1) or (c)(2) shall not exceed $2,000,000.

''(g) FAILURE TO REPAY.—A hospital or non-hospital community-based entity that fails to comply with the terms of a contract entered into under subsection (b)(2) shall be liable to the United States for the amount which has been paid to such hospital or entity under the contract.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.''.

SEC. 205. UNITED STATES PUBLIC HEALTH SCIENCES TRACK.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''PART D—UNITED STATES PUBLIC HEALTH SCIENCES TRACK

''SEC. 271. ESTABLISHMENT.

''(a) UNITED STATES PUBLIC HEALTH SERVICES TRACK.—

''(1) IN GENERAL.—There is hereby authorized to be established a United States Public Health Sciences Track (referred to in this part as the 'Track'), at sites to be selected by the Secretary, with authority to grant appropriate advanced degrees in a manner that uniquely emphasizes team-based service, public health, epidemiology, and emergency preparedness and response. It shall be so organized as to graduate not less than—

''(A) 150 medical students annually;

''(B) 100 dental students annually;

''(C) 250 nursing students annually;

''(D) 100 public health students annually;

''(E) 100 behavioral and mental health professional students annually;

''(F) 100 physician assistant or nurse practitioner students annually; and

''(G) 50 pharmacy students annually.

''(2) LOCATIONS.—The Track shall be located at existing and accredited, affiliated health professions education training programs at academic health centers located in regions of the United States determined appropriate by the Surgeon General, in consultation with the Permanent National Health Workforce Commission.

''(b) NUMBER OF GRADUATES.—Except as provided in subsection (a), the number of persons to be graduated from the Track shall be prescribed by the Secretary. In so prescribing the number of persons to be graduated from the Track, the Secretary shall institute actions necessary to ensure the maximum number of first-year enrollments in the Track consistent with the academic capacity of the affiliated sites and the needs of the United States for medical, dental, and nursing personnel.

''(c) DEVELOPMENT.—The development of the Track may be by such phases as the Secretary may prescribe subject to the requirements of subsection (a).

''(d) INTEGRATED LONGITUDINAL PLAN.—The Surgeon General shall develop an integrated longitudinal plan for health professions continuing education throughout the continuum of health-related education, training, and practice. Training under such plan shall emphasize patient-centered, interdisciplinary, and care coordination skills. Experience with deployment of emergency response teams shall be included during the clinical experiences.

''(e) FACULTY DEVELOPMENT.—The Surgeon General shall develop faculty development programs and curricula in decentralized venues of health care, to balance urban, tertiary, and inpatient venues.

''SEC. 272. ADMINISTRATION.

''(a) IN GENERAL.—The business of the Track shall be conducted by the Surgeon General with funds appropriated for and provided by the Department of Health and Human Services. The Permanent National Health Workforce Commission shall assist the Surgeon General in an advisory capacity.

''(b) FACULTY.—

''(1) IN GENERAL.—The Surgeon General, after considering the recommendations of the Permanent National Health Workforce Commission, shall obtain the services of such professors, instructors, and administrative and other employees as may be necessary to operate the Track, but utilize when possible, existing affiliated health professions training institutions. Members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary so as to place the employees of the Track faculty on a comparable basis with the employees of fully accredited schools of the health professions within the United States.

''(2) TITLES.—The Surgeon General may confer academic titles, as appropriate, upon the members of the faculty.

''(3) NONAPPLICATION OF PROVISIONS.—The limitations in section 5373 of title 5, United States Code, shall not apply to the authority of the Surgeon General under paragraph (1) to prescribe salary schedules and other related benefits.

''(c) AGREEMENTS.—The Surgeon General may negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in the United States (or locations selected in accordance with section 271(a)(2)). Under such agreements the facilities concerned will retain

their identities and basic missions. The Surgeon General may negotiate affiliation agreements with accredited universities and health professions training institutions in the United States. Such agreements may include provisions for payments for educational services provided students participating in Department of Health and Human Services educational programs.

''(d) PROGRAMS.—The Surgeon General may establish the following educational programs for Track students:

''(1) Postdoctoral, postgraduate, and technological institutes.

''(2) A graduate school of nursing.

''(3) Other schools or programs that the Surgeon General determines necessary in order to operate the Track in a cost-effective manner.

''(e) CONTINUING MEDICAL EDUCATION.—The Surgeon General shall establish programs in continuing medical education for members of the health professions to the end that high standards of health care may be maintained within the United States.

''(f) AUTHORITY OF THE SURGEON GENERAL.—

''(1) IN GENERAL.—The Surgeon General is authorized—

''(A) to enter into contracts with, accept grants from, and make grants to any nonprofit entity for the purpose of carrying out cooperative enterprises in medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing research, consultation, and education;

''(B) to enter into contracts with entities under which the Surgeon General may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by the Track;

''(C) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the Track, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

''(D) to enter into agreements with entities that may be utilized by the Track for the purpose of enhancing the activities of the Track in education, research, and technological applications of knowledge; and

''(E) to accept the voluntary services of guest scholars and other persons.

''(2) LIMITATION.—The Surgeon General may not enter into any contract with an entity if the contract would obligate the Track to make outlays in advance of the enactment of budget authority for such outlays.

''(3) SCIENTISTS.—Scientists or other medical, dental, or nursing personnel utilized by the Track under an agreement described in paragraph (1) may be appointed to any position within the Track and may be permitted to perform such duties within the Track as the Surgeon General may approve.

''(4) VOLUNTEER SERVICES.—A person who provides voluntary services under the authority of subparagraph (E) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

''SEC. 273. STUDENTS; SELECTION; OBLIGATION.

''(a) STUDENT SELECTION.—

''(1) IN GENERAL.—Medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students at the Track shall be selected under procedures prescribed by the Surgeon General. In so prescribing, the Surgeon General shall consider the recommendations of the Permanent National Health Workforce Commission.

''(2) PRIORITY.—In developing admissions procedures under paragraph (1), the Surgeon General shall ensure that such procedures give priority to applicant medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students from rural communities and underrepresented minorities.

''(b) CONTRACT AND SERVICE OBLIGATION.—

''(1) CONTRACT.—Upon being admitted to the Track, a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student shall enter into a written contract with the Surgeon General that shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (B), the Surgeon General agrees to provide the student with tuition (or tuition remission) and a student stipend (described in paragraph (2)) in each school year for a period of years (not to exceed 4 school years) determined by the student, during which period the student is enrolled in the Track at an affiliated or other participating health professions institution pursuant to an agreement between the Track and such institution; and

''(ii) subject to subparagraph (B), the student agrees—

''(I) to accept the provision of such tuition and student stipend to the student;

''(II) to maintain enrollment at the Track until the student completes the course of study involved;

''(III) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Surgeon General);

''(IV) if pursuing a degree from a school of medicine or osteopathic medicine, dental, public health, or nursing school or a physician assistant, pharmacy, or behavioral and mental health professional program, to complete a residency or internship in a specialty that the Surgeon General determines is appropriate; and

''(V) to serve for a period of time (referred to in this part as the 'period of obligated service') within the Commissioned Corps of the Public Health Service equal to 2 years for each school year during which such individual was enrolled at the College, reduced as provided for in paragraph (3);

''(B) a provision that any financial obligation of the United States arising out of a contract entered into under this part and any obligation of the student which is conditioned thereon, is contingent upon funds being appropriated to carry out this part;

''(C) a statement of the damages to which the United States is entitled for the student's breach of the contract; and

''(D) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this part.

''(2) TUITION AND STUDENT STIPEND.—

''(A) TUITION REMISSION RATES.—The Surgeon General, based on the recommendations of the Permanent National Health Workforce Commission established under section 101(a) of the Health Access and Health Professions Supply Act of 2009, shall establish Federal tuition remission rates to be used by the Track to provide reimbursement to affiliated and other participating health professions institutions for the cost of educational services provided by such institutions to Track students. The agreement entered into by such participating institutions under paragraph (1)(A)(i) shall contain an agreement to accept as payment in full the established remission rate under this subparagraph.

''(B) STIPEND.—The Surgeon General, based on the recommendations of the Permanent National Health Workforce Commission, shall establish and update Federal stipend rates for payment to students under this part.

''(3) REDUCTIONS IN THE PERIOD OF OBLIGATED SERVICE.—The period of obligated service under paragraph (1)(A)(ii)(V) shall be reduced—

''(A) in the case of a student who elects to participate in a high-needs speciality residency (as determined by the Permanent National Health Workforce Commission), by 3 months for each year of such participation (not to exceed a total of 12 months); and

''(B) in the case of a student who, upon completion of their residency, elects to practice in a Federal medical facility (as defined in section 781(e)) that is located in a health professional shortage area (as defined in section 332), by 3 months for year of full-time practice in such a facility (not to exceed a total of 12 months).

''(c) SECOND 2 YEARS OF SERVICE.—During the third and fourth years in which a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student is enrolled in the Track, training should be designed to prioritize clinical rotations in Federal medical facilities in health professional shortage areas, and emphasize a balance of hospital and community-based experiences, and training within interdisciplinary teams.

''(d) DENTIST, PHYSICIAN ASSISTANT, PHARMACIST, BEHAVIORAL AND MENTAL HEALTH PROFESSIONAL, PUBLIC HEALTH PROFESSIONAL, AND NURSE TRAINING.—The Surgeon General shall establish provisions applicable with respect to dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students that are comparable to those for medical students under this section, including service obligations, tuition support, and stipend support. The Surgeon General shall give priority to health professions training institutions that train medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students for some significant period of time together, but at a minimum have a discrete and shared core curriculum.

''(e) ELITE FEDERAL DISASTER TEAMS.—The Surgeon General, in consultation with the Secretary, the Director of the Centers for Disease Control and Prevention, and other appropriate military and Federal government agencies, shall develop criteria for the appointment of highly qualified Track faculty, medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students, and graduates to elite Federal disaster preparedness teams to train and to respond to public health emergencies, natural disasters, bioterrorism events, and other emergencies.

''(f) STUDENT DROPPED FROM TRACK IN AFFILIATE SCHOOL.—A medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student who, under regulations prescribed by the Surgeon General, is dropped from the Track in an affiliated school for deficiency in conduct or studies, or for other reasons, shall be liable to the United States for all tuition and stipend support provided to the student.

''SEC. 274. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part, section 338A-1, and section 749, such sums as may be necessary.''.

SEC. 206. MEDICAL EDUCATION DEBT REIMBURSEMENT FOR PHYSICIANS OF THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program

under which eligible physicians described in subsection (b) are reimbursed for the education debt of such physicians as described in subsection (c).

(b) ELIGIBLE PHYSICIANS.—An eligible physician described in this subsection is any physician currently appointed to a physician position in the Veterans Health Administration under section 7402(b)(1) of title 38, United States Code, who enters into an agreement with the Secretary to continue serving as a physician in such position for such period of time as the Secretary shall specify in the agreement.

(c) COVERED EDUCATION DEBT.—The education debt for which an eligible physician may be reimbursed under this section is any amount paid by the physician for tuition, room and board, or expenses in obtaining the degree of doctor or medicine or of doctor of osteopathy, including any amounts of principal or interest paid by the physician under a loan, the proceeds of which were used by or on behalf of the physician for the costs of obtaining such degree.

(d) FREQUENCY OF REIMBURSEMENT.—Any reimbursement of an eligible physician under this section shall be made in a lump sum or in installments of such frequency as the Secretary shall specify the agreement of the physician as required under subsection (b).

(e) LIABILITY FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—Any eligible physician who fails to satisfactorily complete the period of service agreed to by the physician under subsection (b) shall be liable to the United States in an amount determined in accordance with the provisions of section 7617(c)(1) of title 38, United States Code.

(f) TREATMENT OF REIMBURSEMENT WITH OTHER PAY AND BENEFIT AUTHORITIES.—Any amount of reimbursement payable to an eligible physician under this section is in addition to any other pay, allowances, or benefits that may be provided the physician under law, including any educational assistance under the Department of Veterans Affairs Health Professional Educational Assistance Program under chapter 76 of title 38, United States Code.

TITLE III—HEALTH PROFESSIONAL TRAINING PIPELINE PARTNERSHIPS PROGRAM

SEC. 301. GRANTS TO PREPARE STUDENTS FOR CAREERS IN HEALTH CARE.

(a) PURPOSE.—The purpose of this section is to support the development and implementation of programs designed to prepare middle school and high school students for study and careers in the healthcare field, including success in postsecondary mathematics and science programs.

(b) DEFINITIONS.—In this section:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term ''children from low-income families'' means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENTS.—The term ''eligible recipient'' means—

(A) a nonprofit healthcare career pathway partnership organization; or

(B) a high-need local educational agency in partnership with—

(i) not less than 1 institution of higher education with an established health profession education program; and

(ii) not less than 1 community-based, private sector healthcare provider organization.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ''high-need local educational agency'' means a local educational agency or educational service agency—

(A) that serves not fewer than 10,000 children from low-income families;

(B) for which not less than 20 percent of the children served by the agency are children from low-income families;

(C) that meets the eligibility requirements for funding under the Small, Rural School Achievement Program under section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)); or

(D) that meets the eligibility requirements for funding under the Rural and Low-Income School Program under section 6221(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351(b)(1)).

(4) NONPROFIT HEALTHCARE CAREER PATHWAY PARTNERSHIP ORGANIZATION.—The term ''nonprofit healthcare career pathway partnership organization'' means a nonprofit organization focused on developing career and educational pathways to healthcare professions, that shall include representatives of—

(A) the local educational agencies;

(B) not less than 1 institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) with an established health profession education program; and

(C) not less than 1 community-based, private sector healthcare provider organization or other healthcare industry organization.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the recipients to develop and implement programs of study to prepare middle school and high school students for postsecondary education leading to careers in the healthcare field.

(2) MINIMUM FUNDING LEVEL.—Grants shall be awarded at a minimum level of $500,000 per recipient, per year.

(3) RENEWABILITY.—Grants may be renewed, at the discretion of the Secretary, for not more than 5 years.

(d) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the recipient will meet the program requirements described in subsection (f)(2).

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to—

(1) applicants that include a local educational agency that is located in an area that is designated under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) as a health professional shortage area;

(2) applicants that include an institution of higher education that emphasizes an interdisciplinary approach to health profession education; and

(3) applicants whose program involves the development of a uniquely innovative public-private partnership.

(f) AUTHORIZED ACTIVITIES/USE OF FUNDS.—

(1) IN GENERAL.—Each eligible recipient that receives a grant under this section shall use the grant funds to develop and implement programs of study to prepare middle school and high school students for careers in the healthcare field that—

(A) are aligned with State challenging academic content standards and State challenging student academic achievement standards; and

(B) lead to high school graduation with the skills and preparation—

(i) to enter postsecondary education programs of study in mathematics and science without remediation; and

(ii) necessary to enter healthcare jobs directly.

(2) PROGRAM REQUIREMENTS.—A program of study described in paragraph (1) shall—

(A) involve a review and identification of the content knowledge and skills students who enter institutions of higher education and the workforce need to have in order to succeed in the healthcare field;

(B) promote the alignment of mathematics and science curricula and assessments in middle school and high school and facilitate learning of the required knowledge and skills identified in subparagraph (A);

(C) include an outreach component to educate middle school and high school students and their parents about the full range of employment opportunities in the healthcare field, specifically in the local community;

(D) include specific opportunities for youth to interact with healthcare professionals or industry representatives in the classroom, school, or community locations and how these experiences will be integrated with coursework;

(E) include high-quality volunteer or internship experiences, integrated with coursework;

(F) provide high-quality mentoring, counseling, and career counseling support services to program participants;

(G) consider the inclusion of a distance-learning component or similar education technology that would expand opportunities for geographically isolated individuals;

(H) encourage the participation of individuals who are members of groups that are underrepresented in postsecondary education programs in mathematics and science;

(I) encourage participants to seek work in communities experiencing acute health professional shortages; and

(J) collect data, and analyze the data using measurable objectives and benchmarks, to evaluate the extent to which the program succeeded in—

(i) increasing student and parent awareness of occupational opportunities in the healthcare field;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students entering health care professions upon graduation; and

(iv) increasing the number of students pursuing secondary education or training opportunities with the potential to lead to a career in the healthcare field.

(3) PLANNING GRANT SET ASIDE.—Each eligible recipient that receives a grant under this section shall set aside 10 percent of the grant funds for planning and program development purposes.

(g) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this section shall provide, from the private sector, an amount equal to 40 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(h) REPORTS.—

(1) ANNUAL EVALUATION.—Each eligible recipient that receives a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(A) the number of schools involved and student participants in the program;

(B) the race, gender, socio-economic status, and disability status of program participants;

(C) the number of program participants who successfully graduated from high school;

(D) the number of program participants who reported enrollment in some form of postsecondary education with the potential to lead to a career in the healthcare field;

(E) the number of program participants who entered a paid position, either part-time

or full-time, in the healthcare field following participation in the program; and

(F) the data and analysis required under subsection (f)(2)(J).

(2) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluations conducted under paragraph (1).

(i) AUTHORIZATION AND APPROPRIATION.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2009 through 2013 to carry out this section.

(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. KOHL, and Ms. SNOWE):

S. 795. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, today, Senator BLANCHE LINCOLN, Senator HERB KOHL, Senator OLYMPIA SNOWE and I will be introducing the Elder Justice Act. The Elder Justice Act we are introducing today was reported by the Senate Finance Committee during the last Congress. In fact, this legislation has been introduced consistently since the 107th Congress. Additionally, it has been reported unanimously by the Finance Committee during the last three Congresses.

I want to express my gratitude to Senator BLANCHE LINCOLN, the other lead sponsor of the Elder Justice Act. Senator LINCOLN's strong commitment to reducing elder abuse has made a tremendous difference. It has been a pleasure to work with her on this important legislation.

In addition, I want to acknowledge the other original cosponsors of this bill, Senator HERB KOHL and Senator OLYMPIA SNOWE. Over the years, Senator KOHL has been strong supporter of this legislation and, as Chairman of the Select Committee on Aging, his support has been greatly appreciated by me. Senator SNOWE has been a strong supporter of the Elder Justice Act for many years.

The Elder Justice Coalition, headed by Bob Blancato, also has been a great ally of the Elder Justice Act. The coalition, which has close to 560 members, is dedicated to eliminating elder abuse, neglect, and exploitation in our country. Over the years, coalition members have worked hard to educate Congress about the Elder Justice Act.

I also must acknowledge the work of former Senator John Breaux on this important legislation. Senator Breaux was the original sponsor of the Elder Justice Act.

In fact, Senator Breaux and I first introduced this legislation in the 107th Congress.

Even though Senator Breaux is no longer in the Senate, he has still fought for passage of this legislation and currently serves as the Honorary Chairman of the Elder Justice Coalition.

As far as the Elder Justice Act is concerned, one of the most significant provisions of this bill is the creation of an Elder Justice Coordinating Council and an Advisory Board on elder abuse, neglect and exploitation.

The Coordinating Council, which would be chaired by the Secretary of Health and Human Services, would be made up of Federal agency representatives who would be responsible for overseeing programs related to elder abuse.

Advisory Board members would include citizens who have extensively studied issues surrounding elder abuse.

Together, the Council and Advisory Board would be responsible for coordinating public and private activities and programs related to elder abuse.

Today, that goal is unattainable because quite simply, the approach to addressing elder abuse is disjointed among Federal agencies.

Therefore, the major goal of the Elder Justice Act would be to encourage a comprehensive and coordinated response by these Federal agencies to elder abuse.

I also want to take a minute to address a concern that has been raised by some who believe that the Elder Justice Act is duplicative because federal programs already exist to address elder abuse.

I respectfully disagree with that assessment. In fact, last Congress, we spent a lot of time with agency officials to address some of the concerns raised about the bill. It is my hope that we will continue those discussions this year.

That being said, I truly believe that our government needs to do more when it comes to elder abuse. As more and more baby boomers retire over the next 3 decades, we can no longer ignore the reality that elder abuse is prevalent within our society and we must do something to address it. Enacting the Elder Justice Act is the first step.

Senior citizens cannot wait any longer for this legislation to pass. Getting this bill signed into law continues to be one of my top priorities. Therefore, I urge my colleagues to cosponsor the Elder Justice Act and support the passage of this legislation.

Our seniors deserve no less.

Mr. KOHL. Mr. President, I wish today to express my support for the Elder Justice Act of 2009. As in previous years, I am proud to be an original cosponsor. I wish to thank my colleague, Senators HATCH, LINCOLN, and SNOWE for their leadership to address the often-hidden scourge of elder abuse. For years, Congress has failed to take concrete action to address the consequences of elder abuse, and that must change.

The Elder Justice Act takes several important steps to help protect our vulnerable elders. First, it boosts funding for the long-term care ombudsman program, which is the chief source of advocacy for individuals who live in nursing homes and assisted living facilities. The bill would advance the understanding of how to prosecute and address elder abuse by providing funds to focus on and develop the forensics of elder abuse. In addition, it elevates the importance of elder justice issues by creating a coordinating council of Federal agencies that will make policy recommendations and submit reports to Congress every 2 years. The legislation provides funding for adult protective services programs and improves training and working conditions for long-term care professionals.

We must also act to prevent abuse of our elders whenever and wherever possible. The Patient Safety and Abuse Prevention Act, which I recently reintroduced with my colleague, Senator Collins, would do much to prevent physical, emotional and financial abuse by providing States with the resources they need to significantly improve background check screening processes for vulnerable populations, including frail elders and individuals with disabilities. We know from the results of a 3-year pilot program that thousands of predators can be eliminated from the long-term care workforce that serves elders simply by improving and tightening screening standards.

In closing, I urge my colleagues to support both the Elder Justice Act and the Patient Safety and Abuse Prevention Act. Thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our Nation's nursing homes and other long-term care facilities. Because the current system of State-based background checks is haphazard, inconsistent, and full of gaping holes, predators can evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from defenseless elders.

I thank Senators HATCH, LINCOLN, and SNOWE for their commitment to the cause of elder justice. I look forward to working with my colleagues to enact the legislation we are introducing today.

By Mr. BINGAMAN:

S. 796. A bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Hardrock Mining and Reclamation Act of 2009. This legislation would reform the antiquated Mining Law of 1872, a law that governs the mining of hardrock minerals, such as gold, silver, and copper, from our Federal lands.

When the Mining Law was enacted in 1872, in the aftermath of the California gold rush, Congress sought to encourage settlement of the West. Congress did this by offering free minerals and land to those who were willing to go West and mine. Congress put in place a system whereby miners could enter the public lands and locate claims for valuable mineral deposits, and mine the minerals with no further payment to the government. In the 1872 law, Congress also provided that the Federal Government would patent, or transfer title in fee simple, to the mining claims on the public domain for $2.50 or $5.00 an acre.

In 1920, Congress enacted the Mineral Leasing Act, and removed oil, gas, coal, and certain other minerals from the operation of the Mining Law. In so doing, Congress enacted a management regime that requires the leasing of these minerals. In addition, Congress required payment of per-acre rentals and ad valorem royalties based on the value of production of the oil, gas and coal, providing a return to the public for the production of publicly-owned resources.

However, as we all know, the Mining Law of 1872 continues to govern the disposition of hardrock minerals from Federal lands. While Congress has stepped in and prevented the patenting of lands through annual appropriations riders, patenting provisions allowing the transfer of mineralized Federal lands for $2.50 or $5.00 per acre are still on the books. In addition, to this day under the Mining Law, billions of dollars of hardrock minerals can be mined from Federal lands without payment of a royalty. General land management and environmental laws apply, but there are no specific statutory provisions under the Mining Law setting surface management or environmental standards.

Efforts to comprehensively reform the Mining Law have been ongoing literally for decades, but results have thus far been elusive. Congress came close to enacting comprehensive reform in 1994, and Congress has enacted moratoria on patent issuance and has imposed claim maintenance fees through the appropriations process. The House passed reform legislation last Congress and several of us in the Senate had discussions regarding how we could address this issue.

There is a growing number of people saying that finally this Congress may be the time to achieve this long-awaited reform. Chairman RAHALL, a champion of reform in the House of Representatives, has again introduced mining reform legislation. The bill that I introduce today differs in many significant ways from the House legislation, and builds on discussions in the Senate last Congress. My bill, like other reform proposals, reflects a view that the law needs to be amended to ensure that the public gets a fair return for its resources, that environmental and land use requirements are modernized, and that certainty is provided to the mining industry.

I note that my bill includes a range for both the royalty rate and the reclamation fee which will be set by the Secretary through a rulemaking process. This ensures that the Secretary will have the benefit of comments and information from interested parties and the public in setting the royalty and fee. We must look comprehensively at the subject of royalties and fees to ensure that we continue to maintain a healthy domestic hardrock mining industry with the benefits that the nation derives from that industry, including jobs and strategic minerals. At the same time, we want to ensure that the public gets the fair return on these resources that the American people deserve. I hope to receive additional input on this issue of royalties and fees during consideration of the bill.

Another part of this legislation warrants special attention—that is the provisions relating to abandoned hardrock mine reclamation. While estimates vary, a recent survey of States indicated that there are as many as 500,000 abandoned hardrock mine sites nationwide with most of these in the West. These abandoned mines pose serious public health and safety risks. They also degrade our environment and pose special threats to our most precious resource: water.

As we discuss the size and shape of legislation to reform the 1872 law, there appears to be substantial support for enacting a robust hardrock abandoned mine land program. My legislation would enact a reclamation fee to fund this effort. In 1977, Congress enacted a coal AML program as part of the Surface Mining Control and Reclamation Act to address the serious problem of abandoned coal mines. This program was funded by a fee levied on coal production. We are overdue to enact a similar program to deal with abandoned hardrock mines.

Mr. President, the bill I introduce today reforms the Mining Law of 1872 in important ways. The key provisions of this bill are outlined.

The bill eliminates patenting of Federal lands, but grandfathers patent applications filed and meeting all requirements by September 30, 1994.

The bill makes modest increases in the annual claim maintenance fee, from $125 to $150, and claim location fee, from $30 to $50. The legislation requires the mine operator to pay a fee in exchange for the use of Federal land that is included within the mine permit area. The bill provides that fees collected are to be used for the administration of hardrock mining on Federal lands. Any excess funds are deposited into the Hardrock Minerals Reclamation Fund.

The bill provides that the production of all locatable minerals is subject to a royalty to be determined by the Secretary by regulation of not less than 2 percent and not more than 5 percent of the value of production, not including reasonable transportation, beneficiation, and processing costs. The royalty may vary based on the particular mineral concerned. No royalty will be collected from lands under permit that are producing in commercial quantities on the date of enactment. Royalty revenues will be deposited into the Hardrock Minerals Reclamation Fund.

The bill includes a provision for royalty reductions for all or part of a mining operation where the person conducting the mineral activities shows by clear and convincing evidence that without the reduction, production would not occur.

The bill states that permits are required for all mineral activities on Federal land except for ''casual use'' that ordinarily results in no or negligible disturbance. Mining permits are for a term of 30 years and so long thereafter as production occurs in commercial quantities. The operator must provide evidence of approved financial assurances sufficient to ensure completion of reclamation if performed by the Secretary concerned.

Financial assurances attributable to the cost of water treatment will not be released until the discharge has ceased for at least 5 years or the operator has met all applicable water quality standards for at least 5 years. The operator may be required to establish a trust fund or other long-term funding mechanism to provide financial assurances for long-term treatment of water or other long-term post-mining maintenance or monitoring requirements.

The Secretary of Agriculture must take any action necessary to prevent unnecessary or undue degradation in administering mineral activities on National Forest System land. The bill directs the Secretaries of the Interior and Agriculture to jointly issue regulations.

The bill requires within 3 years a review of certain lands to determine whether they will be available for future mining claim location. The Governor of a state, Chairman of an Indian tribe, or appropriate local official may petition the Secretary to undertake a review of an area.

The bill establishes a program for the reclamation of abandoned hardrock mines in 14 western states. Creates a Hardrock Minerals Reclamation Fund comprised of hardrock royalties, fees, and donations. Each operator of a hardrock mining operation on Federal, state, tribal or private land, must pay a reclamation fee established by the Secretary of not less than 0.3 percent, and not more than 1.0 percent, of the value of the production of the hardrock minerals for deposit into the Fund. The bill provides grant programs for all states for hardrock reclamation projects and for public entities and nonprofit organizations for collaborative restoration projects to improve fish and wildlife habitat affected by past hardrock mining.

Reform of the Mining Law of 1872 is a matter that has come before the Congress repeatedly and that we simply must address. I ask that my colleagues

join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

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

THE HARDROCK MINING AND RECLAMATION ACT OF 2009

Eliminates Patenting—Eliminates the practice of patenting Federal land (i.e., transferring title) while grandfathering patent applications filed and meeting all requirements by September 30, 1994.

Claim Maintenance and Location Fees—Increases the current annual claim maintenance fee to $150 (up from $125 under current law) which is paid in lieu of annual assessment work, with an exception for claim holders with 10 or fewer claims. Increases the current claim location fee to $50 per claim (up from $30 under current law). Provides that fees collected are to be used for the administration of hardrock mining on Federal lands. Any excess is deposited into the Hardrock Minerals Reclamation Fund. Provides for adjustment of the fees to reflect changes in the Consumer Price Index.

Royalties—Production of all locatable minerals is subject to a royalty to be determined by the Secretary by regulation of not less than 2 percent and not more than 5 percent of the value of production, not including reasonable transportation, beneficiation, and processing costs. The royalty may vary based on the particular mineral concerned. No royalty will be collected from existing mines that are producing in commercial quantities on the date of enactment. Royalty revenues will be deposited into the Hardrock Minerals Reclamation Fund. Provides for royalty reductions for all or part of a mining operation where the person conducting the mineral activities shows by clear and convincing evidence that without the reduction, production would not occur. Provides for enforcement for royalty and certain fee collections. Provides for a look-back report on the impacts of royalties and fees.

Permits—Permits are required for all mineral activities on Federal land except for ''casual use'' that ordinarily results in no or negligible disturbance. Mining permits are for a term of 30 years and so long thereafter as production occurs in commercial quantities.

Land Use Fees—With respect to new mines, requires the operator to pay a land use fee as determined by the Secretary by regulation equal to 4 times the claim maintenance fee imposed for each 20 acres of Federal land that is included within the mine permit area. Upon approval of the mining permit and payment of the fee, the operator may use and occupy the Federal land within the permit area, consistent with the mining permit and all applicable law.

Financial Assurances—The operator must provide evidence of approved financial assurances sufficient to ensure completion of reclamation if performed by the Secretary concerned.

Water Reclamation—Financial assurances attributable to the cost of water treatment will not be released until the discharge has ceased for at least 5 years or the operator has met all applicable water quality standards for at least 5 years. The operator may be required to establish a trust fund or other long-term funding mechanism to provide financial assurances for long-term treatment of water or other long-term post-mining maintenance or monitoring requirements.

Operation and Reclamation—Creates a uniform standard for operation and reclamation on both BLM and Forest Service lands by applying the ''unnecessary or undue degradation'' standard currently applicable to BLM land to National Forest System land. Directs the Secretaries of the Interior and Agriculture to jointly issue regulations.

Land Open to Location—Amends the Federal Land Policy and Management Act to require within 3 years that local Federal land managers review specified categories of lands for withdrawal from operation of the Mining Law, subject to valid existing rights. The categories to be reviewed are: designated wilderness study areas and National Forest System land identified as suitable for wilderness designation; areas of critical environmental concern; Federal land in which mineral activities pose a reasonable likelihood of substantial adverse impacts on National Conservation System units as defined in the bill; certain areas with potential for inclusion in the Wild and Scenic Rivers System as specified; and areas identified in the set of inventoried roadless area maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000). Based on the review and recommendation of the local Federal land manager, areas can be removed from operation of the Mining Law, subject to valid existing rights. The Governor of a state, head of an Indian tribe, or appropriate local official may petition the Secretary to direct the local Federal land manager to undertake a review of an area to determine whether land should be withdrawn, subject to valid existing rights.

Inspection and Monitoring—Requires the Secretary concerned to conduct inspections at least once each quarter. All operators must develop and maintain a monitoring and evaluation system.

Hardrock Minerals Reclamation Fund—Provides for the payment of royalties, fees, and donations into a Hardrock Minerals Reclamation Fund to be administered by the Secretary of the Interior through the Office of Surface Mining Reclamation and Enforcement.

Use of the Fund—The Secretary may use amounts in the Fund without further appropriation for the reclamation of land and water (Federal, State, tribal and private) affected by past hardrock mining and related activities in 14 western states when there is no continuing reclamation responsibility of the claim holder or operator, and for hardrock reclamation grant programs nationwide as specified in the bill.

Allocation of the Fund—Provides for allocation of the Fund: to states and tribes based on current hardrock production and on the quantity of hardrock minerals historically produced; to agencies for expenditure on Federal land; for grants to states other than the 14 designated western states for reclamation of abandoned hardrock mine sites; for grants to public entities and nonprofit organizations for collaborative restoration projects to improve fish and wildlife habitat affected by past hardrock mining; and for program administration.

Abandoned Mine Land Fee—Each operator of a hardrock mineral mining operation on Federal, state, tribal or private land, shall pay to the Secretary a reclamation fee established by the Secretary by regulation of not less than 0.3 percent, and not more than 1.0 percent, of the value of the production of the hardrock minerals mining operation for each calendar year for deposit into the Fund.

Transition—If a plan of operations is approved or a notice of operations is filed for mineral activities before the date of enactment, mineral activities will be subject to the approved plan of operations or the notice for 10 years after the date of enactment. All fees apply starting on the date of enactment of this Act, except that the land use fee applies only to mining permits or modifications after the date of enactment. No royalty is required on production from Federal land that is subject to an operations permit on the date of enactment of this Act and that produces valuable locatable minerals in commercial quantities on the date of enactment.

Enforcement—Provides for enforcement, including civil penalty authority for the Secretary.

Uncommon Varieties—Subject to valid existing rights, makes minerals classified as ''common varieties with distinct and special value'' subject to disposal under the Materials Act of 1947.

Review of Uranium Development on Federal Land—Provides for a National Academy of Sciences review of legal and related requirements applicable to the development of uranium on Federal lands.

By Mr. DORGAN (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. WYDEN, Mr. JOHNSON, Ms. CANTWELL, Ms. MURKOWSKI, Mr. THUNE, Mr. TESTER, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to introduce the Tribal Law and Order Act of 2009.

Last Congress, as Chairman of the Committee on Indian Affairs, I chaired eight hearings on the criminal justice system as it relates to American Indian and Alaska Native communities. Those hearings confirmed that a longstanding and life threatening public safety crisis exists on many of our Nation's American Indian reservations.

One of the primary causes for violent crime in Indian Country is the broken system of justice. The current system limits local tribal government authority to combat crime in their own communities, and requires reservation residents to rely on Federal officials to investigate and prosecute violent crimes in district courts that are often hundreds of miles away from the reservation.

The United States created this system. In so doing, our Government accepted the responsibility to police Indian lands, and incurred a legal obligation to provide for the public safety of tribal communities.

Unfortunately, we are not meeting that obligation.

The following is a partial listing of Indian Country criminal justice statistics. These statistics represent more than numbers. They represent the dark reality faced by hundreds of tribal communities on a daily basis.

The violent crime rate in Indian country is nearly twice the national average, and more than 20 times the national average on some reservations.

Thirty-four percent of Native women will be raped in their lifetimes; and 39 percent will be subject to domestic violence.

Fewer than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian lands—less than ½ of the law enforcement presence in comparable communities nationwide.

The lack of police presence has resulted in significant delays in responding to victims' calls for assistance, which in turn adversely affects the collection of evidence needed to prosecute domestic violence and sexual assaults.

In addition, Federal officials have seized business documents from organized crime operations citing the lack of police presence and jurisdictional confusion as reasons for targeting Indian reservations for the manufacture and distribution of drugs.

An Interior Department report found that 90 percent of existing Bureau of Indian Affairs and tribal detention facilities must be replaced. The lack of jail bed space has forced tribal courts to release a number of offenders.

Tribal communities rely solely on the U.S. to investigate and prosecute felony-level crimes occurring on the reservation. However, between 2004 and 2007, Federal prosecutors declined 62 percent of Indian country criminal cases, including 72 percent of child and adult sex crimes.

To address this crisis, I am introducing the Tribal Law and Order Act of 2009 with the support of my colleagues Committee Vice Chairman BARRASSO, and Senators BAUCUS, BINGAMAN, BEGICH, CANTWELL, JOHNSON, KYL, LIEBERMAN, MURKOWSKI, TESTER, THUNE, UDALL, and WYDEN.

This bill will take initial steps to mend this broken system by arming tribal justice officials with the needed tools to protect their communities. Importantly, the bill would enable tribal courts to sentence offenders up to 3 years in prison for violations of tribal law, an increase from the current limit of 1 year. It also arms tribal police with better access to national criminal databases, and improves their ability to makes arrests for reservation crimes.

In addition, the bill would provide for greater accountability on the part of Federal officials responsible for investigating and prosecuting reservation crimes. To increase coordination of prosecutions, the bill would require U.S. Attorneys to file declination reports and maintain data when refusing to pursue a case. Maintaining consistent data on declinations will enable Congress to direct funding where the additional resources are needed. It would also require greater consultation and coordination between federal law enforcement officials, tribal leaders, and community members.

To address the epidemic of domestic violence, the bill would require Federal health and law enforcement officials to establish consistent sexual assault protocols. It would require officials to testify to aid tribal court prosecutions. The bill would also require Federal officials to receive specialized training to properly interview victims of domestic and sexual violence, and improve evidence collection and preservation, which will help improve the prosecution of domestic violence and sexual assaults in Federal and tribal courts.

Improving the system will ensure that Federal dollars appropriated to fight reservation crime will be used in a more efficient manner. To that end, the bill also reauthorizes and amends several Federal programs designed to supplement tribal justice systems to enable them to better combat crime locally. These programs would provide funding for tribal courts, tribal police, Indian youth programs, and tribal jails construction.

This bill was developed in consultation with tribal, Federal and State law enforcement officials, judges, prosecutors, public defenders, victims, victims' advocates and many others.

I want to again thank the co-sponsors for their support. Many of the cosponsors sit on the Indian Affairs Committee with me, and have repeatedly heard from Federal and tribal officials about this longstanding problem. The residents of Indian Country deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

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

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

S. 797

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 ''Tribal Law and Order Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

Sec. 101. Office of Justice Services responsibilities.
Sec. 102. Declination reports.
Sec. 103. Prosecution of crimes in Indian country.
Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

Sec. 201. State criminal jurisdiction and resources.
Sec. 202. Incentives for State, tribal, and local law enforcement cooperation.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

Sec. 301. Tribal police officers.
Sec. 302. Drug enforcement in Indian country.
Sec. 303. Access to national criminal information databases.
Sec. 304. Tribal court sentencing authority.
Sec. 305. Indian Law and Order Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

Sec. 401. Indian alcohol and substance abuse.
Sec. 402. Indian tribal justice; technical and legal assistance.
Sec. 403. Tribal resources grant program.
Sec. 404. Tribal jails program.
Sec. 405. Tribal probation office liaison program.
Sec. 406. Tribal youth program.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

Sec. 501. Tracking of crimes committed in Indian country.
Sec. 502. Grants to improve tribal data collection systems.
Sec. 503. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

Sec. 601. Prisoner release and reentry.
Sec. 602. Domestic and sexual violent offense training.
Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.
Sec. 604. Coordination of Federal agencies.
Sec. 605. Sexual assault protocol.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of tribal communities;

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are ultimately the most appropriate institutions for maintaining law and order in tribal communities;

(4) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(5) on many Indian reservations, law enforcement officers respond to distress or emergency calls without backup and travel to remote locations without adequate radio communication or access to national crime information database systems;

(6) the majority of tribal detention facilities were constructed decades before the date of enactment of this Act and must be or will soon need to be replaced, creating a multibillion-dollar backlog in facility needs;

(7) a number of Indian country offenders face no consequences for minor crimes, and many such offenders are released due to severe overcrowding in existing detention facilities;

(8) tribal courts—

(A) are the primary arbiters of criminal and civil justice for actions arising in Indian country; but

(B) have been historically underfunded;

(9) tribal courts have no criminal jurisdiction over non-Indian persons, and the sentencing authority of tribal courts is limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government and certain State governments for the prosecution of—

(A) misdemeanors committed by non-Indian persons; and

(B) all felony crimes in Indian country;

(10) a significant percentage of cases referred to Federal agencies for prosecution of

crimes allegedly occurring in tribal communities are declined to be prosecuted;

(11) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities; and

(B) has been increasingly exploited by criminals;

(12) the violent crime rate in Indian country is—

(A) nearly twice the national average; and

(B) more than 20 times the national average on some Indian reservations;

(13)(A) domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of Indian and Alaska Native women will be subject to domestic violence;

(14) the lack of police presence and resources in Indian country has resulted in significant delays in responding to victims' calls for assistance, which adversely affects the collection of evidence needed to prosecute crimes, particularly crimes of domestic and sexual violence;

(15) alcohol and drug abuse plays a role in more than 80 percent of crimes committed in tribal communities;

(16) the rate of methamphetamine addiction in tribal communities is 3 times the national average;

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

(18) tribal communities face significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations;

(19)(A) criminal jurisdiction in Indian country is complex, and responsibility for Indian country law enforcement is shared among Federal, tribal, and State authorities; and

(B) that complexity requires a high degree of commitment and cooperation from Federal and State officials that can be difficult to establish;

(20) agreements for cooperation among certified tribal and State law enforcement officers have proven to improve law enforcement in tribal communities;

(21) consistent communication among tribal, Federal, and State law enforcement agencies has proven to increase public safety and justice in tribal and nearby communities; and

(22) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the safety of the public in tribal communities;

(4) to reduce the prevalence of violent crime in tribal communities and to combat violence against Indian and Alaska Native women;

(5) to address and prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

''(10) TRIBAL JUSTICE OFFICIAL.—The term 'tribal justice official' means—

''(A) a tribal prosecutor;

''(B) a tribal law enforcement officer; or

''(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.''.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services''.

(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking ''(b) There is hereby established within the Bureau a Division of Law Enforcement Services which'' and inserting the following:

''(b) OFFICE OF JUSTICE SERVICES.—There is established in the Bureau an office, to be known as the 'Office of Justice Services', that'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services'';

(B) in paragraph (2), by inserting ''and, with the consent of the Indian tribe, tribal criminal laws, including testifying in tribal court'' before the semicolon at the end;

(C) in paragraph (8), by striking ''and'' at the end;

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(10) the development and provision of dispatch and emergency and E–911 services;

''(11) communicating with tribal leaders, tribal community and victims' advocates, tribal justice officials, and residents of Indian land on a regular basis regarding public safety and justice concerns facing tribal communities;

''(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

''(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

''(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

''(15) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

''(A)(i) the number of full-time employees of the Bureau and tribal government who serve as—

''(I) criminal investigators;

''(II) uniform police;

''(III) police and emergency dispatchers;

''(IV) detention officers;

''(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; or

''(VI) tribal court judges, prosecutors, public defenders, or related staff; and

''(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

''(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, and related program costs;

''(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

''(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

''(16) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Bureau of Indian Affairs; and

''(17) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services'';

(B) in paragraph (3)—

(i) by striking ''regulations which shall establish'' and inserting ''regulations, which shall—

''(A) establish'';

(ii) by striking ''reservation.'' and inserting ''reservation; but''; and

(iii) by adding at the end the following:

''(B) support the enforcement of tribal laws and investigation of offenses against tribal criminal laws.''; and

(C) in paragraph (4)(i), in the first sentence, by striking ''Division'' and inserting ''Office of Justice Services'';

(4) in subsection (e), by striking ''Division of Law Enforcement Services'' each place it appears and inserting ''Office of Justice Services''; and

(5) by adding at the end the following:

''(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for the construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for the construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, upon approval of affected tribal governments;

''(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) other such alternatives to incarceration as the Secretary, in coordination with the Bureau and in consultation with tribal representatives, determines to be necessary.

''(g) LAW ENFORCEMENT PERSONNEL OF BUREAU AND INDIAN TRIBES.—

''(1) REPORT.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report regarding vacancies in law enforcement personnel of Bureau and Indian tribes.

''(2) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a long-term plan to address law enforcement personnel needs in Indian country.''.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking ''), or'' and inserting ''or offenses committed on Federal property processed by the Central Violations Bureau); or''; and

(2) in paragraph (3), by striking subparagraphs (A) through (C) and inserting the following:

''(A) the offense is committed in the presence of the employee; or

''(B) the offense is a Federal crime and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the crime;''.

SEC. 102. DECLINATION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

''(a) REPORTS.—

''(1) LAW ENFORCEMENT OFFICIALS.—Subject to subsection (d), if a law enforcement officer or employee of any Federal department or agency declines to initiate an investigation of an alleged violation of Federal law in Indian country, or terminates such an investigation without referral for prosecution, the officer or employee shall—

''(A) submit to the appropriate tribal justice officials evidence, including related reports, relevant to the case that would advance prosecution of the case in a tribal court; and

''(B) submit to the Office of Indian Country Crime relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for declining to initiate, open, or terminate the investigation.

''(2) UNITED STATES ATTORNEYS.—Subject to subsection (d), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal law in Indian country, the United States Attorney shall—

''(A) submit to the appropriate tribal justice official, sufficiently in advance of the tribal statute of limitations, evidence relevant to the case to permit the tribal prosecutor to pursue the case in tribal court; and

''(B) submit to the Office of Indian Country Crime and the appropriate tribal justice official relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

''(i) the type of crime alleged;

''(ii) the status of the accused as an Indian or non-Indian;

''(iii) the status of the victim as an Indian; and

''(iv) the reason for the determination to decline or terminate the prosecution.

''(b) MAINTENANCE OF RECORDS.—

''(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish and maintain a compilation of information received under paragraph (1) or (2) of subsection (a) relating to declinations.

''(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made available to Congress on an annual basis.

''(c) INCLUSION OF CASE FILES.—A report submitted to the appropriate tribal justice officials under paragraph (1) or (2) of subsection (a) may include the case file, including evidence collected and statements taken that could support an investigation or prosecution by the appropriate tribal justice officials.

''(d) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or source to an official of any Indian tribe.

''(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

''(3) REGULATIONS.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1).''.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—Section 543 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country''; and

(2) by adding at the end the following:

''(c) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under this section to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.''.

(b) TRIBAL LIAISONS.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

''(a) APPOINTMENT.—Each United States Attorney the district of which includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

''(b) DUTIES.—A tribal liaison shall be responsible for the following activities in the district of the tribal liaison:

''(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

''(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

''(3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

''(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

''(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

''(6) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

''(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

''(8) Coordinating with the Office of Indian Country Crime, as necessary.

''(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

''(c) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

''(1) FINDINGS.—Congress finds that—

''(A) many tribal communities rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

''(B) tribal liaisons have dual obligations of—

''(i) coordinating prosecutions of Indian country crime; and

''(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

''(A) take all appropriate actions to encourage the aggressive prosecution of all crimes committed in Indian country; and

''(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

''(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

''(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

''(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

''(i) the crime rate exceeds the national average crime rate; or

''(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

''(B) to coordinate with applicable United States magistrate and district courts—

''(i) to ensure the provision of docket time for prosecutions of Indian country crimes; and

''(ii) to hold trials and other proceedings in Indian country, as appropriate;

''(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

''(D) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.

''(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.''.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Tribal Justice.''.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

''SEC. 106. OFFICE OF TRIBAL JUSTICE.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2009, the Attorney General shall modify the status of the Office of Tribal Justice as the Attorney General determines to be necessary to establish the Office of Tribal Justice as a permanent division of the Department.

''(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a division of the Department under subsection (a).

''(c) ADDITIONAL DUTIES.—In addition to the duties of the Office of Tribal Justice in effect on the day before the date of enactment of the Tribal Law and Order Act of 2009, the Office of Tribal Justice shall—

''(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

''(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

''(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

''(A) the trust responsibility of the United States to Indian tribes;

''(B) any tribal treaty provision;

''(C) the status of Indian tribes as a sovereign governments; or

''(D) any other tribal interest.''.

(b) OFFICE OF INDIAN COUNTRY CRIME.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

''SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.

''(a) ESTABLISHMENT.—There is established in the criminal division of the Department of Justice an office, to be known as the 'Office of Indian Country Crime'.

''(b) DUTIES.—The Office of Indian Country Crime shall—

''(1) develop, enforce, and administer the application of Federal criminal laws applicable in Indian country;

''(2) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

''(3) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

''(4) develop and implement criminal enforcement policies for United States Attorneys and investigators of Federal crimes regarding cases arising in Indian country; and

''(5) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys.

''(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

''(1) APPOINTMENT.—The Attorney General shall appoint a Deputy Assistant Attorney General for Indian Country Crime.

''(2) DUTIES.—The Deputy Assistant Attorney General for Indian Country Crime shall—

''(A) serve as the head of the Office of Indian Country Crime;

''(B) serve as a point of contact to United State Attorneys serving districts including Indian country, tribal liaisons, tribal governments, and other Federal, State, and local law enforcement agencies regarding issues affecting the prosecution of crime in Indian country; and

''(C) carry out such other duties as the Attorney General may prescribe.''.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of Public Law 90–284 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through ''The consent of the United States'' and inserting the following:

''SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

''(a) CONSENT OF UNITED STATES.—

''(1) IN GENERAL.—The consent of the United States''; and

(2) by adding at the end the following:

''(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with the Attorney General, the United States shall maintain concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.''.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) APPLICABLE LAW.—At the request of an Indian tribe, and after consultation with the Attorney General—

''(1) sections 1152 and 1153 of this title shall remain in effect in the areas of the Indian country of the Indian tribe; and

''(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments.''.

SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

(a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE PROGRAM.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) PROGRAM PLANS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the Attorney General a plan for a program to achieve the purpose described in subsection (a).

(2) PLAN REQUIREMENTS.—A joint program plan under paragraph (1) shall include a description of—

(A) the proposed cooperative tribal and State or local law enforcement program for which funding is sought, including information on the population and each geographic area to be served by the program;

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (c);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reservation and the individuals and entities that will perform those services;

(E) the individual or group of individuals who will exercise daily supervision and control over law enforcement officers participating in the program;

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

(G) the policies of the program regarding mutual aid, hot pursuit of suspects, deputization, training, and insurance of applicable law enforcement officers;

(H) the recordkeeping procedures and types of data to be collected pursuant to the program; and

(I) other information that the Attorney General determines to be relevant.

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime payments for current law enforcement officers, that are or will be dedicated to—

(A) policing tribal land and nearby lands; and

(B) investigating alleged crimes on those lands;

(2) procure equipment, technology, or support systems to be used to investigate crimes and share information between tribal, State, and local law enforcement agencies; or

(3) for any other uses that the Attorney General determines will meet the purposes described in subsection (a).

(d) FACTORS FOR CONSIDERATION.—In determining whether to approve a joint program plan submitted under subsection (b) and, on approval, the amount of assistance to provide to the program, the Attorney General shall take into consideration the following factors:

(1) The size and population of each Indian reservation and nearby community proposed to be served by the program.

(2) The complexity of the law enforcement problems proposed to be addressed by the program.

(3) The range of services proposed to be provided by the program.

(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

(5) The crime rates of the tribal and nearby communities.

(6) The available resources of each entity applying for a grant under this section for dedication to public safety in the respective jurisdictions of the entities.

(e) ANNUAL REPORTS.—To be eligible to renew or extend a grant under this section, a group described in subsection (b)(1) shall submit to the Attorney General, together with the joint program plan under subsection (b), a report describing the law enforcement activities carried out pursuant to the program during the preceding fiscal year, including the success of the activities, including any increase in arrests or prosecutions.

(f) REPORTS BY ATTORNEY GENERAL.—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.

(g) TECHNICAL ASSISTANCE.—On receipt of a request from a group composed of not less than 1 tribal government and 1 State or local government, the Attorney General shall provide technical assistance to the group to develop successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2010 through 2014.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking ''(e)(1) The Secretary'' and inserting the following:

''(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

''(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

''(A) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(B) TRAINING.—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Office of Justice Services or an Indian tribe to obtain training at a State or tribal police academy, a local or tribal community college, or another training academy that meets the relevant Peace Officer Standards and Training.'';

(2) in paragraph (3), by striking ''Agencies'' and inserting ''agencies''; and

(3) by adding at the end the following:

''(4) BACKGROUND CHECKS FOR OFFICERS.—The Office of Justice Services shall develop standards and deadlines for the provision of background checks for tribal law enforcement and corrections officials that ensure that a response to a request by an Indian tribe for such a background check shall be provided by not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe.''.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5(a) of the Indian Law Enforcement Reform Act (25 U.S.C. 2804(a)) is amended—

(1) by striking ''(a) The Secretary may enter into an agreement'' and inserting the following:

''(a) AGREEMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary shall establish procedures to enter into memoranda of agreement'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) CERTAIN ACTIVITIES.—The Secretary''; and

(3) by adding at the end the following:

''(3) PROGRAM ENHANCEMENT.—

''(A) TRAINING SESSIONS IN INDIAN COUNTRY.—

''(i) IN GENERAL.—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

''(ii) INCLUSIONS.—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

''(B) MEMORANDA OF AGREEMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

''(ii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the applicable Indian tribe.''.

(c) INDIAN LAW ENFORCEMENT FOUNDATION.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

''SEC. 701. INDIAN LAW ENFORCEMENT FOUNDATION.

''(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation' (referred to in this section as the 'Foundation').

''(b) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

''(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.''.

(d) ACCEPTANCE AND ASSISTANCE.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

''(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—

''(1) a Federal, tribal, State, or other government agency; or

''(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.''.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting '' tribal,'' after ''State,'' each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting ''tribal,'' after ''State,''; and

(2) in subsection (b)(2), by inserting '', tribal,'' after ''State''.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting ''tribal,'' after ''State,'' each place it appears; and

(B) in paragraphs (6) and (7), by inserting '', tribal,'' after ''State'' each place it appears; and

(2) in subsection (d)(1), by inserting '', tribal,'' after ''State''.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting '', tribal,'' after ''State''.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting ''Indian tribes,'' after ''the States,'';

(2) by striking subsection (d) and inserting the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

''(1) to directly access and enter information into Federal criminal information databases; and

''(2) to directly obtain information from the databases.'';

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting '', tribal,'' after ''Federal''.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State

requirements have access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) CONSTITUTIONAL RIGHTS.—Section 202 of Public Law 90–284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) IN GENERAL.—No Indian tribe'';

(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking ''and a fine'' and inserting ''or a fine''; and

(3) by adding at the end the following:

''(b) TRIBAL COURTS AND PRISONERS.—

''(1) IN GENERAL.—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

''(A) deny any person in such a criminal proceeding the assistance of a defense attorney licensed to practice law in any jurisdiction in the United States;

''(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of a single offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

''(C) deny any person in such a criminal proceeding the due process of law.

''(2) AUTHORITY.—An Indian tribe exercising authority pursuant to this subsection shall—

''(A) require that each judge presiding over an applicable criminal case is licensed to practice law in any jurisdiction in the United States; and

''(B) make publicly available the criminal laws (including regulations and interpretive documents) of the Indian tribe.

''(3) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a convicted offender—

''(A) to serve the sentence—

''(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

''(ii) in the nearest appropriate Federal facility, at the expense of the United States pursuant to a memorandum of agreement with Bureau of Prisons in accordance with paragraph (4);

''(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

''(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

''(B) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

''(4) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—

''(A) shall acknowledge that the United States will incur all costs involved, including the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred prisoners;

''(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of violent crimes, crimes involving sexual abuse, and serious drug offenses, as determined by the Bureau of Prisons, in consultation with tribal governments, by regulation;

''(C) shall not affect the jurisdiction, power of self-government, or any other authority of an Indian tribe over the territory or members of the Indian tribe;

''(D) shall contain such other requirements as the Bureau of Prisons, in consultation with the Bureau of Indian Affairs and tribal governments, may determine, by regulation; and

''(E) shall be executed and carried out not later than 180 days after the date on which the applicable Indian tribe first contacts the Bureau of Prisons to accept a transfer of a tribal court offender pursuant to this subsection.

''(c) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.''.

(b) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b)) is amended by striking paragraph (2) and inserting the following:

''(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;''.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General; and

(ii) the Secretary of the Interior;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including —

(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

(A) the investigation and prosecution of Indian country crimes; and

(B) residents of Indian land;

(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;

(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

(A) the authority of Indian tribes; and

(B) the rights of defendants subject to tribal government authority; and

(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2009.

(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) improving services and programs—

(A) to prevent juvenile crime on Indian land;

(B) to rehabilitate Indian youth in custody; and

(C) to reduce recidivism among Indian youth;

(3) enhancing the penal authority of tribal courts and exploring alternatives to incarceration;

(4) the establishment of satellite United States magistrate or district courts in Indian country;

(5) changes to the tribal jails and Federal prison systems; and

(6) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

(g) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

(2) WITNESS EXPENSES.—

(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of ⅔ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General and Secretary shall provide to the Commission reasonable and appropriate office space, supplies, and administrative assistance.

(i) CONTRACTS FOR RESEARCH.—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote of ⅔ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

(j) TRIBAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the ''Tribal Advisory Committee''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

(i) justice systems;

(ii) crime prevention; or

(iii) victim services.

(3) DUTIES.—The Tribal Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (c)(3).

(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2009''; and

(II) by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(ii) in paragraph (2)(A), by inserting '', Bureau of Justice Assistance, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs,'';

(iii) in paragraph (4), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(iv) in paragraph (5), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(v) in paragraph (7), by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(B) in subsection (c), by inserting '', the Attorney General,'' after ''Secretary of the Interior''; and

(C) in subsection (d), by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2009''.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(B) in subsection (c)(1)(A)(i), by inserting '', the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(C) in subsection (d)(2), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2010 through 2014'';

(D) in subsection (e), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(E) in subsection (f)(3), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2010 through 2014''.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting '', the Attorney General'' after ''Bureau of Indian Affairs'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the 'Office of Indian Alcohol and Substance Abuse' (referred to in this section as the 'Office').

''(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

''(i) on a permanent basis; and

''(ii) at a grade of not less than GS–15 of the General Schedule.'';

(ii) in paragraph (2)—

(I) by striking ''(2) In addition'' and inserting the following:

''(2) RESPONSIBILITIES OF OFFICE.—In addition'';

(II) by striking subparagraph (A) and inserting the following:

''(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;'';

(III) in subparagraph (B)—

(aa) by striking ''within the Bureau of Indian Affairs''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2009, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

''(i) establish the goals and other desired outcomes of this Act;

''(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

''(iii) provides guidelines for resource and information sharing;

''(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

''(v) determines whether collaboration is feasible, cost-effective, and within agency capability.''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) APPOINTMENT OF EMPLOYEES.—The Director of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.''; and

(C) in subsection (c)—

(i) by striking ''of Alcohol and Substance Abuse'' each place it appears;

(ii) in paragraph (1), in the second sentence, by striking ''The Assistant Secretary of the Interior for Indian Affairs'' and inserting ''The Director of the Substance Abuse and Mental Health Services Administration''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''Youth'' and inserting ''youth''; and

(II) by striking ''programs of the Bureau of Indian Affairs'' and inserting ''the applicable Federal programs''.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(B) in subsection (b)—

(i) in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(ii) in the second sentence, by inserting '', nor the Attorney General,'' after ''the Secretary of the Interior''; and

(iii) in the third sentence, by inserting '', the Department of Justice,'' after ''the Department of the Interior''; and

(C) in subsection (c)(1), by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(6) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended—

(A) in subsection (a), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(B) in subsection (b), by striking ''fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2010 through 2014''.

(7) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

''(a) SUMMER YOUTH PROGRAMS.—

''(1) IN GENERAL.—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

''(2) COSTS.—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs under this subsection such sums as are necessary for each of fiscal years 2010 through 2014.''.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2010 through 2014.'';

(2) in paragraph (2), by striking ''$7,000,000'' and all that follows through the end of the paragraph and inserting ''$10,000,000 for each of fiscal years 2010 through 2014.''; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.'';

(B) in paragraph (2), by striking ''United States Custom Service'' and inserting ''United States Customs and Border Protection''; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2014.''; and

(2) in subsection (b)(2), by striking ''as may be necessary'' and all that follows through the end of the paragraph and inserting ''as are necessary for each of fiscal years 2010 through 2014.''.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

''(A) the investigation and prosecution of offenses relating to illegal narcotics; and

''(B) alcohol and substance abuse prevention and treatment.

''(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.''; and

(2) in subsection (b), by striking ''as may be necessary'' and all that follows through the end of the subsection and inserting ''as are necessary for each of fiscal years 2010 through 2014.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' the first place it appears and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(B) in the second sentence, by striking ''The Secretary shall'' and inserting the following:

''(2) CONSTRUCTION AND OPERATION.—The Secretary shall''; and

(C) by adding at the end the following:

''(3) DEVELOPMENT OF PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, the Director of the Substance Abuse and Mental Health Services Administration, the Director of the Indian Health Service, and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

''(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.''; and

(2) in subsection (b)—

(A) by striking ''such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' each place it appears and inserting ''such sums as are necessary for each of fiscal years 2010 through 2014''; and

(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

(1) BASE SUPPORT FUNDING.—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

''(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, guardians ad litem, and court-appointed special advocates for children and juveniles;''.

(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking ''the provisions of sections 101 and 102 of this Act'' and inserting ''sections 101 and 102''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014'';

(B) in subsection (b)—

(i) by striking ''the provisions of section 103 of this Act'' and inserting ''section 103''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014'';

(C) in subsection (c), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014''; and

(D) in subsection (d), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2010 through 2014''.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting ''(including guardians ad litem and court-appointed special advocates for children and juveniles)'' after ''civil legal assistance''.

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking ''criminal legal assistance to members of Indian tribes and tribal justice systems'' and inserting ''criminal legal assistance services to all defendants subject to tribal court jurisdiction and judicial services for tribal courts''.

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 106 (25 U.S.C. 3666), by striking ''2000 through 2004'' and inserting ''2010 through 2014''; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking ''2000 through 2004'' and inserting ''2010 through 2014''.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting ''to'' after the paragraph designation;

(B) in paragraph (1), by striking ''State and'' and inserting ''State, tribal, or'';

(C) in paragraphs (9) and (10), by inserting '', tribal,'' after ''State'' each place it appears;

(D) in paragraph (15)—

(i) by striking ''a State in'' and inserting ''a State or Indian tribe in'';

(ii) by striking ''the State which'' and inserting ''the State or tribal community that''; and

(iii) by striking ''a State or'' and inserting ''a State, tribal, or'';

(E) in paragraph (16), by striking ''and'' at the end

(F) in paragraph (17), by striking the period at the end and inserting ''; and'';

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

''(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section on behalf of the Bureau for use in accordance with paragraphs (1) through (16).''.

(2) in subsection (i), by striking ''The authority'' and inserting ''Except as provided in subsection (j), the authority''; and

(3) by adding at the end the following:

''(j) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2010 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

''(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2010 through 2014.

''(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

''(1) the problem of intermittent funding;

''(2) the integration of COPS personnel with existing law enforcement authorities; and

''(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.''.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2010 through 2014 to carry out this section.''.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

''(A) to Indian tribes for purposes of—

''(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

''(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

''(iii) developing and implementing alternatives to incarceration in tribal jails;

''(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

''(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

''(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

''(A) reservation crime rates;

''(B) annual tribal court convictions; and

''(C) bed space needs.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.''.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting ''or consortium of Indian tribes, as applicable,'' after ''Indian tribe''.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

''(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

''(1) proposed activities for construction of detention facilities (including regional facilities) on Indian land;

''(2) proposed activities for construction of additional Federal detention facilities on Indian land;

''(3) proposed activities for contracting with State and local detention centers, with tribal government approval;

''(4) proposed alternatives to incarceration, developed in cooperation with tribal court systems; and

''(5) such other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.''.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

''SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.

''To the maximum extent practicable, the Director of the Administrative Office of the United States Courts, in coordination with the Office of Tribal Justice and the Director of the Office of Justice Services, shall—

''(1) appoint individuals residing in Indian country to serve as assistant parole or probation officers for purposes of monitoring and providing service to Federal prisoners residing in Indian country; and

''(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.''.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—

(1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(A) in subsection (a), by inserting '', or to Indian tribes under subsection (d)'' after ''subsection (b)''; and

(B) by adding at the end the following:

''(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

''(A) to support and enhance—

''(i) tribal juvenile delinquency prevention services; and

''(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

''(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

''(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

''(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the reservation communities to be served—

''(A) juvenile crime rates;

''(B) dropout rates; and

''(C) percentage of at-risk youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking ''fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''each of fiscal years 2010 through 2014''.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking ''Nine'' and inserting ''Ten''; and

(2) in subparagraph (B), by adding at the end the following:

''(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.''.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

(B) by inserting after paragraph (7) the following:

''(8) the Office of Justice Services of the Bureau of Indian Affairs;'';

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking ''State'' and inserting ''tribal, State,''; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting ''tribal,'' before ''State,'' each place it appears; and

(2) in subsection (b), by inserting ''tribal,'' before ''State,'' each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting '', Indian tribes,'' after ''contracts with'';

(B) in each of paragraphs (3) through (6), by inserting ''tribal,'' after ''State,'' each place it appears;

(C) in paragraph (7), by inserting ''and in Indian country'' after ''States'';

(D) in paragraph (9), by striking ''Federal and State Governments'' and inserting ''Federal Government and State and tribal governments'';

(E) in each of paragraphs (10) and (11), by inserting '', tribal,'' after ''State'' each place it appears;

(F) in paragraph (13), by inserting '', Indian tribes,'' after ''States'';

(G) in paragraph (17)—

(i) by striking ''State and local'' and inserting ''State, tribal, and local''; and

(ii) by striking ''State, and local'' and inserting ''State, tribal, and local'';

(H) in paragraph (18), by striking ''State and local'' and inserting ''State, tribal, and local'';

(I) in paragraph (19), by inserting ''and tribal'' after ''State'' each place it appears;

(J) in paragraph (20), by inserting '', tribal,'' after ''State''; and

(K) in paragraph (22), by inserting '', tribal,'' after ''Federal'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''To insure'' and inserting the following:

''(1) IN GENERAL.—To ensure''; and

(C) by adding at the end the following:

''(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.'';

(3) in subsection (e), by striking ''subsection (d)(3)'' and inserting ''subsection (d)(1)(C)'';

(4) in subsection (f)—

(A) in the subsection heading, by inserting '', Tribal,'' after ''State''; and

(B) by inserting '', tribal,'' after ''State''; and

(5) by adding at the end the following:

''(g) REPORT TO CONGRESS ON CRIMES IN INDIAN COUNTRY.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''.

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:

''(f) GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.—

''(1) GRANT PROGRAM.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

''(2) REGULATIONS.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice officials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.''.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting '', tribal,'' after ''State''.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting '', tribal,'' after ''State'';

(2) in subsection (b)(1), in the first sentence, by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(ii) in subparagraph (B), by inserting '', tribal,'' after ''State'' each place it appears; and

(B) in paragraph (2)—

(i) by striking ''(2) Notice'' and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A notice'';

(ii) in the second sentence, by striking ''For a person who is released'' and inserting the following:

''(B) RELEASED PERSONS.—For a person who is released'';

(iii) in the third sentence, by striking ''For a person who is sentenced'' and inserting the following:

''(C) PERSONS ON PROBATION.—For a person who is sentenced'';

(iv) in the fourth sentence, by striking ''Notice concerning'' and inserting the following:

''(D) RELEASED PERSONS REQUIRED TO REGISTER.—

''(i) IN GENERAL.—A notice concerning''; and

(v) in subparagraph (D) (as designated by clause (iv)), by adding at the end the following:

''(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in paragraph (3) the expected place of residence of whom is potentially located in Indian country, the Director of the Bureau of Prisons or the Director of the Administrative Office of the United States Courts, as appropriate, shall—

''(I) make all reasonable and necessary efforts to determine whether the residence of the person is located in Indian country; and

''(II) ensure that the person is registered with the law enforcement office of each appropriate jurisdiction before release from Federal custody.''.

SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: '', including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses''.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

''(a) APPROVAL OF EMPLOYEE TESTIMONY.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the 'Director concerned'), shall approve or disapprove, in writing, any request or subpoena for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the employee.

''(b) REQUIREMENT.—The Director concerned shall approve a request or subpoena

under subsection (a) if the request or subpoena does not violate the policy of the Department of the Interior to maintain strict impartiality with respect to private causes of action.

''(c) TREATMENT.—If the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.''.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

''SEC. 12. COORDINATION OF FEDERAL AGENCIES.

''(a) IN GENERAL.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

''(1) to improve domestic violence or sexual abuse responses;

''(2) to improve forensic examinations and collection;

''(3) to identify problems or obstacles in the prosecution of domestic violence or sexual abuse; and

''(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

''(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.''.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

Title VIII of the Indian Health Care Improvement Act is amended by inserting after section 802 (25 U.S.C. 1672) the following:

''SEC. 803. POLICIES AND PROTOCOL.

''The Director of Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.''.

Mr. BARRASSO. Mr. President, I rise to join my colleague, Mr. DORGAN, in introducing the Tribal Law and Order Act of 2009. This bill represents a bipartisan effort and crucial step in addressing a serious public safety crisis in many Indian communities throughout our Nation.

During the 110th Congress, the Committee on Indian Affairs held no less than seven hearings on the issue of law and order on Indian reservations. The committee found recurring themes of insufficient resources for law enforcement agencies, inadequate responses to criminal activity, and ineffective communication and coordination.

Criminal elements are well aware of the conditions of near lawlessness in some reservation areas. With great regret, I point to the Wind River Indian Reservation of the Eastern Shoshone and Northern Arapaho peoples in my home state of Wyoming as an example. The Wind River Indian Reservation consists of approximately 2.2 million acres and has a tribal population of over 11,000.

During fiscal year 2008, the Wind River Indian Reservation had a violent crime rate that was 3.58 times the national crime rate, according to the crime reports published by the Bureau of Indian Affairs within the Department of the Interior. Between 2007 and 2008, the crime rate on the Wind River Indian Reservation escalated from 677 to 748 incidents per 100,000 inhabitants.

Yet despite these troubling statistics, the Wind River Indian Reservation has only 9 law enforcement officers to cover all shifts. According to the Bureau of Indian Affairs' fiscal year 2008 crime report, an additional 22 police officers would be necessary to meet the minimum safety needs of this community. This situation would never be tolerated in other communities. We must address the needs for public safety, law enforcement and justice on Indian reservations head on.

Senator DORGAN and I have worked together to ensure that this bill will assist in increasing the number of police officers on the ground. Through this bill we are sending a strong message that Indian reservations will not be a haven for criminal activity, drug trafficking, gangs, or abuse.

We have set important goals for this legislation. To achieve them, we are proposing some significant changes to the status quo. As we move forward, I intend to solicit more input from stakeholders. The bill will inevitably require some modifications, and I look forward to that process. I consider the introduced legislation to be the beginning of a dialogue that will hopefully lead to refinement and improvement.

By Mr. DURBIN (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 799. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce America's Red Rock Wilderness Act of 2009. This legislation continues our commitment to preserve natural resources in this country.

America's Red Rock Wilderness Act will designate as wilderness some of our nation's most remarkable, but currently unprotected public lands. Bureau of Land Management, BLM, lands in Utah harbor some of the largest and most remarkable roadless desert areas anywhere in the world. Included in the 9.4 million acres I seek to protect are well known landscapes, such as the Grand Staircase-Escalante National Monument, and lesser known areas just outside Zion National Park, Canyonlands National Park, and Arches National Park. Together this wild landscape offers spectacular vistas of rare rock formations, canyons and desert lands, important archaeological sites, and habitat for rare plant and animal species.

I have visited many of the areas this act would designate as wilderness. I can tell you that the natural beauty of these landscapes is a compelling reason for Congress to grant these lands wilderness protection. I have the honor of introducing legislation on the 20th anniversary of the year it was first introduced by my friend and former colleague in the House of Representatives, Wayne Owens. As a member of the Utah delegation, Congressman Owens pioneered the Congressional effort to protect Utah's red rock wilderness. He did this with broad public support, which still exists not only in Utah, but in all corners of Nation.

The wilderness designated in this bill was chosen based on more than 20 years of meticulous research and surveying. Volunteers have taken inventories of thousands of square miles of BLM land in Utah to help determine which lands should be protected. These volunteers provided extensive documentation to ensure that these areas meet Federal wilderness criteria. The BLM also completed an inventory of approximately 7.5 million acres of the land that would be protected by America's Red Rock Wilderness Act and agreed that the vast majority qualify for wilderness designation.

For more than 20 years, Utah conservationists have been working to add the last great blocks of undeveloped BLM-administered land in Utah to the National Wilderness Preservation System. Together, we celebrate the recent passage of a national public lands bill that protects over 180,000 acres of wilderness in Washington County, UT, for future generations. The more than 9 million acres of lands that would be protected by this legislation surround eleven of Utah's national park, monument and recreation areas. These proposed BLM wilderness areas easily equal their neighboring national parklands in scenic beauty, opportunities for recreation, and ecological importance. Yet, unlike the parks, most of these scenic treasures lack any form of long-term protection from commercial development, damaging off-road vehicle use, or oil and gas exploration.

Americans understand the need for wise stewardship of these wild landscapes. This legislation represents a realistic balance between the need to

protect our natural heritage and demand for energy. While wilderness designation has been portrayed as a barrier to energy independence, it is important to note that within the entire 9.4 million acres of America's Red Rock Wilderness Act the amount of ''technically recoverable'' undiscovered natural gas and oil resources amounts to less than four days of oil and four weeks of natural gas at current consumption levels. In fact, protecting these lands benefits local economies because of the recreational opportunities they provide.

Unfortunately, scientists have already begun to see the impacts of global warming on public lands throughout the West. Hotter and drier conditions, larger wildfires, shrinking water resources, the spread of invasive species, soil erosion, and dust storms are all expected to increase over the next century. These threats make the need to protect the remaining undisturbed landscapes and wildlife habitats in Utah's red rock wilderness even more urgent.

America's Red Rock Wilderness Act is a lasting gift to the American public. By protecting this serene yet wild land we are giving future generations the opportunity to enjoy the same untrammeled landscape that so many now cherish.

I would like to thank my colleagues who are original cosponsors of this measure. Origin cosponsors are Senators Boxer, Cantwell, Cardin, Feingold, Harkin, Kennedy, Kerry, Lautenberg, Leahy, Lieberman, Menendez, Reed, Sanders, Stabenow, and Whitehouse. Additionally, I would like to thank the Utah Wilderness Coalition, which includes The Wilderness Society, the Sierra Club, the Natural Resources Defense Council, Earthjustice, and the Wasatch Mountain Club; the Southern Utah Wilderness Alliance; and all of the other national, regional and local, hard-working groups who, for years, have championed this legislation.

Theodore Roosevelt once stated:

> The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.

Enactment of this legislation will help us realize Roosevelt's vision. To protect these precious resources in Utah for future generations, I urge my colleagues to support America's Red Rock Wilderness Act.

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. 799

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 ''America's Red Rock Wilderness Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Great Basin Wilderness Areas.
Sec. 102. Zion and Mojave Desert Wilderness Areas.
Sec. 103. Grand Staircase-Escalante Wilderness Areas.
Sec. 104. Moab-La Sal Canyons Wilderness Areas.
Sec. 105. Henry Mountains Wilderness Areas.
Sec. 106. Glen Canyon Wilderness Areas.
Sec. 107. San Juan-Anasazi Wilderness Areas.
Sec. 108. Canyonlands Basin Wilderness Areas.
Sec. 109. San Rafael Swell Wilderness Areas.
Sec. 110. Book Cliffs and Uinta Basin Wilderness Areas.

TITLE II—ADMINISTRATIVE PROVISIONS

Sec. 201. General provisions.
Sec. 202. Administration.
Sec. 203. State school trust land within wilderness areas.
Sec. 204. Water.
Sec. 205. Roads.
Sec. 206. Livestock.
Sec. 207. Fish and wildlife.
Sec. 208. Management of newly acquired land.
Sec. 209. Withdrawal.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term ''State'' means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mountain Home Range (approximately 90,000 acres).

(26) Newfoundland Mountains (approximately 22,000 acres).

(27) Ochre Mountain (approximately 13,000 acres).

(28) Oquirrh Mountains (approximately 9,000 acres).

(29) Painted Rock Mountain (approximately 26,000 acres).

(30) Paradise/Steamboat Mountains (approximately 144,000 acres).

(31) Pilot Range (approximately 45,000 acres).

(32) Red Tops (approximately 28,000 acres).

(33) Rockwell-Little Sahara (approximately 21,000 acres).

(34) San Francisco Mountains (approximately 39,000 acres).

(35) Sand Ridge (approximately 73,000 acres).

(36) Simpson Mountains (approximately 42,000 acres).

(37) Snake Valley (approximately 100,000 acres).

(38) Stansbury Island (approximately 10,000 acres).

(39) Stansbury Mountains (approximately 24,000 acres).

(40) Thomas Range (approximately 36,000 acres).

(41) Tule Valley (approximately 159,000 acres).

(42) Wah Wah Mountains (approximately 167,000 acres).

(43) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(44) White Rock Range (approximately 5,200 acres).

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the renowned landscape of Zion National Park, including soaring cliff walls, forested plateaus, and deep narrow gorges, extends beyond the boundaries of the Park onto surrounding public land managed by the Secretary;

(2) from the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert areas encompass 3 major provinces of the Southwest that include—

(A) the sculpted canyon country of the Colorado Plateau;

(B) the Mojave Desert; and

(C) portions of the Great Basin;

(3) the Zion and Mojave Desert areas display a rich mosaic of biological, archaeological, and scenic diversity;

(4) 1 of the last remaining populations of threatened desert tortoise is found within this region; and

(5) the Zion and Mojave Desert areas in Utah should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Beaver Dam Mountains (approximately 30,000 acres).

(2) Beaver Dam Wash (approximately 23,000 acres).

(3) Beaver Dam Wilderness Expansion (approximately 8,000 acres).

(4) Canaan Mountain (approximately 67,000 acres).

(5) Cottonwood Canyon (approximately 12,000 acres).

(6) Cougar Canyon/Docs Pass (approximately 41,000 acres).

(7) Joshua Tree (approximately 12,000 acres).

(8) Mount Escalante (approximately 17,000 acres).

(9) Parunuweap Canyon (approximately 43,000 acres).

(10) Red Butte (approximately 4,500 acres).

(11) Red Mountain (approximately 21,000 acres).

(12) Scarecrow Peak (approximately 16,000 acres).

(13) Square Top Mountain (approximately 23,000 acres).

(14) Zion Adjacent (approximately 58,000 acres).

SEC. 103. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—

(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Peak Slopes (approximately 2,300 acres).

(D) East of Bryce (approximately 750 acres).

(E) Glass Eye Canyon (approximately 24,000 acres).

(F) Ladder Canyon (approximately 14,000 acres).

(G) Moquith Mountain (approximately 16,000 acres).

(H) Nephi Point (approximately 14,000 acres).

(I) Paria-Hackberry (approximately 188,000 acres).

(J) Paria Wilderness Expansion (approximately 3,300 acres).

(K) Pine Hollow (approximately 11,000 acres).

(L) Slopes of Bryce (approximately 2,600 acres).

(M) Timber Mountain (approximately 51,000 acres).

(N) Upper Kanab Creek (approximately 49,000 acres).

(O) Vermillion Cliffs (approximately 26,000 acres).

(P) Willis Creek (approximately 21,000 acres).

(b) KAIPAROWITS PLATEAU.—

(1) FINDINGS.—Congress finds that—

(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;

(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;

(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;

(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and

(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Andalex Not (approximately 18,000 acres).

(B) The Blues (approximately 21,000 acres).

(C) Box Canyon (approximately 2,800 acres).

(D) Burning Hills (approximately 80,000 acres).

(E) Carcass Canyon (approximately 83,000 acres).

(F) The Cockscomb (approximately 11,000 acres).

(G) Fiftymile Bench (approximately 12,000 acres).

(H) Fiftymile Mountain (approximately 203,000 acres).

(I) Heaps Canyon (approximately 4,000 acres).

(J) Horse Spring Canyon (approximately 31,000 acres).

(K) Kodachrome Headlands (approximately 10,000 acres).

(L) Little Valley Canyon (approximately 4,000 acres).

(M) Mud Spring Canyon (approximately 65,000 acres).

(N) Nipple Bench (approximately 32,000 acres).

(O) Paradise Canyon-Wahweap (approximately 262,000 acres).

(P) Rock Cove (approximately 16,000 acres).

(Q) Warm Creek (approximately 23,000 acres).

(R) Wide Hollow (approximately 6,800 acres).

(c) ESCALANTE CANYONS.—

(1) FINDINGS.—Congress finds that—

(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;

(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;

(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;

(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and

(E) Escalante Canyon should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Brinkerhof Flats (approximately 3,000 acres).

(B) Colt Mesa (approximately 28,000 acres).

(C) Death Hollow (approximately 49,000 acres).

(D) Forty Mile Gulch (approximately 6,600 acres).

(E) Hurricane Wash (approximately 9,000 acres).

(F) Lampstand (approximately 7,900 acres).

(G) Muley Twist Flank (approximately 3,600 acres).

(H) North Escalante Canyons (approximately 176,000 acres).

(I) Pioneer Mesa (approximately 11,000 acres).

(J) Scorpion (approximately 53,000 acres).

(K) Sooner Bench (approximately 390 acres).

(L) Steep Creek (approximately 35,000 acres).

(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 104. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;

(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and

(3) the Moab-La Sal area should be protected and managed as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Arches Adjacent (approximately 12,000 acres).

(2) Beaver Creek (approximately 41,000 acres).

(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).

(4) Big Triangle (approximately 20,000 acres).

(5) Coyote Wash (approximately 28,000 acres).

(6) Dome Plateau-Professor Valley (approximately 35,000 acres).

(7) Fisher Towers (approximately 18,000 acres).

(8) Goldbar Canyon (approximately 9,000 acres).

(9) Granite Creek (approximately 5,000 acres).

(10) Mary Jane Canyon (approximately 25,000 acres).

(11) Mill Creek (approximately 14,000 acres).

(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).

(13) Renegade Point (approximately 6,600 acres).

(14) Westwater Canyon (approximately 37,000 acres).

(15) Yellow Bird (approximately 4,200 acres).

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;

(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;

(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and

(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bull Mountain (approximately 16,000 acres).

(2) Bullfrog Creek (approximately 35,000 acres).

(3) Dogwater Creek (approximately 3,400 acres).

(4) Fremont Gorge (approximately 20,000 acres).

(5) Long Canyon (approximately 16,000 acres).

(6) Mount Ellen-Blue Hills (approximately 140,000 acres).

(7) Mount Hillers (approximately 21,000 acres).

(8) Mount Pennell (approximately 147,000 acres).

(9) Notom Bench (approximately 6,200 acres).

(10) Oak Creek (approximately 1,700 acres).

(11) Ragged Mountain (approximately 28,000 acres).

SEC. 106. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;

(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;

(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and

(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).

(2) Dark Canyon (approximately 134,000 acres).

(3) Dirty Devil (approximately 242,000 acres).

(4) Fiddler Butte (approximately 92,000 acres).

(5) Flat Tops (approximately 30,000 acres).

(6) Little Rockies (approximately 64,000 acres).

(7) The Needle (approximately 11,000 acres).

(8) Red Rock Plateau (approximately 213,000 acres).

(9) White Canyon (approximately 98,000 acres).

SEC. 107. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

SEC. 108. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, Bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 557,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as ''Wild Mountain'') (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as ''Daniels Canyon'') (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 24,500 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as generally depicted on the map entitled ''Utah BLM Wilderness Proposed by H.R. [_____], 111th Congress''; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, streambank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101–628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

Mr. FEINGOLD. Mr. President, I am very pleased to again join with the Senior Senator from Illinois, Mr. DURBIN, as an original cosponsor of legislation to designate areas of pristine Federal lands in Utah as wilderness.

I support this legislation, for a few reasons, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the Bureau of Land Management, BLM, lands of Southern Utah.

I had an opportunity to travel twice to Utah and view firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls. I also viewed the lands proposed for designation in this bill from a river trip down the Colorado River, and in the San Rafael Swell with members of the Emery County government.

Second, I support this legislation because I believe it sets the appropriate benchmark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah.

Unfortunately, the Senate has not always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. Last Congress, a provision was air-dropped into a bill considered by the Senate—without having been considered by the House or the Senate Energy and Natural Resources Committee—that designated less than 45 percent of the wilderness quality lands included in the America's Red Rock Wilderness Act for Washington County, Utah. Furthermore, the public lands package omitted a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834. During the 104th Congress, I joined with the former Senator from New Jersey, Mr. Bradley, in opposing omnibus parks legislation that contained provisions, which were eventually removed, that many in my home State of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me over the last few years, my constituents have described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote: ''Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans. The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness, which is not fully protected. We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah. This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.''

I believe that the measure being introduced today will accomplish that goal. The measure protects wild lands that really are not done justice by any description. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the Grand Staircase-Escalante National Monument. These regions appeal to all types of American outdoor interests from hiking and sightseeing to hunting.

Wisconsinites are watching this test case closely. I believe that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. Legislation to protect existing wilderness ensures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Finally, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the Federal Government for the people of the U.S. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans. I am eager to work with my colleague from Illinois, Mr. DURBIN, to protect these lands. I commend him for introducing this measure.

By Ms. SNOWE (for herself and Mr. CASEY):

S. 800. A bill to require the President to update and modify the website recovery.gov; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise to introduce legislation to enhance the availability of information to the public concerning the programs funded pursuant to the American Recovery and Reinvestment Act of 2009 enacted in February. I am pleased to be joined by Senator Casey in introducing this bill.

In a recent meeting that I had with constituents from the Maine Municipal Association, several questions arose regarding application deadlines and when funding will be distributed under the act. Additionally, because there is no centralized location listing the opportunities available, some Mayors and First Selectmen had little idea of all the programs for which they may be eligible. Indeed, the officials spoke of finding out about various programs either through meetings or colleagues, and they noted that a regularly updated online database of catalogued programs would be extremely useful.

This modest bill would require that the administration's recovery.gov website be expanded so that States and localities can easily ascertain stimulus funds for which they may be eligible. Cities and towns could benefit greatly if they could use Recovery.gov to quickly learn about funding for which they may be eligible, application deadlines, and who to contact for more information. An enhanced website or ''clearinghouse'' would facilitate the timely distribution of economic stimulus funds and ensure that they will be used as quickly and efficiently as possible to help restore economic growth throughout the country.

I urge prompt consideration of this bill.

By Mr. AKAKA (for himself, Mr. BURR, Mr. TESTER, Mr. BURRIS, and Mr. ROCKEFELLER):

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation to create a program within the Department of Veterans Affairs for family caregivers. I am pleased to be joined by my colleagues Senator BURR, the Ranking Member of the Veterans' Affairs Committee, Senator TESTER, Senator BURNS, and Senator ROCKEFELLER, former Chairman of the Committee.

Some veterans returning from the recent wars in Iraq and Afghanistan, as well as previous conflicts, suffer from disabilities that prevent them from being fully independent. This is a sad fact of war. The legislation I am introducing today is designed to provide for several improvements in health care for veterans by supporting the family members who care for them.

The challenges faced by family caregivers are well known to us. We have been working on this issue for nearly two years. Provisions that then-Senator Clinton included in a health care omnibus bill reported by the Committee last Congress would have provided for pilot programs to serve caregivers. We have since learned much more about the role family members play in caring for injured veterans, and the needs of family caregivers. I think we are now beyond the scope of that original pilot program and I believe that a full-fledged permanent program is needed in VA.

First, it is well known that the involvement of family members in the provision of health care dramatically improves speed and success of recovery. This bill will give family members the resources needed to be involved in the care for their loved one. Second, many disabled veterans are not able to complete some tasks of daily living on their own, but do not require care in an institution. Allowing a veteran to remain in the home, while having family members meet the veteran's needs, will vastly improve quality of life for the veteran.

Caregivers, who are members of a veteran's family, often put their lives on hold in order to provide care for the injured or disabled veteran at home. In some instances, these caregivers are unable to maintain regular jobs because of the time consumed in providing sufficient care to the veteran. This has the compound effect of decreasing household income, and possibly preventing the caregiver from keeping health insurance. This legislation would help alleviate these problems so as to allow the caregiver to focus entirely on caring for the veteran.

This bill includes provisions for training and certifying family caregivers or personal care attendants. It would provide for mental health counseling, health care eligibility, a living stipend, and other critical services to support these caregivers. Additionally, this bill would make improvements to the services VA provides to family members who must travel to take the veteran to a VA facility to receive treatment.

I look forward to working with all of our colleagues to pass this much needed legislation. I especially thank Senators BURR and ROCKEFELLER for cosponsoring this bill. I would also like to thank the dedicated members of the Wounded Warrior Project and Paralyzed Veterans of America for their tireless efforts in support of this legislation.

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

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

S. 801

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 ''Family Caregiver Program Act of 2009''.

SEC. 2. WAIVER OF CHARGES FOR HUMANITARIAN CARE PROVIDED TO FAMILY MEMBERS ACCOMPANYING CERTAIN SEVERELY INJURED VETERANS AS THEY RECEIVE MEDICAL CARE.

The text of section 1784 of title 38, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases.

''(b) REIMBURSEMENT.—Except as provided in subsection (c), the Secretary shall charge for care and services provided under subsection (a) at rates prescribed by the Secretary.

''(c) WAIVER OF CHARGES.—(1) Except as provided in paragraph (2), the Secretary shall waive the charges required by subsection (b) for care or services provided under subsection (a) to an attendant of a covered veteran if such care or services are provided to such attendant for an emergency that occurs while such attendant is accompanying such veteran while such veteran is receiving approved inpatient or outpatient treatment at—

''(A) a Department facility; or

''(B) a non-Department facility—

''(i) that is under contract with the Department; or

''(ii) at which the veteran is receiving fee-basis care.

''(2) If an attendant is entitled to care or services under a health-plan contract (as that term is defined in section 1725(f) of this title) or other contractual or legal recourse against a third party that would, in part, extinguish liability by charges described by subsection (b), the amount of such charges waived under paragraph (1) shall be the amount by which such charges exceed the amount of such charges covered by the health-plan contract or other contractual or legal recourse against the third party.

''(d) DEFINITIONS.—In this section:

''(1) The term 'attendant' includes, with respect to a veteran, the following:

''(A) A family member of the veteran.

''(B) An individual eligible to receive ongoing family caregiver assistance under section 1717A(e)(1) of this title for the provision of personal care services to the veteran.

''(C) Any other individual whom the Secretary determines—

''(i) has a relationship with the veteran sufficient to demonstrate a close affinity with the veteran; and

''(ii) provides a significant portion of the veteran's care.

''(2) The term 'covered veteran' means any veteran with a severe injury incurred or aggravated in the line of duty in the active military, naval, or air service on or after September 11, 2001.

''(3) The term 'family member' with respect to a veteran, includes the following:

''(A) The spouse of the veteran.

''(B) The child of the veteran.

''(C) A parent of the veteran.

''(D) A sibling of the veteran.

''(E) A cousin of the veteran.

''(F) An aunt of the veteran.

''(G) An uncle of the veteran.

''(H) A grandparent of the veteran.

''(I) A grandchild of the veteran.

''(J) A stepparent of the veteran.

''(K) A stepchild of the veteran.

''(L) A stepsibling of the veteran.

''(M) A parent-in-law of the veteran.

''(N) A sister-in-law of the veteran.

''(O) A brother-in-law of the veteran.

''(P) A cousin of the spouse of the veteran.

''(Q) An aunt of the spouse of the veteran.

''(R) An uncle of the spouse of the veteran.

''(S) A grandparent of the spouse of the veteran.

''(T) A grandchild of the spouse of the veteran.

''(U) A stepparent of the spouse of the veteran.

''(V) A stepsibling of the spouse of the veteran.

''(W) Such other individuals as the Secretary shall specify in regulations for purposes of this section.

''(4) The term 'severe injury' means, in the case of a covered veteran, any injury as follows:

''(A) A physiological condition of the veteran if the condition is a permanent or temporary severely disabling disorder that compromises the ability of the veteran to carry out one or more independent activities of daily living.

''(B) A psychological condition of the veteran if the condition is rated at 30 or less on the Global Assessment of Functioning (GAF) scale, as set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition Text Revision (DSM-IV-TR), or the most recent edition if different than the Fourth Edition Text Revision, of the American Psychiatric Association.

''(C) An injury for which the veteran needs supervision or protection based on symptoms or residuals of neurological or other impairment.

''(D) Any other injury of the veteran that is determined to be a severe injury in accordance with regulations prescribed by the Secretary for purposes of this section.''.

SEC. 3. FAMILY CAREGIVER ASSISTANCE.

(a) REQUIREMENT.—

(1) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1717 the following new section:

''§ 1717A. Family caregiver assistance

''(a) IN GENERAL.—(1) As part of home health services provided under section 1717 of this title, the Secretary shall, upon the joint application of an eligible veteran and a family member of such veteran (or other individual designated by such veteran), furnish to such family member (or designee) family caregiver assistance in accordance with this section. The purpose of providing family caregiver assistance under this section is—

''(A) to reduce the number of veterans who are receiving institutional care, or who are in need of institutional care, whose personal care service needs could be substantially satisfied with the provision of such services by a family member (or designee); and

''(B) to provide eligible veterans with additional options so that they can choose the setting for the receipt of personal care services that best suits their needs.

''(2) The Secretary shall only furnish family caregiver assistance under this section to a family member of an eligible veteran (or other individual designated by such veteran) if the Secretary determines it is in the best interest of the eligible veteran to do so.

''(b) ELIGIBLE VETERANS.—(1) For purposes of this section, an eligible veteran is a veteran (or member of the Armed Forces undergoing medical discharge from the Armed Forces)—

''(A) who has a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in line of duty in the active military, naval, or air service on or after the date described in paragraph (2); and

''(B) whom the Secretary determines, in consultation with the Secretary of Defense as necessary, is in need of personal care services because of—

''(i) an inability to perform one or more independent activities of daily living;

''(ii) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

''(iii) such other matters as the Secretary shall establish in consultation with the Secretary of Defense as appropriate.

''(2) The date described in this paragraph—

''(A) during the period beginning on the date of the enactment of the Family Caregiver Program Act of 2009 and ending two years after the date of the enactment of that Act, is September 11, 2001; and

''(B) beginning on the first day after the date that is two years after the date of the enactment of the Family Caregiver Program Act of 2009, is the earliest date the Secretary determines is appropriate to include the largest number of veterans possible under this section without reducing the quality of care provided to such veterans.

''(c) EVALUATION OF ELIGIBLE VETERANS AND FAMILY CAREGIVERS.—(1) The Secretary shall evaluate each eligible veteran who makes a joint application under subsection (a)(1)—

''(A) to identify the personal care services required by such veteran; and

''(B) to determine whether such requirements could be significantly or substantially satisfied with the provision of personal care services from a family member (or other individual designated by the veteran).

''(2) The Secretary shall evaluate each family member of an eligible veteran (or other individual designated by the veteran) who makes a joint application under subsection (a)(1) to determine—

''(A) the basic amount of instruction, preparation, and training such family member (or designee) requires, if any, to provide the personal care services required by such veteran; and

''(B) the amount of additional instruction, preparation, and training such family member (or designee) requires, if any, to be the primary personal care attendant designated for such veteran under subsection (e).

''(3) An evaluation carried out under paragraph (1) may be carried out—

''(A) at a Department facility;

''(B) at a non-Department facility determined appropriate by the Secretary for purposes of such evaluation; and

''(C) such other locations as the Secretary considers appropriate.

''(d) TRAINING AND CERTIFICATION.—(1) Except as provided in subsection (a)(2), the Secretary shall provide each family member of an eligible veteran (or other individual designated by the veteran) who makes a joint application under subsection (a)(1) the basic instruction, preparation, and training determined to be required by such family member (or designee) under subsection (c)(2)(A).

''(2) The Secretary may provide to a family member of an eligible veteran (or other individual designated by the veteran) the additional instruction, preparation, and training determined to be required by such family member (or designee) under subsection (c)(2)(B) if such family member (or designee)—

''(A) is certified as a personal care attendant for the veteran under paragraph (3); and

''(B) requests, with concurrence of the veteran, such additional instruction, preparation, and training.

''(3) Upon the successful completion by a family member of an eligible veteran (or other individual designated by the veteran) of basic instruction, preparation, and training provided under paragraph (1), the Secretary shall certify the family member as a personal care attendant for the veteran.

''(4) If the Secretary determines that a primary personal care attendant designated under subsection (e) requires additional training to maintain such designation, the Secretary shall make such training available to the primary personal care attendant.

''(5) The Secretary shall, subject to regulations the Secretary shall prescribe, provide for necessary travel, lodging, and per diem expenses incurred by a family member of an eligible veteran (or other individual designated by the veteran) in undergoing training under this subsection.

''(6) If the participation of a family member of an eligible veteran (or other individual designated by the veteran) in training under this subsection would interfere with the provision of personal care services to the veteran, the Secretary shall, subject to regulations as the Secretary shall prescribe and in consultation with the eligible veteran, provide respite care to the eligible veteran during the provision of such training to the family member so that such family caregiver (or designee) can participate in such training without interfering with the provision of such services.

''(e) DESIGNATION OF PRIMARY PERSONAL CARE ATTENDANT.—(1) For each eligible veteran with at least one family member (or other individual designated by the veteran) who is described by subparagraphs (A) through (E) of paragraph (2), the Secretary shall designate one family member of such veteran (or other individual designated by the veteran) as the primary personal care attendant for such veteran to be the primary provider of personal care services for such veteran.

''(2) A primary personal care attendant designated for an eligible veteran under paragraph (1) shall be selected from among family members of such veteran (or other individuals designated by such veteran) who—

''(A) are certified under subsection (d)(3) as a personal care attendant for such veteran;

''(B) complete all additional instruction, preparation, and training, if any, provided under subsection (d)(2);

''(C) elect to provide the personal care services to such veteran that the Secretary determines such veteran requires under subsection (c)(1);

''(D) has the consent of such veteran to be the primary provider of such services for such veteran; and

''(E) the Secretary considers competent to be the primary provider of such services for such veteran.

''(3) An eligible veteran receiving personal care services from a family member (or other individual designated by the veteran) designated as the primary personal care attendant for the veteran under paragraph (1) may revoke consent with respect to such family member (or designee) under paragraph (2)(D) at any time.

''(4) If an individual designated as the primary personal care attendant of an eligible veteran under paragraph (1) subsequently fails to meet the requirements set forth in paragraph (2), the Secretary—

''(A) shall immediately revoke the individual's designation under paragraph (1); and

''(B) may designate, in consultation with the eligible veteran or the eligible veteran's surrogate appointed under subsection (g), a new primary personal care attendant for the veteran under such paragraph.

''(5) The Secretary shall take such actions as may be necessary to ensure that the revocation of a designation under paragraph (1) does not interfere with the provision of personal care services required by a veteran.

''(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—(1) Except as provided in subsection (a)(2) and subject to the provisions of this subsection, the Secretary shall provide ongoing family caregiver assistance to family members of eligible veterans (or other individuals designated by such veterans) as follows:

''(A) To each family member of an eligible veteran (or designee) who is certified under subsection (d)(3) as a personal care attendant for the veteran the following:

''(i) Direct technical support consisting of information and assistance to timely address routine, emergency, and specialized caregiving needs.

''(ii) Counseling.

''(iii) Access to an interactive Internet website on caregiver services that addresses all aspects of the provision of personal care services under this section.

''(B) To each family member of an eligible veteran (or designee) who is designated as the primary personal care attendant for the veteran under subsection (e) the following:

''(i) The ongoing family caregiver assistance described in subparagraph (A).

''(ii) Mental health services.

''(iii) Respite care of not less than 30 days annually, including 24-hour per day care of the veteran commensurate with the care provided by the family caregiver to permit extended respite.

''(iv) Medical care under section 1781 of this title.

''(v) A monthly personal caregiver stipend.

''(2)(A) The Secretary shall provide respite care under paragraph (1)(B)(iii), at the election of the Secretary—

''(i) through facilities of the Department that are appropriate for the veteran; or

''(ii) through contracts under section 1720B(c) of this title.

''(B) If the primary personal care attendant of an eligible veteran designated under subsection (e)(1) determines in consultation with the veteran or the veteran's surrogate appointed under subsection (g), and the Secretary concurs, that the needs of the veteran cannot be accommodated through the facilities and contracts described in subparagraph (A), the Secretary shall, in consultation with the primary personal care attendant and the veteran (or the veteran's surrogate), provide respite care through other facilities or arrangements that are medically and age appropriate.

''(3)(A) The Secretary shall provide monthly personal caregiver stipends under paragraph (1)(B)(v) in accordance with a schedule established by the Secretary that specifies stipends provided based upon the amount and degree of personal care services provided.

''(B) The Secretary shall ensure, to the extent practicable, that the schedule required by subparagraph (A) specifies that the amount of the personal caregiver stipend provided to a primary personal care attendant designated under subsection (e)(1) for the provision of personal care services to an eligible veteran is not less than the amount the Secretary would pay a commercial home health care entity in the geographic area of the veteran to provide equivalent personal care services to the veteran.

''(C) If personal care services are not available from a commercial provider in the geographic area of an eligible veteran, the Secretary may establish the schedule required by subparagraph (A) with respect to the veteran by considering the costs of commercial providers of personal care services in geographic areas other than the geographic area of the veteran with similar costs of living.

''(4) Provision of ongoing family caregiver assistance under this subsection for provision of personal care services to an eligible veteran shall terminate if the eligible veteran no longer requires the personal care services.

''(g) SURROGATES.—If an eligible veteran lacks the capacity to submit an application, provide consent, make a request, or concur with a request under this section, the Secretary may, in accordance with regulations and policies of the Department regarding the appointment of guardians or the use of powers of attorney, appoint a surrogate for the veteran who may submit applications, provide consent, make requests, or concur with requests on behalf of the veteran under this section.

''(h) OVERSIGHT.—(1) The Secretary shall enter into contracts with appropriate entities to provide oversight of the provision of personal care services by primary personal care attendants designated under subsection (e)(1) under this section.

''(2) The Secretary shall ensure that each eligible veteran receiving personal care services under this section from a primary personal care attendant designated under subsection (e)(1) is visited in the veteran's home by an entity providing oversight under paragraph (1) at such frequency as the Secretary shall determine under paragraph (3) to determine if the care received by the veteran under this section meets the needs of the veteran.

''(3)(A) Except as provided in subparagraph (B), the Secretary shall determine the manner of oversight provided under paragraph (1) and the frequency of visits under paragraph (2) for an eligible veteran as the Secretary considers commensurate with the needs of such eligible veteran.

''(B) The frequency of visits under paragraph (2) for an eligible veteran shall be not less frequent than once every six months.

''(4)(A) An entity visiting an eligible veteran under paragraph (2) shall submit to the Secretary the findings of the entity with respect to each visit, including whether the eligible veteran is receiving the care the eligible veteran requires.

''(B) If an entity finds under subparagraph (A) that an eligible veteran is not receiving the care the eligible veteran requires, the entity shall submit to the Secretary a recommendation on the corrective actions that should be taken to ensure that the eligible veterans receives the care the eligible veteran requires, including, if the entity considers appropriate, a recommendation for revocation of a caregiver's certification under subsection (d)(3) or revocation of the designation of an individual under subsection (e)(1).

''(5) After receiving findings and recommendations, if any, under paragraph (4) with respect to an eligible veteran, the Secretary may take such actions as the Secretary considers appropriate to ensure that the eligible veteran receives the care the eligible veteran requires, including the following:

''(A) Revocation of a caregiver's certification under subsection (d)(3).

''(B) Revocation of the designation of an individual under subsection (e)(1).

''(6) If the Secretary terminates the provision of ongoing family caregiver assistance under subsection (f) to a family member of an eligible veteran (or other individual designated by the veteran) because of findings of an entity submitted to the Secretary under paragraph (4) of this subsection, the Secretary may not provide compensation to such entity for the provision of personal care services to such veteran, unless the Secretary determines it would be in the best interest of the eligible veteran to provide compensation to such entity to provide such services.

''(i) OUTREACH.—The Secretary shall carry out a program of outreach to inform eligible veterans and their family members of the availability and nature of family caregiver assistance.

''(j) CONSTRUCTION.—A decision by the Secretary under this section affecting the furnishing of family caregiver assistance shall be considered a medical determination.

''(k) DEFINITIONS.—In this section:

''(1) The term 'family caregiver assistance' includes the instruction, preparation, training, and certification provided under subsection (d) and the ongoing family caregiver assistance provided under subsection (f).

''(2) The term 'family member' includes, with respect to a veteran, the following:

''(A) The spouse of the veteran.

''(B) The child of the veteran.

''(C) A parent of the veteran.

''(D) A sibling of the veteran.

''(E) A cousin of the veteran.

''(F) An aunt of the veteran.

''(G) An uncle of the veteran.

''(H) A grandparent of the veteran.

''(I) A grandchild of the veteran.

''(J) A stepparent of the veteran.

''(K) A stepchild of the veteran.

''(L) A stepsibling of the veteran.

''(M) A parent-in-law of the veteran.

''(N) A sister-in-law of the veteran.

''(O) A brother-in-law of the veteran.

''(P) A cousin of the spouse of the veteran.

''(Q) An aunt of the spouse of the veteran.

''(R) An uncle of the spouse of the veteran.

''(S) A grandparent of the spouse of the veteran.

''(T) A grandchild of the spouse of the veteran.

''(U) A stepparent of the spouse of the veteran.

''(V) A stepsibling of the spouse of the veteran.

''(W) Such other individuals as the Secretary shall specify in regulations for purposes of this section.

''(3) The term 'personal care services' includes the following:

''(A) Supervision.

''(B) Protection.

''(C) Services to assist a veteran with one or more independent activities of daily living.

''(D) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1717 the following new item:

''1717A. Family caregiver assistance.''.

(3) AUTHORIZATION FOR PROVISION OF HEALTH CARE TO PERSONAL CARE ATTENDANTS.—Section 1781(a) of such title is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) a family member of a veteran (or other individual designated by the veteran) designated as the primary personal care attendant for such veteran under section 1717A(e) of this title,''.

(4) CONSTRUCTION.—The furnishing of family caregiver assistance under section 1717A of title 38, United States Code, as added by paragraph (1), shall be construed to supplement and not supplant the programs of the Department of Veterans Affairs in existence on the date of the enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 270 days after the date of the enactment of this Act.

(b) IMPLEMENTATION PLAN AND REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan for the implementation of section 1717A of title 38, United States Code, as added by subsection (a)(1); and

(B) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such plan.

(2) CONSULTATION.—In developing the plan required by paragraph (1)(A), the Secretary shall consult with the following:

(A) Veterans described in section 1717A(b) of title 38, United States Code, as added by subsection (a)(1).

(B) Family members of veterans who provider personal care services to such veterans.

(C) Veterans service organizations, as recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(D) Relevant national organizations that specialize in the provision of assistance to individuals with the types of disabilities that personal care attendants will encounter while providing personal care services under section 1717A of title 38, United States Code, as so added.

(E) Such other organizations with an interest in the provision of care to veterans as the Secretary considers appropriate.

(F) The Secretary of Defense with respect to matters concerning personal care services for eligible veterans who are members of the Armed Forces undergoing medical discharge from the Armed Forces.

(3) REPORT CONTENTS.—The report required by paragraph (1)(B) shall contain the following:

(A) The plan required by paragraph (1)(A).

(B) A description of the veterans, caregivers, and organizations consulted by the Secretary under paragraph (2).

(C) A description of such consultations.

(D) The recommendations of such veterans, caregivers, and organizations, if any, that were not incorporated into the plan required by paragraph (1)(A).

(E) The reasons the Secretary did not incorporate such recommendations into such plan.

(c) ANNUAL EVALUATION REPORT.—

(1) IN GENERAL.—Not later than two years after the date described in subsection (a)(4) and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1717A of title 38, United States Code, as added by subsection (a)(1).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The number of family members of veterans (or other individuals designated by

veterans) that received family caregiver assistance under such section 1717A.

(B) A description of the outreach activities carried out by the Secretary in accordance with subsection (i) of such section 1717A.

(C) The resources expended by the Secretary under such section 1717A.

(D) An assessment of the manner in which resources are expended by the Secretary under such section 1717A, particularly with respect to the provision of monthly personal caregiver stipends under subsection (f) of such section.

(E) A description of the outcomes achieved by, and any measurable benefits of, carrying out the requirements of such section 1717A.

(F) A justification of any determination made under subsection (b)(2) of such section 1717A.

(G) An assessment of the effectiveness and the efficiency of the implementation of such section 1717A.

(H) An assessment of how the provision of family caregiver assistance fits into the continuum of home health care services and benefits provided to veterans in need of such services and benefits.

(I) Such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of carrying out the requirements of such section 1717A.

SEC. 4. LODGING AND SUBSISTENCE FOR ATTENDANTS.

Section 111(e) of title 38, United States Code, is amended—

(1) by striking ''When any'' and inserting ''(1) When any'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection—

(A) by inserting ''(including lodging and subsistence)'' after ''expenses of travel''; and

(B) by inserting before the period at the end the following: ''for the period consisting of travel to and from a treatment facility and the duration of the treatment episode''; and

(3) by adding at the end the following:

''(2) The Secretary may prescribe regulations to carry out this subsection. Such regulations may include provisions—

''(A) to limit the number of individuals that may receive expenses of travel under paragraph (1) for a single treatment episode of a person; and

''(B) to require attendants to use certain travel services.

''(3) In this subsection:

''(A) The term 'attendant' includes, with respect to a person described in paragraph (1), the following:

''(i) A family member of the person.

''(ii) An individual certified as a personal care attendant under section 1717A(d)(3) of this title.

''(iii) Any other individual whom the Secretary determines—

''(I) has a preexisting relationship with the person; and

''(II) provides a significant portion of the person's care.

''(B) The term 'family member' includes, with respect to a person described in paragraph (1), the following:

''(i) The spouse of the person.

''(ii) The child of the person.

''(iii) A parent of the person.

''(iv) A sibling of the person.

''(v) A cousin of the person.

''(vi) An aunt of the person.

''(vii) An uncle of the person.

''(viii) A grandparent of the person.

''(ix) A grandchild of the person.

''(x) A stepparent of the person.

''(xi) A stepchild of the person.

''(xii) A stepsibling of the person.

''(xiii) A parent-in-law of the person.

''(xiv) A sister-in-law of the person.

''(xv) A brother-in-law of the person.

''(xvi) A cousin of the spouse of the person.

''(xvii) An aunt of the spouse of the person.

''(xviii) An uncle of the spouse of the person.

''(xix) A grandparent of the spouse of the person.

''(xx) A grandchild of the spouse of the person.

''(xxi) A stepparent of the spouse of the person.

''(xxii) A stepsibling of the spouse of the person.

''(xxiii) Such other individuals as the Secretary shall specify in regulations for purposes of this subsection.''.

By Mr. BINGAMAN:

S. 804. A bill to amend subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 to establish incentives for States to extend the minimum length of the school year to 200 full days by 2014, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the School Day Factor Act of 2009.

This bill would encourage States to provide students with the time they need to master knowledge and skills they will need to succeed in the 21st century, and to provide teachers with sufficient time to deliver effective instruction.

Twenty-first century learners, and their teachers, are faced with educational demands that simply did not exist decades ago. Right now, our economy is struggling. But we have a plan to get it back on track by investing aggressively in scientific R&D, and the deployment of new technologies. If we are to maintain and increase our Nation's competitiveness in the global economy for decades to come, we must allow every child the opportunity for a quality 21st century education. Today's students need to master mathematics, science, and technology, language arts and social studies, and they must also have opportunities to study foreign languages, the arts, and physical education. No one of these subject areas should be sacrificed at the expense of another. But that is the choices that teachers and students are faced with in schools across the United States. Teachers are being asked to cover more material than before, without being given more time. Students are expected to master more material than students of decades ago, without being given more time. Meanwhile, researchers have demonstrated that reducing instructional time hinders learning. As summarized by the National Research Council, in its report on How People Learn, ''. . . significant learning takes major investments of time.''

How can a quality, well rounded education be achieved when the average school year in this country includes only 180 days—less than half the number of days in a calendar year? Children today are spending only 20 percent to 30 percent of their waking hours in school, even if they have a record of perfect attendance. According to the American Academy of Child and Adolescent Psychiatry, by the time American students finish high school, they will have spent more time watching television than in the classroom.

In 1991, Congress established the National Education Commission on Time and Learning, an independent advisory group charged with studying the relationship between instructional time and student learning in American schools. Members of the commission visited schools in the U.S. and abroad, and interviewed teachers, administrators, parents, and students. The Commission concluded that students and teachers in American schools are ''prisoners of time,'' captives of an agrarian-based school calendar that robs them of the opportunity for a quality education. To quote from their report, ''we have been asking the impossible of our students—that they learn as much as their foreign peers while spending only half as much time in core academic subjects.'' I add that this means we have also been asking the impossible of our teachers—to deliver effective instruction, without sufficient time. Clearly, our school calendars have not moved forward along with our societal and technological advances.

The Commission's 1994 report was not the first to recommend lengthening the school year. In 1983, the Nation at Risk report recommended increasing the school day to 7 hours per day, and the school year to 200 to 220 days per year, as a means to strengthen our nation's grip on global competitiveness. Well, it has been 25 years since that report, and I believe the time has come to give students and teachers the time they need for a quality education.

The School Day Factor Act will support efforts to expand the school year, by coordinating school funding with the length of the school year, and by encouraging schools to add five days to their calendar each year, for the next 4 years. This bill introduces a variable, the ''School Day Factor,'' that will reflect the number of mandatory full days included in a state's school year, and it may be adjusted to reflect any increases in instructional hours per day. This variable will be added to existing Title I allocation formulas that determine education grants to States.

The existing funding allocation formulas would be essentially unchanged for States whose school calendars meet a base level number of days per school year. By raising the base level school year length by 5 school days per year, over a 4 year period, the average school year calendar would reach the target of 200 school days per year by 2014. Inclusion of the School Day Factor will result in higher grants to states with school years that exceed the base level number of school days per year, and smaller grants to states with school years that fall below the base level.

I believe that schools are not only ready for this change, but that they are setting the pace for this movement. Some States and school districts have

already taken the initiative to expand their school year by 20 days per year. In my own State of New Mexico, a State initiated pilot program to extend kindergarten by 20 to 25 days per year led to such positive outcomes that the program was recently extended to third grade. Requests to participate have increased, as more school districts understand the benefits afforded by expanding students' and teachers' educational time. The School Day Factor Act is an investment that will support the efforts to dramatically increase this participation rate such that the 200 day school year is the norm, not an expanded calendar.

Clearly, more time alone is not sufficient to insure quality learning. By including the School Day Factor Act in the reauthorization of ESEA, it will be paired with actions designed to enhance and support quality instruction delivered by highly qualified teachers. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support it.

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. 804

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 ''School Day Factor Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the National Center for Education Statistics the length of the average school year steadily increased from 144 to 178 days between 1869 and 1949. In 2008, the average number of school days per year remains at 178.5.

(2) In 1983, a recommendation in the Nation at Risk report was to increase students' instructional time by lengthening the school day or the school year, as a means to strengthen our Nation's grip on global competitiveness. Since then, no systematic school day or school year increase has occurred.

(3) In 2008, 42 States mandate a school year of 180 or fewer days per year, or the equivalent thereof. Across States, the number of school days per year ranges from 173 to 182.

(4) Researchers have demonstrated that—

(A) when class material is covered in a streamlined, shortened unit, students' conceptual mastery of the content suffers; and

(B) significant learning requires investment of time.

(5) Research has demonstrated that all students are at risk for losing educational gains during extended summer breaks in the typical school calendar, particularly children from low income households. The continued lack of out-of-school learning opportunities contributes to a growing achievement gap. Even more so than achievement gaps present at kindergarten, differences in out-of-school learning opportunities experienced by economically advantaged versus disadvantaged youth contribute to the cumulative achievement difference registered by 9th grade, which affects high school placements, high school exit, and postsecondary school attendance.

(6) Since 1991, over 300 expanded learning initiatives have occurred, across 30 States, aimed primarily at schools with high-poverty and high-minority student populations. Outcomes of these initiatives include enhanced student achievement, lower student and teacher absenteeism, and satisfaction of parents, teachers, and students.

(7) Research demonstrates that the increased school time is beneficial not only for students, but also for teachers. Teachers gain planning time, more opportunities for cooperative planning, professional development opportunities, and additional time to individualize instruction. Teacher employment increases from part-year to up to full year, depending on the calendar conversion adopted.

(8) Regarding the costs of expanded learning initiatives, the cost per hour of instruction decreases with the addition of more learning time.

SEC. 3. PURPOSES.

The purposes of this Act are to ensure that all children have sufficient time to achieve in school, that all children have access to a high quality and well-rounded education, and that teachers have sufficient time to deliver quality instruction. Such purposes can be achieved by—

(1) encouraging States to expand the minimum number of days in their school year, to 200 full days, by 2014, without reducing the length of the school day;

(2) modifying the allocations under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) regarding basic, concentration, targeted, and education finance incentive grants, so that each of the formulas used to determine allocations includes a factor that reflects all of the following:

(A) the minimum number of school days in the State-mandated school year length;

(B) the most recent increase in the number of school days in the State-mandated academic year; and

(C) whether the number of school days in an academic year meets, exceeds, or falls short of the base level school year length described in the amendment made by this Act; and

(3) encouraging States to increase the length of the school day.

SEC. 4. SCHOOL DAY FACTOR.

(a) AMENDMENT.—Subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) is amended by adding at the end the following:

"SEC. 1128. SCHOOL DAY FACTOR.

''(a) DEFINITIONS.—In this section:

''(1) ACADEMIC YEAR.—The term 'academic year' means the period of time beginning with the first day of a school year and ending on the last day of a school year, which typically begins in the late summer and ends in the early summer.

''(2) BASE LEVEL SCHOOL YEAR LENGTH.—The term 'base level school year length' means—

''(A) 180 school days for the 2009–2010 academic year;

''(B) 185 school days for the 2010–2011 academic year;

''(C) 190 school days for the 2011–2012 academic year;

''(D) 195 school days for the 2012–2013 academic year; and

''(E) 200 school days for the 2013–2014 academic year and for each succeeding academic year.

''(3) INSTRUCTIONAL HOURS.—The term 'instructional hours' means the number of hours within the school day that are directly devoted to student learning in core academic subjects.

''(4) SCHOOL DAY.—

''(A) IN GENERAL.—The term 'school day' means a day for which attendance is mandatory for all students attending an elementary school or secondary school in a State, and in which a minimum of 5½ instructional hours are delivered to students.

''(B) PARTIAL DAYS.—Two days for which attendance is mandatory for all students attending an elementary school or secondary school in a State and in which less than 5½ instructional hours per day are delivered to students may be deemed to be 1 school day for purposes of this section, if the total instructional time for the 2 partial days meets or exceeds 5½ instructional hours.

''(5) STATE-MANDATED SCHOOL YEAR LENGTH.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term 'State-mandated school year length' means the minimum number of school days an elementary school or secondary school student is required by the State to attend school in an academic year. In calculating the State-mandated school year length, days that the State permits to be waived due to teacher professional development, weather, or other reasons shall not be counted.

''(B) STATES THAT MANDATE MINIMUM NUMBER OF INSTRUCTIONAL HOURS.—In the case of a State that does not mandate a minimum number of school days for an academic year and does mandate a minimum number of instructional hours per academic year, the State-mandated school year length for such State shall be the quotient of—

''(i) the minimum number of mandated instructional hours per academic year, excluding hours that may be waived due to teacher professional development, weather, or other reasons; divided by

''(ii) the greater of—

''(I) the average number of instructional hours per school day in the State's public elementary schools and secondary schools; or

''(II) 6½ hours.

''(C) STATES THAT DO NOT MANDATE MINIMUM NUMBER OF DAYS OR HOURS.—In the case of a State that does not mandate a minimum number of school days or a minimum number of instructional hours per academic year, the State-mandated school year length for such State shall be the average number of school days that elementary school or secondary school students in the State attended school during—

''(i) the preceding school year; or

''(ii) in the case where the preceding school year was significantly shorter due to a natural disaster during such school year, the school year that is preceding the preceding school year.

''(b) SCHOOL DAY FACTOR.—

''(1) ADJUSTMENTS AUTHORIZED.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, the amount of a grant that a State or local educational agency is eligible to receive under section 1124(a), 1124A(a), 1125(b), or 1125A(b) shall be adjusted by multiplying such amount by the school day factor described in paragraph (2) that is applicable to such State or local educational agency, respectively, for such academic year.

''(B) TIMING OF ADJUSTMENT.—The Secretary shall make the adjustment described in subparagraph (A) to the amount of a grant that a State or local educational agency is eligible to receive under section 1124, 1124A, 1125, or 1125A before applying any hold-harmless requirement, minimum grant amount requirement, or ratable reduction requirement under this part.

''(2) SCHOOL DAY FACTOR.—

''(A) IN GENERAL.—The school day factor referred to in paragraph (1) that is applicable to each State and local educational agency

in the State for an academic year is a percentage calculated as the sum of the following:

''(i) ⅔ of such percentage shall be equal to—

''(I) the result of—

''(aa) the State-mandated school year length for the academic year preceding the academic year for which the calculation is made; divided by

''(bb) the base level school year length for the academic year preceding the academic year for which the calculation is made; multiplied by

''(II) 100.

''(ii) ⅓ of such percentage shall be equal to—

''(I) the result of—

''(aa) the State mandated minimum instructional hours per school day for the academic year preceding the academic year for which the calculation is made; divided by

''(bb) 5.5; multiplied by

''(II) 100.

''(B) SPECIAL CALCULATION RULE.—In making the calculation described in subparagraph (A) for a State, the value of subparagraph (A)(ii) shall be zero if the State mandated minimum instructional hours per school day for the academic year preceding the academic year for which the calculation is made is less than the number of such State mandated minimum instructional hours for the academic year that precedes by two years the academic year for which the calculation is made.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 1127 the following:

''Sec. 1128. School day factor.''.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today with Senator AKAKA to introduce the Federal Executive Board Authorization Act of 2009 in order to provide for the establishment, administration and funding of Federal Executive Boards, FEBs.

As you may know, President Kennedy issued a ''Memorandum on the Need for Greater Coordination of Regional and Field Activities of the Government'' in 1961 that noted that more than 90 percent of Federal employees work outside of Washington, DC. President Kennedy wanted to strengthen the coordination of their activities, so he directed ''the establishment of a Board of Federal Executives'' to ''consider management matters and interdepartmental cooperation and establish liaison with State and local government officials in their regions.'' That Memorandum led to the creation of ten FEBs to ''increase the effectiveness and economy of Federal agencies.''

These FEBs proved their worth, because the number of FEBs across the Nation has increased to 28 FEBs total in Atlanta, Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Dallas-Fort Worth, Denver, Detroit, Honolulu, Houston, Kansas City, Los Angeles, Minnesota, Newark, New Mexico, New Orleans, New York City, Oklahoma, Oregon, Philadelphia, Pittsburgh, St. Louis, San Antonio, San Francisco, Seattle, and South Florida. Those FEBs serve an important role in coordinating Federal activities. For example, earlier this year a proactive FEB executive director sent an e-mail to her FEB colleagues in an effort to coordinate stimulus spending.

However, a 2007 Government Accountability Office, GAO, report, ''Additional Steps Needed to Take Advantage of Federal Executive Boards' Ability to Contribute to Emergency Operations,'' noted that FEBs have no congressional charter and rely on voluntary contributions from their member agencies for funding. Because such voluntary contributions result in financial uncertainty on the part of FEBs, GAO recommended that the Office of Personnel Management, OPM, develop a proposal to address the uncertainty of funding sources for FEBs. Based on that recommendation, the Federal Executive Board Authorization Act of 2009 provides for the establishment, administration and funding of FEBs.

The legislation is based in large part on Title 5 of the Code of Federal Regulations, where OPM has set forth regulations relating to the authority, location, and membership of FEBs. Similar to those provisions, this bill calls on the Director of OPM to determine where to establish FEBs and requires the Director to consult with agencies in making that determination. The bill also provides that FEBs shall consist of senior officials from appropriate agencies in those areas. Also similar to provisions in the Code of Federal Regulations, the bill authorizes the Director of OPM to establish staffing policies for FEBs, designate an agency to staff each FEB, establish communications policies, performance standards and accountability initiatives for FEBs, and administer FEB funding.

The Federal Executive Board Authorization Act of 2009 also requires each FEB to adopt bylaws or other rules for its internal governance, elect a chairman from among its members, provide a forum for the exchange of information, and develop coordinated approaches to the development and operation of programs that have common characteristics. Under the bill, FEBs would be required to communicate management initiatives and other concerns from Washington, DC to the field and develop relationships with State and local governments and private sector organizations to help coordinate emergency management and homeland security matters.

To address GAO's concern about the uncertainty of FEB funding, the legislation establishes a fund for FEB operations which would be administered by OPM. The fund would consist of contributions from OPM for administrative and oversight activities as well as contributions from each agency participating in FEBs for staffing and operations. Each agency's contribution would be determined by a formula established by the Director of OPM in consultation with agencies and the Office of Management and Budget, and that formula must take into account each agency's number of employees in areas served by FEBs.

President Kennedy showed great foresight when he called for the coordination of Federal agencies' activities in 1961, and FEBs have done a good job since then in coordinating their work. These FEBs need a congressional charter and a set source of funding, so I hope the Senate will act quickly to pass this legislation, which OPM and GAO were consulted in drafting.

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. 806

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 ''Federal Executive Board Authorization Act of 2009''.

SEC. 2. FEDERAL EXECUTIVE BOARDS.

(a) IN GENERAL.—Chapter 11 of title 5, United States Code, is amended by adding at the end the following:

''§ 1106. Federal Executive Boards

''(a) PURPOSES.—The purposes of this section are to—

''(1) strengthen the coordination of Government activities;

''(2) facilitate interagency collaboration to improve the efficiency and effectiveness of Federal programs;

''(3) facilitate communication and collaboration on Federal emergency preparedness and continuity of operations to address homeland security issues, including natural disasters, acts of terrorism, and other man-made disasters, outside the Washington, D.C. metropolitan area; and

''(4) provide stable funding for Federal Executive Boards.

''(b) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency'—

''(A) means an Executive agency as defined under section 105; and

''(B) shall not include the Government Accountability Office.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Personnel Management.

''(3) FEDERAL EXECUTIVE BOARD.—The term 'Federal Executive Board' means an interagency entity established by the Director, in consultation with the headquarters of appropriate agencies, in a geographic area with a high concentration of Federal employees outside the Washington, D.C. metropolitan area to strengthen the management and administration of agency activities and coordination among local Federal officers to implement national initiatives in that geographic area.

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish Federal Executive Boards in geographic areas outside the Washington, D.C. metropolitan area. Before establishing Federal Executive Boards that are not in existence on the date of enactment of this section, the Director shall consult with the headquarters of appropriate agencies to determine the number and location of the Federal Executive Boards.

''(2) MEMBERSHIP.—Each Federal Executive Board for a geographic area shall consist of an appropriate senior officer for each agency in that geographic area. The appropriate senior officer may designate, by title of office, an alternate representative who shall attend meetings and otherwise represent the agency on the Federal Executive Board in the absence of the appropriate senior officer. An alternate representative shall be a senior officer in the agency.

''(3) LOCATION OF FEDERAL EXECUTIVE BOARDS.—In determining the location for the establishment of Federal Executive Boards, the Director shall consider—

''(A) whether a Federal Executive Board exists in a geographic area on the date of enactment of this section;

''(B) whether a geographic area has a strong, viable, and active Federal Executive Association;

''(C) whether the Federal Executive Association of a geographic area petitions the Director to become a Federal Executive Board; and

''(D) such other factors as the Director and the headquarters of appropriate agencies consider relevant.

''(d) ADMINISTRATION AND OVERSIGHT.—

''(1) IN GENERAL.—The Director shall provide for the administration and oversight of Federal Executive Boards, including—

''(A) establishing staffing policies in consultation with the headquarters of agencies participating in Federal Executive Boards;

''(B) designating an agency to staff each Federal Executive Board based on recommendations from that Federal Executive Board;

''(C) establishing communications policies for the dissemination of information to agencies;

''(D) in consultation with the headquarters of appropriate agencies, establishing performance standards for the Federal Executive Board staff;

''(E) developing accountability initiatives to ensure Federal Executive Boards are meeting performance standards; and

''(F) administering Federal Executive Board funding through the fund established in subsection (f).

''(2) STAFFING.—In making designations under paragraph (1)(B), the Director shall give preference to agencies staffing Federal Executive Boards.

''(e) GOVERNANCE AND ACTIVITIES.—Each Federal Executive Board shall—

''(1) subject to the approval of the Director, adopt by-laws or other rules for the internal governance of the Federal Executive Board;

''(2) elect a Chairperson from among the members of the Federal Executive Board, who shall serve for a set term;

''(3) serve as an instrument of outreach for the national headquarters of agencies relating to agency activities in the geographic area;

''(4) provide a forum for the exchange of information relating to programs and management methods and problems—

''(A) between Federal officers and employees in the Washington, D.C. area and Federal officers and employees in the geographic area; and

''(B) among field elements in the geographic area;

''(5) develop local coordinated approaches to the development and operation of programs that have common characteristics;

''(6) communicate management initiatives and other concerns from Federal officers and employees in the Washington, D.C. area to Federal officers and employees in the geographic area to achieve better mutual understanding and support;

''(7) develop relationships with State and local governments and nongovernmental organizations to help in coordinating emergency management and homeland security issues; and

''(8) take other actions as agreed to by the Federal Executive Board and the Director.

''(f) FUNDING.—

''(1) ESTABLISHMENT OF FUND.—The Director shall establish a fund within the Office of Personnel Management for financing essential Federal Executive Board functions, including basic staffing and operating expenses.

''(2) DEPOSITS.—There shall be deposited in the fund established under paragraph (1)—

''(A) contributions from the Office of Personnel Management to fund administrative and oversight activities conducted under subsection (d);

''(B) contributions from the headquarters of each agency participating in Federal Executive Boards, in an amount determined by a formula established by the Director, in consultation with the headquarters of such agencies and the Office of Management and Budget.

''(3) CONTRIBUTIONS.—

''(A) FORMULA.—The formula for contributions established by the Director shall consider the number of employees in each agency in each geographic area served by a Federal Executive Board. The contribution of the headquarters of each agency to the fund shall be recalculated at least every 2 years.

''(B) IN-KIND CONTRIBUTIONS.—At the sole discretion of the Director, the headquarters of an agency may provide in-kind contributions instead of providing monetary contributions to the fund.

''(4) USE OF EXCESS AMOUNTS.—Any unobligated and unexpended balances in the fund which the Director determines to be in excess of amounts needed for essential Federal Executive Board functions shall be allocated by the Director, in consultation with the headquarters of agencies participating in Federal Executive Boards, among the Federal Executive Boards for the activities under subsection (e) and other priorities, such as conducting emergency preparedness training.

''(g) REPORTS.—The Director shall submit annual reports to Congress and agencies on Federal Executive Board program outcomes and budget matters.

''(h) REGULATIONS.—The Director shall prescribe regulations necessary to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 11 of title 5, United States Code, is amended by inserting after the item relating to section 1105 the following:

''1106. Federal Executive Boards.''.

Mr. AKAKA. Mr. President, I am pleased to join my good friend Senator VOINOVICH as we introduce the Federal Executive Board Authorization Act of 2009 to formalize Federal Executive Boards, FEBs, in the Executive Branch of the Federal Government.

President Kennedy issued a Directive in 1961 creating FEBs to allow the heads of Federal agencies outside of Washington, DC to come together to address local issues in their Federal communities. There are now 28 Boards in 20 States, including Hawaii. Because they have never been authorized in legislation, FEBs have no institutionalized structure; each has its own operating structure. Some have an executive director, while some have no permanent staff at all. They also do not receive specific appropriations. As a result, FEBs must cobble together voluntary funding from participating agencies.

The Office of Personnel Management oversees the mission and activities of FEBs. Part of FEBs' mission is to offer agencies outside of Washington, DC an opportunity to share information, collaborate to address shared concerns, discuss management and administrative challenges, and come together as a Federal community. Each Board sets its own specific priorities and activities based on local concerns and the leadership in a given area.

Additionally, FEBs' mission is to play a critical support role in coordinating emergency preparedness and response efforts for a given area. The Honolulu-Pacific Federal Executive Board regularly hosts and participates in preparedness exercises in Hawaii and the Pacific Rim. When the Interstate 35 West Bridge collapsed over the Mississippi River in Minneapolis, Minnesota on August 1, 2007, the Executive Director of the Minnesota FEB helped disseminate critical information to over 100 Federal agencies and coordinate with the State and local emergency response network. FEBs have shared information with each other to assist in preparing for large events as well. For example, the Boston FEB used their experience with the Democratic National Convention in 2004 to help the Denver and Minnesota FEBs prepare for the National Party Conventions in 2008.

At a hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia on September 28, 2007, which I chaired, it was clear that FEBs lack of formal structure hinders their critical support role in emergency preparedness and response. At that hearing, the Government Accountability Office, GAO, testified that FEBs have no clear role in national emergency planning, no framework to operate, no accountability in performing their duties, and no funding to carry out their missions. Additionally, FEB Executive Directors from around the country testified about the frustrations of operating without stable funding or a clear structure.

Since the hearing, FEBs have been included in FEMA's National Response Framework, and OPM and FEMA have signed a memorandum of understanding, MOU, giving FEBs a formal role in emergency preparedness and response. The Federal Executive Board Authorization Act of 2009 would implement other recommendations made by GAO and the representatives from FEBs at the 2007 hearing. More specifically, the bill would formalize the role of Federal Executive Boards, which would include interagency collaboration and Federal agency emergency preparedness and response outside of Washington, DC; establish a process for establishing new FEBs; require OPM to establish performance standards for

FEBs; specify a funding formula, which OPM will administer, for FEBs based on the number of employees in a Federal agency in a given area; and authorize staffing levels for each FEB to have at least an Executive Director and one support staff member.

Eighty-five percent of the Federal workforce is employed outside of the Washington, DC area. We spend billions of dollars preparing the National Capital Region for emergencies, but we must focus more on Federal Government agency emergency preparedness and response outside of the Washington area. This legislation will address that pressing need. I urge my colleagues to support this important bill.

By Mr. REED (for himself, Mr. BOND, Mr. AKAKA, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 808. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I rise to introduce, along with Senators BOND, AKAKA, BOXER, COLLINS, DURBIN, KERRY, KLOBUCHAR, LANDRIEU, LAUTENBERG, LIEBERMAN, SCHUMER, and WHITEHOUSE, the Homeless Emergency Assistance and Rapid Transition to Housing Act, HEARTH Act. Representative GWEN MOORE is introducing a bipartisan companion bill today as well. This legislation would reauthorize and amend the housing titles of the McKinney-Vento Homeless Assistance Act of 1987. Specifically, our bill would consolidate and improve the homeless assistance programs at the Department of Housing and Urban Development to better accomplish the goals of preventing and ending homelessness.

According to the Homelessness Research Institute at the National Alliance to End Homelessness, 2.5 to 3.5 million Americans experience homelessness each year. On any one night, approximately 672,000 men, women, and children are without homes. While strides have been made to reduce homelessness over the last couple of years, the current economic decline has halted such progress. We have already seen tent cities forming, shelters turning away people, and cities reporting increased numbers of homeless people. As unemployment continues to rise, more and more people cannot afford to pay their mortgages or rent, and nonprofits and local governments are unable to keep up.

As a result of the recession, 1.5 million additional Americans are likely to experience homelessness over the next two years according to estimates by the National Alliance to End Homelessness. This means more trauma for children and adults, more dislocation from schools and communities, and more of a drain on local community services.

Sadly, many of those who are homeless have served our country in uniform. Their numbers range between 150,000 and 200,000 on any given night. Three times that many veterans are housed, but are struggling with excessive rent burdens and an increased risk of homelessness. Different sources estimate that between 23 and 40 percent of homeless adults are veterans.

Statistics regarding the number of children who experience homelessness are especially troubling. Each year, it is estimated that at least 1.35 million children experience homelessness. According to HUD's 3rd Annual Homeless Assessment Report to Congress, on any given night, 248,500 persons in families are homeless. Each year, over 800,000 homeless children and youth are identified and enrolled in public schools. However, this count does not include preschool children, and at least half of all homeless children are under the age of five. Whatever their age, we know that children who are homeless are in poorer health, have developmental delays, and suffer academically.

In addition, many of those who are homeless have a disability. According to the Homelessness Research Institute, about 23 percent of homeless people were found to be ''chronically homeless,'' which according to the current HUD definition means that they are homeless for long periods of time or homeless repeatedly, and they have a disability. For many of these individuals and families, housing alone, without some supportive services, may not be enough.

Finally, as rents have soared and affordable housing units have disappeared from the market during the past several years, even more working Americans have been left unable to afford housing. According to the National Low Income Housing Coalition's most recent ''Out of Reach'' report, nowhere in the country can a minimum wage earner afford to rent a one-bedroom home. Low income renters who live paycheck to paycheck are in precarious circumstances and sometimes must make tough choices between paying rent and buying food, prescription drugs, or other necessities. If one unforeseen event occurs in their lives, they can end up homeless.

There is also a great societal cost to homelessness, including expenses for emergency rooms, jails, shelters, foster care, detoxification, and emergency mental health treatment. Indeed, studies have shown it costs just as much, if not more in overall expenditures, to allow men, women, and children to remain homeless as it does to provide them with assistance and get them back on the road to self-sufficiency.

It has been 22 years since the enactment of the Steward B. McKinney Homeless Assistance Act, and we have learned a lot about the problem of homelessness since then. At the time of its adoption in 1987, this law was viewed as an emergency response to a national crisis, and was to be followed by measures to prevent homelessness and to create more systemic solutions to the problem. It is now time to take what we have learned during the past 22 years, and put those best practices and proposals into action.

First and foremost, the HEARTH Act focuses federal funding on prevention. It allows up to 20 percent of funds to be used to serve people who are at risk of homelessness under a new ''Emergency Solutions Grants'' program. At the same time, it expands the definition of homelessness, which determines eligibility for much of the homeless assistance funding, to include people who will lose their housing in 14 days; any family or individual fleeing or attempting to flee domestic violence, or other dangerous or life threatening situations; and families with children and unaccompanied youth who have experienced a long term period without living independently, have experienced persistent housing instability, and can be expected to continue in such status for an extended period due to a number of enumerated factors, such as a disability. It also allows grantees to use up to an additional 10 percent of competitive funds to serve families defined as homeless under the Education Department homeless definition, but not so defined under the HUD definition. For areas with low levels of homelessness, up to 100 percent of funds may be used for such purposes.

The HEARTH Act also provides communities with greater flexibility in using funds to prevent and end homelessness. Rural communities can participate in a new Rural Housing Stability Assistance Program that would grant rural communities greater discretion in addressing the needs of homeless people or those in the worst housing situations in their communities.

The HEARTH Act would also increase the focus on practices and programs that have demonstrated results. For example, the bill would require that HUD provide incentives for rapid rehousing programs for homeless families. Rapid rehousing programs have been successfully used in numerous communities to significantly reduce family homelessness. By dramatically reducing the length of time families are homeless, rapid rehousing programs ensure a quicker return to stability and self sufficiency.

The HEARTH Act would continue HUD's existing initiative to house people who experience chronic homelessness, but would add families with children to the initiative. It also would designate 30 percent of total funds for new permanent housing for families and individuals with a disability.

Finally, the HEARTH Act would increase the emphasis on performance by measuring applicants' progress at reducing homelessness. It would also allow communities with low levels of homelessness or that are reducing homelessness to focus more on prevention and serving people who are at risk of homelessness.

There is a growing consensus on ways to help communities break the cycle of repeated and prolonged homelessness. If we combine federal dollars with the right incentives to local communities, we can prevent and end long-term homelessness.

The bipartisan HEARTH Act will set us on the path to meeting this important national goal. I hope my colleagues will join us in supporting this bill and other homelessness prevention efforts.

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. 808

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definition of homelessness.
Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 101. Definitions.
Sec. 102. Community homeless assistance planning boards.
Sec. 103. General provisions.
Sec. 104. Protection of personally identifying information by victim service providers.
Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 201. Grant assistance.
Sec. 202. Eligible activities.
Sec. 203. Participation in Homeless Management Information System.
Sec. 204. Administrative provision.
Sec. 205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 301. Continuum of care.
Sec. 302. Eligible activities.
Sec. 303. High performing communities.
Sec. 304. Program requirements.
Sec. 305. Selection criteria, allocation amounts, and funding.
Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 401. Rural housing stability assistance.
Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 501. Repeals.
Sec. 502. Conforming amendments.
Sec. 503. Effective date.
Sec. 504. Regulations.
Sec. 505. Amendment to table of contents.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 3. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—For purposes of this Act, the terms 'homeless', 'homeless individual', and 'homeless person' means—

''(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

''(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

''(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

''(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

''(5) an individual or family who—

''(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

''(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

''(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

''(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

''(B) has no subsequent residence identified; and

''(C) lacks the resources or support networks needed to obtain other permanent housing; and

''(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

''(A) have experienced a long term period without living independently in permanent housing,

''(B) have experienced persistent instability as measured by frequent moves over such period, and

''(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

''(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.''.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of ''homeless'', ''homeless individual'', or ''homeless person'' for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following ''whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness'';

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

''(16) The Commissioner of Social Security, or the designee of the Commissioner.

''(17) The Attorney General of the United States, or the designee of the Attorney General.

''(18) The Director of the Office of Management and Budget, or the designee of the Director.

''(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

''(20) The Director of USA FreedomCorps, or the designee of the Director.'';

(B) in subsection (c), by striking ''annually'' and inserting ''four times each year,

and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year''; and

(C) by adding at the end the following:

''(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.'';

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

''(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;'';

(C) in paragraph (5), as redesignated by subparagraph (A), by striking ''at least 2, but in no case more than 5'' and inserting ''not less than 5, but in no case more than 10'';

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

''(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

''(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999, and 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

''(8) conduct research and evaluation related to its functions as defined in this section;

''(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency;'';

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking ''and'' at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

''(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

''(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 3 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.''.

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking ''Federal'' and inserting ''national'';

(B) by striking ''; and'' and inserting ''and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made;'';

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking ''property.'' and inserting ''property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.''; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this Act .

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle A—General Provisions'';

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

''SEC. 401. DEFINITIONS.

''For purposes of this title:

''(1) AT RISK OF HOMELESSNESS.—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

''(A) has income below 30 percent of median income for the geographic area;

''(B) has insufficient resources immediately available to attain housing stability; and

''(C)(i) has moved frequently because of economic reasons;

''(ii) is living in the home of another because of economic hardship;

''(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

''(iv) lives in a hotel or motel;

''(v) lives in severely overcrowded housing;

''(vi) is exiting an institution; or

''(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

''(2) CHRONICALLY HOMELESS.—

''(A) IN GENERAL.—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

''(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

''(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

''(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

''(B) RULE OF CONSTRUCTION.—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

''(3) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

''(A) carries out the duties specified in section 402;

''(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

''(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

''(4) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

''(A) satisfies section 422; and

''(B) is submitted to the Secretary by a collaborative applicant.

''(5) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity

that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

''(7) FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

''(8) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(9) HOMELESS INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

''(i)(I) is expected to be long-continuing or of indefinite duration;

''(II) substantially impedes the individual's ability to live independently;

''(III) could be improved by the provision of more suitable housing conditions; and

''(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

''(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

''(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

''(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

''(10) LEGAL ENTITY.—The term 'legal entity' means—

''(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

''(B) an instrumentality of State or local government; or

''(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

''(11) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

''(12) NEW.—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

''(13) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

''(A) the administration, maintenance, repair, and security of such housing;

''(B) utilities, fuel, furnishings, and equipment for such housing; or

''(C) coordination of services as needed to ensure long-term housing stability.

''(14) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse services.

''(15) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

''(16) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

''(17) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(18) PROJECT.—The term 'project' means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

''(19) PROJECT-BASED.—The term 'project-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an owner of a structure that exists as of the date the contract is entered into; and

''(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

''(20) PROJECT SPONSOR.—The term 'project sponsor' means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

''(21) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

''(A) submits an application for a grant under section 422 that is approved by the Secretary;

''(B) receives the grant directly from the Secretary to support approved projects described in the application; and

''(C)(i) serves as a project sponsor for the projects; or

''(ii) awards the funds to project sponsors to carry out the projects.

''(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(23) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

''(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

''(25) SPONSOR-BASED.—The term 'sponsor-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an independent entity that—

''(I) is a private organization; and

''(II) owns or leases dwelling units; and

''(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

''(26) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

''(27) SUPPORTIVE SERVICES.—The term 'supportive services' means services that address the special needs of people served by a project, including—

''(A) the establishment and operation of a child care services program for families experiencing homelessness;

''(B) the establishment and operation of an employment assistance program, including providing job training;

''(C) the provision of outpatient health services, food, and case management;

''(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

''(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

''(F) the provision of mental health services, trauma counseling, and victim services;

''(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

''(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

''(I) the provision of—

''(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

''(ii) health care; and

''(J) other supportive services necessary to obtain and maintain housing.

''(28) TENANT-BASED.—The term 'tenant-based' means, with respect to rental assistance, assistance that—

''(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

''(i) in a particular structure or unit for not more than the first year of the participation;

''(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

''(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the

health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

''(29) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

''(30) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(g).

''(31) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

''(32) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

''(33) VICTIM SERVICES.—The term 'victim services' means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 101(3) of this Act) the following new section:

''SEC. 402. COLLABORATIVE APPLICANTS.

''(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

''(1) submit an application for amounts under this subtitle; and

''(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

''(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

''(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

''(e) APPOINTMENT OF AGENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

''(A) apply for a grant under section 422(c);

''(B) receive and distribute grant funds awarded under subtitle C; and

''(C) perform other administrative duties.

''(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

''(f) DUTIES.—A collaborative applicant shall—

''(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

''(A) to determine compliance with—

''(i) the program requirements under section 426; and

''(ii) the selection criteria described under section 427; and

''(B) to establish priorities for funding projects in the geographic area involved;

''(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

''(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as 'HMIS') that—

''(A) collects unduplicated counts of individuals and families experiencing homelessness;

''(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

''(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

''(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

''(i) encryption of data collected for purposes of HMIS;

''(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

''(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

''(iv) rights of persons receiving services under this title;

''(v) criminal and civil penalties for unlawful disclosure of data; and

''(vi) such other standards as may be determined necessary by the Secretary.

''(g) UNIFIED FUNDING.—

''(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

''(A) the collaborative applicant—

''(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

''(ii) is selected to perform such responsibilities by the Secretary; or

''(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

''(i) a finding by the Secretary that the applicant—

''(I) has the capacity to perform such responsibilities; and

''(II) would serve the purposes of this Act as they apply to the geographic area; and

''(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

''(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

''(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

''(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

''(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.''.

SEC. 103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 101(2) of this Act) the following new sections:

''SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

''(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

''(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

''(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

''(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

''SEC. 405. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homeless.

''(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).''.

SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of

this title, is further amended by adding at the end the following new section:

"SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

''In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.''.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle B—Emergency Solutions Grants Program";

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

"SEC. 412. GRANT ASSISTANCE.

''The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

"SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

''(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

''(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.''; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking ''amounts appropriated'' and all that follows through ''for any'' and inserting ''amounts appropriated under section 408 and made available to carry out this subtitle for any''.

SEC. 202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 201(3) of this Act, and inserting the following new section:

"SEC. 415. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

''(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

''(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

''(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

''(B) the use of assistance under this subtitle would complement the provision of those essential services.

''(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

''(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

''(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

''(A) stabilizing individuals and families in their current housing; or

''(B) quickly moving such individuals and families to other permanent housing.

''(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

''(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

''(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.''.

SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 201(3) of this Act, is amended by adding at the end the following new subsection:

''(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.''.

SEC. 204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking ''5 percent'' and inserting ''7.5 percent''.

SEC. 205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

"Subtitle C—Continuum of Care Program"; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

"SEC. 421. PURPOSES.

''The purposes of this subtitle are—

''(1) to promote community-wide commitment to the goal of ending homelessness;

''(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

''(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

''(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

"SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

''(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

''(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

''(c) APPLICATIONS.—

''(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

''(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

''(B) to establish priorities for funding projects in the geographic area.

''(2) ANNOUNCEMENT OF AWARDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the

grants conditionally awarded under subsection (a) for that fiscal year.

''(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

''(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

''(1) REQUIREMENTS FOR OBLIGATION.—

''(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

''(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

''(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

''(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

''(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

''(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

''(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

''(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

''(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

''(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

''(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

''(h) APPEALS.—

''(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

''(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

''(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

''(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

''(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

''(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

''(3) TREATMENT OF CERTAIN POPULATIONS.—

''(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

''(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.''.

SEC. 302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

''SEC. 423. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

''(1) Construction of new housing units to provide transitional or permanent housing.

''(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

''(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

''(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

''(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

''(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

''(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

''(A) are effective at moving homeless individuals and families immediately into housing; or

''(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

''(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

''(9) Operation of, participation in, and ensuring consistent participation by project

sponsors in, a community-wide homeless management information system.

''(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

''(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

''(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

''(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

''(c) USE RESTRICTIONS.—

''(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

''(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

''(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

''(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

''(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

''(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

''(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

''(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

''(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

''(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

''(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

''(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

''(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

''(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

''(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

''(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.''.

SEC. 303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

''SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

''(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

''(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

''(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

''(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

''(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

''(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

''(b) APPLICATION.—

''(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

''(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

''(A) a report showing how any money received under this subtitle in the preceding year was expended; and

''(B) information that such applicant can meet the requirements described under subsection (d).

''(3) PUBLICATION OF APPLICATION.—The Secretary shall—

''(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

''(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

''(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

''(1) for any of the eligible activities described in section 423; or

''(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

''(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term 'high-performing community' means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

''(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

''(A) is less than 20 days; or

''(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

''(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

''(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

''(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

''(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

''(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

''(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

''(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section

422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

''(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

''(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.''.

SEC. 304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

''(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

''(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

''(2) to monitor and report to the Secretary the progress of the project;

''(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

''(4) to require certification from all project sponsors that—

''(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

''(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

''(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

''(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act(42 U.S.C. 11431 et seq.); and

''(E) they will provide data and reports as required by the Secretary pursuant to the Act;

''(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

''(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

''(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

''(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.'';

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking ''recipient'' and inserting ''recipient or project sponsor'';

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking ''recipient'' each place it appears and inserting ''recipient or project sponsor'';

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

''SEC. 427. SELECTION CRITERIA.

''(a) IN GENERAL.—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

''(b) REQUIRED CRITERIA.—

''(1) IN GENERAL.—The criteria established under subsection (a) shall include—

''(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

''(i) the length of time individuals and families remain homeless;

''(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

''(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

''(iv) overall reduction in the number of homeless individuals and families;

''(v) jobs and income growth for homeless individuals and families;

''(vi) success at reducing the number of individuals and families who become homeless;

''(vii) other accomplishments by the recipient related to reducing homelessness; and

''(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

''(B) the plan of the recipient, which shall describe—

''(i) how the number of individuals and families who become homeless will be reduced in the community;

''(ii) how the length of time that individuals and families remain homeless will be reduced;

''(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

''(iv) the extent to which the recipient will—

''(I) address the needs of all relevant subpopulations;

''(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

''(III) set quantifiable performance measures;

''(IV) set timelines for completion of specific tasks;

''(V) identify specific funding sources for planned activities; and

''(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

''(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

''(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

''(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

''(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

''(iii) is based on objective criteria that have been publicly announced by the recipient; and

''(iv) is open to proposals from entities that have not previously received funds under this subtitle;

''(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

''(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

''(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

''(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

''(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

''(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

''(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

''(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

''(B) AMOUNT.—

''(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

''(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

''(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

''(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

''(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

''(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

''(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

''SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

''(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

''(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

''(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

''(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

''(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

''(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

''(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

''(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

''(d) INCENTIVES FOR PROVEN STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

''(A) permanent supportive housing for chronically homeless individuals and families;

''(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

''(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

''(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

''SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

''(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

''(1) under the appropriations account for this title; or

''(2) the section 8 project-based rental assistance account.

''(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

''(1) there is a demonstrated need for the project; and

''(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

"SEC. 430. MATCHING FUNDING.

''(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

''(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

''(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

''(1) funding for any eligible activity described under section 423; and

''(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

"SEC. 431. APPEAL PROCEDURE.

''(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

''(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

''(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.''.

SEC. 306. RESEARCH.

There is authorized to be appropriated $8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle G—Rural Housing Stability Assistance Program"; and

(2) in section 491—

(A) by striking the section heading and inserting ''rural housing stability grant program.'';

(B) in subsection (a)—

(i) by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program'';

(ii) by inserting ''in lieu of grants under subtitle C'' after ''eligible organizations''; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

''(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

''(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

''(3) improving the ability of the lowest-income residents of the community to afford stable housing.'';

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

''(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

''(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

''(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

''(H) payment of operating costs for housing units assisted under this title;'';

(D) in subsection (b)(2), by striking ''appropriated'' and inserting ''transferred'';

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking ''appropriated'' and inserting ''transferred''; and

(ii) in paragraph (3), by striking ''appropriated'' and inserting ''transferred'';

(F) in subsection (d)—

(i) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking ''an agreement'' and all that follows through ''families'' and inserting the following: ''a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization''; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

''(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

''(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.'';

(G) by striking subsections (f) and (g) and inserting the following:

''(f) MATCHING FUNDING.—

''(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

''(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

''(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

''(A) funding for any eligible activity described under subsection (b); and

''(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

''(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

''(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

''(2) the degree to which the project addresses the most harmful housing situations present in the community;

''(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

''(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

''(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

''(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

''(7) any other relevant criteria as determined by the Secretary.'';

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''The'' and inserting ''Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the''; and

(ii) in paragraph (1)(A), by striking ''providing housing and other assistance to homeless persons'' and inserting ''meeting the goals described in subsection (a)'';

(iii) in paragraph (1)(B), by striking ''address homelessness in rural areas'' and inserting ''meet the goals described in subsection (a) in rural areas''; and

(iv) in paragraph (2)—

(I) by striking ''The'' and inserting ''Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the'';

(II) by striking '', not later than 18 months after the date on which the Secretary first makes grants under the program,''; and

(III) by striking ''prevent and respond to homelessness'' and inserting ''meet the goals described in subsection (a)'';

(I) in subsection (k)—

(i) in paragraph (1), by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking ''rural census tract.'' and inserting ''county where at least 75 percent of the population is rural; or''; and

(III) by adding at the end the following:

''(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of

the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.'';

(J) in subsection (l)—

(i) by striking the subsection heading and inserting ''PROGRAM FUNDING.—''; and

(ii) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.''; and

(K) by adding at the end the following:

''(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.''.

SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 101(2) of this Act), is amended—

(1) by striking ''current housing affordability strategy'' and inserting ''consolidated plan''; and

(2) by inserting before the comma the following: ''(referred to in such section as a 'comprehensive housing affordability strategy')''.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.''.

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this Act, as subtitle D.

SEC. 503. EFFECTIVE DATE.

Except as specifically provided otherwise in this Act, this Act and the amendments made by this Act shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this Act, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 504,

whichever occurs first.

SEC. 504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

''TITLE IV—HOUSING ASSISTANCE

''Subtitle A—General Provisions

''Sec. 401. Definitions.
''Sec. 402. Collaborative applicants.
''Sec. 403. Housing affordability strategy.
''Sec. 404. Preventing involuntary family separation
''Sec. 405. Technical assistance.
''Sec. 406. Discharge coordination policy.
''Sec. 407. Protection of personally identifying information by victim service providers.
''Sec. 408. Authorization of appropriations.

''Subtitle B—Emergency Solutions Grants Program

''Sec. 411. Definitions.
''Sec. 412. Grant assistance.
''Sec. 413. Amount and allocation of assistance.
''Sec. 414. Allocation and distribution of assistance.
''Sec. 415. Eligible activities.
''Sec. 416. Responsibilities of recipients.
''Sec. 417. Administrative provisions.
''Sec. 418. Administrative costs.

''Subtitle C—Continuum of Care Program

''Sec. 421. Purposes.
''Sec. 422. Continuum of care applications and grants.
''Sec. 423. Eligible activities.
''Sec. 424. Incentives for high-performing communities.
''Sec. 425. Supportive services.
''Sec. 426. Program requirements.
''Sec. 427. Selection criteria.
''Sec. 428. Allocation of amounts and incentives for specific eligible activities.
''Sec. 429. Renewal funding and terms of assistance for permanent housing.
''Sec. 430. Matching funding.
''Sec. 431. Appeal procedure.
''Sec. 432. Regulations.
''Sec. 433. Reports to Congress.

''Subtitle D—Rural Housing Stability Assistance Program

''Sec. 491. Rural housing stability assistance.
''Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.''.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 812. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act of 2009, along with my good friend, Senator GRASSLEY from Iowa.

As we all know, the country, including my home State of Montana, is losing precious agricultural and ranch lands at a record pace. While providing Montana and the Nation with the highest quality food and fiber, these farms and ranches also provide habitat for wildlife and the open spaces, land that many of us take for granted and assume will always be there. Conservation easements have been tremendously successful in preserving open space and wildlife habitat. Montana has begun to recognize the importance of using conservation easements to preserve these lands. We currently have more than 1.5 million acres covered by conservation easements. To some, that may seem like a large amount, but this is Montana, a State that covers 93,583,532 acres.

To assure that open space and habitat will be there for future generations, we must help our hardworking farmers and ranchers preserve this precious heritage and their way-of-life. The Congress recognized this by providing targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement. The provision allows eligible farmers and ranchers to increase the amounts of deduction that may be taken currently for charitable contributions of qualified conservation easements by raising the Adjusted Gross Income, AGI, limitations to 100 percent and extending the carryover period from 5 years to 15 years. In the case of all landowners, the AGI limitation was raised from 30 percent to 50 percent. This provision will expire at the end of this year.

The number of acres protected and easements held by state and local land trusts has grown as a result of this incentive. According to the Land Trust Alliance, America's Land Trusts protected 535,000 more acres with conservation easements in the first two years with the new tax incentive than in the previous two years, a 36 percent increase. In 2006 and 2007, land trusts added over 6,000 easements, about 2,000 more than the 2 years before the incentive.

The Rural Heritage Conservation Extension Act of 2009 would make this allowable deduction permanent, building on the success of conservation easements. Our farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations, while continuing to operate their businesses. Landowners, conservationists, the Federal Government, and local communities are working together to preserve our precious natural resources.

This legislation is vitally important to Montana, and to every other State in the Nation.

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. 812

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 ''Rural Heritage Conservation Extension Act of 2009''.

SEC. 2. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 (relating to contributions of qualified conservation contributions) is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code (relating to qualified conservation contributions) is amended by striking clause (iii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

By Mr. NELSON of Florida (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, and Mr. MENENDEZ):

S. 815. A bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, the Immigration and Nationality Act, INA, imposes what has become known as the ''widow penalty,'' requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first two years of marriage. Today, joined by Senators DURBIN, FEINSTEIN, KENNEDY, KERRY AND MENENDEZ, I am introducing the Fairness to Surviving Spouses Act of 2009. My bill will amend the INA to remedy this unintended and unjustified administrative procedure.

This legislation is needed because, under current law, when a US citizen marries a non-citizen, the non-citizen is eligible to become a legal permanent resident and receive a green card. During the first two years of marriage, the only way this can be accomplished is through a petition that the citizen files on the non-citizen spouse's behalf. The non-citizen cannot self-petition for legal permanent resident status during this time.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending—and delays in the process are often caused due to bureaucratic delay—the petition automatically is denied, and the non-citizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a bona fide marriage, such as cohabitation, and shared finances, exists. It is even the case if a couple had a U.S. born child.

Because of the widow penalty, law-abiding and well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the US Citizenship and Immigration Services, CIS, to address the issue administratively were unsuccessful. In the current administration, Secretary of Homeland Security Janet Napolitano has directed that the Department of Homeland Security review a number of immigration issues, including the widow penalty. Although this review is welcome, there is some question regarding the Secretary's authority to end the penalty administratively. That is why a clean legislative fix is needed, as scores of women and children face immediate deportation today.

There have been more than 200 widow penalty victims throughout the country, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; a woman whose husband was killed while on duty with the U.S. Border Patrol; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case, placed in shackles, and sent to a detention facility.

The widow penalty has received national extensive national media attention, including from 60 Minutes, which profiled Raquel Williams, a widow who lives with her in-laws in Orlando, in a segment entitled, ''For Better or For Worse—A Loss of Love and Country.'' After she was deemed deportable following the sudden death of her husband from sleep apnea and heart problems, Ms. Williams and her in-laws have been telling their story to raise awareness about this issue.

The harsh and unfair widow penalty can be eliminated by allowing the petition to be adjudicated even though the citizen spouse has died. The proposed legislation affects only a small group of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

Today, Rep. JIM MCGOVERN is introducing identical legislation in the House. His bill passed out of the House Judiciary Committee during the 110th Congress with bipartisan support, including from Republicans who led the charge against comprehensive immigration reform. The widows who face deportation today should not be forced

to wait for the Congress to take up comprehensive immigration reform. This legislation is needed now because it simply corrects an arbitrary and unjust sanction, one which would never have occurred but for the Government's failure to act more in a more timely manner and the unfortunate fact that the citizen spouse died before the couple's second anniversary.

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. 815

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

SECTION 1. RELIEF FOR SURVIVING SPOUSES.

(a) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting ''(or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit)'' after ''for at least 2 years at the time of the citizen's death''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(2) TRANSITION CASES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, an alien described in subparagraph (B) who seeks immediate relative status pursuant to the amendment made by subsection (a) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(B) ALIENS DESCRIBED.—An alien is described in this subparagraph if—

(i) the alien's United States citizen spouse died before the date of the enactment of this Act;

(ii) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(iii) the alien has not remarried.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH):

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Pacific Salmon Stronghold Conservation Act of 2009, together with my colleague from Alaska Senator Murkowski. I am grateful for all the input and collaboration from key stakeholders in Washington State that I have received on this legislation. I am especially grateful for the input from the Quileute Tribe, the Wild Salmon Center, and Bill Ruckelshaus.

Wild Pacific salmon are central to the culture, economy, and environment of western North America. While current Federal, State, and local salmon recovery efforts are focused on recovering salmon listed under the Endangered Species Act, ESA, seeking to restore what we've lost—the Salmon Stronghold Act seeks to protect what we have. Current efforts to recover threatened or endangered salmon stocks are vital. This is why I have consistently fought for increased funding for the Pacific Coast Salmon Recovery Fund, PCSRF, and will continue to proudly do so.

The PCSRF, since its inception in 2000, has allowed my home State of Washington to focus the efforts of counties and conservation districts, on average, to remove 300 barriers to fish passage and to open 300 miles of habitat each year. That's 2,400 barriers removed and 2,400 miles of habitat restored. In 2008, for every Federal dollar spent on this program it leveraged about $2 local and State dollars.

I will continue the fight to protect this salmon recovery funding. But more must be done. A key purpose of this act is to complement existing Federal, State and local salmon recovery efforts by directing new Federal resources to conserve healthy salmon populations. This legislation will utilize sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the Pacific States.

This bill establishes a new regional Salmon Stronghold Partnership program that provides federal support and resources to protect a network of the healthiest remaining wild Pacific salmon ecosystems in North America. The bill promotes enhanced coordination and cooperation of Federal, tribal, State and local governments, public and private land managers, fisheries managers, power authorities, and nongovernmental organizations in efforts to protect salmon strongholds.

It is time to increase funding for recovery efforts, but also focus on prevention. It is time to adopt the kind of comprehensive solution that can solidify the place wild Pacific salmon hold in American culture for generations to come.

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. 817

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 ''Pacific Salmon Stronghold Conservation Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.
Sec. 4. Salmon Stronghold Partnership.
Sec. 5. Information and assessment.
Sec. 6. Salmon stronghold watershed grants and technical assistance program.
Sec. 7. Interagency cooperation.
Sec. 8. International cooperation.
Sec. 9. Acquisition and transfer of real property interests.
Sec. 10. Administrative provisions.
Sec. 11. Limitations.
Sec. 12. Reports to Congress.
Sec. 13. Authorization of appropriations.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Several species of salmon native to the rivers of the United States are highly migratory, interacting with salmon originating from Canada, Japan, Russia, and South Korea and spending portions of their life history outside of the territorial waters of the United States. Recognition of the migratory and transboundary nature of salmon species has led countries of the North Pacific to seek enhanced coordination and cooperation through multilateral and bi-lateral agreements.

(2) Salmon are a keystone species, sustaining more than 180 other species in freshwater and marine ecosystems. They are also an indicator of ecosystem health and potential impacts of climate change.

(3) Salmon are a central part of the culture, economy, and environment of Western North America.

(4) Economic activities relating to salmon generate billions of dollars of economic activity and provide thousands of jobs.

(5) During the anticipated rapid environmental change during the period beginning on the date of the enactment of this Act, maintaining key ecosystem processes and functions, population abundance, and genetic integrity will be vital to ensuring the health of salmon populations.

(6) Salmon strongholds provide critical production zones for commercial, recreational, and subsistence fisheries.

(7) Taking into consideration the frequency with which fisheries have collapsed during the period preceding the date of the enactment of this Act, using scientific research to correctly identify and conserve core centers of abundance, productivity, and diversity is vital to sustain salmon populations and fisheries in the future.

(8) Measures being undertaken as of the date of the enactment of this Act to recover threatened or endangered salmon stocks, including Federal, State, and local programs to restore salmon habitat, are vital. These measures will be complemented and enhanced by identifying and sustaining core centers of abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout the range of salmon species.

(9) The effects of climate change are affecting salmon habitat at all life history stages and future habitat conservation must consider climate change projections to safeguard natural systems under future climate conditions.

(10) Greater coordination between public and private entities can assist salmon strongholds by marshaling and focusing resources on scientifically-supported, high priority conservation actions.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand Federal support and resources for the protection and restoration of the healthiest remaining salmon strongholds in

North America to sustain core centers of salmon abundance, productivity, and diversity in order to ensure the long-term viability of salmon populations—

(A) in the States of California, Idaho, Oregon, and Washington, by focusing resources on cooperative, incentive-based efforts to conserve the roughly 20 percent of salmon habitat that supports approximately two-thirds of salmon abundance; and

(B) in the State of Alaska, a regional stronghold that produces more than one-third of all salmon, by increasing resources available to public and private organizations working cooperatively to conserve regional core centers of salmon abundance and diversity;

(2) to maintain and enhance economic benefits related to fishing or associated with healthy salmon stronghold habitats, including flood protection, recreation, water quantity and quality, carbon sequestration, climate change mitigation and adaptation, and other ecosystem services; and

(3) to complement and add to existing Federal, State, and local salmon recovery efforts by using sound science to identify and sustain core centers of salmon abundance, productivity, and diversity in the healthiest remaining salmon ecosystems throughout their range.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Assistant Administrator for the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.

(2) BOARD.—The term ''Board'' means the Salmon Stronghold Partnership Board established under section 4.

(3) CHARTER.—The term ''charter'' means the charter of the Board developed under section 4(g).

(4) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(5) ECOSYSTEM SERVICES.—The term ''ecosystem services'' means an ecological benefit generated from a healthy, functioning ecosystem, including clean water, pollutant filtration, regulation of river flow, prevention of soil erosion, regulation of climate, and fish production.

(6) PROGRAM.—Except as otherwise provided, the term ''program'' means the salmon stronghold watershed grants and technical assistance program established under section 6(a).

(7) SALMON.—The term ''salmon'' means any of the wild anadromous Oncorhynchus species that occur in the Western United States, including—

(A) chum salmon (Oncorhynchus keta);

(B) pink salmon (Oncorhynchus gorbuscha);

(C) sockeye salmon (Oncorhynchus nerka);

(D) chinook salmon (Oncorhynchus tshawytscha);

(E) coho salmon (Oncorhynchus kisutch); and

(F) steelhead trout (Oncorhynchus mykiss).

(8) SALMON STRONGHOLD.—The term ''salmon stronghold'' means all or part of a watershed or that meets biological criteria for abundance, productivity, diversity (life history and run timing), habitat quality, or other biological attributes important to sustaining viable populations of salmon throughout their range, as defined by the Board.

(9) SALMON STRONGHOLD PARTNERSHIP.—The term ''Salmon Stronghold Partnership'' means the Salmon Stronghold Partnership established under section 4(a)(1).

(10) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

SEC. 4. SALMON STRONGHOLD PARTNERSHIP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Salmon Stronghold Partnership that is a cooperative, incentive-based, public-private partnership among appropriate Federal, State, tribal, and local governments, private landowners, and nongovernmental organizations working across political boundaries, government jurisdictions, and land ownerships to identify and conserve salmon strongholds.

(2) MEMBERSHIP.—To the extent possible, the membership of the Salmon Stronghold Partnership shall include each entity described under subsection (b).

(3) LEADERSHIP.—The Salmon Stronghold Partnership shall be managed by a Board established by the Secretary to be known as the Salmon Stronghold Partnership Board.

(b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

(1) IN GENERAL.—The Board shall consist of representatives with strong scientific or technical credentials and expertise as follows:

(A) 1 representative from each of—

(i) the National Marine Fisheries Service, as appointed by the Administrator;

(ii) the United States Fish and Wildlife Service, as appointed by the Director;

(iii) the Forest Service, as appointed by the Chief of the Forest Service;

(iv) the Environmental Protection Agency, as appointed by the Administrator of the Environmental Protection Agency;

(v) the Bonneville Power Administration, as appointed by the Administrator of the Bonneville Power Administration;

(vi) the Bureau of Land Management, as appointed by the Director of the Bureau of Land Management; and

(vii) the Northwest Power and Conservation Council, as appointed by the Northwest Power and Conservation Council.

(B) 1 representative from the natural resources staff of the office of the Governor or of an appropriate natural resource agency of a State, as appointed by the Governor, from each of the States of—

(i) Alaska;

(ii) California;

(iii) Idaho;

(iv) Oregon; and

(v) Washington.

(C) Not less than 3 and not more than 5 representatives from Indian tribes or tribal commissions located within the range of a salmon species, as appointed by such Indian tribes or tribal commissions, in consultation with the Board.

(D) 1 representative from each of 3 nongovernmental organizations with salmon conservation and management expertise, as selected by the Board.

(E) 1 national or regional representative from an association of counties, as selected by the Board.

(F) Representatives of other entities with significant resources regionally dedicated to the protection of salmon ecosystems that the Board determines are appropriate, as selected by the Board.

(2) FAILURE TO APPOINT.—If a representative described in subparagraph (B), (C), (D), (E), or (F) of paragraph (1) is not appointed to the Board or otherwise fails to participate in the Board, the Board shall carry out its functions until such representative is appointed or joins in such participation.

(c) MEETINGS.—

(1) FREQUENCY.—Not less frequently than 3 times each year, the Board shall meet to provide opportunities for input from a broader set of stakeholders.

(2) NOTICE.—Prior to each meeting, the Board shall give timely notice of the meeting to the public, the government of each county, and tribal government in which a salmon stronghold is identified by the Board.

(d) BOARD CONSULTATION.—The Board shall seek expertise from fisheries experts from agencies, colleges, or universities, as appropriate.

(e) CHAIRPERSON.—The Board shall nominate and select a Chairperson from among the members of the Board.

(f) COMMITTEES.—The Board—

(1) shall establish a standing science advisory committee to assist the Board in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information; and

(2) may establish additional standing or ad hoc committees as the Board determines are necessary.

(g) CHARTER.—The Board shall develop a written charter that—

(1) provides for the members of the Board described in subsection (b);

(2) may be signed by a broad range of partners, to reflect a shared understanding of the purposes, intent, and governance framework of the Salmon Stronghold Partnership; and

(3) includes—

(A) the defining criteria for a salmon stronghold;

(B) the process for identifying salmon strongholds; and

(C) the process for reviewing and awarding grants under the program, including—

(i) the number of years for which such a grant may be awarded;

(ii) the process for renewing such a grant;

(iii) the eligibility requirements for such a grant;

(iv) the reporting requirements for projects awarded such a grant; and

(v) the criteria for evaluating the success of a project carried out with such a grant.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 5. INFORMATION AND ASSESSMENT.

The Administrator shall carry out specific information and assessment functions associated with salmon strongholds, in coordination with other regional salmon efforts, including—

(1) triennial assessment of status and trends in salmon strongholds;

(2) geographic information system and mapping support to facilitate conservation planning;

(3) projections of climate change impacts on all habitats and life history stages of salmon;

(4) development and application of models and other tools to identify salmon conservation actions projected to have the greatest positive impacts on salmon abundance, productivity, or diversity within salmon strongholds; and

(5) measurement of the effectiveness of the Salmon Stronghold Partnership activities.

SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Director, shall establish a salmon stronghold watershed grants and technical assistance program, as described in this section.

(b) PURPOSE.—The purpose of the program shall be to support salmon stronghold protection and restoration activities, including—

(1) to fund the administration of the Salmon Stronghold Partnership in carrying out the charter;

(2) to encourage cooperation among the entities represented on the Board, local authorities, and private entities to establish a

network of salmon strongholds, and assist locally in specific actions that support the Salmon Stronghold Partnership;

(3) to support entities represented on the Board—

(A) to develop strategies focusing on salmon conservation actions projected to have the greatest positive impacts on abundance, productivity, or diversity in salmon strongholds; and

(B) to provide financial assistance to the Salmon Stronghold Partnership to increase local economic opportunities and resources for actions or practices that provide long-term or permanent conservation and that maintain key ecosystem services in salmon strongholds, including—

(i) payments for ecosystem services; and

(ii) demonstration projects designed for specific salmon strongholds;

(4) to maintain a forum to share best practices and approaches, employ consistent and comparable metrics, forecast and address climate impacts, and monitor, evaluate, and report regional status and trends of salmon ecosystems in coordination with related regional and State efforts;

(5) to carry out activities and existing conservation programs in, and across, salmon strongholds on a regional scale to achieve the goals of the Salmon Stronghold Partnership;

(6) to accelerate the implementation of recovery plans in salmon strongholds that have salmon populations listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(7) to develop and make information available to the public pertaining to the Salmon Stronghold Partnership; and

(8) to conduct education outreach to the public, in coordination with other programs, to encourage increased stewardship of salmon strongholds.

(c) SELECTION.—Projects that will be carried out with assistance from the program shall be selected and administered as follows:

(1) SITE-BASED PROJECTS.—A project that will be carried out with assistance from the program within 1 State shall be selected as follows:

(A) STATE SELECTION.—If a State has a competitive grant process relating to salmon conservation in effect as of the date of enactment of this Act and has a proven record of implementing an efficient, cost-effective, and competitive grant program for salmon conservation or has a viable plan to provide accountability under the program—

(i) the National Fish and Wildlife Foundation, in consultation with the Board, shall provide program funds to the State; and

(ii) the State shall select and administer projects to be carried out in such State, in accordance with subsection (d).

(B) NATIONAL FISH AND WILDLIFE FOUNDATION SELECTION.—If a State does not meet the criteria described in subparagraph (A)—

(i) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(ii) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer projects to be carried out in such State, in accordance with subsection (d).

(2) MULTISITE AND PROGRAMMATIC INITIATIVES.—For a project that will be carried out with assistance from the program in more than 1 State or that is a programmatic initiative that affect more than 1 State—

(A) the Administrator, in consultation with the Director, shall provide funds to the National Fish and Wildlife Foundation; and

(B) the National Fish and Wildlife Foundation, in consultation with the Board, shall select and administer such projects to be carried out, in accordance with subsection (d).

(d) CRITERIA FOR APPROVAL.—

(1) CRITERIA DEVELOPED BY THE BOARD.—

(A) REQUIREMENT TO DEVELOP.—The Board shall develop and provide criteria for the prioritization of projects funded under the program in a manner that enables projects to be individually ranked in sequential order by the magnitude of the project's positive impacts on salmon abundance, productivity, or diversity.

(B) SPECIFIC REQUIREMENTS.—The criteria required by subparagraph (A) shall require that a project that receives assistance under the program—

(i) contributes to the conservation of salmon;

(ii) meets the criteria for eligibility established in the charter;

(iii)(I) addresses a factor limiting or threatening to limit abundance, productivity, diversity, habitat quality, or other biological attributes important to sustaining viable salmon populations within a salmon stronghold; or

(II) is a programmatic action that supports the Salmon Stronghold Partnership;

(iv) addresses limiting factors to healthy ecosystem processes or sustainable fisheries management;

(v) has the potential for conservation benefits and broadly applicable results; and

(vi) meets the requirements for—

(I) cost sharing described in subsection (e); and

(II) the limitation on administrative expenses described in subsection (f).

(C) SCHEDULE FOR DEVELOPMENT.—The Board shall—

(i) develop and provide the criteria required by subparagraph (A) prior to the initial solicitation of projects under the program; and

(ii) revise such criteria not less often than once each year.

(e) COST SHARING.—

(1) FEDERAL SHARE.—

(A) NON-FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is not owned by the United States shall not exceed 50 percent of the total cost of the project.

(B) FEDERAL LAND.—For any fiscal year, the Federal share of the cost of a project that receives assistance under the program and that is carried out on land that is owned by the United States, including the acquisition of inholdings, may be up to 100 percent of the total cost of the project.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a project that receives assistance under the program may not be derived from Federal grant programs, but may include in-kind contributions.

(B) BONNEVILLE POWER ADMINISTRATION.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity used to carry out a project that receives assistance under the program shall be credited toward the non-Federal share of the cost of the project.

(f) ADMINISTRATIVE EXPENSES.—Of the amount available to a State or the National Fish and Wildlife Foundation under the program for each fiscal year, such State and the National Fish and Wildlife Foundation shall not expend more than 5 percent of such amount for administrative and reporting expenses necessary to carry out this section.

(g) REPORTS.—

(1) REPORTS TO STATES OR NFWF.—Each person who receives assistance through a State or the National Fish and Wildlife Foundation under the program for a project shall provide periodic reports to the State or the National Fish and Wildlife Foundation, as appropriate, that includes the information required by the State or the National Fish and Wildlife Foundation to evaluate the progress and success of the project.

(2) REPORTS TO THE ADMINISTRATION.—Not less frequently than once every 3 years, each State that is provided program funds under subsection (c)(1)(A) and the National Fish and Wildlife Foundation shall provide reports to the Administrator that include the information required by the Administrator to evaluate the implementation of the program.

SEC. 7. INTERAGENCY COOPERATION.

The head of each Federal agency or department responsible for acquiring, managing, or disposing of Federal land that is within a salmon stronghold shall, to the extent consistent with the mission of the agency or department and existing law, cooperate with the Administrator and the Director—

(1) to conserve the salmon strongholds; and

(2) to effectively coordinate and streamline Salmon Stronghold Partnership activities and delivery of overlapping, incentive-based programs that affect the salmon stronghold.

SEC. 8. INTERNATIONAL COOPERATION.

(a) AUTHORITY TO COOPERATE.—The Administrator and the Board may share status and trends data, innovative conservation strategies, conservation planning methodologies, and other information with North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to promote conservation of salmon and salmon habitat.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator and the Board, or entities that are members of the Board, should and are encouraged to provide information to North Pacific countries, including Canada, Japan, Russia, and South Korea, and appropriate international entities to support the development of a network of salmon strongholds across the nations of the North Pacific.

SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY INTERESTS.

(a) USE OF REAL PROPERTY.—No project that will result in the acquisition by the Secretary or the Secretary of the Interior of any land or interest in land, in whole or in part, may receive funds under this Act unless the project is consistent with the purposes of this Act.

(b) PRIVATE PROPERTY PROTECTION.—No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the 1 or more owners of the property or interest in property.

(c) TRANSFER OF REAL PROPERTY.—No land or interest in land, acquired in whole or in part by the Secretary of the Interior with Federal funds made available under this Act to carry out a salmon stronghold conservation project may be transferred to a State, other public agency, or other entity unless—

(1) the Secretary of the Interior determines that the State, agency, or entity is committed to manage, in accordance with this Act and the purposes of this Act, the property being transferred; and

(2) the deed or other instrument of transfer contains provisions for the reversion of the title to the property to the United States if the State, agency, or entity fails to manage the property in accordance with this Act and the purposes of this Act.

(d) REQUIREMENT.—Any real property interest conveyed under subsection (c) shall be subject to such terms and conditions as will ensure, to the maximum extent practicable,

that the interest will be administered in accordance with this Act and the purposes of this Act.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) CONTRACTS, GRANTS, AND TRANSFERS OF FUNDS.—In carrying out this Act, the Secretary may—

(1) consistent with a recommendation of the Board and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into cooperative agreements, contracts, and grants;

(2) notwithstanding any other provision of law, apply for, accept, and use grants from any person to carry out the purposes of this Act; and

(3) make funds available to any Federal agency or department to be used by the agency or department to award financial assistance for any salmon stronghold protection, restoration, or enhancement project that the Secretary determines to be consistent with this Act.

(b) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to authorize the organization to carry out activities under this Act; and

(B) accept donations of funds or services for use in carrying out this Act.

(2) PROPERTY.—The Secretary of the Interior may accept donations of property for use in carrying out this Act.

(3) USE OF DONATIONS.—Donations accepted under this section—

(A) shall be considered to be gifts or bequests to, or for the use of, the United States; and

(B) may be used directly by the Secretary (or, in the case of donated property under paragraph (2), the Secretary of the Interior) or provided to other Federal agencies or departments through interagency agreements.

(c) INTERAGENCY FINANCING.—The Secretary may participate in interagency financing, including receiving appropriated funds from other agencies or departments to carry out this Act.

(d) STAFF.—Subject to the availability of appropriations, the Administrator may hire such additional full-time employees as are necessary to carry out this Act.

SEC. 11. LIMITATIONS.

Nothing in this Act may be construed—

(1) to create a reserved water right, express or implied, in the United States for any purpose, or affect the management or priority of water rights under State law;

(2) to affect existing water rights under Federal or State law;

(3) to affect any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity;

(4) to affect the authority, jurisdiction, or responsibility of any agency or department of the United States or of a State to manage, control, or regulate fish and resident wildlife under a Federal or State law or regulation;

(5) to authorize the Secretary or the Secretary of the Interior to control or regulate hunting or fishing under State law;

(6) to abrogate, abridge, affect, modify, supersede, or otherwise alter any right of a federally recognized Indian tribe under any applicable Federal or tribal law or regulation; or

(7) to diminish or affect the ability of the Secretary or the Secretary of the Interior to join the adjudication of rights to the use of water pursuant to subsections (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

SEC. 12. REPORTS TO CONGRESS.

Not less frequently than once every 3 years, the Administrator, in consultation with the Director, shall submit to Congress a report describing the activities carried out under this Act, including the recommendations of the Administrator, if any, for legislation relating to the Salmon Stronghold Partnership.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator, to be distributed by the National Fish and Wildlife Foundation as a fiscal agent, to provide grants under the program, $30,000,000 for each of fiscal years 2009 through 2013.

(2) BOARD.—The National Fish and Wildlife Foundation shall, from the amount appropriated pursuant to the authorization of appropriations in paragraph (1), make available sufficient funds to the Board to carry out its duties under this Act.

(b) TECHNICAL ASSISTANCE.—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Administrator $300,000 to provide technical assistance under the program and to carry out section 5.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to an authorization of appropriations in this section are authorized to remain available until expended.

By Mr. BINGAMAN (for himself, Mr. BURR, Mr. KENNEDY, Mr. HATCH, and Mrs. MURRAY):

S. 818. A bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr BINGAMAN. Mr. President, I rise today with my colleagues Senators BURR, KENNEDY, HATCH and MURRAY to introduce the Achievement Through Technology and Innovation, ATTAIN, Act of 2009.

This bill would amend title II of the Elementary and Secondary Education Act of 1965 to rename part D, Achievement through Technology and Innovation, and reauthorize it through FY2014. I am very pleased that ATTAIN is supported by the Consortium for School Networking, International Society for Technology and Education, Software and Information Industry Association, State Educational Technology Directors Association, and many other education groups.

In 2002, Congress enacted the No Child Left Behind Act to close the achievement gap between low-income, underperforming students and their more affluent peers. Without a renewed dedication to the quality of programs used in our schools, this goal, as well as providing an excellent education for students, will be difficult to achieve. While there is no question that we have made progress in recent years in advancing educational opportunity, I remain concerned about the number of schools that are failing to meet the performance criteria set out in the No Child Left Behind Act.

The bill I am introducing represents a critical step forward in advancing learning technologies for millions of students across the country. Many schools lack the resources necessary for the 21st century classroom and to meet the needs and expectations of today's students. Furthermore, technology and e-learning in our schools are a must if we are to meet our Nation's science, technology, engineering, and mathematics education needs and to provide students with the skills necessary to succeed in the 21st century knowledge-based, global economy.

By authorizing the Enhancing Education Through Technology Act, EETT, as part of NCLB, Congress recognized that Federal leadership and investment is needed to serve as a catalyst for State and local education initiatives aimed at school innovation and improved student achievement. EETT has shown to be effective, particularly in my home State of New Mexico. As you know, many schools often do not have access to learning resources that enable their students to gain an academic background with the technological skills and knowledge necessary to succeed in college or the modern workplace. Through EETT, programs such as the Online Teaching and Learning Opportunities Year 2, have become bright spots of opportunity in some of our Nation's most isolated communities and have brought technical training, professional development and advanced technology resources to teachers and students. Notwithstanding this record of success, it is critical that states such as New Mexico have the opportunity to further advance the use of learning technologies to deliver innovative instruction and curriculum.

To this end, the ATTAIN Act has three main objectives. First, to ensure that through technology every student has access to individualized, rigorous, and relevant learning to meet the goals of NCLB and to prepare all students for the 21st century. Second, to build upon and increase the use of evidence-based and innovative systemic school redesign that centers around technology. And finally, to provide meaningful professional development around technology that leads to changes in teaching and curriculum and improves student technology literacy.

The future of our students' success depends on the quality of their educational experience. I want to thank Senators BURR, KENNEDY, HATCH, and MURRAY for their leadership and commitment to improving education in this country. They remain tireless advocates for our Nation's students, and I am pleased to be working with them on this legislation as we begin reauthorizing the No Child Left Behind Act.

This legislation is an integral step in advancing State and local learning technologies for millions of students across the country, and I urge my colleagues to support this legislation.

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

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

S. 818

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

SECTION 1. ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION.

Part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6751 et seq.) is amended to read as follows:

"PART D—ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION

"SEC. 2401. SHORT TITLE.

''This part may be cited as the 'Achievement Through Technology and Innovation Act of 2009' or the 'ATTAIN Act'.

"SEC. 2402. FINDINGS, PURPOSES, AND GOALS.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Learning technologies in our Nation's schools are critical—

''(A) to meet the goals of the No Child Left Behind Act of 2001 of raising student achievement, closing the achievement gap, and ensuring high-quality teaching; and

''(B) to ensure that our Nation's students are prepared to compete in the 21st century knowledge-based global economy.

''(2) Increased professional development opportunities are needed if teachers are to be highly qualified and effective in a 21st century classroom with today's digital native students, including professional development opportunities—

''(A) in the use of learning technologies to deliver innovative instruction and curriculum; and

''(B) to use data to inform instruction.

''(3) Scientifically based research, conducted with Federal funding, demonstrates that systemic redesign initiatives centered around technology have shown great promise in improving teaching and learning, including the following:

''(A) In Utah, Missouri, and Maine, the eMINTS program provides schools and teachers with educational technology tools, curriculum, and more than 200 hours of professional development to change how teachers teach and students learn. In classrooms in the same school (1 with eMINTS and 1 without), the student achievement of students in the eMINTS classroom was repeatedly over 10 percent higher than the control classroom.

''(B) In West Virginia, students receiving access to online foreign language courses performed at least as well as students in face-to-face versions of the classes, providing comparable high-quality instruction for students in rural areas who otherwise would not have access to such courses.

''(C) In Michigan's Freedom to Learn technology program, proficiency on Michigan Education Assessment Program (MEAP) tests of 8th grade mathematics increased from 31 percent in 2004 to 63 percent in 2005 in 1 middle school, and science achievement increased from 68 percent of students proficient in 2003 to 80 percent in 2004.

''(D) In Texas, the Technology Immersion Pilot (TIP), implemented in middle schools, demonstrated that discipline referrals went down by more than ½ with the changes in teaching and learning; while in 1 school, the percentage of 6th graders who passed the reading portion of the 2006 State assessment (TAKS) test was up 17 points from 2004, and the percentage of 7th graders who passed the mathematics portion of the TAKS rose 13 points. The students participating in the Technology Immersion Pilot have become more responsible for their learning, more engaged in the classroom, and much more knowledgeable about the role of technology in problem solving and learning.

''(E) In Iowa, after connecting teachers with sustainable professional development and technology-based curriculum interventions, students taught by such teachers had scores that increased by 14 points in 8th grade mathematics, 16 points in 4th grade mathematics, and 13 points in 4th grade reading compared with control groups.

''(4) Technology and e-learning in our Nation's schools are necessary to meet our Nation's science, technology, engineering, and mathematics (STEM) education needs and to provide students with 21st century skills, including technology literacy, information literacy, communication skills, problem solving skills, and the ability for self-directed life-long learning.

''(5) A 2003 Department of Commerce report credits United States industry's investments in information technology between 1989 and 2001 with 'producing positive and probably lasting changes in the Nation's economic potential', but finds United States education last in intensity of information technology in 55 industry sectors.

''(6) Many of our Nation's schools lack the resources necessary for the 21st century classroom and to meet the needs and expectations of today's digital native students, including—

''(A) software, digital content, and broadband resources; and

''(B) other technologies.

''(7) According to the Department of Education's National Educational Technology Trends Study (NETTS 2007), insufficient or outdated technology presented a substantial barrier to technology use for teaching and learning for more than 40 percent of students, while the lack of support specialists was a barrier to technology use for more than 50 percent of students.

''(8) Federal leadership and investment is needed to serve as a catalyst for State and local education initiatives aimed at school innovation and improved student achievement through leveraging educational technologies. According to the Department of Education's National Educational Technology Trends Study (NETTS 2007), 'Because funds generated locally through bonds or taxes frequently have legal restrictions requiring them to be spent on hardware and connectivity purchases only, Federal and State funds supporting the use of technology resources fill a critical gap.'.

''(b) PURPOSES.—The purposes of this part are the following:

''(1) To ensure that through technology every student has access to individualized, rigorous, and relevant learning to meet the goals of this part, and to prepare all students and the United States for the 21st century.

''(2) To evaluate, build upon, and increase the use of evidence-based and innovative systemic school redesigns that center on the use of technology that leads to school improvement and increased student achievement.

''(3) To increase ongoing, meaningful professional development around technology that—

''(A) leads to changes in teaching and curriculum;

''(B) improves student achievement, including in core academic subjects;

''(C) improves student technology literacy; and

''(D) is aligned with professional development activities supported under section 2123.

''(c) GOALS.—The goals of this part are the following:

''(1) To improve student academic achievement with respect to State academic standards through the use of professional development and systemic school redesigns that center on the use of technology and the applications of technology.

''(2) To improve professional development to ensure every school administrator—

''(A) possesses the leadership skills necessary for effective technology integration and every teacher possesses the knowledge and skills to use technology across the curriculum;

''(B) uses technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

''(C) uses technology for data analysis to enable individualized instruction; and

''(D) uses technology to improve student technology literacy.

''(3) To ensure that every student is technologically literate by the end of 8th grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

''(4) To improve student engagement, opportunity, attendance, graduation rates, and technology access through enhanced or redesigned curriculum or instruction.

''(5) To more effectively use data to inform instruction, address individualized student needs, and support school decisionmaking.

"SEC. 2403. DEFINITION OF STUDENT TECHNOLOGY LITERACY.

''In this part:

''(1) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' includes a consortium of local educational agencies.

''(B) IMPLEMENTING REGULATIONS.—The Secretary shall promulgate regulations implementing subparagraph (A).

''(2) STUDENT TECHNOLOGY LITERACY.—The term 'student technology literacy' means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning, and citizenship in the knowledge-based, digital, and global 21st century, which includes, at a minimum, the ability—

''(A) to effectively communicate and collaborate;

''(B) to analyze and solve problems;

''(C) to access, evaluate, manage, and create information and otherwise gain information literacy;

''(D) to demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

''(E) to do so in a safe and ethical manner.

"SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $1,000,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—Of the funds made available under subsection (a) for a fiscal year—

''(1) 3 percent or $10,000,000, whichever amount is less, shall be available to carry out subpart 2, of which—

''(A) $2,000,000 shall be available to carry out section 2411(1); and

''(B) 1.5 percent or $4,000,000, whichever amount is less, shall be available to carry out section 2412; and

''(2) the remainder of the funds made available under subsection (a) shall be available to carry out subpart 1.

''(c) LIMITATION.—

''(1) LOCAL ADMINISTRATIVE COSTS.—Of the funds made available to a local educational agency under this part for a fiscal year, not more than 3 percent may be used by the local educational agency for administrative costs.

''(2) STATE ADMINISTRATIVE COSTS.—Of the funds made available to a State educational agency under section 2406(a)(1), not more than 60 percent may be used by the State educational agency for administrative costs.

"Subpart 1—State and Local Grants

"SEC. 2405. ALLOTMENT AND REALLOTMENT.

''(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(2) for a fiscal year—

''(1) the Secretary shall reserve—

''(A) ¾ of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs; and

''(B) ½ of 1 percent to provide assistance under this subpart to the outlying areas; and

''(2) subject to subsection (b), the Secretary shall use the remainder to award grants by allotting to each State educational agency an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

''(b) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year shall not be less than ½ of 1 percent of the amount made available for allotments to State educational agencies under this part for such year.

''(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use the State educational agency's entire allotment under this subpart for that fiscal year, the Secretary shall reallot the amount of the State educational agency's allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

''(d) STATE EDUCATIONAL AGENCY DEFINED.—In this section, the term 'State educational agency' does not include an agency of an outlying area or the Bureau of Indian Affairs.

"SEC. 2406. USE OF ALLOTMENT BY STATE.

''(a) IN GENERAL.—Of the amount provided to a State educational agency under section 2405(a)(2) for a fiscal year—

''(1) the State educational agency may use not more than 5 percent of such amount or $100,000, whichever amount is greater, to carry out activities under section 2408(a);

''(2) the State educational agency shall use 2.5 percent of such amount or $50,000, whichever amount is greater, to carry out activities under section 2408(b); and

''(3) the State educational agency shall distribute the remainder as follows:

''(A) The State educational agency shall use 60 percent of the remainder to award Improving Teaching and Learning through Technology subgrants to local educational agencies having applications approved under section 2409(c) for the activities described in section 2410(b) by allotting to each such local educational agency an amount that bears the same relationship to 60 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State, subject to subsection (b)(2).

''(B) The State educational agency shall use 40 percent of the remainder to award Systemic School Redesign through Technology Integration subgrants, through a State-determined competitive process, to local educational agencies having applications approved under section 2409(b) for the activities described in section 2410(a).

''(b) SUFFICIENT AMOUNTS.—

''(1) SPECIAL RULE.—In awarding subgrants under subsection (a)(3)(B), the State educational agency shall—

''(A) ensure the subgrants are of sufficient size and scope to be effective, consistent with the purposes of this part;

''(B) ensure subgrants are of sufficient duration to be effective, consistent with the purposes of this part, including by awarding subgrants for a period of not less than 2 years that may be renewed for not more than an additional 3 years;

''(C) give preference in the awarding of subgrants to local educational agencies that serve schools in need of improvement, as identified under section 1116, including those schools with high populations of—

''(i) students with limited English proficiency;

''(ii) students with disabilities; or

''(iii) other subgroups of students who have not met the State's student academic achievement standards; and

''(D) ensure an equitable distribution of subgrants under subsection (a)(3)(B) among urban and rural areas of the State, according to the demonstrated need for assistance under this subpart of the local educational agencies serving the areas.

''(2) MINIMUM SUBGRANT.—The amount of any local educational agency's subgrant under subsection (a)(3)(A) for any fiscal year shall be not less than $3,000.

''(c) REALLOTMENT OF UNUSED FUNDS.—If any local educational agency does not apply for a subgrant under subsection (a)(3)(A) for a fiscal year, or does not use the local educational agency's entire allotment under this subpart for that fiscal year, the State shall reallot the amount of the local educational agency's allotment, or the unused portion of the allotment, to the remaining local educational agencies that use their entire allotments under this subpart in accordance with this section.

"SEC. 2407. STATE APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing the contents described in subsection (b) and such other information as the Secretary may reasonably require.

''(b) CONTENTS.—Each State educational agency application submitted under subsection (a) shall include each of the following:

''(1) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in meeting, and help improve the local educational agencies' capacity to meet, the purposes and goals of this part and the requirements of this subpart, including through technical assistance.

''(2) A description of the State educational agency's long-term goals and strategies for improving student academic achievement, including in core academic subjects and in student technology literacy, through the effective use of technology in classrooms and schools throughout the State.

''(3) A description of the priority area upon which the State educational agency will focus the State educational agency's guidance, technical assistance, and other assistance under this subpart, and other local support under this subpart, such that the priority area shall be identified by the State educational agency from among the core academic subjects, grade levels, and student subgroup populations that may be causing the most number of local educational agencies in the State to not make adequate yearly progress, as defined in section 1111(b)(2)(C).

''(4) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in implementing, and will help improve the local educational agency's capacity to implement, professional development programs pursuant to section 2410(b)(1)(A).

''(5) A description of how the State educational agency will ensure that teachers, paraprofessionals, library and media personnel, and administrators served by the State educational agency possess the knowledge and skills—

''(A) to use technology across the curriculum;

''(B) to use technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

''(C) to use technology for data analysis to enable individualized instruction; and

''(D) to use technology to improve student technology literacy.

''(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of activities described in section 2408(b).

''(7) Identification of the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technology literate by the end of the 8th grade consistent with the definition of student technology literacy, and a description of how the State educational agency will assess, not less than once by the end of 8th grade, student performance in gaining technology literacy only for the purpose of tracking progress towards achieving the 8th grade technology literacy goal but not for meeting adequate yearly progress goals, including through embedding such assessment items in other State tests or performance-based assessments portfolios, or through other valid and reliable means, except that nothing in this subpart shall be construed to require States to develop a separate test to assess student technology literacy.

''(8) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

''(9) A description of how the State educational agency will, in providing technical and other assistance to local educational agencies, give priority to those local educational agencies identified by the State educational agency as having the highest need for assistance under this subpart, including those local educational agencies with the highest percentage or number—

''(A) of students from families with incomes below the poverty line;

''(B) of students not achieving at the State proficiency level;

''(C) of student populations identified under section 2406(b)(1)(C); or

''(D) of schools identified as in need of improvement under section 1116.

''(10) A description of how the State educational agency will ensure that each subgrant awarded under section 2406(a)(3)(B) is of sufficient size, scope, and duration to be effective as required under section 2406(b), and that such subgrants are appropriately targeted and equitably distributed as required under section 2406(b) to carry out the purposes of this part effectively.

''(11) A description of how the State educational agency consulted with local educational agencies in the development of the State application.

"SEC. 2408. STATE ACTIVITIES.

''(a) MANDATORY AND PERMISSIVE ACTIVITIES.—

''(1) MANDATORY ACTIVITIES.—From funds made available under section 2406(a)(1), a State educational agency shall carry out each of the following activities:

''(A) Identify the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technology literate by the end of the 8th grade consistent with the definition of student technology literacy.

''(B) Assess not less than once by the end of the 8th grade student performance in gaining technology literacy consistent with subparagraph (A), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means, except that such assessments shall be used only to track student technology literacy and shall not be used to determine adequate yearly progress.

''(C) Publish the results of the State educational agency's technology literacy assessment administered under subparagraph (B) not less than 3 months after the assessment is administered such that the results are made widely available to local educational agencies, parents, and citizens, including through presentation on the Internet, and transmit such results to the Secretary.

''(D) Provide guidance, technical assistance, and other assistance in the priority area identified by the State pursuant to section 2407(b)(3) to local educational agencies receiving subgrants of less than $10,000 under section 2406(a)(3)(A) with a priority given to those local educational agencies with the highest need for assistance described in section 2407(b)(9).

''(E) Provide technical assistance to local educational agencies, with a priority given to those local educational agencies identified by the State as having the highest need for assistance under this subpart, including those local educational agencies with the highest percentage or number of (i) students from families with incomes below the poverty line, (ii) students not achieving at the State proficiency level, (iii) student populations described in section 2406(b)(1)(C), and (iv) schools identified as in need of improvement under section 1116, in the following ways:

''(i) Submitting applications for funding under this part.

''(ii) Carrying out activities authorized under section 2410, including implementation of systemic school redesigns as described in section 2409(b).

''(iii) Developing local educational technology plans and integrating such plans with the local educational agency's plans for improving student achievement under sections 1111 and 1112, and, if applicable, section 1116.

''(F) Provide guidance, technical assistance, and other assistance to local educational agencies regarding the local educational agency's plans to assess, and, as needed, update the computers, software, servers, and other technologies throughout the local educational agency in terms of the functional capabilities, age, and other specifications of the technology, including to ensure such technologies can process, at scale, new applications and online services such as video conferencing, video streaming, virtual simulations, and distance learning.

''(2) PERMISSIVE ACTIVITIES.—From funds made available under section 2406(a)(1), a State educational agency may carry out 1 or more of the following activities:

''(A) State leadership activities and technical assistance that assist local educational agencies that receive subgrants under this subpart in achieving the purposes and goals of this part.

''(B) Assist local educational agencies that receive subgrants under this subpart in the development and utilization of research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies.

''(C) Assisting local educational agencies that receive subgrants under this subpart in providing sustained and intensive, high-quality professional development pursuant to section 2410(b)(1)(A), including through assistance in a review of relevant research.

''(b) ACTIVITIES RELATING TO RESEARCH.—From funds made available under section 2406(a)(2), a State educational agency shall carry out 1 or more of the following activities:

''(1) Conduct scientifically based or other rigorous research to evaluate the impact of 1 or more programs or activities carried out under subsection (a) in meeting the purposes and goals of this part.

''(2) Provide technical assistance to local educational agencies in carrying out evaluation research activities as required under section 2410(a)(1).

''(3) Create 1 or more evaluation research protocols, designs, performance measurement systems, or other tools to assist local educational agencies in carrying out evaluation activities as required under section 2410(a)(1).

''(4) Collect and disseminate the findings of the evaluation research activities carried out by local educational agencies under paragraphs (1), (2), and (3).

''SEC. 2409. LOCAL APPLICATIONS.

''(a) IN GENERAL.—Each local educational agency desiring a subgrant from a State educational agency under this subpart shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan, and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require. The application shall contain each of the following:

''(1) A description of how the local educational agency will align and coordinate the local educational agency's use of funds under this subpart with—

''(A) the school district technology plan;

''(B) the school district plans and activities for improving student achievement, including plans and activities under sections 1111 and 1112, and sections 1116 and 2123, as applicable; and

''(C) funds available from other Federal, State, and local sources.

''(2) An assurance that financial assistance provided under this subpart will supplement, and not supplant other funds available to carry out activities assisted under this section.

''(3) A description of the process used to assess and, as needed, update the computers, software, servers, and other technologies throughout the local educational agency in terms of their functional capabilities, age, and other specifications, in order to ensure technologies can process, at scale, new applications and online services, such as video conferencing, video streaming, virtual simulations, and distance learning courses.

''(4) Such other information as the State educational agency may reasonably require.

''(b) COMPETITIVE GRANTS; SYSTEMIC SCHOOL REDESIGN THROUGH TECHNOLOGY INTEGRATION.—In addition to components included in subsection (a), a local educational agency submitting an application for a subgrant under section 2406(a)(3)(B) shall submit to the State educational agency an application containing each of the following:

''(1) A description of how the local educational agency will use the subgrant funds to implement systemic school redesign, which is a comprehensive set of programs, practices, and technologies that—

''(A) collectively lead to school or school district change and improvement, including in the use of technology and in improved student achievement; and

''(B) incorporate all of the following elements:

''(i) Reform or redesign of curriculum, instruction, assessment, use of data, or other standards-based school or classroom practices through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning.

''(ii) Improvement of educator quality, knowledge and skills through ongoing, sustainable, timely, and contextual professional development described in section 2410(b)(1)(A).

''(iii) Development of student technology literacy and other skills necessary for 21st century learning and success.

''(iv) Ongoing use of formative assessments and other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address individual student learning needs.

''(v) Engagement of school district leaders, school leaders, and classroom educators.

''(vi) Programs, practices, and technologies that are research-based or innovative, such that research-based systemic redesigns are based on a review of the best available research evidence, and innovative systemic redesigns are based on development and use of new redesigns, programs, practices, and technologies.

''(2) An assurance that the local educational agency will use not less than 25 percent of the subgrant funds to implement a program of professional development described in section 2410(b)(1)(A).

''(3) A description of how the local educational agency will evaluate the impact of 1 or more programs or activities carried out under this subpart in meeting 1 or more of the purposes or goals of this part.

''(c) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—In addition to components included in subsection (a), a local educational agency that submits an application for a subgrant under section 2406(a)(3)(A) shall submit to the State educational agency an application containing each of the following:

''(1) An assurance that the local educational agency will use not less than 40 percent of the subgrant funds for—

''(A) professional development described in section 2410(b)(1)(A); and

''(B) technology tools, applications, and other resources related specifically to such professional development activities.

''(2) A description of how the local educational agency will implement a program of professional development required under paragraph (1)(A).

''(3) A description of how the local educational agency will employ technology tools, applications, and other resources in professional development and to improve student learning and achievement in the area of priority identified by the local educational agency pursuant to paragraph (4).

''(4) A description of the priority area upon which the local educational agency will focus the subgrant funds provided under this subpart, such that such priority area shall be identified from among the core academic subjects, grade levels, and student subgroup populations in which the most number of students served by the local educational agency are not proficient.

''(d) COMBINED APPLICATIONS.—A local educational agency that submits an application to the State educational agency for subgrant

funds awarded under section 2406(a)(3)(B) may, upon notice to the State educational agency, submit a single application that will also be considered by the State educational agency as an application for subgrant funds awarded under section 2406(a)(3)(A), if the application addresses each application requirement under subsections (a), (b), and (c).

''(e) CONSORTIUM APPLICATIONS.—For any fiscal year, a local educational agency applying for a subgrant described in section 2406(a)(3) may apply as part of a consortium in which more than 1 local educational agency jointly submits a subgrant application under this subpart, except that no local educational agency may receive more than 1 subgrant under this subpart.

''SEC. 2410. LOCAL ACTIVITIES.

''(a) COMPETITIVE GRANTS; SYSTEMIC SCHOOL REDESIGN THROUGH TECHNOLOGY INTEGRATION.—From subgrant funds made available to a local educational agency under section 2406(a)(3)(B), the local educational agency—

''(1) shall use not less than 5 percent of such subgrant funds to evaluate the impact of 1 or more programs or activities carried out under the subgrant in meeting 1 or more of the purposes or goals of this part as approved by the State educational agency as part of the local application described in section 2409(b)(3); and

''(2) shall use the remaining funds to implement a plan for systemic school redesign, which may take place in 1 or more schools served by the local educational agency or across all schools served by the local educational agency, in accordance with section 2409(b)(1), including each of the following:

''(A) Using not less than 25 percent of subgrant funds to improve teacher quality and skills through support for the following:

''(i) Professional development activities, as described in subsection (b)(1)(A).

''(ii) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in clause (i).

''(B) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning the curriculum or instruction in order to—

''(i) increase student learning opportunity or access, student engagement in learning, or student attendance or graduation rates;

''(ii) improve student achievement in 1 or more of the core academic subjects; and

''(iii) improve student technology literacy.

''(C) Acquiring and effectively implementing technology tools, applications, and other resources to—

''(i) conduct ongoing formative assessments and use other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address those individualized student learning needs;

''(ii) support individualized student learning, including through instructional software and digital content that supports the learning needs of each student, or through providing access to high-quality courses and instructors, including mathematics, science, and foreign language courses, often not available except through technology and online learning, especially in rural and high-poverty schools; and

''(iii) conduct such other activities as appropriate consistent with the goals and purposes of research-based and innovative systemic school redesign, including activities that increase parental involvement through improved communication with teachers and access to student assignments and grades.

''(b) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—From funds made available to a local educational agency under section 2406(a)(3)(A), the local educational agency shall carry out activities to improve student learning, student technology literacy, and achievement in the area of priority identified by the local educational agency under section 2409(c)(4), including each of the following:

''(1) The local educational agency shall use not less than 40 percent of subgrant funds for professional development activities that are aligned with activities supported under section 2123 to improve teacher quality and skills through support for the following:

''(A) Training of teachers, paraprofessionals, library and media personnel, and administrators, which—

''(i) shall include the development, acquisition, or delivery of—

''(I) training that is ongoing, sustainable, timely, and directly related to up-to-date teaching content areas;

''(II) training in strategies and pedagogy in the core academic subjects that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement;

''(III) training in the use of technology to ensure every educator is technologically literate, including possessing the knowledge and skills—

''(aa) to use technology across the curriculum;

''(bb) to use technology and curriculum redesign as key components of innovating teaching and learning and improving student achievement;

''(cc) to use technology for data analysis to enable individualized instruction; and

''(dd) to use technology to improve student technology literacy; and

''(IV) training that includes ongoing communication and follow-up with instructors, facilitators, and peers; and

''(ii) may include—

''(I) the use of instructional technology specialists, mentors, or coaches to work directly with teachers, including through the preparation of 1 or more teachers as technology leaders or master teachers who are provided with the means to serve as experts and train other teachers in the effective use of technology; and

''(II) the use of technology, such as distance learning and online virtual educator-to-educator peer communities, as a means for delivering professional development.

''(B) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in subparagraph (A).

''(2) The local educational agency shall use the funds that remain after application of paragraph (1) to acquire or implement technology tools, applications, and other resources to improve student learning, student technology literacy, and student achievement in the area of priority identified by the local educational agency, including through 1 or more of the following:

''(A) Conducting ongoing formative assessment and using other timely data sources and data systems to more effectively identify individual student learning needs and guide personalized instruction, learning, and appropriate interventions that address those individualized student learning needs.

''(B) Supporting individualized student learning, including through instructional software and digital content that supports the learning needs of each student served by the local educational agency under the subgrant, or through providing access to high-quality courses and instructors, including mathematics, science, and foreign language courses, often not available except through technology such as online learning, especially in rural and high-poverty schools.

''(C) Increasing parental involvement through improved communication with teachers and access to student assignments and grades.

''(D) Enhancing accountability, instruction, and data-driven decisionmaking through data systems that allow for management, analysis, and disaggregating of student, teacher, and school data.

''(E) Such other activities as are appropriate and consistent with the goals and purposes of this part.

''(c) MULTIPLE GRANTS.—A local educational agency that receives a grant under subparagraph (A) and subparagraph (B) of section 2406(a)(3) may use all such grant funds for activities authorized under subsection (a).

''Subpart 2—National Activities

''SEC. 2411. NATIONAL ACTIVITIES.

''From the amount made available to carry out national activities under section 2404(b)(1) (other than the amounts made available to carry out subparagraphs (A) and (B) of section 2404(b)(1)), the Secretary, working through and in coordination with the Director of the Office of Educational Technology and collaborating, as appropriate, with the National Center for Achievement Through Technology authorized under section 2412, shall carry out the following activities:

''(1) NATIONAL REPORT.—The Secretary shall annually conduct and publish a national report on student technology literacy to determine the extent to which students have gained student technology literacy by the end of the 8th grade. In conducting the study, the Secretary shall—

''(A) consult first with experts and stakeholders, including educators and education leaders, education technology experts from education and industry, and the business and higher education communities seeking secondary school graduates with student technology literacy; and

''(B) employ a random stratified sample methodology of student technology literacy performance using a cost-effective assessment that is a readily available, valid, and reliable assessment instrument.

''(2) STUDENT TECHNOLOGY LITERACY.—The Secretary shall publish each year the results of the State technology literacy assessments carried out under section 2408(a)(1)(C).

''(3) NATIONAL EDUCATION TECHNOLOGY PLAN.—Based on the Nation's progress and an assessment by the Secretary of the continuing and future needs of the Nation's schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan not less often than once every 5 years, and shall implement such plan.

''(4) OTHER NATIONAL ACTIVITIES.—From the funds remaining after carrying out paragraphs (1), (2), and (3), the Secretary shall carry out 1 or more of the following activities:

''(A) Support efforts to increase student technology literacy, including through outreach to education, business, and elected leaders aimed at building understanding of the knowledge and skills students need to succeed in the 21st century through the use of technology for life-long learning, citizenship, and workplace success.

''(B) Support the work of the National Center for Achievement Through Technology in

serving as a national resource for the improvement of technology implementation in education through identification and dissemination of promising practices and exemplary programs that effectively use educational technologies.

''(C) Support efforts to increase the capacity of State and local education officials to budget for technology acquisition and implementation, including taking into account the long-term costs of such acquisition and implementation, how technology investments may increase effectiveness and efficiencies that ultimately save other educational costs or provide improved outcomes, and how spending for technology in education shall be considered in a comprehensive cost-benefit analysis and not simply as a supplemental expense.

''(D) Support staff at the Department and other Federal agencies in their understanding of education technology, the role of technology in Federal education programs, and how Federal grantees can be supported in integrating education technologies into the grantees' programs as appropriate.

''(E) Convene stakeholders in an effort to outline and support a national research and development agenda aimed at supporting public-private partnerships to leverage evolving technologies to meet evolving educational needs.

''(F) Convene practitioners and leaders from local and State education, business and industry, higher education, or other stakeholder communities—

''(i) to carry out the activities under this paragraph, including convening an annual forum on leadership and classroom technology best practices;

''(ii) to otherwise address challenges and opportunities in the use of technology to improve teaching, learning, teacher quality, student achievement, student technology literacy, and the efficiency and productivity of the education enterprise; and

''(iii) to otherwise support school innovation and our Nation's competitiveness.

''(G) Support efforts to ensure teachers and other educators have the knowledge and skills to teach in the 21st century through the use of technology, including by providing assistance to and sharing information with State accrediting agencies, colleges of teacher education, and other educational institutions and government entities involved in the preparation and certification of teachers, to ensure such teachers possess the knowledge and skills prior to entering the teaching force.

''(H) Support efforts to assist principals, superintendents, and other senior school and school district administrators in adapting to, and leading their schools with, 21st century technology tools and 21st century knowledge and skills, including the following:

''(i) Developing a blueprint for the job skills required and the coursework and experience necessary to be prepared for school leadership.

''(ii) Supporting the development of professional development and training programs that help education leaders obtain the knowledge and skills, including through collaborative efforts with up-to-date programs and institutions.

''(iii) Developing materials, resources, self-assessments, and other tools to meet the activities described in clauses (i) and (ii).

''(I) Undertake other activities that—

''(i) lead to the improvement of—

''(I) our Nation's educational system in using educational technologies to improve teaching, learning, and student achievement; and

''(II) student technology literacy and related 21st century college preparedness and workforce competitiveness; and

''(ii) complement other such efforts undertaken by public and private agencies and organizations.

"SEC. 2412. NATIONAL CENTER FOR ACHIEVEMENT THROUGH TECHNOLOGY.

''(a) PURPOSE.—The purpose of this section is to establish a National Center for Achievement Through Technology that—

''(1) provides national leadership regarding improvement in the use of technology in education, with a focus on elementary and secondary education, including technology's role in improving—

''(A) student achievement;

''(B) student technology literacy; and

''(C) teacher quality;

''(2) serves as a national resource for the improvement of technology implementation in education through identification and dissemination of promising practices and exemplary programs that effectively use educational technologies to improve teaching and learning, teacher quality, student engagement and opportunity, student achievement and technology literacy, and the efficiency and productivity of the education enterprise, including serving as a national resource for the related research and research on the conditions and practices that support the effective use of technology in education; and

''(3) provides an annual report to Congress that—

''(A) synthesizes the promising practices and exemplary programs that effectively use educational technologies to improve the teaching and learning described in paragraph (2); and

''(B) includes the related research and research on the conditions and practices that support the effective use of technology in education described in paragraph (2).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—From amounts made available under section 2404(b)(1)(B), the Director of the Office of Educational Technology shall award a grant, on a competitive basis, to an eligible entity to enable the eligible entity to establish a National Center for Achievement Through Technology (in this section referred to as the 'Center').

''(2) COORDINATION WITH THE INSTITUTE.—The Director of the Office of Educational Technology shall award the grant under paragraph (1) in coordination with the Director of the Institute of Education Sciences, but the Director of the Office of Educational Technology shall administer the grant program under this section.

''(3) DEFINITION OF ELIGIBLE ENTITY.—In this section the term 'eligible entity' means an entity that is—

''(A) a research organization or research institution with education technology as one of the organization or institution's primary areas of focus; or

''(B) a partnership that consists of a research organization or research institution described in subparagraph (A) and 1 or more education institutions or agencies, nonprofit organizations, or research organizations or institutions.

''(4) DURATION.—The grant awarded under this section shall be not less than 2 years in duration, and shall be renewable at the discretion of the Director of the Office of Educational Technology for not more than an additional 3 years.

''(5) PEER REVIEW.—In awarding the grant under this section, the Director of the Office of Educational Technology shall consider the recommendations of a peer review panel, which shall be composed of representatives of the following stakeholder communities:

''(A) Teachers and other educators who use technologies.

''(B) Local and State education leaders who administer programs employing technologies.

''(C) Businesses that develop educational technologies.

''(D) Researchers who study educational technologies.

''(E) Related education, educational technology, and business organizations.

''(c) NATIONAL CENTER FOR ACHIEVEMENT THROUGH TECHNOLOGY ACTIVITIES.—The Center shall carry out the following activities:

''(1) PROMISING PRACTICES, EXEMPLARY PROGRAMS AND RESEARCH.—The Center shall identify and compile promising practices, exemplary programs, quantitative and qualitative research, and other information and evidence demonstrating—

''(A) the broad uses and positive impacts of technology in elementary and secondary education; and

''(B) the factors and steps important to technology's improvement and to the effective use of technology with students so that specific technologies are considered in the context of the comprehensive educational program or practice in which the technologies are used—

''(i) across a curriculum to improve teaching, learning, and student achievement, including in the core academic subjects;

''(ii) to support the teaching and learning of student technology literacy;

''(iii) for formative and summative assessment, including to inform instruction and data-driven decisionmaking, to individualize instruction, and for accountability purposes;

''(iv) to improve student learning and achievement, including through—

''(I) improving student interest and engagement;

''(II) increasing student access to courses and instructors through distance learning and expanded student learning time; and

''(III) individualizing curriculum and instruction to meet unique student learning needs, learning styles, and pace;

''(v) to improve teacher quality, including through professional development and timely and ongoing training and support; and

''(vi) to improve the efficiency and productivity of the classroom and school enterprise, including through data management and analysis, resource management, and communications; and

''(C) the policies, budgeting, technology infrastructure, conditions, practices, teacher training, school leadership, and other implementation factors important to improving the effectiveness of technology in elementary and secondary education as outlined in subparagraph (B), including in—

''(i) the knowledge and skills teachers and other educators need to teach in the 21st century through the use of technology, including knowledge and skills necessary—

''(I) to use technology and curriculum redesign as key components of changing teaching and learning;

''(II) to use technology for data analysis to enable individualized instruction; and

''(III) to use technology to improve student technology literacy;

''(ii) the knowledge and skills principals, superintendents, and other senior school and school district administrators need to effectively lead in 21st century schools using technology, including the job skills required and the coursework and experience necessary to be prepared for school leadership; and

''(iii) the budgeting for technology acquisition and implementation, including taking into account the long-term costs of such acquisition and implementation, how technology investments may increase effectiveness and efficiencies that ultimately save

other educational costs or provide improved outcomes, and how spending for technology in education shall be considered in a comprehensive cost-benefit analysis and not simply as a supplemental expense.

''(2) ORIGINAL RESEARCH.—The Center may conduct, directly or through grants, contracts, or cooperative agreements, original research as necessary to fill important gaps in research necessary to address the areas described in paragraph (1) with a focus on the policies, budgeting, technology infrastructure, conditions, practices, teacher training, school leadership, and other implementation factors important to improving the effectiveness of technology in elementary and secondary education.

''(3) OUTREACH.—The Center shall consult with appropriate stakeholders, including at least the stakeholders described in subsection (b)(5), in determining priorities for the activities described in paragraph (1), in gathering information pursuant to paragraph (1), and in determining the need for original research pursuant to paragraph (2). The Center shall establish 1 or more informal advisory groups to provide the consultation.

''(4) DISSEMINATION.—The Center shall disseminate widely the information identified and compiled pursuant to paragraph (1) to teachers and other educators, local, regional, State, and Federal education leaders, public and elected officials, the network of federally funded educational resource centers and labs, businesses that develop educational technologies, colleges of teacher education and teacher accrediting agencies, researchers who study educational technologies, other interested stakeholders, and related educator, education leader, and business organizations, including through—

''(A) development and ongoing update of a database accessed through the Internet;

''(B) development, distribution, and delivery of reports, tools, best practices, conference presentations, and other publications; and

''(C) partnerships with organizations representing stakeholders, including educators, education leaders, and technology providers.

''(d) CENTER OPERATIONS.—

''(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—As appropriate, the Center shall award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Center, including awarding a grant or entering into a contract or cooperative agreement to disseminate the Center's findings pursuant to subsection (c)(4).

''(2) REPORT.—The Center shall submit an annual report on March 1 to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that provides a summary synthesis of promising and exemplary practices and programs, and related research, that effectively use educational technologies to improve teaching and learning as described in subsection (c)(1), including the conditions and practices that support the effective use of technology in education, in order to inform Federal education policymaking and oversight.''.

By Mr. DURBIN (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 819. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 819

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 ''Autism Treatment Acceleration Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Parental rights rule of construction.
Sec. 4. Definitions; technical amendment to the Public Health Service Act.
Sec. 5. Autism Care Centers Demonstration Project.
Sec. 6. Planning and demonstration grants for services for adults.
Sec. 7. National Registry.
Sec. 8. Multimedia campaign.
Sec. 9. Interdepartmental Autism Coordinating Committee.
Sec. 10. National Network for Autism Spectrum Disorders Research and Services.
Sec. 11. National training initiatives on autism spectrum disorders.
Sec. 12. Amendments relating to health insurance.
Sec. 13. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Autism (sometimes called ''classical autism'') is the most common condition in a group of developmental disorders known as autism spectrum disorders.

(2) Autism spectrum disorders include autism as well as Asperger syndrome, Retts syndrome, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified (usually referred to as PDD-NOS), as well as other related developmental disorders.

(3) Individuals with autism spectrum disorders have the same rights as other individuals to exert control and choice over their own lives, to live independently, and to participate fully in, and contribute to, their communities and society through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of society. Individuals with autism spectrum disorders have the right to a life with dignity and purpose.

(4) While there is no uniform prevalence or severity of symptoms associated with autism spectrum disorders, the National Institutes of Health has determined that autism spectrum disorders are characterized by 3 distinctive behaviors: impaired social interaction, problems with verbal and nonverbal communication, and unusual, repetitive, or severely limited activities and interests.

(5) Both children and adults with autism spectrum disorders can show difficulties in verbal and nonverbal communication, social interactions, and sensory processing. Individuals with autism spectrum disorders exhibit different symptoms or behaviors, which may range from mild to significant, and require varying degrees of support from friends, families, service providers, and communities.

(6) Individuals with autism spectrum disorders often need assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, and secondary education. With access to, and assistance with, these types of services and supports, individuals with autism spectrum disorders can live rich, full, and productive lives. Greater coordination and streamlining within the service delivery system will enable individuals with autism spectrum disorders and their families to access assistance from all sectors throughout an individual's lifespan.

(7) A 2007 report from the Centers for Disease Control and Prevention found that the prevalence of autism spectrum disorders is estimated to be 1 in 150 people in the United States.

(8) The Harvard School of Public Health reported that the cost of caring for and treating individuals with autism spectrum disorders in the United States is more than $35,000,000,000 annually (an estimated $3,200,000 over an individual's lifetime).

(9) Although the overall incidence of autism is consistent around the globe, researchers with the Journal of Paediatrics and Child Health have found that males are 4 times more likely to develop an autism spectrum disorder than females. Autism spectrum disorders know no racial, ethnic, or social boundaries, nor differences in family income, lifestyle, or educational levels, and can affect any child.

(10) Individuals with autism spectrum disorders from low-income, rural, and minority communities often face significant obstacles to accurate diagnosis and necessary specialized services, supports, and education.

(11) There is strong consensus within the research community that intensive treatment as soon as possible following diagnosis not only can reduce the cost of lifelong care by two-thirds, but also yields the most positive life outcomes for children with autism spectrum disorders.

(12) Individuals with autism spectrum disorders and their families experience a wide range of medical issues. Few common standards exist for the diagnosis and management of many aspects of clinical care. Behavioral difficulties may be attributed to the overarching disorder rather than to the pain and discomfort of a medical condition, which may go undetected and untreated. The health care and other treatments available in different communities can vary widely. Many families, lacking access to comprehensive and coordinated health care, must fend for themselves to find the best health care, treatments, and services in a complex clinical world.

(13) Effective health care, treatment, and services for individuals with autism spectrum disorders depends upon a continuous exchange among researchers and caregivers. Evidence-based and promising autism practices should move quickly into communities, allowing individuals with autism spectrum disorders and their families to benefit from the newest research and enabling researchers to learn from the life experiences of the people whom their work most directly affects.

(14) There is a critical shortage of appropriately trained personnel across numerous important disciplines who can assess, diagnose, treat, and support children and adults with autism spectrum disorders and their families. Practicing professionals, as well as those in training to become professionals, need the most up-to-date practices informed by the most current research findings.

(15) The appropriate goals of the Nation regarding individuals with autism spectrum disorder are the same as the appropriate goals of the Nation regarding individuals with disabilities in general, as established in the Americans with Disabilities Act of 1990

(42 U.S.C. 12101 et seq.): to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.

(16) Finally, individuals with autism spectrum disorders are often denied health care benefits solely because of their diagnosis, even though proven, effective treatments for autism spectrum disorders do exist.

SEC. 3. PARENTAL RIGHTS RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to modify the legal rights of parents or legal guardians under Federal, State, or local law regarding the care of their children.

SEC. 4. DEFINITIONS; TECHNICAL AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) is amended—

(1) by inserting after the header for part R the following:

"Subpart 1—Surveillance and Research Program; Education, Early Detection, and Intervention; and Reporting";

(2) in section 399AA(d), by striking ''part'' and inserting ''subpart''; and

(3) by adding at the end the following:

"Subpart 2—Care for People With Autism Spectrum Disorders, Registry, and Public Education

"SEC. 399GG. DEFINITIONS.

''Except as otherwise provided, in this subpart:

''(1) AUTISM SPECTRUM DISORDER.—The term 'autism spectrum disorder' means a developmental disability that causes substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, childhood disintegrative disorder, and other related developmental disorders.

''(2) ADULT WITH AUTISM SPECTRUM DISORDER.—The term 'adult with autism spectrum disorder' means an individual with an autism spectrum disorder who has attained 22 years of age.

''(3) AFFECTED INDIVIDUAL.—The term 'affected individual' means an individual with an autism spectrum disorder.

''(4) AUTISM.—The term 'autism' means an autism spectrum disorder or a related developmental disability.

''(5) AUTISM MANAGEMENT TEAM.—The term 'autism management team' means a group of autism care providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, other appropriate personnel, and family members who work in a coordinated manner to treat individuals with autism spectrum disorders and their families. Such team shall determine the specific structure and operational model of its specific autism care center, taking into consideration cultural, regional, and geographical factors.

''(6) CARE MANAGEMENT MODEL.—The term 'care management model' means a model of care that with respect to autism—

''(A) is centered on the relationship between an individual with an autism spectrum disorder and his or her family and their personal autism care coordinator;

''(B) provides services to individuals with autism spectrum disorders to improve the management and coordination of care provided to patients and their families; and

''(C) has established, where practicable, effective referral relationships between the autism care coordinator and the major medical, educational, and behavioral specialties and ancillary services in the region.

''(7) CHILD WITH AUTISM SPECTRUM DISORDER.—The term 'child with autism spectrum disorder' means an individual with an autism spectrum disorder who has not attained 22 years of age.

''(8) INTERVENTIONS.—The term 'interventions' means the educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism spectrum disorders.

''(9) NETWORK.—The term 'Network' means the Network for Autism Spectrum Disorders Research and Services described in section 10 of the Autism Treatment Acceleration Act of 2009.

''(10) PERSONAL PRIMARY CARE COORDINATOR.—The term 'personal primary care coordinator' means a physician, nurse, nurse practitioner, psychologist, social worker, family therapist, educator, or other appropriate personnel (as determined by the Secretary) who has extensive expertise in treatment and services for individuals with autism spectrum disorders, who—

''(A) practices in an autism care center; and

''(B) has been trained to coordinate and manage comprehensive autism care for the whole person.

''(11) PROJECT.—The term 'project' means the autism care center demonstration project established under section 399HH.

''(12) SERVICES.—The term 'services' means services to assist individuals with autism spectrum disorders to live more independently in their communities and to improve their quality of life.

''(13) TREATMENTS.—The term 'treatments' means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.

''(14) AUTISM CARE CENTER.—In this subpart, the term 'autism care center' means a center that is directed by a primary care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a center shall—

''(A) incorporate the attributes of the care management model;

''(B) offer, through on-site service provision or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

''(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.''.

SEC. 5. AUTISM CARE CENTERS DEMONSTRATION PROJECT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 4, is further amended by adding at the end the following:

"SEC. 399HH. AUTISM CARE CENTER DEMONSTRATION PROJECT.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Autism Treatment Acceleration Act of 2009, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a demonstration project for the implementation of an Autism Care Center Program (referred to in this section as the 'Program') to provide grants and other assistance to improve the effectiveness and efficiency in providing comprehensive care to individuals diagnosed with autism spectrum disorders and their families.

''(b) GOALS.—The Program shall be designed—

''(1) to increase—

''(A) comprehensive autism spectrum disorder care delivery;

''(B) access to appropriate health care services, especially wellness and prevention care, at times convenient for patients;

''(C) patient satisfaction;

''(D) communication among autism spectrum disorder health care providers, behaviorists, educators, specialists, hospitals, and other autism spectrum disorder care providers;

''(E) school placement and attendance;

''(F) successful transition to postsecondary education, vocational or job training and placement, and comprehensive adult services for individuals with autism spectrum disorders, focusing in particular upon the transitional period for individuals between the ages of 18 and 25;

''(G) the quality of health care services, taking into account nationally-developed standards and measures;

''(H) development, review, and promulgation of common clinical standards and guidelines for medical care to individuals with autism spectrum disorders;

''(I) development of clinical research projects to support clinical findings in a search for recommended practices; and

''(J) the quality of life of individuals with autism spectrum disorders, including communication abilities, social skills, community integration, and employment and other related services; and

''(2) to decrease—

''(A) inappropriate emergency room utilization, which can be accomplished through initiatives such as expanded hours of care;

''(B) avoidable hospitalizations;

''(C) the duplication of health care services;

''(D) the inconvenience of multiple provider locations;

''(E) health disparities and inequalities that individuals with autism spectrum disorders face; and

''(F) preventable and inappropriate involvement with the juvenile and criminal justice systems.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the Program, an entity shall—

''(1) be a State or a public or private nonprofit entity;

''(2) agree to establish and implement an autism care center that—

''(A) enables targeted beneficiaries to designate a personal primary care coordinator in such center to be their source of first contact and to recommend comprehensive and coordinated care for the whole of the individual;

''(B) provides for the establishment of a coordination of care committee that is composed of clinicians and practitioners trained in and working in autism spectrum disorder intervention;

''(C) establishes a network of physicians, psychologists, family therapists, behavioral specialists, social workers, educators, and health centers that have volunteered to participate as consultants to patient-centered autism care centers to provide high-quality care, focusing on autism spectrum disorder care, at the appropriate times and places and in a cost-effective manner;

''(D) works in cooperation with hospitals, local public health departments, and the network of patient-centered autism care centers, to coordinate and provide health care;

''(E) utilizes health information technology to facilitate the provision and coordination of health care by network participants; and

''(F) collaborates with other entities to further the goals of the program, particularly by collaborating with entities that provide transitional adult services to individuals between the ages of 18 and 25 with autism spectrum disorder, to ensure successful transition of such individuals to adulthood; and

''(3) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the treatments, interventions, or services that the eligible entity proposes to provide under the Program;

''(B) a demonstration of the capacity of the eligible entity to provide or establish such treatments, interventions, and services within such entity;

''(C) a demonstration of the capacity of the eligible entity to monitor and evaluate the outcomes of the treatments, interventions, and services described in subparagraph (A);

''(D) estimates of the number of individuals and families who will be served by the eligible entity under the Program, including an estimate of the number of such individuals and families in medically underserved areas;

''(E) a description of the ability of the eligible entity to enter into partnerships with community-based or nonprofit providers of treatments, interventions, and services, which may include providers that act as advocates for individuals with autism spectrum disorders and local governments that provide services for individuals with autism spectrum disorders at the community level;

''(F) a description of the ways in which access to such treatments and services may be sustained following the Program period;

''(G) a description of the ways in which the eligible entity plans to collaborate with other entities to develop and sustain an effective protocol for successful transition from children's services to adult services for individuals with autism spectrum disorder, particularly for individuals between the ages of 18 and 25; and

''(H) a description of the compliance of the eligible entity with the integration requirement provided under section 302 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12182).

''(d) GRANTS.—The Secretary shall award 3-year grants to eligible entities whose applications are approved under subsection (c). Such grants shall be used to—

''(1) carry out a program designed to meet the goals described in subsection (b) and the requirements described in subsection (c); and

''(2) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by autism care centers.

''(e) ADVISORY COUNCILS.—

''(1) IN GENERAL.—Each recipient of a grant under this section shall establish an autism care center advisory council, which shall advise the autism care center regarding policies, priorities, and services.

''(2) MEMBERSHIP.—Each recipient of a grant shall appoint members of the recipient's advisory council, which shall include a variety of autism care center service providers, individuals from the public who are knowledgeable about autism spectrum disorders, individuals receiving services through the Program, and family members of such individuals. At least 60 percent of the membership shall be comprised of individuals who have received, or are receiving, services through the Program or who are family members of such individuals.

''(3) CHAIRPERSON.—The recipient of a grant shall appoint a chairperson to the advisory council of the recipient's autism care center who shall be—

''(A) an individual with autism spectrum disorder who has received, or is receiving, services through the Program; or

''(B) a family member of such an individual.

''(f) EVALUATION.—The Secretary shall enter into a contract with an independent third-party organization with expertise in evaluation activities to conduct an evaluation and, not later than 180 days after the conclusion of the 3-year grant program under this section, submit a report to the Secretary, which may include measures such as whether and to what degree the treatments, interventions, and services provided through the Program have resulted in improved health, educational, employment, and community integration outcomes for individuals with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall allocate not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT NOT SUPPLANT.—Amounts provided to an entity under this section shall be used to supplement, not supplant, amounts otherwise expended for existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

SEC. 6. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR ADULTS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 5, is further amended by adding at the end the following:

''SEC. 399II. PLANNING AND DEMONSTRATION GRANT FOR SERVICES FOR ADULTS.

''(a) IN GENERAL.—In order to enable selected eligible entities to provide appropriate services to adults with autism spectrum disorders, to enable such adults to be as independent as possible, the Secretary shall establish—

''(1) a one-time, single-year planning grant program for eligible entities; and

''(2) a multiyear service provision demonstration grant program for selected eligible entities.

''(b) PURPOSE OF GRANTS.—Grants shall be awarded to eligible entities to provide all or part of the funding needed to carry out programs that focus on critical aspects of adult life, such as—

''(1) postsecondary education, vocational training, self-advocacy skills, and employment;

''(2) residential services and supports, housing, and transportation;

''(3) nutrition, health and wellness, recreational and social activities; and

''(4) personal safety and the needs of individuals with autism spectrum disorders who become involved with the criminal justice system.

''(c) ELIGIBLE ENTITY.—An eligible entity desiring to receive a grant under this section shall be a State or other public or private nonprofit organization, including an autism care center.

''(d) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities to support the planning and development of initiatives that will expand and enhance service delivery systems for adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive such a grant, an eligible entity shall—

''(A) submit an application at such time and containing such information as the Secretary may require; and

''(B) demonstrate the ability to carry out such planning grant in coordination with the State Developmental Disabilities Council and organizations representing or serving individuals with autism spectrum disorders and their families.

''(e) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entities to provide appropriate services to adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive a grant under paragraph (1), the eligible entity shall submit an application at such time and containing such information as the Secretary may require, including—

''(A) the services that the eligible entity proposes to provide and the expected outcomes for adults with autism spectrum disorders who receive such services;

''(B) the number of adults and families who will be served by such grant, including an estimate of the adults and families in underserved areas who will be served by such grant;

''(C) the ways in which services will be coordinated among both public and nonprofit providers of services for adults with disabilities, including community-based services;

''(D) where applicable, the process through which the eligible entity will distribute funds to a range of community-based or nonprofit providers of services, including local governments, and such entity's capacity to provide such services;

''(E) the process through which the eligible entity will monitor and evaluate the outcome of activities funded through the grant, including the effect of the activities upon adults with autism spectrum disorders who receive such services;

''(F) the plans of the eligible entity to coordinate and streamline transitions from youth to adult services;

''(G) the process by which the eligible entity will ensure compliance with the integration requirement provided under section 302 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12182); and

''(H) a description of how such services may be sustained following the grant period.

''(f) EVALUATION.—The Secretary shall contract with a third-party organization with expertise in evaluation to evaluate such demonstration grant program and, not later than 180 days after the conclusion of the grant program under subsection (e), submit a report to the Secretary. The evaluation and report may include an analysis of whether and to what extent the services provided through the grant program described in this section resulted in improved health, education, employment, and community integration outcomes for adults with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall set aside not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT, NOT SUPPLANT.—Demonstration grant funds provided under this section shall supplement, not supplant, existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

SEC. 7. NATIONAL REGISTRY.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by

section 6, is further amended by adding at the end the following:

"SEC. 399JJ. NATIONAL REGISTRY FOR AUTISM SPECTRUM DISORDERS.

''(a) ESTABLISHMENT.—The Secretary, in consultation with national health organizations and professional societies with experience and expertise relating to autism spectrum disorders, shall establish a voluntary population-based registry of cases of autism spectrum disorders. Such registry shall be known as the 'National Registry for Autism Spectrum Disorders' (referred to in this section as the 'Registry'). The Secretary shall ensure that the Registry maintains the privacy of individuals and the highest level of medical and scientific research ethics.

''(b) PURPOSE.—The purpose of the Registry is to facilitate the collection, analysis, and dissemination of data related to autism spectrum disorders that can increase understanding of causal factors, rates, and trends of autism spectrum disorders.

''(c) ACTIVITIES.—In carrying out the Registry, the Secretary may—

''(1) implement a surveillance and monitoring system that is based on thorough and complete medical diagnosis data, clinical history, and medical findings;

''(2) collect standardized information concerning the environmental, medical, social, and genetic circumstances that may correlate with diagnosis of autism spectrum disorders;

''(3) promote the use of standardized autism spectrum disorder investigation and reporting tools of the Centers for Disease Control and Prevention, as well as standardized autism spectrum disorder protocols;

''(4) establish a standardized classification system for defining subcategories of autism spectrum disorders for surveillance research activities; and

''(5) support multidisciplinary reviews of autism spectrum disorders.''.

SEC. 8. MULTIMEDIA CAMPAIGN.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 7, is further amended by adding at the end the following:

"SEC. 399KK. MULTIMEDIA CAMPAIGN.

''(a) IN GENERAL.—The Secretary, in order to enhance existing awareness campaigns and provide for the implementation of new campaigns, shall award grants to public and nonprofit private entities for the purpose of carrying out multimedia campaigns to increase public education and awareness and reduce stigma concerning—

''(1) healthy developmental milestones for infants and children that may assist in the early identification of the signs and symptoms of autism spectrum disorders; and

''(2) autism spectrum disorders through the lifespan and the challenges that individuals with autism spectrum disorders face, which may include transitioning into adulthood, securing appropriate job training or postsecondary education, securing and holding jobs, finding suitable housing, interacting with the correctional system, increasing independence, and attaining a good quality of life.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(2) provide assurance that the multimedia campaign implemented under such grant will provide information that is tailored to the intended audience, which may be a diverse public audience or a specific audience, such as health professionals, criminal justice professionals, or emergency response professionals.''.

SEC. 9. INTERDEPARTMENTAL AUTISM COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee, to be known as the ''Interdepartmental Autism Coordinating Committee,'' (referred to in this section as the ''Committee'') to coordinate all Federal efforts concerning autism spectrum disorders.

(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

(1) develop and annually update a summary of developments in research on autism spectrum disorders, services for people on the autism spectrum and their families, and programs that focus on people on the autism spectrum;

(2) monitor governmental and nongovernmental activities with respect to autism spectrum disorders;

(3) make recommendations to the Secretary of Health and Human Services and other relevant heads of agencies (referred to in this subsection as the ''agency heads'') regarding any appropriate changes to such activities and any ethical considerations relating to those activities;

(4) make recommendations to the agency heads regarding public participation in decisions relating to autism spectrum disorders;

(5) develop and annually update a strategic plan, including proposed budgetary requirements, for conducting and supporting research related to autism spectrum disorders, services for individuals on the autism spectrum and their families, and programs that focus on such individuals and their families; and

(6) annually submit to Congress and the President such strategic plan and any updates to such plan.

(c) MEMBERSHIP.—

(1) FEDERAL MEMBERS.—The Committee shall be composed of—

(A) the Director of the National Institutes of Health, and the directors of such national research institutes of the National Institutes of Health as the Director determines appropriate;

(B) the heads of other agencies within the Department of Health and Human Services, as the Secretary determines appropriate; and

(C) representatives of the Department of Education, the Department of Defense, and other Federal agencies that provide services to individuals with autism spectrum disorders and their families or that have programs that affect individuals with autism spectrum disorders, as the Secretary determines appropriate.

(2) NON-FEDERAL MEMBERS.—Not less than 2/5 of the total membership of the Committee shall be composed of public members to be appointed by the Secretary, of which—

(A) at least one such member shall be an individual with an autism spectrum disorder;

(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder;

(C) at least one such member shall be a representative of a nongovernmental organization that provides services to individuals with autism spectrum disorders or their families; and

(D) at least one such member shall be a representative of a leading research, advocacy, and service organization for individuals with autism spectrum disorders and their families.

(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years and may be reappointed for one or more additional 4-year terms. The term of any member appointed under subsection (c)(2)(C) or subsection (c)(2)(D) shall expire if the member no longer represents the organization described in such subsections. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

(3) The Committee shall be chaired by the Secretary or the Secretary's designee. The Committee shall meet at the call of the chairperson and not fewer than 2 times each year.

(4) All meetings of the Committee or its subcommittees shall be public and shall include appropriate time periods for questions and presentations by the public.

(5) The Committee may convene workshops and conferences.

(e) SUBCOMMITTEES: ESTABLISHMENT AND MEMBERSHIP.—

(1) ESTABLISHMENT OF SUBCOMMITTEES.—In carrying out its functions, the Committee may establish—

(A) a subcommittee on research on autism spectrum disorders;

(B) a subcommittee on services for individuals with autism spectrum disorders and their families and programs that focus on individuals with autism spectrum disorders; and

(C) such other subcommittees as the Committee determines appropriate.

(2) MEMBERSHIP.—Subcommittees may include as members individuals who are not members of the Committee.

(3) MEETINGS.—Subcommittees may hold such meetings as are necessary.

(f) INTERAGENCY AUTISM COORDINATING COMMITTEE.—Part R of title III of the Public Health Service Act (42 U.S.C. 280i) is amended by striking section 399CC (42 U.S.C. 284i-2).

SEC. 10. NATIONAL NETWORK FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.

(a) DEFINITIONS.—In this section:

(1) SERVICES.—The term ''services'' means services to assist individuals with autism spectrum disorders to live more independently in their communities and improve the quality of life of such individuals.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) TREATMENTS.—The term ''treatments'' means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.

(4) AUTISM CARE CENTER.—In this subpart, the term ''autism care center'' means a center that is directed by a primary care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a center shall—

(A) incorporate the attributes of the care management model;

(B) offer, through on-site service provision or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.

(b) ESTABLISHMENT OF THE NATIONAL NETWORK FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.—Not later than 1 year

after the date of enactment of this Act, the Secretary shall establish the National Network for Autism Spectrum Disorders Research and Services (referred to in this section as the ''National Network''). The National Network shall provide resources for, and facilitate communication between, autism spectrum disorder researchers and service providers for individuals with autism spectrum disorders and their families.

(c) PURPOSES.—The purposes of the National Network are to—

(1) build upon the infrastructure relating to autism spectrum disorders that exists on the date of enactment of this Act;

(2) strengthen linkages between autism spectrum disorders research and service initiatives at the Federal, regional, State, and local levels;

(3) facilitate the translation of research on autism spectrum disorders into services and treatments to improve the quality of life for individuals with autism and their families; and

(4) ensure the rapid dissemination of evidence-based or promising autism spectrum disorder practices through the National Data Repository for Autism Spectrum Disorders Research and Services described in subsection (e).

(d) ORGANIZATION AND ACTIVITIES OF THE NATIONAL NETWORK.—

(1) IN GENERAL.—In establishing the National Network, the Secretary, acting through Administrator of the Health Resources and Services Administration, shall ensure that the National Network is composed of entities at the Federal, regional, State, and local levels.

(2) REGIONAL LEADERSHIP AND ORGANIZATION.—In establishing the National Network, the Secretary shall establish a Committee of Regional Leaders, which shall ensure that regional participation is provided through the appointment of regional leaders such as university- and community-based partnerships that represent the needs and interests of regional stakeholders (including individuals with autism spectrum disorders and their families, providers, and researchers). The Committee of Regional Leaders shall be responsible for monitoring, reporting, analyzing, and disseminating information in the Data Repository described in subsection (e) to other stakeholders to ensure that the information contained in such Data Repository is widely available to policymakers and service providers at the State and local levels, and to facilitate communication between various members of the National Network.

(3) STATE AND COMMUNITY LEVEL LEADERSHIP AND ORGANIZATION.—

(A) STATE DIRECTORS.—The regional leaders appointed under paragraph (2) shall appoint State directors who shall coordinate the activities of the National Network at the State and community levels.

(B) STATE AND COMMUNITY SUBNETWORKS.—The Secretary shall ensure that the State directors establish State and community autism subnetworks, which shall engage in a variety of frontline autism activities and provide services, including comprehensive diagnostics, treatment, resource and referral, and support programs, for individuals with autism spectrum disorders.

(e) NATIONAL DATA REPOSITORY FOR AUTISM SPECTRUM DISORDERS RESEARCH AND SERVICES.—

(1) IN GENERAL.—The Secretary shall establish a National Data Repository for Autism Spectrum Disorders Research and Services (referred to in this section as the ''Data Repository'') and shall contract with one eligible third-party entity to develop and administer such repository (referred to in this section as the ''Data Repository Administrator''). The Data Repository shall be used to collect, store, and disseminate information regarding research, data, findings, models of treatment, training modules, and technical assistance materials related to autism spectrum disorders in order to facilitate the development and rapid dissemination of research into best practices that improve care.

(2) ELIGIBILITY.—To be eligible to receive the contract described in paragraph (1), an entity shall—

(A) be a public or private nonprofit entity; and

(B) have experience—

(i) collecting data;

(ii) developing systems to store data in a secure manner that does not personally identify individuals;

(iii) developing internet web portals and other means of communicating with a wide audience; and

(iv) making information available to the public.

(3) CONTENTS.—The Data Repository shall include—

(A) emerging research, data, and findings regarding autism spectrum disorders from basic and applied researchers and service providers;

(B) emerging or promising models of treatment, service provision, and training related to autism spectrum disorders that are developed in individual care centers or programs; and

(C) training modules and technical assistance materials.

(4) DUTIES OF THE ADMINISTRATOR.—The Data Repository Administrator shall—

(A) collect information from autism spectrum disorders research and service provision agencies and organizations including—

(i) Centers of Excellence in Autism Spectrum Disorder Epidemiology under section 399AA(b) of the Public Health Service Act (42 U.S.C. 280i(b));

(ii) autism care centers;

(iii) recipients of grants through the grant program for adult services under section 399II of the Public Health Service Act, as added by section 6 of this Act;

(iv) members and recipients of the national training initiatives on autism spectrum disorders under section 399LL of the Public Health Service Act, as added by section 11 of this Act; and

(v) the Committee of Regional Leaders, regional leaders, State directors, members of State and community autism subnetworks, and other entities, as determined by the Secretary;

(B) securely store and maintain information in the Data Repository in a manner that does not personally identify individuals;

(C) make information in the Data Repository accessible through an Internet web portal or other appropriate means of sharing information;

(D) ensure that the information contained in the Data Repository is accessible to the National Network, including health care providers, educators, and other autism spectrum disorders service providers at the national, State, and local levels; and

(E) provide a means through the Internet web portal, or through other means, for members of the National Network to share information, research, and best practices on autism spectrum disorders.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures relating to autism spectrum disorders.

SEC. 11. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 8, is further amended by adding at the end the following:

''SEC. 399LL. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

''(a) NATIONAL TRAINING INITIATIVE SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Secretary shall award multiyear national training initiative supplemental grants to eligible entities so that such entities may provide training and technical assistance and to disseminate information, in order to enable such entities to address the unmet needs of individuals with autism spectrum disorders and their families.

''(2) ELIGIBLE ENTITY.—To be eligible to receive assistance under this section an entity shall—

''(A) be a public or private nonprofit entity, including University Centers for Excellence in Developmental Disabilities and other service, training, and academic entities; and

''(B) submit an application as described in paragraph (3).

''(3) REQUIREMENTS.—An eligible entity that desires to receive a grant under this paragraph shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including agreements that the training program shall—

''(A) provide trainees with an appropriate balance of interdisciplinary academic and community-based experiences;

''(B) have a demonstrated capacity to include individuals with autism spectrum disorders, parents, and family members as part of the training program to ensure that a person and family-centered approach is used;

''(C) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the outcomes of the provision of training and technical assistance;

''(D) demonstrate a capacity to share and disseminate materials and practices that are developed and evaluated to be effective in the provision of training and technical assistance; and

''(E) provide assurances that training, technical assistance, and information dissemination performed under grants made pursuant to this paragraph shall be consistent with the goals established under already existing disability programs authorized under Federal law and conducted in coordination with other relevant State agencies and service providers.

''(4) ACTIVITIES.—An entity that receives a grant under this section shall expand and develop interdisciplinary training and continuing education initiatives for health, allied health, and educational professionals by engaging in the following activities:

''(A) Promoting and engaging in training for health, allied health, and educational professionals to identify, diagnose, and develop interventions for individuals with, or at risk of developing, autism spectrum disorders.

''(B) Working to expand the availability of training and information regarding effective, lifelong interventions, educational services, and community supports, including specific training for criminal justice system, emergency health care, legal, and other mainstream first responder professionals, to identify characteristics of individuals with autism spectrum disorders and to develop appropriate responses and interventions.

''(C) Providing technical assistance in collaboration with relevant State, regional, or national agencies, institutions of higher education, advocacy groups for individuals with autism spectrum disorders and their families, or community-based service providers.

''(D) Developing mechanisms to provide training and technical assistance, including

for-credit courses, intensive summer institutes, continuing education programs, distance-based programs, and web-based information dissemination strategies.

''(E) Collecting data on the outcomes of training and technical assistance programs to meet statewide needs for the expansion of services to children with autism spectrum disorders and adults with autism spectrum disorders.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the appropriated funds to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to the entities receiving grants under subsection (a) to enable such entities to—

''(1) assist in national dissemination of specific information, including evidence-based and promising best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

''(2) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual centers;

''(3) assist in the coordination of activities of grantees under this section;

''(4) develop an Internet web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

''(5) convene experts from multiple interdisciplinary training programs and individuals with autism spectrum disorders and their families to discuss and make recommendations with regard to training issues related to the assessment, diagnosis of, treatment, interventions and services for, children with autism spectrum disorders and adults with autism spectrum disorders; and

''(6) undertake any other functions that the Secretary determines to be appropriate.

''(c) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures.''.

SEC. 12. AMENDMENTS RELATING TO HEALTH INSURANCE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 715. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

''(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall provide coverage for the diagnosis of autism spectrum disorders and the treatment of autism spectrum disorders.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as preventing a group health plan or health insurance issuer from imposing financial requirements or limits in relation to benefits for the diagnosis and treatment of autism spectrum disorders, except that such financial requirements or limits for any such benefits may not be less favorable to the individual than such financial requirements or limits for substantially all other medical and surgical benefits covered by the plan, and there shall be no separate financial requirements or limits that are applicable only with respect to benefits for the diagnosis or treatment of autism spectrum disorders; and

''(2) to prevent a group health plan or a health insurance issuer from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided not later than the earlier of—

''(1) 60 days after the first day of the first plan year in which such requirements apply; or

''(2) in the first mailing after the date of enactment of the Autism Treatment Acceleration Act of 2009 made by the plan or issuer to the participant or beneficiary.

''(d) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; or

''(2) deny coverage otherwise available under this section on the basis that such coverage will not—

''(A) develop skills or functioning;

''(B) maintain skills or functioning;

''(C) restore skills or functioning; or

''(D) prevent the loss of skills or functioning.

''(e) PREEMPTION; RELATION TO STATE LAW.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law (or cost sharing requirements under State law) with respect to health insurance coverage that requires coverage of at least the coverage for autism spectrum disorders otherwise required under this section.

''(2) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

''(f) DEFINITIONS.—In this section:

''(1) AUTISM SPECTRUM DISORDERS.—The term 'autism spectrum disorders' means developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, and childhood disintegrative disorder.

''(2) DIAGNOSIS OF AUTISM SPECTRUM DISORDERS.—The term 'diagnosis of autism spectrum disorders' means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

''(3) TREATMENT OF AUTISM SPECTRUM DISORDERS.—The term 'treatment of autism spectrum disorders' means the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a physician, psychologist, or other qualified professional who determines the care to be medically necessary:

''(A) Medications prescribed by a physician and any health-related services necessary to determine the need or effectiveness of the medications.

''(B) Occupational therapy, physical therapy, and speech therapy.

''(C) Direct or consultative services provided by a psychiatrist or psychologist.

''(D) Professional, counseling, and guidance services and treatment programs, including applied behavior analysis and other structured behavioral programs. In this subparagraph, the term 'applied behavior analysis' means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

''(E) Augmentative communication devices and other assistive technology devices.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 714 the following:

''Sec. 715. Required coverage for autism spectrum disorders.''.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

''SEC. 2708. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

''(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall provide coverage for the diagnosis of autism spectrum disorders and the treatment of autism spectrum disorders.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as preventing a group health plan or health insurance issuer from imposing financial requirements or limits in relation to benefits for the diagnosis and treatment of autism spectrum disorders, except that such financial requirements or limits for any such benefits may not be less favorable to the individual than such financial requirements or limits for substantially all other medical and surgical benefits covered by the plan, and there shall be no separate financial requirements or limits that are applicable only with respect to benefits for the diagnosis or treatment of autism spectrum disorders; or

''(2) to prevent a group health plan or a health insurance issuer from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

''(c) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided not later than the earlier of—

''(1) 60 days after the first day of the first plan year in which such requirements apply; or

''(2) in the first mailing after the date of enactment of the Autism Treatment Acceleration Act of 2009 made by the plan or issuer to the enrollee.

''(d) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; or

''(2) deny coverage otherwise available under this section on the basis that such coverage will not—

''(A) develop skills or functioning;

''(B) maintain skills or functioning;

''(C) restore skills or functioning; or

''(D) prevent the loss of skills or functioning.

''(e) PREEMPTION; RELATION TO STATE LAW.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law (or cost sharing requirements under State law) with respect to health insurance coverage that requires coverage of at least the coverage for autism spectrum disorders otherwise required under this section.

''(2) ERISA.—Nothing in this section shall be construed to affect or modify the provisions of section 514 of the Employee Income Retirement Security Act of 1974 with respect to group health plans.

''(f) DEFINITIONS.—In this section:

''(1) AUTISM SPECTRUM DISORDERS.—The term 'autism spectrum disorders' means developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), and Asperger syndrome.

''(2) DIAGNOSIS OF AUTISM SPECTRUM DISORDERS.—The term 'diagnosis of autism spectrum disorders' means medically necessary assessments, evaluations, or tests to diagnose whether an individual has an autism spectrum disorder.

''(3) TREATMENT OF AUTISM SPECTRUM DISORDERS.—The term 'treatment of autism spectrum disorders' means the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by a physician, psychologist, or other qualified professional who determines the care to be medically necessary:

''(A) Medications prescribed by a physician and any health-related services necessary to determine the need or effectiveness of the medications.

''(B) Occupational therapy, physical therapy, and speech therapy.

''(C) Direct or consultative services provided by a psychiatrist or psychologist.

''(D) Professional, counseling, and guidance services and treatment programs, including applied behavior analysis and other structured behavioral programs. In this subparagraph, the term 'applied behavior analysis' means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

''(E) Augmentative communication devices and other assistive technology devices.''.

(2) INDIVIDUAL MARKET.—Subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

''SEC. 2754. REQUIRED COVERAGE FOR AUTISM SPECTRUM DISORDERS.

''The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—

(A) IN GENERAL.—The amendment made by subsection (a) shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(B) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendment made by subsections (a) and (b)(1) shall not be treated as a termination of such collective bargaining agreement.

(2) INDIVIDUAL PLANS.—The amendment made by subsection (b)(2) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 2010 through 2014 such sums as may be necessary to carry out this Act.

By Ms. SNOWE (for herself, Mr. BAUCUS, Mr. HATCH, Ms. STABENOW, Mr. ENSIGN, Mrs. LINCOLN, Ms. CANTWELL, and Mr. NELSON of Florida):

S. 823. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, America's economy is continuing in recession. Companies that have been profitable for years are finding their balance sheets awash in red ink. The economic stimulus bill, the American Recover and Reinvestment Act or ''ARRA,'' helped some small companies with a provision that allows them to take losses from 2008 and carry them back for up to five years rather than carry them forward for up to 20 or back only two. This net operating loss, NOL, carryback provision gives formerly profitable companies the ability to get a quick infusion of cash by recouping taxes paid when they were profitable in the recent past.

The cash from a 5 year carryback of NOLs allows companies to keep employees on payroll, and stabilize operations during the most trying time businesses have faced in at least a generation. The House and Senate and the Obama Administration all acknowledged the importance of permitting NOL carrybacks during the debate on the economic stimulus with provisions that generally allowed any company to carryback losses incurred in 2008 and 2009. Unfortunately, the final agreement on that law did not contain the sweeping provision that is necessary to help as many companies as are in need of this tax relief.

Companies are permitted to take these losses against future income, for up to 20 years from now. However, that carryforward of losses does nothing to help companies weather the current recession in fact some of these companies might never be able to take these losses because they'll go out of business as a result of this recession. Permitting carryback of losses will help to prevent employees from being laid off today as a result of the credit crunch that continues to exacerbate the downward spiral of our economy. We can help lessen the credit crunch and increase cash flow in companies by permitting companies to carryback losses for 5 years.

Today I am honored to introduce the NOL Carryback Act with the chairman of the Senate Finance Committee, Chairman MAX BAUCUS, and a distinguished group of colleagues from the Finance Committee. This bill mirrors the Senate-passed NOL carryback provision that was passed in ARRA. The Senate-passed bill allowed carrybacks for losses incurred in 2008 and 2009, for any sized business, but it prevented companies that receive cash from the Troubled Asset Relief Program from also receiving this cash infusion.

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 824. A bill to establish a Jobs Creation Coordinator in the Department of Commerce to ensure that agencies in the Department use resources in a manner that maximizes the maintenance and creation of jobs in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in response to the devastating job losses resulting from the current economic crisis. Figures released this week show that U.S. companies shed more than 740,000 jobs in March, a 5 percent increase over the 706,000 jobs lost in February. Our country has now lost nearly 4.5 million jobs since the onset of the recession—the most since 1945. Tomorrow's release of government-compiled employment figures is certain to confirm the dismal state of the U.S. job market—a tragic reality that millions of hardworking Americans and the families they support know all too well.

As a senior member of the Senate Committee on Commerce, Science and Transportation, I believe it is essential for the Department of Commerce to respond to this dire situation by focusing its efforts on expanding employment opportunities for Americans. With its statutory mission ''to foster, promote, and develop the foreign and domestic commerce,'' the Department of Commerce has a clear mandate to defend and grow the U.S. economy through job preservation and creation.

Yet the disparate agencies that comprise the department have little or no occasion to coordinate their efforts toward maximizing its job maintaining and creating potential. While divisions such as the Economic Development Agency and the Minority Business Development Agency each have their own programs to increase employment in their respective target communities, there is the potential for even greater job creation through the coordination

of their efforts with the core functions of other department components, such as the export-promotion activities of the International Trade Administration, the economic analysis of the Economics and Statistics Administration, and the stewardship of technological innovation by the National Telecommunications & Information Administration.

That is why I am today introducing bipartisan legislation with my Commerce Committee colleague Senator Begich to establish a Job Creation Coordinator at the department. Answering directly to the Secretary of Commerce, the Coordinator would not only ensure that each agency is carrying out its primary mission in a way that maximizes U.S. employment, but also would identify and implement opportunities to link separate programs being carried out by the agencies in a way that ensures that department resources are being spent in a manner which guarantees the utmost job creation per dollar appropriated.

Specifically, the Jobs Coordinator would be responsible for making an initial assessment of the private sector jobs currently being maintained or created by Commerce Department programs; formulating an action plan for improving these figures under existing statutory authority; liaising with Congress about additional authority which would enhance the job maintaining and creating abilities of Commerce Department programs; and, overseeing the implementation of new department policies or statutory authorities intended to enhance the department's job maintenance and creation potential.

The millions of Americans who have lost their livelihoods to the economic downturn, or whose jobs are at risk amidst the turmoil, deserve the utmost effort by their government to put an end to the lay-offs and get people back to work. I urge my colleagues to join me in this vital effort by supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 98—DESIGNATING EACH OF APRIL 15, 2009, AND APRIL 15, 2010, AS ''NATIONAL TEA PARTY DAY''

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Whereas the taxpayers of the United States understand that the so-called ''stimulus bill'', the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), included a laundry list of spending projects;

Whereas the taxpayers of the United States understand that the bailouts of Wall Street by the United States Government have been ineffective and a waste of taxpayer funding;

Whereas the taxpayers of the United States agree that the United States Government should stop wasteful spending, reduce the tax burden on families and businesses, and focus on policies that will lead to job creation and economic growth; and

Whereas taxpayers in the United States are expressing their opposition to high taxes and skyrocketing spending by the United States Government by organizing ''Taxed Enough Already'' parties, also known as ''TEA'' parties: Now, therefore, be it

Resolved, That the Senate designates each of April 15, 2009, and April 15, 2010, as ''National TEA Party Day''.

SENATE RESOLUTION 99—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF UZBEKISTAN SHOULD IMMEDIATELY ENFORCE ITS EXISTING DOMESTIC LEGISLATION AND FULFILL ITS INTERNATIONAL COMMITMENTS AIMED AT ENDING STATE-SPONSORED FORCED AND CHILD LABOR

Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 99

Whereas the United States has a growing strategic involvement in Central Asia;

Whereas the interests of the United States in Central Asia, including the operations in Afghanistan, can only be secured by the presence in the region of viable, vigorous democracies that fully guarantee the economic and social rights of all people, including children;

Whereas the Government of Uzbekistan continues to commit serious human rights abuses, including arbitrary arrest and detention, torture in custody, and the severe restriction of freedom of speech, the press, religion, independent political activity, and nongovernmental organizations;

Whereas the Government of Uzbekistan detains thousands of people for political or religious reasons;

Whereas Uzbekistan is the third largest exporter of cotton in the world, and cotton is 1 of the largest sources of export revenue for Uzbekistan;

Whereas Uzbekistan has signed and properly deposited with the International Labour Organization (ILO) the Minimum Age Convention, convened at Geneva June 6, 1973 (International Labour Organization Convention Number 138) and the Worst Forms of Child Labour Convention, convened at Geneva June 1, 1999 (International Labour Organization Convention Number 182);

Whereas the Government of Uzbekistan issued a decree in September 2008 that ostensibly prohibited the practice of forced and child labor, but the Government of Uzbekistan sent schoolchildren to harvest cotton within weeks after issuing the decree;

Whereas the 2008 Country Reports on Human Rights Practices by the Department of State stated that large-scale compulsory mobilization of youth and students to harvest cotton continued in most rural areas of Uzbekistan and that the students and youths were poorly paid, living conditions were poor, and children were exposed to harmful chemicals and pesticides applied in the cotton fields;

Whereas research by the Environmental Justice Foundation indicates that each year hundreds of thousands of schoolchildren from Uzbekistan, some as young as 7 years old, are forced by the Government of Uzbekistan to work in the national cotton harvest for up to 3 months;

Whereas a policy briefing published by the School of Oriental and African Studies, University of London, in 2008, entitled ''Invisible to the World'', used extrapolations based on surveys in 6 areas that took place in 2006 and 2007 to conclude that approximately 2,400,000 schoolchildren from Uzbekistan between the ages of 10 and 15 are forcibly recruited into the annual cotton harvest;

Whereas the British Broadcasting Company undertook an investigation in late 2007 and found that the Government of Uzbekistan continues to rely on the state-orchestrated mass mobilization of children to bring in the cotton harvest;

Whereas, in 2008, reports of child labor in the cotton fields were received by multiple media outlets and local human rights activists from the major cotton-growing regions in Uzbekistan, including Djizzak, Namangan, Samarkand, and Ferghana, among others;

Whereas a report by the Rapid Reaction Group indicates that schoolchildren who cannot fulfill their daily picking quotas are forced to make up the difference in cash from the pockets of their own families;

Whereas the Government of Uzbekistan detained and harassed an independent journalist who accompanied a diplomat from the United States on a research trip to Syr Daria province, where the diplomat photographed children working in the cotton fields;

Whereas the children working in the cotton fields are stressed by the pressure to fulfill cotton quotas, physically abused by arduous work in the cotton fields, and subjected to poor and hazardous living conditions during the harvest period;

Whereas international brands such as Gap, H&M, Levi Strauss, Limited Brands, Target, Tesco, and Wal-Mart have banned cotton from Uzbekistan from their products and instructed their suppliers to comply with the ban;

Whereas the Government of Uzbekistan allowed a survey to be conducted by the United Nations Children's Fund (UNICEF), under the strict supervision of the Government of Uzbekistan, yet the survey was not conducted during the fall harvest season (a time when the likelihood of children working in the fields is significantly greater);

Whereas the Government of Uzbekistan refused to fully cooperate with the ILO and the International Cotton Advisory Committee to undertake an independent technical assessment of forced child labor during the fall 2008 harvest season; and

Whereas the ILO has conducted independent investigations into forced and child labor in more than 60 countries around the world, including developing and developed countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of Uzbekistan should—

(1) immediately enforce its existing domestic legislation and fulfill its international commitments aimed at ending state-sponsored forced and child labor;

(2) allow a comprehensive independent investigation into forced and child labor in the cotton sector during the fall 2009 harvest season by the International Labour Organization;

(3) in consultation and cooperation with the International Labour Organization, develop a credible and comprehensive action plan based on the findings of the International Labour Organization and commit the resources necessary to end forced and child labor in the cotton sector; and

(4) take concrete steps towards systemic reform that will—

(A) ensure greater freedom and better returns from their labor for cotton-producing farmers; and

(B) enable such farmers to employ adults in the cotton sector.

SENATE RESOLUTION 100—EXPRESSING THE SUPPORT OF THE SENATE FOR THE ESTABLISHMENT OF AN URBAN YOUTH SPORT INITIATIVE IN PARTNERSHIP WITH THE UNITED STATES OLYMPIC COMMITTEE

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 100

Whereas participation in sports and organized physical education is essential to fostering healthy attitudes and lifestyles in children;

Whereas the National Association for Sport and Physical Education reports that participation among American students in physical education has declined dramatically;

Whereas American children are experiencing obesity in growing numbers, and data continues to highlight the link between obesity and diabetes, heart disease, and other life-threatening medical conditions;

Whereas youth physical fitness through sport improves overall health, aids child development, improves self-esteem, and increases academic success in the classroom;

Whereas participation in adaptive sports improves self-worth, health, independence, and self-esteem for youth with physical and cognitive disabilities;

Whereas the rate of participation by urban youth in organized athletics is approximately one-third of the rate of suburban youth, and this is particularly true for young girls in urban areas;

Whereas both the world and United States populations are becoming increasingly urban, and if the trend of urbanization continues, by 2030 it is estimated that two-thirds of the global population will reside in urban areas;

Whereas establishing sports in urban settings remains a particular challenge because cities often lack the physical space needed for sports and efforts are often fragmented due to communication and coordination challenges;

Whereas the selection of the city of Chicago to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games would leave a legacy of youth engagement in sports in cities across our Nation;

Whereas the city of Chicago and Chicago 2016 are committed to an initiative establishing sustainable urban sport venues and connecting sport venues with programs that address coaching challenges, resource issues, and the difficulties of parental support to run programs;

Whereas the United States Olympic Committee and its 45 member organizations are currently investing in Olympic and Paralympic sport and physical activity programs for Americans in communities throughout the United States; and

Whereas the creation of an Urban Youth Sport Initiative would increase involvement of urban youth in sport, increase the training and availability of coaches in urban areas for youth sports, and enhance the ability of urban cities to administer youth sports programs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the expansion of quality urban youth sports programs to increase urban youth involvement in sport; and

(2) supports the establishment of an Urban Youth Sport Initiative in partnership with the United States Olympic Committee.

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE ON THE TRAGIC EVENTS AT THE PINELAKE HEALTH AND REHAB CENTER IN CARTHAGE, NORTH CAROLINA ON SUNDAY, MARCH 29, 2009

Mr. BURR (for himself and Mrs. HAGAN) submitted the following resolution; which was

S. RES. 101

Resolved, That the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to the staff and their families, who have been deeply affected by the tragic events that occurred at the Pinelake Health and Rehab Center in Carthage, North Carolina on March 29, 2009;

(2) honors the lives of the deceased victims—Jerry Avant, Louise DeKler, Lillian Dunn, Tessie Garner, John Goldstrom, Bessie Hedrick, Margaret Johnson, and Jesse Musser; and

(3) recognizes the heroism of Officer Justin Garner, whose decisive action and bravery preserved the safety of many, and wishes Officer Garner a complete and rapid recovery from the wound he sustained.

SENATE RESOLUTION 102—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was

S. RES. 102

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Schumer, Mrs. Murray, Mr. Udall of New Mexico, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Schumer, Mr. Dodd, Mr. Durbin, Mr. Bennett, and Mr. Cochran.

SENATE RESOLUTION 103—TO AUTHORIZE TESTIMONY AND DOCUMENT PRODUCTION IN RICHARD BOWEN V. DEPARTMENT OF THE NAVY (MSPB)

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was:

S. RES. 103

Whereas, in the case of Richard Bowen v. Department of the Navy, No. SF–0752–09–0040–I–1, pending before the Merit Systems Protection Board, a request has been made for documents from the office of Senator Jim Webb and a declaration from Jamie Lynch, a former fellow in the office of Senator Webb;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Jamie Lynch is authorized to testify and to produce documents in Richard Bowen v. Department of the Navy, except concerning matters for which a privilege should be asserted.

SENATE CONCURRENT RESOLUTION 17—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR THE UNVEILING OF A BUST OF SOJOURNER TRUTH

Mrs. GILLIBRAND (for herself and Mr. SPECTER) submitted the following concurrent resolution, which was referred to the Committee on Rules and Administration.

S. CON. RES. 17

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR UNVEILING OF SOJOURNER TRUTH BUST.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on April 28, 2009, to unveil a bust of Sojourner Truth.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 928. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table.

SA 929. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 930. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 931. Ms. LANDRIEU (for herself, Mr. BEGICH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra.

SA 932. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 933. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 934. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 935. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 936. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 937. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 938. Mr. VITTER (for himself, Mr. GRASSLEY, and Mr. FEINGOLD) submitted an

amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 939. Mr. HATCH (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 940. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra.

SA 941. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 942. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 943. Mr. GREGG (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 944. Mr. GREGG (for himself, Mr. ALEXANDER, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 945. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 946. Mr. DORGAN (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. BEGICH, Mr. UDALL, of New Mexico, Mr. TESTER, Ms. MURKOWSKI, Mr. REID, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 947. Ms. KLOBUCHAR (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 948. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 949. Mr. REED submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 950. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 951. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 952. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 953. Mrs. BOXER (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra.

SA 954. Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 955. Mr. DODD (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 957. Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 958. Mr. CRAPO (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 13, supra.

SA 959. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 960. Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 961. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 962. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 963. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 964. Mr. DEMINT (for himself, Mr. BENNETT, Mr. ENZI, Mr. BROWNBACK, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 965. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 966. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. BEGICH, Mr. KYL, Ms. MURKOWSKI, Mr. INHOFE, Mr. JOHANNS, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 967. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 968. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 969. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 970. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 971. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 972. Ms. MURKOWSKI (for herself, Mr. UDALL, of New Mexico, Mr. DORGAN, Mr. JOHNSON, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 973. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 974. Mr. DURBIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 975. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 976. Mr. HATCH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 977. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 978. Mr. HATCH (for himself, Mr. BAUCUS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 979. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 980. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

TEXT OF AMENDMENTS

SA 928. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. _____. LIMITATION ON BUDGET RESOLUTIONS SHOWING AN AVERAGE ANNUAL DEFICIT-TO-GROSS DOMESTIC PRODUCT RATIO OF GREATER THAT 3.5 PERCENT.

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any budget resolution, or amendment thereto, or conference report thereon, that shows an average annual deficit-to-gross domestic product ratio of greater that 3.5 percent for the period of the current fiscal year through the next 5 years.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate and projected gross domestic product figures shall be determined on the basis of estimates provided by the Congressional Budget Office.

(f) SUNSET.—This section shall expire on September 30, 2010.

SA 929. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 36, line 5, after ''programs'', insert '', particularly the Highway Bridge Program,''.

SA 930. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which

was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT REPEALS CERTAIN TAX BENEFITS THAT SUPPORT DOMESTIC ENERGY PRODUCTION.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes a measure that repeals the enhanced oil recovery credit, the marginal well tax credit, expensing of intangible drilling costs, the deduction for tertiary injectants, or the percentage depletion allowance for oil and natural gas properties.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 931. Ms. LANDRIEU (for herself, Mr. BEGICH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF OIL AND NATURAL GAS LEASING REVENUES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide that 50 perecent of any revenues collected by the United States from oil and natural gas leases in the outer Continental Shelf shall be—

(1) distributed among coastal energy producing States; or

(2) allocated for—

(A) the conduct of innovative alternative energy research; and

(B) supporting parks and wildlife.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 932. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, decrease the amount by $900,000,000.

On page 10, line 21, decrease the amount by $900,000,000.

On page 12, line 21, decrease the amount by $553,000,000.

On page 12, line 22, decrease the amount by $553,000,000.

On page 27, line 23, increase the amount by $1,453,000,000.

On page 27, line 24, increase the amount by $1,453,000,000.

SA 933. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, decrease the amount by $10,000,000.

On page 10, line 21, decrease the amount by $10,000,000.

On page 12, line 21, decrease the amount by $10,000,000.

On page 12, line 22, decrease the amount by $10,000,000.

On page 27, line 23, increase the amount by $20,000,000.

On page 27, line 24, increase the amount by $20,000,000.

SA 934. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place insert the following:

SEC.____. REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 5 DAYS BEFORE A VOTE ON PASSAGE.

(a) IN GENERAL.—In the Senate, it shall not be in order, to vote on final passage on any bill, joint resolution, or conference report unless the text and a budget score from the Congressional Budget Office of the legislation, are available on a publicly accessible Congressional website five days prior to the vote on passage of the legislation.

(b) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 935. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(Sec.____. POINT OF ORDER ON LEGISLATION THAT RESTRICTS THE CONSTITUTIONAL RIGHTS OF AMERICANS TO OWN A FIREARM.

(a) POINT OF ORDER—

(1) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes a restriction on the right of Americans to own a firearm.

(2) DEFINITION.—In this subsection the term ''Restriction on the right of Americans to own a firearm'' means any bill that restricts the right of an American to own any firearm.

(3) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, dully chosen and sworn.

(4) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 936. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

SEC. __. RESERVE FUND TO PREVENT FUNDING FOR SANCTUARY CITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SA 937. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

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

SEC. __. RESERVE FUND TO REQUIRE DRUG TESTING AND TO PROVIDE DRUG TREATMENT FOR TANF RECIPIENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) Would require that States operate a drug testing program as part of their Temporary Assistance for Needy Families (TANF) program;

(2) Would provide treatment programs for those who test positive for illegal drug use or are convicted of drug-related crime;

(3) Would withhold TANF assistance for two years to any recipient who, after initially testing positive and having been offered treatment, again tests positive; and

(4) Would not reduce or deny TANF assistance allocated for dependents if the dependent's caretaker tests positive for drug use or is convicted of drug-related crime; by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SA 938. Mr. VITTER (for himself, Mr. GRASSLEY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 15, decrease the amount by $2,022,800.
On page 4, line 16, decrease the amount by $4,120,000.
On page 4, line 17, decrease the amount by $6,348,200.
On page 4, line 18, decrease the amount by $9,757,700.
On page 4, line 24, decrease the amount by $2,022,800
On page 4, line 25, decrease the amount by $4,120,000.
On page 5, line 1, decrease the amount by $6,348,200.
On page 5, line 2, decrease the amount by $9,757,700.
On page 5, line 8, decrease the amount by $2,022,800.
On page 5, line 9, decrease the amount by $4,120,000.
On page 5, line 10, decrease the amount by $6,348,200.
On page 5, line 11, decrease the amount by $ 9,757,700.
On page 5, line 18, decrease the amount by $2,022,800.
On page 5, line 19, decrease the amount by $6,142,800.
On page 5, line 20, decrease the amount by $12,491,000.
On page 5, line 21, decrease the amount by $22,248,700.
On page 6, line 1, decrease the amount by $2,022,800.
On page 6, line 2, decrease the amount by $6,142,800.
On page 6, line 3, decrease the amount by $12,491,000.
On page 6, line 4, decrease the amount by $22,248,700.
On page 26, line 3, decrease the amount by $2,000,000.
On page 26, line 4, decrease the amount by $2,000,000.
On page 26, line 7, decrease the amount by $4,000,000.
On page 26, line 8, decrease the amount by $4,000,000.
On page 26, line 11, decrease the amount by $6,000,000.
On page 26, line 12, decrease the amount by $6,000,000.
On page 26, line 15, decrease the amount by $9,000,000.
On page 26, line 16, decrease the amount by $9,000,000.
On page 27, line 3, decrease the amount by $22,800.
On page 27, line 4, decrease the amount by $22,800.
On page 27, line 7, decrease the amount by $120,000.
On page 27, line 8, decrease the amount by $120,000.
On page 27, line 11, decrease the amount by $348,200.
On page 27, line 12, decrease the amount by $348,200.
On page 27, line 15, decrease the amount by $757,700.
On page 27, line 16, decrease the amount by $757,700.

SA 939. Mr. HATCH (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 940. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 941. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE MEDICAL LIABILITY REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing patients losing access to quality health care due to skyrocketing insurance premiums driven by frivolous lawsuits;

(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;

(3) protects the ability of injured patients to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;

(4) promotes the reduction of frivolous lawsuits and allows doctors to practice medicine in a manner that is patient-focused and not lawsuit-driven; and

(5) maintains state flexibility;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 942. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHY MOTHERS AND HEALTHY BABIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing women and children who are losing access to quality pre-natal and maternal care due to skyrocketing insurance premiums driven by frivolous lawsuits;

(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;

(3) protects the ability of injured families to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;

(4) allows doctors to practice medicine in a manner that is family-focused and not lawsuit-driven; and

(5) maintains State flexibility;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 943. Mr. GREGG (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 3, strike ''or''.

On page 31, line 7, strike the semicolon and insert the following: ''; and

(9) address the unfunded liabilities of our Federal health programs;''.

SA 944. Mr. GREGG (for himself, Mr. ALEXANDER, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 3, strike ''or''.

On page 31, line 7, strike the semicolon and insert the following: ''; and

(9) limit excessive litigation and the practice of defensive medicine, in order to lower health care costs and to ensure patient access to quality medical care;''.

SA 945. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 29, beginning on line 24, strike ''and make adjustments to the pay-as-you-go ledger that are deficit neutral over 11 years,''.

On page 31, strike lines 10 and 11 and insert ''the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.''.

SA 946. Mr. DORGAN (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. BEGICH, Mr. UDALL of New Mexico, Mr. TESTER, Ms. MURKOWSKI, Mr. REID, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 19, line 24, increase the amount by $200,000,000.

On page 19, line 25, increase the amount by $130,000,000.

On page 20, line 4, increase the amount by $40,000,000.

On page 20, line 8, increase the amount by $20,000,000.

On page 20, line 12, increase the amount by $10,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, decrease the amount by $130,000,000.

On page 28, line 3, decrease the amount by $40,000,000.

On page 28, line 7, decrease the amount by $20,000,000.

On page 28, line 11, decrease the amount by $10,000,000.

SA 947. Ms. KLOBUCHAR (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

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

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 948. Ms. KLOBUCHAR (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 35, line 18, insert ''flood mitigation,'' after ''water,''.

SA 949. Mr. REED submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 950. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 3, line 14, decrease the amount by $8,608,000,000.

On page 3, line 15, decrease the amount by $105,822,000,000.

On page 4, line 8, increase the amount by $8,608,000,000.

On page 4, line 9, increase the amount by $105,822,000,000.

On page 4, line 17, increase the amount by $179,046,000.

On page 4, line 18, increase the amount by $2,901,367,000.

On page 5, line 1, increase the amount by $179,046,000.

On page 5, line 2, increase the amount by $2,901,367,000.

On page 5, line 10, increase the amount by $8,787,046,000.

On page 5, line 11, increase the amount by $108,723,367,000.

On page 5, line 20, increase the amount by $8,787,046,000.

On page 5, line 21, increase the amount by $117,510,413,000.

On page 6, line 3, increase the amount by $8,787,046,000.

On page 6, line 4, increase the amount by $117,510,413,000.

On page 27, line 11, increase the amount by $179,046,000.

On page 27, line 12, increase the amount by $179,046,000.

On page 27, line 15, increase the amount by $2,901,367,000.

On page 27, line 16, increase the amount by $2,901,367,000.

SA 951. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR THE BORDER FENCE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would study the current best practices from the sections of the border fence which have already been completed and shall offer required best practices to complete fencing along the international land border, as required by section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note), in the manner which is most secure, cost-effective, environmentally sound, and best protects the rights of private property owners as determined by the Secretary of Homeland Security after all the appropriate consultations have been made, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 952. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ___. LIMITATION ON SOCIAL SECURITY LEGISLATION.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would divert Social Security revenues from the Social Security Trust Fund to any investments in private securities or into private accounts that bear a risk of loss for Social Security recipients.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 953. Mrs. BOXER (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of Title II, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR 21st CENTURY COMMUNITY LEARNING CENTERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by up to $2.5 billion, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 954. Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 15, decrease amount by $76,325,000,000

On page 4, line 16, decrease amount by $38,065,000,000

On page 4, line 17, decrease amount by $22,872,000,000

On page 4, line 18, decrease amount by $12,787,000,000

On page 4, line 24, decrease amount by $76,325,000,000

On page 4, line 25, decrease amount by $38,065,000,000

On page 5, line 1, decrease amount by $22,872,000,000

On page 5, line 2, decrease amount by $12,787,000,000

On page 5, line 8, decrease amount by $76,325,000,000

On page 5, line 9, decrease amount by $38,065,000,000

On page 5, line 10, decrease amount by $22,872,000,000

On page 5, line 11, decrease amount by $12,787,000,000.

On page 5, line 18, decrease amount by $76,325,000,000.

On page 5, line 19, decrease amount by $38,065,000,000.

On page 5, line 20, decrease amount by $22,872,000,000.

On page 5, line 21, decrease amount by $12,787,000,000.

On page 9, line 24, decrease amount by $960,000,000.

On page 9, line 25, decrease amount by $960,000,000.

On page 10, line 3, decrease amount by $634,000,000.

On page 10, line 4, decrease amount by $634,000,000.

On page 10, line 7, decrease amount by $277,000,000.

On page 10, line 8, decrease amount by $277,000,000.

On page 10, line 11, decrease amount by $104,000,000.

On page 10, line 12, decrease amount by $104,000,000.

On page 10, line 24, decrease amount by $162,000,000.

On page 10, line 25, decrease amount by $162,000,000.

On page 10, line 3, decrease amount by $114,000,000.

On page 10, line 4, decrease amount by $114,000,000.

On page 10, line 7, decrease amount by $50,000,000.

On page 10, line 8, decrease amount by $50,000,000.

On page 11, line 25, decrease amount by $1,095,000,000.

On page 12, line 1, decrease amount by $1,095,000,000.

On page 12, line 4, decrease amount by $750,000,000.

On page 12, line 5, decrease amount by $750,000,000.

On page 12, line 8, decrease amount by $174,000,000.

On page 12, line 9, decrease amount by $174,000,000.

On page 12, line 12, decrease amount by $63,000,000.

On page 12, line 13, decrease amount by $63,000,000.

On page 13, line 25, decrease amount by $13,760,000,000.

On page 14, line 1, decrease amount by $13,760,000,000.

On page 14, line 4, decrease amount by $11,759,000,000.

On page 14, line 5, decrease amount by $11,759,000,000.

On page 14, line 8, decrease amount by $7,728,000,000.

On page 14, line 9, decrease amount by $7,728,000,000.

On page 14, line 12, decrease amount by $5,419,000,000.

On page 14, line 13, decrease amount by $5,419,000,000.

On page 14, line 25, decrease amount by $5,685,000,000.

On page 14, line 1, decrease amount by $5,685,000,000.

On page 14, line 4, decrease amount by $4,111,000,000.

On page 14, line 4, decrease amount by $4,111,000,000.

On page 15, line 8, decrease amount by $2,286,000,000.

On page 15, line 9, decrease amount by $2,286,000,000.

On page 15, line 12, decrease amount by $468,000,000.

On page 15, line 13, decrease amount by $468,000,000.

On page 15, line 25, decrease amount by $5,584,000,000.

On page 16, line 1, decrease amount by $5,584,000,000.

On page 16, line 4, decrease amount by $4,284,000,000.

On page 16, line 5, decrease amount by $4,284,000,000.

On page 16, line 8, decrease amount by $3,047,000,000.

On page 16, line 9, decrease amount by $3,047,000,000.

On page 16, line 12, decrease amount by $531,000,000.

On page 16, line 13, decrease amount by $531,000,000.

On page 16, line 25, decrease amount by $8,785,000,000.

On page 17, line 1, decrease amount by $8,785,000,000.

On page 17, line 4, decrease amount by $7,035,000,000.

On page 17, line 5, decrease amount by $7,035,000,000.

On page 17, line 8, decrease amount by $6,052,000,000.

On page 17, line 9, decrease amount by $6,052,000,000.

On page 17, line 12, decrease amount by $5,422,000,000.

On page 17, line 13, decrease amount by $5,422,000,000.

On page 19, line 3, decrease amount by $29,963,000,000.

On page 19, line 4, decrease amount by $29,963,000,000.

On page 19, line 7, decrease amount by $4,011,000,000.
On page 19, line 8, decrease amount by $4,011,000,000.
On page 19, line 10, decrease amount by $262,000,000.
On page 19, line 11, decrease amount by $262,000,000.
On page 20, line 3, decrease amount by $6,421,000,000.
On page 20, line 4, decrease amount by $6,421,000,000.
On page 20, line 7, decrease amount by $3,157,000,000.
On page 20, line 8, decrease amount by $3,157,000,000.
On page 20, line 11, decrease amount by $842,000,000.
On page 20, line 12, decrease amount by $842,000,000.
On page 20, line 15, decrease amount by $183,000,000.
On page 20, line 16, decrease amount by $183,000,000.
On page 23, line 3, decrease amount by $133,000,080
On page 23, line 4, decrease amount by $133,000,000.
On page 23, line 7, decrease amount by $150,000,000.
On page 23, line 8, decrease amount by $150,000,000.
On page 23, line 11, decrease amount by $150,000,000.
On page 23, line 12, decrease amount by $150,000,000.
On page 24, line 3, decrease amount by $297,000,000.
On page 24, line 4, decrease amount by $297,000,000.
On page 24, line 7, decrease amount by $133,000,000.
On page 24, line 8, decrease amount by $133,000,000.
On page 25, line 3, decrease amount by $848,000,000.
On page 25, line 4, decrease amount by $848,000,000.
On page 25, line 7, decrease amount by $649,000,000.
On page 25, line 8, decrease amount by $649,000,000.
On page 25, line 11, decrease amount by $750,000,000.
On page 25, line 12, decrease amount by $750,000,000.
On page 26, line 3, decrease amount by $1,400,000,000.
On page 26, line 4, decrease amount by $1,400,000,000.
On page 26, line 7, decrease amount by $1,196,000,000.
On page 26, line 8, decrease amount by $1,196,000,000.
On page 26, line 11, decrease amount by $1,024,000,000.
On page 26, line 12, decrease amount by $1,024,000,000.
On page 26, line 15, decrease amount by $504,000,000.
On page 26, line 16, decrease amount by $504,000,000.
On page 27, line 3, decrease amount by $857,000,000.
On page 27, line 4, decrease amount by $857,000,000.
On page 27, line 7, decrease amount by $457,000,000.
On page 27, line 8, decrease amount by $457,000,000.
On page 27, line 11, decrease amount by $230,000,000.
On page 27, line 12, decrease amount by $230,000,000.
On page 27, line 15, decrease amount by $93,000,000.
On page 27, line 16, decrease amount by $93,000,000.

SA 955. Mr. DODD (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 19, line 24, increase the amount by $188,000,000.
On page 19, line 25, increase the amount by $56,000,000.
On page 20, line 4, increase the amount by $81,000,000.
On page 20, line 8, increase the amount by $34,000,000.
On page 20, line 12, increase the amount by $13,000,000.
On page 27, line 23, decrease the amount by $188,000,000.
On page 27, line 24, decrease the amount by $56,000,000.
On page 28, line 3, decrease the amount by $81,000,000.
On page 28, line 7, decrease the amount by $34,000,000.
On page 28, line 11, decrease the amount by $13,000,000.

SA 956. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 16, line 21, increase the amount by $640,000,000.
On page 16, line 22, increase the amount by $640,000,000.
On page 16, line 25, increase the amount by $835,000,000.
On page 17, line 1, increase the amount by $835,000,000.
On page 17, line 4, increase the amount by $1,219,000,000.
On page 17, line 5, increase the amount by $1,219,000,000.
On page 17, line 8, increase the amount by $1,367,000,000.
On page 17, line 9, increase the amount by $1,367,000,000.
On page 17, line 12, increase the amount by $1,550,000,000.
On page 17, line 13, increase the amount by $1,550,000,000.
On page 27, line 23, decrease the amount by $640,000,000.
On page 27, line 24, decrease the amount by $640,000,000.
On page 28, line 2, decrease the amount by $835,000,000.
On page 28, line 3, decrease the amount by $35,000,000.
On page 28, line 6, decrease the amount by $1,219,000,000.
On page 28, line 7, decrease the amount by $1,219,000,000.
On page 28, line 10, decrease the amount by $1,367,000,000.
On page 28, line 11, decrease the amount by $1,367,000,000.
On page 28, line 14, decrease the amount by $1,550,000,000.
On page 28, line 15, decrease the amount by $1,550,000,000.

SA 957. Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 35, line 18, insert ''transportation, including freight and passenger rail,'' after ''energy, water,''.

SA 958. Mr. CRAPO (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

SA 959. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

SEC. ____. SENATE POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEBT LEVELS EXCEEDING $90,000 PER HOUSEHOLD.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains levels of debt held by the public that exceed $90,000 per household in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEBT LEVELS.—For purposes of this section, the debt level per household shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SA 960. Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 13, line 21, increase the amount by $50,000,000.

On page 13, line 22, increase the amount by $50,000,000.

On page 27, line 23, decrease the amount by $50,000,000.

On page 27, line 24, decrease the amount by $50,000,000.

SA 961. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 27, line 23, increase the amount by $132,000,000.

On page 27, line 24, increase the amount by $132,000,000.

SA 962. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107–56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108–458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109–177), or the FISA Amendments Act of 2008 (PL 110–261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 963. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. ____. POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, dully chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 964. Mr. DEMINT (for himself, Mr. BENNETT, Mr. ENZI, Mr. BROWNBACK, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS TO BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that fund consumer product safety, including any program that—

(1) delays the lead ban in section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) by 6 months;

(2) exempts thrift stores, consignment shops, and other second hand sellers from the provisions of such section;

(3) exempts children's motorcycles and all terrain vehicles from treatment as banned hazardous substances under such section;

(4) exempts books from treatment as banned hazardous substances under such section;

(5) allows a product to comply with the lead ban in such section if every component of the product complies with the ban; or

(6) does not require products manufactured before the effective date of the ban under such section to be removed from store shelves.

(b) LIMITATION.—The authority described in subsection (a) may not be used unless the appropriations in the legislation described in paragraphs (1) through (6) of subsection (a) would not increase the deficit over—

(1) the 6-year period beginning with the first day of fiscal year 2009; or

(2) the 11-year period beginning with the first day of fiscal year 2009.

SA 965. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 13, decrease the amount by $10,829,000,000.

On page 4, line 14, decrease the amount by $131,000,000.

On page 4, line 15, decrease the amount by $195,000,000.

On page 4, line 16, decrease the amount by $279,000,000.

On page 4, line 17, decrease the amount by $379,000,000.

On page 4, line 18, decrease the amount by $485,000,000.

On page 4, line 22, decrease the amount by $10,829,000,000.

On page 4, line 23, decrease the amount by $131,000,000.

On page 4, line 24, decrease the amount by $195,000,000.

On page 4, line 25, decrease the amount by $279,000,000.

On page 5, line 1, decrease the amount by $379,000,000.

On page 5, line 2, decrease the amount by $485,000,000.

On page 5, line 6, decrease the amount by $10,829,000,000.

On page 5, line 7, decrease the amount by $131,000,000.

On page 5, line 8, decrease the amount by $195,000,000.

On page 5, line 9, decrease the amount by $279,000,000.

On page 5, line 10, decrease the amount by $379,000,000.

On page 5, line 11, decrease the amount by $485,000,000.

On page 5, line 16, decrease the amount by $10,829,000,000.

On page 5, line 17, decrease the amount by $10,960,000,000.

On page 5, line 18, decrease the amount by $11,155,000,000.

On page 5, line 19, decrease the amount by $11,434,000,000.

On page 5, line 20, decrease the amount by $11,813,000,000.

On page 5, line 21, decrease the amount by $12,298,000,000.

On page 5, line 24, decrease the amount by $10,829,000,000.

On page 5, line 25, decrease the amount by $10,960,000,000.

On page 6, line 1, decrease the amount by $11,155,000,000.

On page 6, line 2, decrease the amount by $11,434,000,000.

On page 6, line 3, decrease the amount by $11,813,000,000.

On page 6, line 4, decrease the amount by $12,298,000,000.

On page 15, line 17, decrease the amount by $10,800,000,000.

On page 15, line 18, decrease the amount by $10,800,000,000.

On page 26, line 20, decrease the amount by $29,000,000.

On page 26, line 21, decrease the amount by $29,000,000.

On page 26, line 24, decrease the amount by $131,000,000.

On page 26, line 25, decrease the amount by $131,000,000.

On page 27, line 3, decrease the amount by $195,000,000.

On page 27, line 4, decrease the amount by $195,000,000.

On page 27, line 7, decrease the amount by $279,000,000.

On page 27, line 8, decrease the amount by $279,000,000.

On page 27, line 11, decrease the amount by $379,000,000.

On page 27, line 12, decrease the amount by $379,000,000.

On page 27, line 15, decrease the amount by $485,000,000.

On page 27, line 16, decrease the amount by $485,000,000.

SA 966. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. BEGICH, Mr. KYL, Ms. MURKOWSKI, Mr. INHOFE, Mr. JOHANNS, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 9, line 20, increase the amount by $9,446,939,000.

On page 9, line 21, increase the amount by $9,446,939,000.

On page 27, line 23, decrease the amount by $9,446,939,000.

On page 27, line 24, decrease the amount by $9,446,939,000.

SA 967. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

SEC. _____. EARMARK POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes—

(1) a congressional earmark to a private for profit entity that is not subject to the same competitive bidding requirements as other Federal contracts;

(2) a congressional earmark which has not been the subject of a public hearing in the committee of jurisdiction where the member requesting the earmark has testified on its behalf; or

(3) a congressional earmark which has not been posted on the Member sponsor's website at least 72 hours before consideration of the legislation.

(b) TRADING EARMARKS.—A Senator may not trade a congressional earmark for any political favor, including a campaign contribution.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) DEFINITION.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SA 968. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.____. POINT OF ORDER ON LEGISLATION THAT VIOLATES THE SECOND AMENDMENT RIGHTS OF LAW-ABIDING AMERICANS.

(a) POINT OF ORDER—

(1) IN GENERAL—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that violates the Second Amendment rights of law-abiding Americans.

(2) WAIVER—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, dully chosen and sworn.

(3) APPEALS—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 969. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 68, between lines 4 and 5, insert the following:

SEC. ____. POINT OF ORDER AGAINST FAILURE TO FULLY FUND SOUTHWEST BORDER FENCE.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any appropriations bill that fails to provide at least $2,600,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) SUNSET PROVISION.—This section shall cease to be effective on the earlier of—

(1) the date on which $2,600,000,000 is appropriated to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

(2) the date that is 2 years after the date of enactment of this Act.

SA 970. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. __. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with $235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

SA 971. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 15, line 21, increase the amount by $25,000,000.

On page 15, line 22, increase the amount by $25,000,000.

On page 27, line 23, decrease the amount by $25,000,000.

On page 27, line 24, decrease the amount by $25,000,000.

SA 972. Ms. MURKOWSKI (for herself, Mr. UDALL of New Mexico, Mr.

DORGAN, Mr. JOHNSON, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by $184,000,000.

On page 19, line 25, increase the amount by $184,000,000.

On page 27, line 23, decrease the amount by $184,000,000.

On page 27, line 24, decrease the amount by $184,000,000.

SA 973. Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON JOB CORPS.

It is the sense of the Senate—

(1) that, through 122 Job Corps centers operating in 48 States, as well as in the District of Columbia and the Commonwealth of Puerto Rico, the Job Corps program established under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.) helps thousands of youth each year prepare for meaningful careers and employment;

(2) that at a time of economic uncertainty, the United States should work to train and educate all of the Nation's workers; and

(3) that the functional totals in this resolution assume that, in order to be more accessible to all of the Nation's youth, the Job Corps program should receive substantial support and each State should have at least 1 Job Corps center.

SA 974. Mr. DURBIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

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

SEC. _____. SPECIAL RULE FOR LEGISLATION PROVIDING FOR ADDITIONAL ESTATE TAX RELIEF.

Notwithstanding the provisions of this title, the Chairman of the Senate Committee on the Budget may not revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution with respect to any bill, joint resolution, amendment, motion, or conference report that would provide for estate tax relief with an applicable exclusion amount beyond $3,500,000 ($7,000,000 for a married couple) and a graduated rate ending at less than 45 percent unless an amount is or has been provided to Americans earning less than $100,000 per year which—

(1) is equal to the aggregate amount of such additional estate tax relief, and

(2) is in addition to the aggregate amount of tax relief assumed under this resolution for such Americans.

SA 975. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 18, line 24, increase the amount by $1,000,000.

On page 18, line 25, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $1,000,000.

On page 27, line 24, decrease the amount by $1,000,000.

SA 976. Mr. HATCH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 32, line 10, after ''increases;'' insert ''or'' and the following:

(4) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calender Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services).

SA 977. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 17, line 22, increase the amount by $213,000,000.

On page 17, line 23, increase the amount by $21,000,000.

On page 18, line 3, increase the amount by $79,000,000.

On page 18, line 7, increase the amount by $66,000,000.

On page 18, line 11, increase the amount by $47,000,000.

On page 27, line 23, decrease the amount by $213,000,000.

On page 27, line 24, decrease the amount by $21,000,000.

On page 28, line 3, decrease the amount by $79,000,000.

On page 28, line 7, decrease the amount by $66,000,000.

On page 28, line 11, derease the amount by $47,000,000.

SA 978. Mr. HATCH (for himself, Mr. BAUCUS, and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, strike line 7 and insert the following: ''sources of revenue; and

(9) does so through regular order, protecting the rights of the minority;''.

SA 979. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO CORRECT THE FAILURE OF THE CONSUMER PRODUCT SAFETY COMMISSION TO PROPERLY IMPLEMENT THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that correct the failure of the Consumer Product Safety Commission to exercise its authority and enforcement discretion in a manner that the Congress intended in order to—

(1) assure enforcement of the mandates of the Consumer Product Safety Improvement Act of 2008 in a comprehensive manner while providing appropriate and common sense relief to businesses and institutions and aiding such businesses and institutions with compliance on a prospective basis, and

(2) provide information and guidance to businesses and institutions that are seeking to comply with the requirements of that Act and the Consumer Product Safety Act as amended by that Act,

by the amounts provided by that legislation for those purposes, *Provided* That such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 980. Mr. KYL (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget

for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 12, line 21, decrease the amount by $10,000,000.

On page 12, line 22, decrease the amount by $10,000,000.

On page 27, line 23, increase the amount by $10,000,000.

On page 27, line 24, increase the amount by $10,000,000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 23, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Kristina M. Johnson, to be Under Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to amanda___kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 9 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 2, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Hearing on the Nomination of Regina McCarthy to be Assistant Administrator, Office of Air and Radiation, of the Environmental Protection Agency.''

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

COMMITTEE ON FINANCE

Mr. CONRAD. Mr President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 10 a.m. to conduct a hearing entitled ''Recovery and Reinvestment Spending: Implementing a Bold Oversight Strategy.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 2, 2009, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 2, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate today, April 2, 2009.

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

ADOPTION INCENTIVE PAYMENTS FOR FISCAL YEAR 2008

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 735 and the Senate proceed to its 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 (S. 735) to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 735) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 735

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 ''Protecting Incentives for the Adoption of Children with Special Needs Act of 2009''.

SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111–8), title II of division F of such Act is amended under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'', by striking ''That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further*,''.

FIFTH SUMMIT OF THE AMERICAS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 43, S. Res. 90.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 90) expressing the sense of the Senate regarding the Fifth Summit of the Americas, held in Port of Spain, Trinidad and Tobago, April 17, 18, 19, 2009.

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

Mr. REID. 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 relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas the First Summit of the Americas, held in December 1994 in Miami, Florida, resulted in a comprehensive Plan of Action, issued by the region's democracies, which included initiatives on strengthening democracy, promoting human rights, combating corruption, furthering sustainable economic development, encouraging environmental conservation, and committing to access to universal basic education and health care throughout the Americas;

Whereas 3 Summits of the Americas and 2 Special Summits of the Americas have been convened since 1994, resulting in additional initiatives on sustainable development, strengthening democratic practices and good governance, the environment, economic relations, combating HIV/AIDS and other diseases, and numerous other areas of mutual interest and shared responsibility throughout the Western Hemisphere;

Whereas on July 21, 2008, the Draft Declaration of Commitment by the Summit Implementation Review Group proposed an agenda for the Fifth Summit of the Americas

to discuss promoting human prosperity, energy security, environmental sustainability, public security, democratic governance, and the Summit's implementation and review process; and

Whereas on February 10, 2009, President Barack Obama stated that he would attend the Fifth Summit of the Americas to ''create the kind of partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States'': Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to express support for the Fifth Summit of the Americas as an effective multilateral forum, convened in the spirit of cooperation and partnership for the 34 democratically elected heads of state of the region to address shared challenges and foster collaboration throughout the Western Hemisphere;

(2) that the Fifth Summit provides the United States with an early opportunity to reinvigorate and strengthen its engagement with the countries of the Western Hemisphere, especially in—

(A) finding common solutions to the global economic crisis;

(B) promoting energy security; and

(C) combating threats to public and personal security, including threats from terrorism, international narcotics cartels, and organized criminal groups;

(3) that the United States is prepared to work with the countries of the Western Hemisphere on advancing an agenda of human prosperity, including—

(A) encouraging multilateral development institutions to invest in micro- to medium-sized enterprises;

(B) continuing the fight against HIV/AIDS, vector-borne, and noncommunicable diseases;

(C) raising the standard of living of the people in the region who currently live in poverty;

(D) eradicating child labor;

(E) recommitting to the Millennium Development Goals; and

(F) supporting investment in public health and education throughout the Western Hemisphere;

(4) that the United States should use the Fifth Summit of the Americas to strengthen cooperation by working with other nations to formulate and implement a regional energy strategy to promote—

(A) increased technology and information sharing;

(B) regulatory harmonization;

(C) integration; and

(D) renewable and alternative energy sources;

(5) to welcome civil society and nongovernmental organizations at the Fifth Summit, and to encourage their observation and active participation in the Summit's decision-making process to strengthen democratic governance, the rule of law, freedom of the press, and civil society in the Western Hemisphere; and

(6) to set achievable and measurable goals, based on areas of consensus, and to strengthen followup mechanisms to review the implementation, reporting, and progress of Summit initiatives.

TRAGIC EVENTS AT THE PINELAKE HEALTH AND REHAB CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 101.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 101) expressing the sense of the Senate on the tragic events at the Pinelake Health and Rehab Center in Carthage, North Carolina on Sunday, March 29, 2009.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 101) was agreed to, as follows:

S. RES. 101

Resolved, That the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to the staff and their families, who have been deeply affected by the tragic events that occurred at the Pinelake Health and Rehab Center in Carthage, North Carolina on March 29, 2009;

(2) honors the lives of the deceased victims—Jerry Avant, Louise DeKler, Lillian Dunn, Tessie Garner, John Goldstrom, Bessie Hedrick, Margaret Johnson, and Jesse Musser; and

(3) recognizes the heroism of Officer Justin Garner, whose decisive action and bravery preserved the safety of many, and wishes Officer Garner a complete and rapid recovery from the wound he sustained.

PROVIDING FOR SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 102.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 102) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

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

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

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

The resolution (S. Res. 102) was agreed to, as follows:

S. RES. 102

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Schumer, Mrs. Murray, Mr. Udall of New Mexico, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Schumer, Mr. Dodd, Mr. Durbin, Mr. Bennett, and Mr. Cochran.

AUTHORIZING TESTIMONY AND DOCUMENT PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 103.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 103) to authorize testimony and document production in Richard Bowen v. Department of the Navy.

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

Mr. REID. Mr. President, this resolution concerns a request for testimony in a whistle-blower protection case against the Department of the Navy in which a civilian Navy employee is appealing an adverse employment action before the Merit Systems Protection Board. The employee is alleging that the Navy retaliated against him for protected whistle-blowing activities about alleged waste in Navy programs.

Among the whistle-blowing activities that the employee relies on is a brief meeting that representatives of a Navy contracting firm had with staff of the Virginia Senate delegation in February 2008 about their firm's work on an energy management contract that the employee managed for the Navy.

The Navy has requested that the Senate make available through written declaration staff who can testify about whether the employee's allegations were raised at the meeting in order to establish whether that meeting constituted protected whistle-blowing activities.

Senator Webb would like to cooperate with this request. Accordingly, this resolution would authorize Jamie Lynch, a former fellow with Senator Webb's office, to testify. The resolution would also authorize production of relevant documents, except where a privilege should be asserted.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table, with no intervening action.

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

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas, in the case of Richard Bowen v. Department of the Navy, No. SF–0752–09–0040–I–1, pending before the Merit Systems Protection Board, a request has been made for documents from the office of Senator Jim Webb and a declaration from Jamie Lynch, a former fellow in the office of Senator Webb;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Jamie Lynch is authorized to testify and to produce documents in Richard Bowen v. Department of the Navy, except concerning matters for which a privilege should be asserted.

MEASURE READ THE FIRST TIME—H.R. 1256

Mr. REID. Mr. President, it is my understanding that H.R. 1256 has been received from the House and is now at the desk.

The PRESIDING OFFICER. The Leader is correct.

Mr. REID. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 111–2

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 2, 2009, by the President of the United States:

Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty (Treaty Document No. 111–2).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Annex VI on Liability Arising From Environmental Emergencies to the Protocol on Environmental Protection to the Antarctic Treaty (Annex VI), adopted on June 14, 2005, at the twenty-eighth Antarctic Treaty Consultative Meeting held in Stockholm, Sweden. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of Annex VI.

The Protocol on Environmental Protection to the Antarctic Treaty (the ''Protocol'') together with its Annexes I–IV, adopted at Madrid on October 4, 1991, and Annex V to the Protocol, adopted at Bonn on October 17, 1991, received the advice and consent of the Senate to ratification on October 7, 1992, and entered into force for the United States on January 14, 1998, and May 24, 2002, respectively.

In Article 16 of the Protocol, the Parties undertook to elaborate, in one or more Annexes, rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by the Protocol. Annex VI sets forth rules and procedures relating to liability arising from the failure of operators in the Antarctic to respond to environmental emergencies.

I believe Annex VI to be fully in the U.S. interest. Its provisions advance the U.S. goals of protecting the environment of Antarctica, establishing incentives for Antarctic operators to act responsibly, and providing for the reimbursement of costs incurred by the United States Government when it responds to environmental emergencies caused by others.

As the report of the Department of State explains, Annex VI will require implementing legislation, which will be submitted separately to the Congress for its consideration.

I recommend that the Senate give early and favorable consideration to Annex VI and give its advice and consent to ratification.

BARACK OBAMA

THE WHITE HOUSE, *April 2, 2009.*

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

AUTHORITY TO FILE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding an adjournment of the Senate, the Senate committees may file reported legislation and executive calendar business on Thursday, April 16, from 10 a.m. to 12 noon.

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

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

Mr. REID. I ask unanimous consent the Senate proceed to H. Con. Res. 93.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 93) providing for conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate.

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

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

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

The concurrent resolution (H. Con. Res. 93) was agreed to, as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, April 2, 2009, through Saturday, April 4, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 21, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 2, 2009, through Sunday, April 5, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 20, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 28, S. 386. With it, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 28, S. 386, the Fraud Enforcement and Recovery Act of 2009.

Harry Reid, Patrick J. Leahy, Edward E. Kaufman, Jeff Bingaman, John D. Rockefeller, IV, Jon Tester, Bernard Sanders, Charles E. Schumer, Jack Reed, Sheldon Whitehouse, Benjamin L. Cardin, Ron Wyden, Dianne Feinstein, Patty Murray, John F. Kerry, Amy Klobuchar, Debbie Stabenow.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDERS FOR MONDAY, APRIL 20, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, April 20, under the provisions of H. Con. Res. 93; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to Calendar No. 28, S. 386, the Fraud Enforcement and Recovery Act of 2009.

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

PROGRAM

Mr. REID. Mr. President, under the previous order, there will be a series of up to four rollcall votes beginning at 5:30 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY, APRIL 20, 2009, AT 2 P.M.

Mr. REID. 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 12:42 a.m., adjourned until Monday, April 20, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDRE M. DAVIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

GERARD E. LYNCH, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE CHESTER J. STRAUB, RETIRED.

IN THE NAVY

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

To be rear admiral (lower half)

CAPT. RON J. MACLAREN

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

To be rear admiral (lower half)

CAPT. ROBIN L. GRAF

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

To be rear admiral (lower half)

CAPT. DAVID G. RUSSELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPTAIN DOUGLAS J. ASBJORNSEN
CAPTAIN CHARLES K. CARODINE
CAPTAIN ANATOLIO B. CRUZ III
CAPTAIN JOHN E. JOLLIFFE
CAPTAIN ROBERT J. KAMENSKY

DEPARTMENT OF AGRICULTURE

KRYSTA HARDEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE LINDA AVERY STRACHAN, RESIGNED.

DEPARTMENT OF DEFENSE

JO-ELLEN DARCY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE JOHN PAUL WOODLEY, JR.

DEPARTMENT OF ENERGY

SCOTT BLAKE HARRIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE DAVID R. HILL, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

TIMOTHY W. MANNING, OF NEW MEXICO, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE DENNIS R. SCHRADER.

DEPARTMENT OF VETERANS AFFAIRS

JOHN U. SEPULVEDA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES), VICE MICHAEL W. HAGER.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

GREGORY D. LOOSE, OF VIRGINIA
DOROTHY L. LUTTER, OF THE DISTRICT OF COLUMBIA
WILLIAM M. ZARIT, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

BRIAN C. BRISSON, OF FLORIDA
MICHAEL L. MCGEE, OF ALABAMA
DONALD G. NAY, OF FLORIDA
GREGORY M. WONG, OF HAWAII

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

LASZLO F. SAGI, OF VIRGINIA
DAVID A. THOMANEK, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

STEVEN BRADLEY BENNETT, JR., OF VIRGINIA
ANDY D. NGUYEN, OF VIRGINIA
FATMA A. ROSE, OF ARIZONA

DEPARTMENT OF COMMERCE

JOHN F. CORONADO, OF CALIFORNIA
JAMES S. CRAMER, OF THE DISTRICT OF COLUMBIA
ROBERT W. DUNN, OF VIRGINIA
BRENT E. OMDAHL, OF TEXAS

DEPARTMENT OF STATE

ALFREDO DAVID BARELA, OF TEXAS
JEHAN SADIA JONES, OF THE DISTRICT OF COLUMBIA
CATHERINE HENDERSON SCHWEITZER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

GREGORY HARRIS, OF WASHINGTON
AARON M. HELD, OF CALIFORNIA
FRANKLIN D. JOSEPH, OF THE DISTRICT OF COLUMBIA
DAO M. LE, OF CALIFORNIA
DINAH M. MCDOUGALL, OF TEXAS
MARK C. O'GRADY, OF MARYLAND
JANEE PIERRE-LOUIS, OF FLORIDA
ELIZABETH M. SHIEH, OF NEW YORK
WILLIAM P. THORN, JR., OF PENNSYLVANIA

DEPARTMENT OF STATE

AMY MARIE MOSER, OF MISSOURI
SADIE MARIE OKOKO, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

BRIAN W. CARR, OF VIRGINIA
LAWRENCE D. CORNMAN, OF MARYLAND

DEPARTMENT OF STATE

KATHRINE L. ALDERMAN, OF VIRGINIA
BOOYEON LEE ALLEN, OF CALIFORNIA
CLAY C. ALLEN, OF MASSACHUSETTS
SHANE MICHAEL ANDERSEN, OF VIRGINIA
BEATA ANGELICA, OF VIRGINIA
LA JUNE L. BARNES, OF NEW YORK
NICHOLAS G. BARNETT, OF NEW YORK
CHRISTINA I.M. BISHOP, OF VIRGINIA
JOSEPH E. BURZYNSKI, OF THE DISTRICT OF COLUMBIA
DANIEL J. CARL, OF COLORADO
ALBERT RAY CEA HENRIQUEZ, OF TEXAS
FREDERICK CHARLES, OF VIRGINIA
JOHN PAUL CHARLES, OF WASHINGTON
DONALD K. CODDING, OF OKLAHOMA
SYDNEY A. CODDING, OF OKLAHOMA
ROBERT PATRICK CONTRERAS, OF MISSOURI
CRAIGORY D. CRANK, OF MARYLAND
ERIC T. CUYLER, OF NEBRASKA
PHILLIP NELSON DE ASSIS, OF THE DISTRICT OF COLUMBIA
BROOKE HEILNER DEAN, OF MARYLAND
ANTHONY J. DIAZ, OF KENTUCKY
RYAN T. DRISCOLL, OF VIRGINIA
EDMUND FLEETWOOD DUNSTAN III, OF MARYLAND
KARYN MALIA CHOQUETTE ELIOT, OF VIRGINIA
ANDREW L. ELLIS, OF VIRGINIA
TIMOTHY F. FARRELL, OF VIRGINIA
MARISA FERGUSON, OF VIRGINIA
JOSE M. GARZA, JR., OF VIRGINIA
NOAH J. GEESAMAN, OF VIRGINIA
JENNIFER H. GIBBS, OF VIRGINIA
KIMBERLY K. GIUSTI, OF OREGON
PALOMA H. GONZÁLEZ, OF CALIFORNIA
JACOB DANIEL GRANNELL, OF THE DISTRICT OF COLUMBIA
KERRY J. GROOME, OF MARYLAND
RYAN N. GUIRLINGER, OF VIRGINIA
PRISCILLA GUZMAN, OF TEXAS
CHANSONETTE HALL, OF PENNSYLVANIA
GARTH HALL, OF THE DISTRICT OF COLUMBIA
LAURA J. HAMMOND, OF MINNESOTA
SEAN M. HANIFEN, OF VIRGINIA
NICHOLAS HARRIS, OF VIRGINIA
VIRGINIA HARRIS, OF NEW YORK
APRIL M. HAYNE, OF OHIO
CHERYL A. HIPP, OF CALIFORNIA
RYNA HOK, OF VIRGINIA
KERRY F.A. HYRE, OF NEW YORK
TIFFANY L. JACKSON, OF FLORIDA
CHRISTOPHER C. JENSEN, OF VIRGINIA
VISHAL JINDAL, OF VIRGINIA
KENNETH J. KANN, OF MARYLAND
SONIA JUNG KIM, OF GEORGIA
RICHARD CHARLES KOLKER, OF VIRGINIA
STEPHAN G. LANGLEY, OF WASHINGTON
JOHN B. LAVIN, OF MARYLAND
MICHAEL E. LEE, OF VIRGINIA
THOMAS J. LEIBY, OF PENNSYLVANIA
WENDY ANN LIGON, OF VIRGINIA
BRIDGET MARY LINES, OF TEXAS
LOREN C. LOCKE, OF GEORGIA
RYAN J. LONG, OF WASHINGTON
JAMES MICHAEL LOWELL, OF TENNESSEE
MUNIR DAWAN MADYUN, OF GEORGIA
SARA V. MARTÍ, OF FLORIDA
ANNA ARAMBULO MARTZ, OF TEXAS
JOEL SUNIL MATHEN, OF VIRGINIA
WESLEY S. MATHEWS, OF TEXAS
TRISHITA MAULA, OF NEW YORK
JAMES PATRICK MCCORMICK, OF OREGON
CHRISTOPHER H. MCHONE, OF TEXAS
ROLAND DAVID MCKAY, OF MICHIGAN
MARY KATHLEEN MCKNIGHT, OF TENNESSEE
DOERING S. MEYER, OF MINNESOTA
MORGAN DANIEL MILES, OF WASHINGTON
AARON TYRELL MITCHELL, OF MARYLAND
DOUG MORROW, OF ILLINOIS
KATHRINE M. MORTENSEN, OF NEW YORK
STEVEN MARK MOUTON, OF VIRGINIA
NATALYA A. NIKIFOROVA-SMITH, OF FLORIDA
CAROLINE CASEY NOHR, OF CALIFORNIA
FREDERICK NICHOLAS NOYES, OF TEXAS
ILENA C. PATTI, OF VIRGINIA
KARLEE MARIE PAYNE, OF VIRGINIA
CHRIS F. PIERSON, OF CONNECTICUT
SUSAN QUINTANA, OF TEXAS
ERIN ALEXIS RATTAZZI, OF CALIFORNIA
SUNIL KUMAR RAVI, OF ARIZONA
STEPHANIE LAUREN REED, OF VIRGINIA
MARK V. REEDY, OF GEORGIA
NICHOLAS B. REID, OF FLORIDA
RÉGINE RENÉ, OF LOUISIANA
ANGELICA RODAS-HUGHES, OF VIRGINIA
THOMAS S. ROOKER, OF VIRGINIA
ALISON E. ROWLES, OF MARYLAND
CHUNNONG SAEGER, OF MARYLAND
MARYUM FATIMA SAIFEE, OF TEXAS
FELIX J. SALAZAR, OF MARYLAND
JANICE T. SCHILL, OF CALIFORNIA
PHILIP SCOT SCHWADA, OF VIRGINIA
BEHRANG FARIAN SERAJ, OF CALIFORNIA
ANDREW MICHAEL SHERNUK, OF VIRGINIA
ARATI SHROFF, OF ILLINOIS
ALEXANDREA R. SHYBUT, OF VIRGINIA
CLAIRE ELIZABETH SMOLIK, OF CALIFORNIA
LAURENCE J. SOCHA, OF ILLINOIS
NITZA SOLÁ-ROTGER, OF THE DISTRICT OF COLUMBIA
CORY RAJA STELLING, OF VIRGINIA
MASAMI TANAKA, OF ILLINOIS
MEGAN J. TETRICK, OF INDIANA

SYGA THOMAS, OF CALIFORNIA
ROBBIE J. THOMPSON, OF MARYLAND
WOLFGANG TOLLE, OF VIRGINIA
DIANE K. TOMION, OF VIRGINIA
KEISHA N. TOMS, OF NEW YORK
WILLIAM RANDALL TORRANCE, OF TEXAS
CATHERINE TRUONG, OF ILLINOIS
JUSTIN W. TULL, OF CALIFORNIA
PENNY L. VASQUEZ, OF VIRGINIA
YAYOI VICKOVIC, OF VIRGINIA
BENJAMIN WALLACE, OF THE DISTRICT OF COLUMBIA
BRIANNE A. WATTS, OF VIRGINIA
OTTO HAAVERSEN WESTHASSEL, OF NEVADA
ERIC S. WEXLER, OF VIRGINIA
C. LOGAN WHEELER, OF TENNESSEE
AMANDA FAITH WHITESELL, OF VIRGINIA
HEATHER A. WIGGINS, OF VIRGINIA
DAVID WISNER, OF NEW YORK
HEATHER NICOLE WRIGHT, OF MARYLAND
CHRISTIAN S. YUN, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR:

DANIEL E. HARRIS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN M. KOWALSKI, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

DAVID LEISHMAN, OF WYOMING
ELIZABETH MELLO, OF CALIFORNIA
JEFFREY V. NAWN, OF OHIO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALLYSON MCCOLLUM ALGEO, OF TENNESSEE
MARA SUNSHINE ANDERSEN, OF COLORADO
ANDREA APPELL, OF CALIFORNIA
SELIM ARITÜRK, OF THE DISTRICT OF COLUMBIA
DAVID P. ARULANANTHAM, OF CALIFORNIA
NATASHA MICHELLE BASLEY, OF CALIFORNIA
LEE ANDREW BELLAND, OF WASHINGTON
ONI KAY BLAIR, OF TEXAS
DAVID J. BOUMAN, OF WASHINGTON
KATHERINE A. CARO, OF FLORIDA
DONALD LEROY CARROLL, OF IDAHO
MARCUS EVAN LAWRENCE CARY, OF WASHINGTON
DELARAM MOKHTAR CAVEY, OF VIRGINIA
ANN MARIE CHIAPPETTA, OF CALIFORNIA
JASON CHUE, OF NEW YORK
CECELIA MASON COLEMAN, OF TEXAS
STEVEN M. CONLON, OF FLORIDA
WAYNE H. CRAWFORD, OF COLORADO
RICHARD D. DAMSTRA, OF MICHIGAN
CHRISTIAN DEITCH, OF ILLINOIS
SARA ELIZABETH DEVLIN, OF VIRGINIA
CAROLINE GRACE DOW, OF PENNSYLVANIA
ALLEN DUBOSE, OF FLORIDA
MATTHEW JOHN EASTER, OF NEW YORK
GINA BETH EL KOURY, OF NEW JERSEY
GUNTHER T. FEHR, OF NORTH CAROLINA
EMILY M. FLECKNER, OF NEW YORK
MELINDA J. FOUNTAIN, OF INDIANA
ELAINE M. FRENCH, OF NEW YORK
NORMAN GALIMBA, OF TEXAS
DAVID HARDT GAMBLE, JR., OF VIRGINIA
ADELLE FAY GILLEN, OF WASHINGTON
TIMOTHY JOHN GILLEN, OF WASHINGTON
SUZANNE GORDON GRANTHAM, OF FLORIDA
LAWRENCE GRIPPO, OF NEW JERSEY
CHRISTOPHER G. GROSSMAN, OF OKLAHOMA
KATHLEEN MARIE GUERRA, OF WASHINGTON
JASON HEUNG, OF VIRGINIA
DEREK WILLIAM HOFFMANN, OF INDIANA
JAMES E. HOGAN, OF FLORIDA
PHUONG THAO THANH HONG, OF WASHINGTON
YUEN-HAO HUANG, OF CALIFORNIA
TIMOTHY RAY JOHNSON, OF VIRGINIA
MATTHEW KEENER, OF CALIFORNIA
SHARON S. KETCHUM, OF ARIZONA
LUBNA KHAN, OF WYOMING
ANN MOONJU KIM, OF CALIFORNIA
KATHRYN ANN KISER, OF FLORIDA
ELIZABETH VIRGINIA KUHSE, OF CONNECTICUT
BENJAMIN AARON LE ROY, OF CALIFORNIA
SHELBIE CHANDELLE LEGG, OF FLORIDA
GLENN K. LEWIS, OF VIRGINIA
JORGE E. LIZARRALDE, OF TEXAS
JEREMY W. LONG, OF CALIFORNIA
DANIEL EDWARD MANGIS, OF TEXAS
SHAILA B. MANYAM, OF FLORIDA
JAMIE MARTIN, OF RHODE ISLAND
DONALD G. MAYNARD II, OF VIRGINIA
JESSICA MEGILL, OF CALIFORNIA
MAUREEN YVONNE MIMNAUGH, OF CALIFORNIA
TODD K. MIYAHIRA, OF VIRGINIA
MOHAMMED MOTIWALA, OF CALIFORNIA
BRADLEY JON NIEMANN, OF CALIFORNIA
VICTORIA STURDIVANT O'CONNELL, OF VIRGINIA
LIAM J. O'FLANAGAN, OF NEW YORK
MICHELLE YVETTE OUTLAW, OF ARIZONA
ERIN PELTON, OF MINNESOTA
CHRISTA MARIE PEROZO, OF WISCONSIN
MARK DAVID PERRY, OF VIRGINIA
ZEBA REYAZUDDIN, OF CALIFORNIA
CORRIE HEPBURN ROBB, OF CALIFORNIA
NINA J. ROBINSON, OF CALIFORNIA
RANDALL ARTHUR ROBINSON, OF FLORIDA
MELANIE B. RUBENSTEIN, OF OHIO
RYAN J. RUSSELL, OF VIRGINIA
CHARLES R. SELLERS, OF TEXAS
HEATHER STEIL, OF CALIFORNIA
WILLIAM H. SYLL, OF LOUISIANA
JOSEPH R. TRUESDALE IV, OF NEW HAMPSHIRE
JASON HOWARD ULLNER, OF FLORIDA
ROGER CROIX WEBB, OF MISSOURI
PHILIP DOUGLAS WILSON, OF TEXAS
CHAD LEE WILTON, OF ALASKA
ELISABETH F. ZENTOS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

DAVID E. AVERNE, OF THE DISTRICT OF COLUMBIA
JOHN P. FAY, OF VIRGINIA
HENLEY K. JONES, OF FLORIDA
KATJA S. KRAVETSKY, OF VIRGINIA
NANCY E. LUTHER, OF THE DISTRICT OF COLUMBIA
PAUL A. TAYLOR, OF COLORADO

DEPARTMENT OF STATE

PATRICK KIMBALL ARMSTRONG, OF VIRGINIA
CHAD ASHLEY, OF VIRGINIA
AARON M. ATKIN, OF VIRGINIA
AKASH BAHL, OF CALIFORNIA
GRAHAM GLYN BARKER, OF FLORIDA
WILLIAM D. BARRY, OF CALIFORNIA
JEFFREY KIRK BENGTZEN, OF VIRGINIA
CARINA BERNAL, OF TEXAS
LINDA BLOUNT, OF VIRGINIA
KATHERINE LYNN BOESDORFER, OF VIRGINIA
ANDREW J. BRADEN, OF THE DISTRICT OF COLUMBIA
KELLY BUSBY, OF VIRGINIA
JONATHAN S. BUTRY, OF VIRGINIA
KAREN CAHILL, OF VIRGINIA
ALYSIA CAMEL, OF VIRGINIA
OLGA TERESA CARDENAS, OF VIRGINIA
JANE CARTER, OF CALIFORNIA
JORDANA CHAVIN, OF CALIFORNIA
CHERYL CIOCCI, OF VIRGINIA
SARAH CLYMER, OF MINNESOTA
CHIE N. COLE, OF VIRGINIA
SHAYNA COLLEEN CRAM, OF TEXAS
CHANDA M. CREASY, OF THE DISTRICT OF COLUMBIA
PETER JAMES DAVIS, OF VIRGINIA
AUDREY C. DAVISTER, OF VIRGINIA
CHRISTIAAN E.N. DE LUIGI, OF VIRGINIA
BARBARA R. DOENGES, OF OHIO
KENNETH C. DOLL II, OF VIRGINIA
DAWN M. DOWLING, OF VIRGINIA
KATHLEEN ETTER, OF VIRGINIA
STEPHANIE FAIN, OF TEXAS
JENNIFER M. FOLTZ, OF MICHIGAN
RUTH H. GALLANT, OF CALIFORNIA
ANDREW GALLIKER, OF VIRGINIA
ELIAS T. GATES, OF VIRGINIA
BRYON GILBERT, OF MARYLAND
WILLIAM J. GRALEY, OF VIRGINIA
ERIN TERESA GREENWELL, OF THE DISTRICT OF COLUMBIA
ASHLEY COLLEEN GROUNDS, OF VIRGINIA
VINCENT J. GUINEE III, OF VIRGINIA
STEPHANIE MARIE HACKENBURG, OF PENNSYLVANIA
KENNETH THEODORE HARMS, OF VIRGINIA
NICHOLAS RYAN HARROD, OF THE DISTRICT OF COLUMBIA
ROBIN A. HARTSELL, OF ILLINOIS
PATRICK B. HARWOOD, OF VIRGINIA
BRIAN R. HOKE, OF VIRGINIA
BRADFORD HOPEWELL, OF VIRGINIA
MARY R. HOWELL, OF FLORIDA
ETHAN R. HYCHE, OF CALIFORNIA
CHRISTIAAN K. JAMES, OF TEXAS
REBECCA A. JANES, OF THE DISTRICT OF COLUMBIA
MARY KATHERINE JANTE, OF THE DISTRICT OF COLUMBIA
DANA M. JONES-SHEPPARD, OF VIRGINIA
CHESTER L. KELLEY, OF VIRGINIA
JULI S. KIM, OF TEXAS
KELLY S. KIM, OF VIRGINIA
AMANDA H. KING, OF VIRGINIA
NEIL R. KING, OF THE DISTRICT OF COLUMBIA
DAWN KIRSCHMAN, OF SOUTH DAKOTA
JONATHAN LOREN KOEHLER, OF ILLINOIS
DARREN LABONTE, OF MARYLAND
MARTIN L. LAHM III, OF NEW YORK
MATTHEW LANDIN, OF MARYLAND
SCOTT LANG, OF ILLINOIS
BRIAN D. LARSEN, OF ILLINOIS
LISA CHRISTINE LARSON, OF MINNESOTA
PHYLLIS K. LAVALLAIS, OF TEXAS
SEAN PATRICK LINDSTONE, OF THE DISTRICT OF COLUMBIA
MARISA LEIGH MACISAAC, OF MAINE
JEFFREY T. MAICKE, OF MARYLAND
MARK W. MAJOROS, OF VIRGINIA
SARAH V. MANAKER, OF VIRGINIA
JOSEPH R. MASIH, OF VIRGINIA
ALAN DANIEL MCCARTHY, JR., OF VIRGINIA
DANIEL LAWRENCE MICHAEL, OF VIRGINIA
CHIRAG MAYUR MISTRY, OF MARYLAND
NICHOLAS F. MUTO, OF MARYLAND
VICTORIA LEIGH NIBARGER, OF KANSAS
PAUL M. NICHOLS, OF CONNECTICUT
ERIN THERESE O'CONNOR, OF TEXAS
DOUGLAS H. OSTERTAG, OF CALIFORNIA
JEFFREY L. OTTO, OF NEW YORK
MARK SEBASTIAN PALERMO, OF THE DISTRICT OF COLUMBIA
JOYCE K. PARK, OF VIRGINIA
JOHN REED PAYNE, OF TEXAS
FRANCISCO PÉREZ, OF NEW MEXICO
KIMBERLY M. PEREZ, OF TEXAS
LAURA PERRY, OF VIRGINIA
SUSAN L. POHL, OF VIRGINIA
ERIK S. PUGNER, OF CALIFORNIA
REBECCA L. PYLE, OF PENNSYLVANIA
REBECCA CAROL RAMAN, OF TENNESSEE
SCOTT E. REESE, OF VIRGINIA
ALISON M. RESER, OF VIRGINIA
KEVIN RICH, OF VIRGINIA
MEGAN JOAN ROBERTS, OF VIRGINIA
NIKKI NOEL ROMERO, OF VIRGINIA
MICHAEL RUDDY, OF MASSACHUSETTS
JACOB J. SALAZAR, OF MICHIGAN
SUMMER H. SANFORD, OF VIRGINIA
SARA A. SCARBRO, OF VIRGINIA
SARAH K. SCHORES, OF THE DISTRICT OF COLUMBIA
LUKE AARON SCHTELE, OF UTAH
PAUL SCHUBERT, OF MARYLAND
CHARLES F. SETEN, OF ILLINOIS
RICKIN D. SHAH, OF THE DISTRICT OF COLUMBIA
MARK C. SHEPPARD, OF VIRGINIA
ANNE SIPPEL, OF GEORGIA
JENNIFER T. SIREGAR, OF FLORIDA
JON J. SKIBA, OF VIRGINIA
SARAH F. SKORUPSKI, OF THE DISTRICT OF COLUMBIA
DOMINIC SO, OF CALIFORNIA
BRENT SODERBORG, OF VIRGINIA
DANIELLE EVON THOMAS, OF VIRGINIA
SHAWN TIMBROOK, OF VIRGINIA
MINA TOUMAZATOS, OF VIRGINIA
VINCENT C. TRAVERSO, OF CALIFORNIA
LLOYD R. VAN LANDINGHAM, OF VIRGINIA
BEENA VARNAN, OF TEXAS
MATTHEW VARTHALAMIS, OF THE DISTRICT OF COLUMBIA
ERIK CHRISTOPHER WAHLSTROM, OF WASHINGTON
LAURA WANNER, OF VIRGINIA
ADAM C. WATSON, OF VIRGINIA
STEPHEN WEEKS, OF FLORIDA
MATTHEW LAWRENCE WEILL, OF THE DISTRICT OF COLUMBIA
BRIAN D. WHELAN, OF VIRGINIA
LUCY AVENT WICHLACZ, OF VIRGINIA
JOSHUA B. WILCOX, OF VIRGINIA
DALE P. WURMLINGER, OF VIRGINIA
JEREMY TERRILL YOUNG, OF VIRGINIA

DISCHARGED NOMINATIONS

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

JAMES W. MILLER, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF AGRICULTURE.

JOE LEONARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, April 2, 2009:

INTERNATIONAL BANKS

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEPARTMENT OF STATE

RICHARD RAHUL VERMA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).

ESTHER BRIMMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS).

ROSE EILENE GOTTEMOELLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE).

KARL WINFRID EIKENBERRY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

MELANNE VERVEER, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR AT LARGE FOR WOMEN'S GLOBAL ISSUES.

DEPARTMENT OF DEFENSE

JAMES N. MILLER, JR., OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

ALEXANDER VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF HOMELAND SECURITY

JANE HOLL LUTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

OFFICE OF PERSONNEL MANAGEMENT

JOHN BERRY, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

SMALL BUSINESS ADMINISTRATION

KAREN GORDON MILLS, OF MAINE, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

DEPARTMENT OF VETERANS AFFAIRS

W. SCOTT GOULD, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

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

DEPARTMENT OF AGRICULTURE

JAMES W. MILLER, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF AGRICULTURE.

JOE LEONARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

IN THE AIR FORCE

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

To be lieutenant general

MAJ. GEN. MICHAEL C. GOULD

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

To be brigadier general

COL. DEBRA A. SCULLARY

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

To be major general

BRIGADIER GENERAL ROGER A. BINDER
BRIGADIER GENERAL DAVID L. COMMONS
BRIGADIER GENERAL ANITA R. GALLENTINE
BRIGADIER GENERAL CARL M. SKINNER
BRIGADIER GENERAL HOWARD N. THOMPSON
BRIGADIER GENERAL PAUL M. VAN SICKLE

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

To be brigadier general

COLONEL WILLIAM B. BINGER
COLONEL CATHERINE A. CHILTON
COLONEL JAMES A. FIRTH
COLONEL ROBERT M. HAIRE
COLONEL STAYCE D. HARRIS
COLONEL THOMAS P. HARWOOD III
COLONEL MARYANNE MILLER
COLONEL PAMELA K. MILLIGAN
COLONEL ROBERT K. MILLMANN, JR.
COLONEL JAMES J. MUSCATELL, JR.
COLONEL DENNIS P. PLOYER
COLONEL KEVIN E. POTTINGER
COLONEL DEREK P. RYDHOLM
COLONEL GEORGE F. WILLIAMS

IN THE ARMY

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

To be major general

BRIG. GEN. VINCENT K. BROOKS

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

To be major general

BRIG. GEN. JAMES K. GILMAN
BRIG. GEN. PHILIP VOLPE

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

To be brigadier general

COL. WILLIAM B. GAMBLE
COL. RICHARD W. THOMAS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL W. BRIER
COL. FRANS J. COETZEE

IN THE AIR FORCE

AIR FORCE NOMINATIONS OF KATHY L. FULLERTON, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH EMIL B. KABBAN AND ENDING WITH STEPHEN H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. ANDERSON AND ENDING WITH MARGARET M. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH MARK T. ALLISON AND ENDING WITH PHILIP T. WOLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH TINA M. BARBERMATTHEW AND ENDING WITH REGAN J. PATRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES J. BALDOCK IV AND ENDING WITH BRENDA L. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH LISA L. ADAMS AND ENDING WITH RICHARD J. ZAVADIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ARIEL O. ACEBAL AND ENDING WITH STEVEN M. ZUBOWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

AIR FORCE NOMINATION OF JONATHON V. LAMMERS, TO BE LIEUTENANT COLONEL .

AIR FORCE NOMINATIONS BEGINNING WITH GARY A. FOSKEY AND ENDING WITH CONNIE L.WARR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH BRYSON D. BORG AND ENDING WITH DEXTER W. LOVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH GEORGE B. GOSTING AND ENDING WITH JOSEPH S. PARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD D. BAKER AND ENDING WITH GREGORY B. YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY L. ANDRUS AND ENDING WITH ROSE M. WOJCIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH FEDERICO C. AQUINO, JR. AND ENDING WITH JUNKO YAMAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JOSELITA M. ABELEDA AND ENDING WITH GABRIEL ZIMMERER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS J. BAUER AND ENDING WITH STACEY E. ZAIKOSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH AMANDA J. ADAMS AND ENDING WITH DON L. ZUST, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH XAVIER A. NGUYEN AND ENDING WITH JENNIFER A. TAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN M. BEENE II AND ENDING WITH ELIZAEBTH N. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

AIR FORCE NOMINATION OF RYAN G. MCPHERSON, TO BE MAJOR.

AIR FORCE NOMINATION OF MARK J. IVEY, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER B. BENNETT AND ENDING WITH DAVID J. WESTERN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

IN THE ARMY

ARMY NOMINATION OF PETER C. GOULD, TO BE COLONEL.

ARMY NOMINATION OF GARRETT S. YEE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ROY L. BOURNE AND ENDING WITH STANLEY W. SHEFTALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

ARMY NOMINATION OF FRANK RODRIGUEZ, JR., TO BE COLONEL.

ARMY NOMINATION OF EDWARD E. TURSKI, TO BE COLONEL.

ARMY NOMINATION OF JOSEPH R. KRUPA, TO BE MAJOR.

ARMY NOMINATION OF KATHLEEN P. NAIMAN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JUAN G. ESTEVA AND ENDING WITH THOMAS E. STARR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT F. DONNELLY AND ENDING WITH ANGELICA REYES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH RICHARD H. DAHLMAN AND ENDING WITH DAVID A. STILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH JULIE S. AKIYAMA AND ENDING WITH ANDREW L. HAGEMASTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL L. NIPPERT AND ENDING WITH JOHN K. GOERTMILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH MARTIN L. BADEGIAN AND ENDING WITH MARK J. HODD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH DEBRA H. BURTON AND ENDING WITH LEE D. SCHNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH PAUL P. BRYANT AND ENDING WITH CHRISTOPHER R. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. ABBOTT AND ENDING WITH PATRICK J. WOOLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH VANESSA A. BERRY AND ENDING WITH SCOTT F. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH EFREN E. RECTO AND ENDING WITH WILLIAM A. WOLKSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH SUZANNE D. ADKINSON AND ENDING WITH BRANDON S. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

ARMY NOMINATIONS BEGINNING WITH THOMAS M. CARDEN, JR. AND ENDING WITH ANTHONY WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

ARMY NOMINATION OF LAURA K. LESTER, TO BE MAJOR.

ARMY NOMINATION OF BRIGITTE BELANGER, TO BE MAJOR.

ARMY NOMINATION OF MITZI A. RIVERA, TO BE MAJOR.

ARMY NOMINATION OF CATHERINE B. EVANS, TO BE MAJOR.

ARMY NOMINATION OF VICTOR G. KELLY, TO BE MAJOR.

ARMY NOMINATION OF RYAN T. CHOATE, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RAFAEL A. CABRERA AND ENDING WITH CARL J. TADAKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT A. BORCHERDING AND ENDING WITH MICHAEL C. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2009.

ARMY NOMINATION OF VICTOR J. TORRES-FERNANDEZ, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSEPH ANGERER AND ENDING WITH MATTHEW J. YANDURA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH TED R. BATES AND ENDING WITH PETER M. MENICUCCI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN M. DIAZ AND ENDING WITH LAVORE L. RICHMOND, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH LUISA SANTIAGO AND ENDING WITH YEVGENY S. VINDMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH RANDALL W. COWELL AND ENDING WITH DANIEL M. ZERBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

ARMY NOMINATIONS BEGINNING WITH ALBERT J. ADKINSON AND ENDING WITH WILLIAM E. WYNNS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID G. ANTONIK AND ENDING WITH STEVEN D. PETERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH KELLY P. ALEXANDER AND ENDING WITH ANTHONE R. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH DEREK M. ABBEY AND ENDING WITH ROBERT B. ZWAYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

MARINE CORPS NOMINATIONS BEGINNING WITH HARALD AAGAARD AND ENDING WITH MARK W. ZIPSIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

IN THE NAVY

NAVY NOMINATION OF SCOTT D. SHIVER, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH STEVEN A. KHALIL AND ENDING WITH DAVID B. ROSENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

NAVY NOMINATION OF MIGUEL GONZALEZ, TO BE CAPTAIN.

NAVY NOMINATION OF DAVID M. DROMSKY, TO BE COMMANDER.

NAVY NOMINATION OF JED R. ESPIRITU, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CHARLES C. ADKISON AND ENDING WITH TRICIA L. TEAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2009.

NAVY NOMINATIONS BEGINNING WITH GREGORY G. GALYO AND ENDING WITH OLIVER C. MINIMO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER G. CUNNINGHAM AND ENDING WITH CHRISTOPHER A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

NAVY NOMINATIONS BEGINNING WITH JANET L. JACKSON AND ENDING WITH TODD M. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.