The Senate met at 9:31 a.m. and was called to order by the Honorable Kirsten E. Gillibrand, a Senator from the State of New York.

**PRAYER**

The PRESIDING OFFICER. Today’s prayer will be offered by our guest Chaplain, Rabbi Shea Harlig, spiritual leader of Chabad of Southern Nevada.

The guest Chaplain offered the following prayer:

Almighty G-d, the Members of this prestigious body, the U.S. Senate, convene here in the spirit of one of the seven Noahide Laws which were set forth by You as an eternal universal code of ethics for all mankind: that every society be governed by just laws which shall be based in the recognition of You, O G-d, as the Sovereign Ruler of all peoples and all nations. We, the citizens of this blessed country, proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—“One Nation, under G-d, with liberty and justice for all.”

Grant us, Almighty G-d, that those assembled here today be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On this 25th day of June, 2009, which corresponds to the third day of the Hebrew month of Tammuz, we are 15 years—to the day—from the passing of our esteemed spiritual leader, the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of blessed memory, who consistently extolled the virtues of this great land as a “Nation of Kindness.”

I beseech You, Almighty G-d, to grant renewed strength and fortitude to all who protect, preserve, and help further these ideals so essential to the dignity of the human spirit. Please grant that our beloved Rebbe’s vision of a world of peace and tranquility—free of war, hatred, and strife—be realized speedily in our days.

G-d bless this hallowed body. G-d bless our troops who stand in defense of this great land. G-d bless the United States of America.

**PLEDGE OF ALLEGIANCE**

The Honorable Kirsten E. Gillibrand led the Pledge of Allegiance, as follows:

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

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kirsten E. Gillibrand, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
president pro tempore.

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

**RECOGNITION OF THE MAJORITY LEADER**

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

**WELCOMING RABBI HARLIG**

Mr. REID. Madam President, with the Senate Chaplain, Admiral Black, standing by, we all listened to a prayer from one of our Jewish brethren in Las Vegas, Rabbi Harlig. I am sure the Chaplain was pleased with the prayer. Those of us in attendance were pleased with the prayer. It was a meaningful, wonderful prayer for our Senate and the country. So I want to thank Rabbi Harlig and thank him for helping us open the Senate with the beautiful prayer he uttered.

Rabbi Harlig and his wife Dina breathed new life into the southern Nevada Jewish community when they opened a Chabad center in their living room in 1990. It has grown dramatically since then, and successfully grown, and there are now five such community centers in southern Nevada. The organization Rabbi Harlig founded has taught so many children and adults and has done so many mitzvot—or good deeds—for so many people.

As Rabbi Harlig mentioned in his invocation, today is significant for the Chabad community because it is the day of the passing of The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, one of the great Jewish leaders of our time.

So thank you, Rabbi Harlig, for joining us in the Senate today.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for up to 1 hour. Senators will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to resume debate on the nomination of Harold Koh to be Legal Adviser to the Department of State. We hope some of the post cloture debate time will be yielded back and we are able to vote on the nomination as early as possible. If we are unable to yield any time, the vote will occur at about 5:30 this evening.

*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.*
We are also working on an agreement to consider the Legislative Branch appropriations bill. Senators will be notified when votes are scheduled or agreements are reached.

MEASURE PLACED ON THE CALENDAR—S. 1344
Mr. REID. Madam President, it is my understanding that S. 1344 is at the desk and due for a second reading.

The acting President pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:
A bill (S. 1344) to temporarily protect the solvency of the Highway Trust Fund.

Mr. REID. Madam President, I object to any further proceedings with respect to this legislation at this time.

The acting President pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER
The acting President pro tempore. The Republican leader is recognized.

HEALTH CARE REFORM
Mr. MCCONNELL. Madam President, Americans are insisting that Members of Congress work together on reforms which make health care more affordable and accessible but which don’t force people off their current plans or add to an already staggering national debt. Yet the Democratic plan now being rushed through the Senate would do just the opposite. It would force millions of Americans off their health care plans and bury our Nation deeper and deeper in debt.

Democrats have repeatedly and incorrectly declared that under their plan Americans who like their current insurance will be able to keep it. This morning, I would like to explain why that is, unfortunately, not the case.

Just last week, the independent Congressional Budget Office said that the incomplete Democratic HELP Committee proposal would cause 10 million Americans who currently have employer-based insurance to lose that coverage. Let me repeat that. The CBO said that the HELP bill is the government plan Democrats say they want, and according to one study, 119 million Americans could lose their private coverage if a government plan is enacted.

Here is why this so-called government option would lead to Americans losing their plans and why it would soon become the only option.

First, a government-run plan would have unlimited access to taxpayer dollars and could operate at a loss indefinitely, which could force private insurers out of business. Private health plans simply wouldn’t be able to compete, and millions of Americans could be forced off their health plans whether they like it or not. At that point, people who would have to enroll in a government plan or any surviving private health care plan, if they could afford it. I say if they could afford it because another unintended consequence of creating a government plan is that it would cause millions to enroll in private health plans to skyrocket, leaving most Americans unable to afford them. They would simply be too expensive. Right now, government programs such as Medicare and Medicaid pay hospitals and doctors less than private insurers do, and hospitals and doctors then pass on the difference to private insurers. If a government plan was established, doctors and hospitals would shift more of their cost onto private health plans, making the plans even more expensive and making it even harder for them to compete with a government plan. In the end, only the wealthiest would be able to afford private health plans and the kind of care most Americans currently enjoy.

Some say safeguards could be put in place to create a level playing field. But the very nature of the government running a health insurance plan in the private market is the problem. Any safeguard could be eliminated, and one look at the government takeovers in the insurance and auto industries shows that when the government is involved, there is really no such thing as a fair playing field.

Let’s take a look at the auto industry. The government has given billions of dollars to the financing arms of Chrysler and GM, allowing them to offer interest rates that Ford, a major manufacturer in my State, and other private companies struggle to compete with. This means the only major U.S. automaker that did not take a bailout is at a big disadvantage as it struggles to compete with government-run auto companies. When Ford needed money, it had to raise it in the open market and pay an 8-percent interest rate. But GM could just call up the Treasury—just call up the Treasury—and have them wire over some taxpayer money. No company can compete with that.

So, contrary to their claims, if the Democratic plan is enacted, millions of Americans will lose the health insurance they have and that they like. Again, that is not what I say, it is what the Congressional Budget Office says, it is what independent analysts say, it is what America’s doctors say, and it is what President Obama now says.

The President now acknowledges that under a government plan, some people might be shifted off of their current insurance.

This isn’t the only Democratic claim about health care that is increasingly suspect. Democrats have also promised their health plan will be paid for and won’t add to the deficit. But the facts just don’t add up. Right now, just one section—one section—of the HELP bill would spend $1.3 trillion. It is not plausible that this won’t add to the deficit, which has already swelled by more than $1 trillion thanks to bailouts and the stimulus.

So when Democrats predict their health care plan won’t cause people to lose their current insurance and won’t add to the national debt, Americans are certainly right to be skeptical. They made the same kinds of predictions about the stimulus bill. They said the money wouldn’t be wasted. Yet we are already hearing about a $3.4 million turtle tunnel and $40,000 to pay the salary of someone whose job is to apply for more stimulus money. The administration also predicted that if we passed the stimulus, the unemployment rate wouldn’t rise above 8 percent. Now they say unemployment will likely rise to 10 percent.

Democrats, independent health care reform, but they do not want a so-called reform that takes away the care they have and stands in the way of their relationships with their doctors or that buries their children and grandchildren deeper and deeper in debt. I think we can do a lot better than that.

I yield the floor.

The acting President pro tempore. The majority leader.

HEALTH CARE REFORM
Mr. REID. Madam President, one-sixth of every dollar that is spent in America goes to health care today. If we do nothing about health care, by the year 2020 it will be 35 percent. Think about that. That is just 11 years from now. So it is obvious that crunching health care costs leave many families uninsured and underinsured and drive far too many into bankruptcy or foreclosure.

When we discuss our country’s health care crisis with our constituents next week when we go home for the July 4th break and when we debate it with our colleagues in this Chamber in the coming months, they will talk about how best to relieve that burden. There are a lot of good ideas, but one of the best ways to bring down the cost is by preventing disease and illness in the first place.

Prevention and wellness are based on a simple premise: The less you get sick today, the less you will have to pay tomorrow. Part of reforming health care means making it easier for Americans to make healthier choices and live healthier lives. We are far from that goal and need to do a better job of making that possible. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of all deaths in America. So doesn’t it make sense to stop them before they start? The obvious answer is yes.

It is not just a health issue, it is also an economic issue. Prevention isn’t
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free, but it is a lot cheaper to invest in health before it is too late. Unfortunately, that investment is peanuts right now. We spend only 4 cents out of every health care dollar toward preventing disease. That is far too little. Although we spend only 4 cents of every dollar toward preventing disease, we spend 75 cents of every health care dollar caring for people with chronic conditions. It's not enough just to treat and cure disease, we must also prevent disease and help people stay healthy. Reducing the number of us who suffer from chronic diseases will cut costs and help more Americans lead healthier and more productive lives. It is the same principle we bring to health care reform overall. Reform isn't free, but it is a lot cheaper to invest in our citizens' health, our country's health, and our economy's health before it is too late.

Everyone needs to listen, especially based on the Majority Leader's statement he just gave. We Democrats are committed to lowering the high cost of health care. We Democrats want to ensure every American has access to that quality, affordable care, and let people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care to the millions—including 9 million children—who have no health care. We are committed to reducing health disparities and encouraging prevention and treatment that saves lives. Just a small investment in prevention and wellness can make a big difference for American families. Reforming health care, doing so in the right way, and making health care affordable to all are competing in the world marketplace because of health care costs. We think of the auto industry in Detroit which has claimed that the legacy costs of health care have put them out of business, unable to compete even when car companies have created the United States and make cars here employing American workers.

So we on the Republican side, like our friends on the Democratic side, want health care reform this year. President Obama is going to tell the Senators who are working on the Kennedy bill which has been presented to us, it would add over $1 trillion to the debt, the national debt, $1 trillion to the debt.

Senator GREGG of New Hampshire, who is the ranking Republican on the Budget Committee, has pointed out that once the health care program envisioned in the Kennedy bill is up and going, that over a 10-year period, say years 5 through 14, it would be $2.3 trillion added to the debt, a debt that already has more new debt in the next 10 years, according to the Washington Post, than we spent in all of World War II in today's dollars.

People in Tennessee and across this country are saying: Whoa. Wait a minute. This is getting out of control. We need some limits. We know you have got a printing press there in Washington, DC, but our children and grandchildren and even we are going to pay the consequences if we do not have some limits on the amount of debt.

I would think the President would say to the Senators who are working on the Kennedy bill which has been presented to us, it would add over $1 trillion to the debt, the national debt, $1 trillion to the debt. Wait a minute, Senators, I said this needs to be something that pays for itself. We cannot add $2.3 trillion.

That is not all. We do not even have all the Kennedy bill. Some of the most important parts are yet to come. Some of the most expensive parts are yet to come. The assumptions that we are left to work with—because we hear them discussed—is that there will be a big expansion of the Medicaid Program that States help to operate and help to pay for, usually about 40 percent of the program's cost. We need to cap and put limits on the reimbursement rates that go to doctors and hospitals who participate in the Medicaid Program.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority in control of the second half, with time available to speak for up to 10 minutes each. The Senator from Nebraska is recognized.

Mr. JOHANNIS. I thank the Chair.

The remarks of Mr. JOHANNIS pertaining to the submission of S. Res. 206 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions." The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, how much time is remaining on Republican time?

The ACTING PRESIDENT pro tempore. There is 18 minutes remaining.

Mr. ALEXANDER. Thank you, Madam President. Will you please let me know when 4 minutes remain?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. ALEXANDER. Madam President, let me talk about a threat to the middle-class family's budget, and that is health insurance. How do we pay for health care? I do not have to explain to anyone who is watching this. I am reading these remarks that health care, for most Americans, is a cost that is difficult to afford.

It is difficult for most small businesses. We have many large businesses who are competing in the world marketplace because of health care costs. We think of the auto industry in Detroit which has claimed that the legacy costs of health care have put them out of business, unable to compete even when car companies have created the United States and make cars here employing American workers.

We need some limits. We know you to wait in line or deny treatment that you and your doctor think is needed.

So how does the Senate bill that we are working on stack up with the President's ideas that we should cover everybody, be able to pay for it, and allow people to keep their insurance? Well, I am very disappointed to report that, according to the Congressional Budget Office, which is the nonpartisan agency in the Congress—and the Congress, of course, is majority Democratic, by a large margin—has given us some very disturbing information about the bill we are working on in the HELP Committee. I am about to go in a few minutes to continue considering parts of the bill, since we only have a little bit of the bill that we are being asked to consider.

Here is what we know about cost: The Congressional Budget Office has said that in the first 10 years of the partial Kennedy bill which has been presented to us, it would add over $1 trillion to the debt, the national debt, $1 trillion to the debt. Madam President, I believe it is time to announce morning business.
What would that cost? Well, in the State of Tennessee, if we increase Medicaid eligibility to 150 percent of the poverty level, which sounds pretty good, that adds about $600 million to the State cost of Medicaid in Tennessee.

If we increase the Medicaid reimbursement rates, that adds another $600 million to the State costs of Medicaid. When the stimulus funding goes away after 2 years, which was sent to the States to help for Medicaid costs, that is another $600 million.

Now we throw so many dollars around up here that it is hard to say what is important. But to give you one idea of what would happen if a Senator went home to be Governor and had to manage a Medicaid Program that expanded that much and were faced with a $1.2, $1.5, $1.8 billion new State cost about 2015, where would he or she get that money? A 10-percent income tax in our State would raise about $1.2 or $1.3 billion. So the costs we are talking about adding to States are astronomical. Most States are having a difficult time even balancing their budgets this year. They are bankrupt—think of California—and add to that huge new Medicaid costs, as well as a Federal addition to the debt of $2 or $3 trillion. It is an unimaginable prospect and totally inconsistent with what President Obama said, who said very sternly to Congress 2 or 3 weeks ago: We need pay as we go. If we are going to spend a dollar, we need to save a dollar or we need to tax a dollar. So we would have to raise or save $2 or $3 trillion to pay for the Kennedy bill, as we know it, and if you live in a State that has increased Medicaid costs, you could have, depending upon what these provisions say, huge new State taxes to pay for it.

That bill gets an “F” on the first aspect of the President’s request, cost, and debt.

The second is that we cover the 47 million uninsured. Unfortunately, even though we add perhaps $2 to $3 trillion to that, and a lot of new State taxes, the bill we are considering in the Senate HELP Committee will only cover 16 million more people who are not now insured.

In other words, we would reduce the uninsured from 47 to 30 million. We would have 30 million people left even though we added $2 or $3 trillion to the Federal debt and a lot of new State taxes. I think that is a flunking grade as well.

Then what about allowing you to keep your insurance if you like it? Well, the Congressional Budget Office also had something to say about that. It said: If the Kennedy bill, as it is presently a non-starter, about $13.5 trillion people would go from private insurance that they now have to an existing or a new government-run health care plan.

You might do that because you choose to, or you might do that because your employer says: I think I will quit offering the insurance you now have.

So this does not seem to fit what the President is suggesting we do. With all respect, I know that there has been a lot of hard work done on this bill, but we need to stop and start over even to get close to the President’s own objectives.

Let’s take the 46 or 47 million uninsured Americans. We need to be realistic about what we are dealing with here. Some 11 million of those are non-citizens, and about half of those are illegally here. So we deal with those in two different ways: one-third of the uninsured, about 15 to 20 million, have incomes of over $75,000 a year. In other words, they could afford health insurance but do not have it. About 13 million are young and believe they are invincible and would only buy health insurance on their way to the hospital.

So the question is, do we raise costs for everybody else in a failed attempt to try to pass a “one size fits all” for all of those 46 million uninsured Americans, or do we try different ways of trying to entice them or require them to have an insurance policy, at least a catastrophic insurance policy, so we all are not paying $1,000 more in insurance so you cannot have insurance as an emergency room when you have a problem?

That is who the uninsured are.

Then let us think about the approach the Kennedy bill and other bills are making to the so-called government-run program. They are competing polls in newspapers, depending on how you ask the question. The New York Times, the other day, had a huge headline: Everybody likes the government-run health care program. But the Wall Street Journal and other polls that have presented questions in different ways said that by a 2-to-1 margin most people preferred a private insurance policy that they choose themselves, which is what 120 or 140 million Americans do.

Why do we need a government program? Let’s think about that. The President said: Well, we need to keep the insurance companies honest. That is a little bit like saying: We need a government drugstore to keep the drugstores honest, or we need a government car company—actually we have almost got one with GM—to keep the other auto companies honest, or a government anything. That is not the way this country is supposed to work. We are entrepreneurs in this country. We want limited Federal Government.

We ought to get out of the car and banking business and out of the insurance business and stop these Washington takeovers. Yet the most imposing feature of the health care proposals proposed by our Democratic friends is a big, new government-run program to keep everybody honest.

In other words, it is likely that under such a program under the proposals that Republicans have offered, I think we agree that whatever plan we have should require that everybody have a chance to be a part of it, that a preexisting condition you might have does not disqualify you, and that your rates need to be reasonable.

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. ALEXANDER. I thank the Chair. We agree on that. We think competition is what helps keep prices low. The President says you need a government-run program for competition. But that is like putting an elephant, the government, in a room with a lot of mice and saying: All right, fellows, compete. After a while, there would not be any mice left. Your only choice would be big government, because it has the power to lower prices and subsidize itself to make sure it succeeds.

What is wrong with that? Most Medicaid patients can tell you what is wrong with that. Some 40 percent of doctors restrict access to Medicaid patients. Why? Because reimbursement rates are so low. The government program is cheaper, but it does not allow you to get any health care. It is like giving you a bus ticket, but there is no bus to catch.

So if what we say to our in plans is to expand the Medicaid Program, at enormous cost to State taxpayers, and have big increases in the Federal debt, we will be dumping low-income Americans into government programs that exist, and new government programs we are sure to which they might not gain admission.

So we think we have better ideas. They are in the Wyden-Bennett bill, which is bipartisan. They are in the Burr-Coburn bill. They are in the legislation introduced by Senator Gregg of New Hampshire. They are in the legislation Senator HATCH and Senator CORNYN are working on.

We would like to give dollars to low-income Americans so they can choose to buy an insurance policy. We have the same kind of coverage that most of the rest of us can buy. We would rather give them choices in the private market, which is what, by far, most Americans have and choose today. We can do that without adding debt to the national debt. The Wyden-Bennett bill is scored at no extra debt. And we can do that in a way that reduces the number of uninsured more than the Kennedy bill does.

So, Madam President, with respect, I suggest we start over, we do it in a bipartisan way, that we take some suggestions actually from the Republican side, which has not been done at all. That is another thing the President said. He said he wanted a bipartisan bill. We have had a completely partisan bill in the Senate. We do not like that. We came here to be a part of solving this big problem. We have our ideas on the table. They are not being considered. Everyone is being polite to us, but it is We have the votes, we won the election. We will write the bill.

I am afraid America will not be better off, and the President’s goals will
not be met because we will have added $2 or $3 trillion to the Federal debt, have a big new tax for states and locally, stuff low-income people into government programs, and we will still have 30 million people uninsured.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tem. The Senator from Colorado.

Mr. BENNETT. Madam President, I rise to speak about the urgent need for health care reform. I wish to thank both the Finance and HELP Committees for the enormous amount of effort they are both putting into this monumental task.

When it comes to health care, if you talk to Coloradans, they will point you in the right direction. They want us to end double-digit premium increases in the middle class and small businesses. They want us to leave alone the parts of the system that are not broken. They want us to find a way to pay for these reforms now and not just pass on the cost to the next generation in the form of increased deficits and debt.

That is a tall order, but it is the right thing to do, and it makes common sense. We will be tempted throughout this process to settle for half-fixes and easier political victories that help a few people but do not deliver real reform for all families. We have to work hard across party lines and avoid these temptations.

Showing resolve means not giving in to the usual political posturing that has characterized the debate on health care for 30 years and has gotten us nowhere. Failure to act, real Americans will see the cost of maintaining a plan that covers just these two employees has been about $3,700 of their own annual income just on premiums, drug copays, and other out-of-pocket costs. The amount a family has to pay before health insurance coverage kicks in has gone up by over 30 percent in the last 2 years alone.

Even the amount all of us pay to cover the uninsured as a part of our health care premium—a hidden tax on every family in the country who has health insurance—has increased to over $1,000 a year. This hidden tax will increase by $14,000 in this next decade. Income growth will stay relatively stable.

Let’s look at the growth of health care costs in this same time. In the last decade, health care insurance to cover a family rose by $5,600, and now the cost of health insurance for a family will increase by $14,000 in this next decade. This rapid increase in growth is clearly unsustainable.

What you can see from this chart is that median family income in the United States, in real dollars—the increase—remains essentially flat over these decades. From 1996 to 2006, the growth was $11,300. From 2006 to 2016, we see $10,600. But look at the growth in median health care premium costs at the same time: $5,400 over the first period; $14,000 over the second period. It is clearly unsustainable.

We have just come out of a decade when median family income in the United States, in real dollars, actually declined by $3,000, and over the course of this same time, health care costs went up by 80 percent and the cost of higher education went up by 60 percent. These are not “nice to haves.” These are essential things if our middle class is to remain intact and we are to preserve the American dream for the next generation of Americans.

Our revenues as consumers have been far outstripped by the costs of that which is essential to all of us, and it is one of the reasons we find ourselves in the fiscal mess we are in. Because in order to finance that gap, we piled on credit card debt, we had home mortgage loans we could not afford—all to try to finance this gap. It is unsustainable. It has been a house of cards, and we are dealing with the consequences now.

Already, some Coloradans are seeing cutbacks on the benefits in their coverage and some are no longer able to afford coverage for their workers. Faced with these unchecked increases, health coverage becomes a luxury for few families and small businesses can afford. Many people are cutting back on other essentials, putting the doctor less frequently, even when they know they need care.

We must meet this economic challenge head on. The first goal is fixing health care. But we cannot forget the second goal. It is just as important: fiscal responsibility. A more efficient health care system can save taxpayers money in the long run.

A study from the White House Council of Economic Advisers shows that if we were to look at how much we will save by reforming our health care, economists have shown us our Federal deficit will decrease. By 2040, we would have saved enough money to reduce our Federal budget deficit by 6 percent from health care cost savings alone.

Just this point and a half would increase the income of the average family in this country by $2,600 in the next decade, growing our economy and improving our ability to get a handle on the deficit. Colorado families will use $2,600 to make purchases, put away for college tuition and retirement, and obtain new employment skills to improve their earning potential. Part of fiscal responsibility is empowering middle-class families. The current health care system is holding them back.

If nothing changes, employers will see a 10-percent increase in their health care costs next year. Businesses can afford. Many people are making tough decisions about what kind of benefits they can afford to offer and whether they can even offer health coverage at all.

Coloradoan Jean Butler is the clerk and treasurer for the small town of Blanca in Costilla County. The town has about 400 people and employs 6 people in its government. Two of those town employees, the town police officer and the head of maintenance—who oversees roads, water, and sewer—get health benefits provided with their employment.

The town pays the full premium for the two employees, though they do have to pay some out-of-pocket costs. The cost of maintaining a plan that covers just these two employees has become an increased burden on the small town. The coverage has been in place for about 10 years and has increased in cost almost every single year.
Jeannie said the town budgets for a significant increase every year, with the hope it has budgeted enough. In 2008, the increase was 25 percent; the year before, it was 15 percent—40 percent in 2 years. No other town expense required such a big-year-to-year increase. Most other costs budgeted to increase with the inflation rate.

The current plan with San Luis Valley HMO costs the town $804 a month and the employees $750 in out-of-pocket expenses. But that plan is no longer available. Jeannie knows that similar plans from other providers would increase the cost premium anywhere from 33 percent to 235 percent. Even with the smallest cost increase, the total annual cost to the town will be close to $12,000.

Jeannie said—Jeannie told me her official name is Jean but that I could call her Jeannie; and she said everybody else does—Jeannie said:

My [town] board now has to decide whether to accept the higher rates, reduce the coverage, require the employee to pay a much larger share of the premium, or try something else. It is not an easy decision.

Jeannie may have summed up the problem we face as well as anyone. She pointed out that:

They should call it sick care not health care because the insurance companies do not pay to keep anyone healthy.

Because Jeannie cannot find another plan, hard decisions are being made about her health care. Jeannie cannot continue down this path when we know health care costs are overwhelming businesses and working families.

Ann Brown and her husband Gordon run New Vista Image, a large-format digital design and printing company in Golden. The business has nine employees and provides health care benefits, covering 60 percent of each employee’s premium but not that of their dependents.

Ann said she is happy with the choices available in Colorado for different types of plans, and she believes in the employer-provided benefits model. She and her husband built in the cost of health care when they began their business because she knew it would help attract the best employees.

Ann said she understands how important a healthy workforce is and supports wellness programs, so employees can prevent major medical conditions. When she opens the envelope in, she knows the first question asked will be: Do you have a health care plan?

Nevertheless, the business has been forced to offer less and less coverage in order to keep premiums within its budget. Health care is one of the biggest ticket items they worry about. Ann said that in recent years, the percent cost increase over the previous year has been in the double digits. As a result, they have had to offer less coverage, with higher deductibles and more out-of-pocket costs.

The plan’s deductible has gone from $1,500 to $3,000, and Ann said it is likely the next step they will have to take is a $5,000 deductible. She knows how hard those out-of-pocket costs can be for employees to absorb. A few years ago, when an employee was facing a serious health condition, the business covered the deductible so the employee would not be saddled with the medical bills.

“I would do it again," Ann said, although she knows higher deductibles mean a less generous plan to offer to her employees and less of a competitive edge for the business overall.

Teresa Trujillo of Pueblo, CO, has employer-based coverage. For 7 years, Teresa saved up money to buy a home, and then learned she had breast cancer. After 14 months of treatment, the money ran out and Teresa had to take a loan out to finish paying for the rest of her treatment.

For Teresa, her health insurance coverage only took her so far. While she has been cancer-free for 4 years, she constantly worries that her cancer will come back, and with it, the huge financial strain it would bring. All she wants is health care she can count on.

These are people who have done everything right by the rules, looked out for their fellow employees and fellow citizens. Our health care system is failing them. People should not have to wait until they get sick to learn their health insurance will not cover the cost of their treatments. Families should not have to watch their loved ones go through sickness and also deal with the anxiety of paying for medical bills that are increasingly becoming completely unaffordable.

We know health care reform will not be easy. As the President has said, if it were easy, we would have done it a long time ago. But for these Coloradans—for their families and for their businesses—the system must change.

For our Nation’s long-term prosperity, the system must change. We cannot burden future generations with responsibility for the reform we need today. If we make the hard choices, we will create a better future, a better economy, and a better future for our children and our grandchildren.

I thank my colleagues for listening this morning.

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

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

The bill clerk proceeded to call the roll.

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

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

SOTOMAYOR NOMINATION

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Sotomayor to be an Associate Justice on the Supreme Court of the United States.

I have made it a practice to write to nominees in advance of the hearings in order to give advance notice to the nominee so that the nominee will be in a position to respond to questions raised without going back to read cases or consider views that might influence the proceeding. I commented to Judge Sotomayor, when she had the so-called courtesy call with me, that I would be doing that.

In a letter dated June 15, I wrote her and commented about it in a floor statement, discussing in some detail the qualifications of Judge Sotomayor for the Supreme Court.

To briefly recapitulate, I noted in my earlier floor statement on her excellent academic record and highest rankings in Princeton undergraduate and Yale Law School, her work as an assistant district attorney, her professional experience.

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The term “press” used in Richmond Newspapers would comprehend television in modern days. And certainly Justice Frankfurter’s use of the term “media” would comprehend television as well.

It is worth noting that Justices have frequently appeared on television. Chief Justice Roberts and Justice Stevens appeared on “Prime Time,” ABC TV. Justice Ruth Bader Ginsburg’s interview on CBS by Mike Wallace was televised. Justice Breyer participated in Fox News Sunday and a debate between Justice Scalia and Justice Breyer was filmed and available for viewing on the Web.

There is no doubt of the enormous public interest in what the Supreme Court does. When the case of Bush v. Gore was decided, the block surrounding the Supreme Court Chamber, just across the green from the Senate, was loaded with television trucks. Although the cameras could not get in side, Justice Stevens made it public concern. The decisions of the Court are on all of the cutting edge issues of the day. The Court decides executive power, congressional power, defendant’s rights, habeas corpus, Guantánamo, voting rights, affirmative action, abortion, and the list could go on and on.

In both the 109th and 110th Congresses, I introduced legislation calling for the Court to be televised. Twice it was reported favorably out of committee, but neither time did it reach the floor of the Senate. I intend to re-introduce the legislation and I intend to pursue it.

A number of Justices have commented about television. Justice Stevens said he favors televising the Supreme Court. He thinks, as he put it, “it is worth a try.” Justice Ruth Bader Ginsburg said she would support television and cameras as long as it was gavel to gavel. When Justice Alito was on the Third Circuit, he voted in favor of televising the proceedings, but had a reservation, saying that when he was on the Third Circuit, he voted in favor of televising the proceedings, but had a reservation, saying if confirmed, he would want to consult with his colleagues about it. Justice Kennedy has said that he thinks televising the Court is inevitable. Chief Justice Roberts left the question open.

There is an obvious sensitivity in the Court if a colleague strenuously objects. Justice Breyer has announced his retirement. Perhaps in the absence of that strenuous objection, it is a good time for the Court to reconsider the issue.

I intend to ask Judge Sotomayor in her confirmation hearing whether she agrees with Justice Stevens that televising the Supreme Court is worth a try, whether she agrees with Justice Breyer that televising judicial proceedings is a valuable teaching device, whether she agrees with Justice Kennedy that televising the Court is inevitable. She can shed some light on the issue, because her courtroom was part of a pilot program where it was televised. There was a program from 1991 through January 1993. A Judicial Conference evaluated a pilot program conducted in six Federal district courts and 2 Federal circuits, and they found:

- Overall, attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program.
- The Judicial Center also stated: Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.

I think that is a very solid step forth from some of the Justices who have expressed concern that the dynamics of the Court would be changed. With the ability to put a camera in a concealed position and the findings of the Judicial Center that is a solid argument in favor of going to gavel to gavel.

To repeat, I will continue to press the issue; and the confirmation proceedings of Judge Sotomayor will be a good opportunity to ask her about her experience when she presided over the trial under the pilot program, and to further develop the thesis that is, to stimulate some more public interest.

I commend to the attention of my colleagues the report of the Judiciary Committee on the legislation I had introduced in the 110th Congress. I cite Calendar No. 907, Senate Report 110–448 to accompany S. 344, “A Bill to Permit the Televising of Supreme Court Proceedings.” It is lengthy, but I think it has a good summary to supplement the remarks that I have made to acquaint members of the public with the issue and the importance of it.

SYRIAN AMBASSADOR

Mr. SPECTER. Madam President, I compliment the President for his decision to send an Ambassador back to Syria. I am a firm believer in dialog. I believe that even though we may have some substantial questions about Syria’s activities and Syria’s conduct, we ought to talk directly to those governments. I believe it is in the famous maxim that you make peace with your enemies and not your friends. The derivative of that would be to talk to people who may be adversaries—not that I necessarily put Syria in an adversarial position, and I certainly wouldn’t characterize them as an enemy. But the Ambassador was withdrawn 4 years ago as a protest to the assassinations of former Lebanese Prime Minister Rafik Hariri.

The Security Council of the United Nations adopted a resolution on April 7, 2005, to establish an independent international investigating commission to inquire into all aspects of the terrorist attack killing Prime Minister Hariri. That tribunal has faced considerable obstacles, but it is still in operation, and I think its report would be very important in making a determination as to who was responsible for the assassination of Prime Minister Hariri and possibly the Syrian officials were implicated in any way.

I do believe and have believed for a long time that Syria could be the key to advancing the peace process in the Mideast.

In connection with my duties as chairman of the Intelligence Committee in the 104th Congress and my work on the Foreign Operations Subcommittee of the Appropriations Committee during my tenure in the Senate, I have traveled extensively abroad and have concentrated on the situation in the Mideast. In connection with those travels, I have visited Syria 18 times and have studied the Syrian Government. I have gotten to know former Prime Minister Rabin was in charge of Israel. President Bashar al-Asad, Foreign Minister Walid Muallem, who for 10 years was Ambassador to the United States and now is Foreign Minister.

I have been my view that a dialog with Syria is very important. In December of 1988, I had my first meeting with Syrian President Hafez al-Asad, a meeting which lasted 4 hours 35 minutes. During the course of that meeting—President Hafez al-Asad was the Prime Minister at that time; I had long discussed virtually every problem of the world and every problem of the Mideast. It seemed to me from that meeting that President Asad was open to conversation. I have had many similar meetings with him. I was the only Member of Congress to attend his funeral in the summer of 2000. At that time, I met his successor, President Bashar al-Asad, and have gotten to know him, with meetings virtually every year in the intervening time.

There have been back-channel negotiations conducted through Turkish intervention between Israel and Syria, and I think dialog between the United States and Syria could promote future discussions between Syria and Israel. It would be my hope that the day would be sooner rather than later when Syria would be willing to talk to Israel directly. The Israeli officials, the Prime Ministers, have repeatedly stated their interest in direct contact with Syria. President Clinton has resisted but has undertaken conversations through back channels. President Clinton came very close to effectuating—or made a lot of progress toward an agreement is perhaps more accurate to say—in 1995 when Prime Minister Rabin was in charge of Israel. In the year 2000, again, there was substantial progress made by President Clinton on those efforts. The back-channel communications brokered by Turkey suggest the time is right for pursuing that kind of effort.

Only Israel can make a determination as to whether Israel wants to give up the Golan Heights, which is key to
having the peace talks proceed. But it is a very different world today in the era of rockets than it was in 1967 when Israel captured the Golan Heights. Syria, obviously, wants the Golan back as a matter of national pride.

Former Secretary of State Kissinger told me that he found President Hafez al-Assad to keep his word on the negotiations for the disengagement in 1974, so that, obviously, any arrangements would have to be very carefully negotiated under President Reagan’s famous summit of “trust but verify.”

It seems to me now is a good time to promote that dialog. The advantages would be if Lebanon could be stabilized. It is an ongoing question to the extent Syria is destabilizing Lebanon. The Syrian officials deny it. There is no doubt that Syria supports Hezbollah and Hamas, so that Israel could gain considerably if the weapons to Hamas were cut off and attacks from the south and Hezbollah were not a threat from the north.

The selection of an Ambassador is a very positive sign, a positive sign that Envoy former-Senator George Mitchell was visiting. I think this bodes well. The article I wrote in the Washington Quarterly some time ago sets forth in some greater detail my views on the issue of dialog.

I note my colleague has come to the floor, so I will conclude my statement and yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER TO THE DEPARTMENT OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Harold Hongju Koh of Connecticut, to be Legal Adviser of the Department of State.

The Senator from Missouri. Mr. BOND. Madam President, I rise today to express my strong opposition to the nomination of Mr. Harold Koh to be the Legal Adviser to the Department of State. My concerns with Mr. Koh arise primarily from his own statements, writings, and testimony before Congress. In my opinion, he seems more comfortable basing his legal conclusions on partisan political opinions and trendy arguments rather than the facts and the law. We do not need to see the “theorists” in government. We need more legal realists in government, someone who pays attention to the hard work we do in this body to pass laws. The Department of State and the country deserve better than that kind of advice.

Let me provide a few quick examples. On September 16, 2008, Mr. Koh testified before the Senate Judiciary Subcommittee on International, Foreign Operations, and Related Programs. His written testimony included the following statement:

A compliant Congress repeatedly blessed unsound executive policies by enacting constitutional ‘bananas’ on torture and cruel treatment and rubberstamping without serious hearings presidentially introduced legislation ranging from the PATRIOT Act to the Combat Terrorism Act of the most recent amendment of the Foreign Intelligence Surveillance Act.

In the same testimony, he argued that Congress should revisit the hastily enacted FISA Amendments Act with less emphasis on the issue of immunity for telephone and Internet service providers. He obviously was not paying attention.

Besides his undescending and inappropriate statements, I think his statements reflect a poor understanding of some of the most important pieces of national security legislation that have been passed since the September 11 terrorist attacks and passed on a bipartisan basis in both Houses of Congress.

As my colleagues may know, I was heavily involved in the legislative process surrounding the passage of the FISA Amendments Act. I can assure you that certainly was not the result of a congressional rubberstamp that was hastily approved. We began working on the first one, the Protect America Act, debated it, and passed it in the summer of 2007. When we came back in the fall, the Senate Intelligence Committee went to work on a bipartisan basis, and we worked for months to get a truly bipartisan bill that came out of the committee. That bill, we added many additional protections to American citizens to assure their rights would be protected, so the intelligence surveillanc, even if they were overseas. We added that. And we added further protections. That bill passed the Senate. It went to the House, and it was stalled for months.

In the spring of 2007, I sat down with the Republican whip and the Democratic whip in the House of Representatives—STENY HOYER of Maryland and Mr. ROY BLUNT of Missouri. We went through and took account of all of the provisions that were on both sides in the House of Representatives. We worked with lawyers from the Department of Justice, from the intelligence community, and lawyers for the majority staff in the House of Representatives. It took us several months. What we finally came up with was the legislation that overwhelmingly passed the House on a bipartisan basis and came back and passed the Senate on a bipartisan basis.

Another key aspect of the FISA Amendments Act was to ensure the intelligence community could continue to collect timely intelligence that could be used to prevent future terrorist attacks. Another key aspect of the legislation was the carrier liability provisions that were designed to end frivolous litigation against companies alleged to have responded to requests for assistance from the highest levels of government. I don’t know what the terrorists are, who the terrorists are, and where they are likely to strike. If we cannot say we are not going to have frivolous lawsuits against those who respond to lawful orders from the Federal Government, then we are not going to be able to have access to that information.

I am happy to report that earlier this month, the U.S. District Court for the Northern District of California, which had raised questions and entertained challenges to the carrier liability provisions and dismissed all but a few of the lawsuits involved in the multidistrict litigation. They found that, contrary to Mr. Koh, they were constitutional, and a well-reasoned opinion said they were right. A bipartisan majority in both Houses of Congress said they were right.

Let me be clear, the FISA Amendments Act was a necessary and important piece of national security legislation that is keeping us all safe. But despite the overwhelming bipartisan approval, apparently Mr. Koh does not see it that way. I urge my colleagues, even those who voted for cloture, to go back and think again, to see if legislation worked on for a year in this body on a bipartisan basis and passed by this and the other body should be dismissed as hastily approved.

In his book, he condemns the Democratic Party for playing a leading role in making the improvements to the FISA Act. And to the Republicans, he condemned everybody who worked on it. Apparently, decisions need to be made in the Department of Justice, not through the elected will of those of us who represent the people of America. I think his charges and his disregard of Congress warrant a hard look at him.

Another example of Mr. Koh’s partisan legal scholarship can be found in an article he wrote in the Indiana Law Journal, where he wrote:

We should resist the claim that a War on Terror permits the commander in chief’s power to be expanded into a warrant power to act in the absence of a warrant.

While that might appear to be a nice media sound bite in winning partisan plaudits, I think it is a bit premature to conclude that the United States illegally tortured detainees. We know the Department of Justice’s Office of Legal Counsel reviewed the proposed interrogation procedures on several occasions and found them to be lawful. We in the Senate Intelligence Committee are
conducted a review of those practices to make sure what was done complied with the law. Where American soldiers violated all standards—not only of law but of decency—and performed un-speakable acts on detainees at Abu Ghraib prison, they were rightfully punished and sent to prison, as they should have been. That is what we do even with our brave soldiers who step out of bounds.

Here is another clever sound bite from an article for the Berkeley Journal of International Law back in 2004, he wrote:

What role can transnational legal process play in affecting the behavior of several nations whose disobedience with international law has attracted global attention after September 11—most prominently, North Korea, Iraq, and our own country, the United States of America? For shorthand purposes, I will call these countries the “axis of disobedience.”

To my fellow colleagues, I ask: Do you accept the fact that the United States is part of an “axis of disobedience”? Do you really think fighting back against the terrorists who struck us on 9/11 was disobedience? Do you think we should have a Legal Adviser in the State Department who believes inter alia that what our country is doing is an axis of disobedience? Are you comfortable with those who work in the Federal Government.

The Legal Adviser for the State Department should be an advocate for the Nation not a detractor. If I remember correctly, after September 11, by a vote of 77 Members in the Senate, plus a majority in the House, we made the determination to go to war in Iraq to make sure we didn’t suffer further attacks. It was in compliance with a U.N. resolution. Oh, I say, by the way, that was a legal international resolution.

A lot of people will say Mr. Koh had a distinguished career in government service and legal academia. I am concerned he spent a little too much time in the ivory tower, and I wish he would return to that jurisdiction.

Given my previously stated concerns, I cannot vote in good conscience vote in favor of his nomination. I recognize that Mr. Koh may be head- ed for confirmation, but I would ask those who may have previously voted for cloture to go to this nomination and think about what he said about Congress, about the work we have done, and about what he has said about America. Are you comfortable having him as a Legal Adviser to the State Department after what he said about America’s role in the “axis of disobedience”? Are you comfortable with what he said about those of us who voted for the war resolution, about those of us who voted for the FISA Amendments Act? I certainly am not.

If he is confirmed, I would hope for and our country’s sake, if he re-turns to the State Department, his legal advice will be based on facts rather than political rhetoric.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

HONORING DENISE TEMPLE

Mr. KAUFMAN. Madam President, once again I rise to honor a Federal employee whose service to our Nation is exemplary. Before I do, I want to thank my distinguished colleague from Mississippi, Senator COCHRAN, for his June 11 statement about Federal employees. It is my great pleasure to join with him and other Senators to recognize the enormous contributions to the security and prosperity of our country by those who work in the Federal Government.

Madam President, last week, I shared the story of a Federal employee who spent his career working at the Red Cross. He helped to design and test the advanced missile systems used by our military to defend our ideals overseas. This week, I wish to share the story of a Federal employee who also works to advance our interests overseas—that of humanitarian good works. Both are vital to our global leadership.

I have spoken before about the groundbreaking medical research performed by Federal employees at the National Institutes of Health. The advances in medicine and biotechnology pioneered by those working at NIH keep America’s health care the most innovative in the world. Yet making breakthroughs and developing treatments are only a part of how the Federal Government is helping to promote global health. One of our foreign policy and humanitarian priorities is to expand access to new medications and health technologies among those who live in the developing world.

The hard-working men and women of the Centers for Disease Control and Prevention are at the forefront of initiatives to bring lifesaving medicines to those in greatest need. Foremost, the CDC monitors, prevents, and, if necessary, combats outbreaks of deadly diseases in the United States, such as West Nile and Swine Flu. Part of this effort is a push to eradicate some of the most dangerous viruses throughout the world. With the lens of Congress now focused on our health care system, so much has been said about its shortcomings. Yet for all the problems we face on this front, Americans are blessed with freedom from fear of diseases that afflicted previous generations.

When I was young, tens of thousands of children each year were stricken with polio. In the early part of the 20th century, polio outbreaks occurred in the United States with deadly frequency. Parents used to keep their children home and away from their peers. Many became paralyzed or had to make use of the iron lung. We have made progress, and President Franklin Roosevelt seated behind his desk in the Oval Office signing New Deal programs into law and overseeing a World War against the enemies of liberty. But at the same time, few Americans knew that behind that desk our President sat in a wheelchair, his legs paralyzed from his own battle with polio.

Today, in parts of Africa and South Asia, hundreds of children each year still develop polio. While children in developing nations routinely receive the Salk or Sabin vaccines, this is a luxury for rural villagers in places such as India, Nigeria, Afghanistan, and Somalia. The CDC has set a goal of vaccinating over a billion children worldwide. Under this charge over the past decade, Denise Johnson serves as the Acting Chief of the CDC’s Polio Eradication Branch.

Before she was recruited to direct the important project, Denise served for 6 years as the manager of the CDC’s Family and Intimate Partner Violence Prevention Program. In this role, she oversaw the promotion of nonviolent, respectful relationships through community and school change efforts around the time that Congress passed the Violence Against Women Act, which was one of the proudest achievements of my friend and predecessor, Vice President JOSEPH BIDEN, during his career in the Senate.

When asked why Denise was highly sought after to work on the polio project, one of her supervisors at the CDC said:

If you do a good job keeping women and children from being beaten, you can eradicate polio.

With Denise at the helm, the Polio Eradication Branch has been working in close concert with the World Health Organization and UNICEF to promote immunization. In her first few years alone, Denise and her team helped immunize over a half billion—let me repeat that, a half billion—children in 93 countries.

From her office in Atlanta, Denise oversees a staff of over 40 professionals working overseas. Her effective leadership has proven to be a key factor in the program’s success. Denise administers the purchase and distribution of over 200 million doses of the oral polio vaccine—bought for a mere 63 cents per dose—reach the vaccine hotspots around the world. In fact, Denise is in Kenya right now, taking the fight against polio straight to the front lines.

Twenty years ago, there were over 350,000 cases of polio in 125 countries. But today there are fewer than 2,000 cases. That is 350,000 cases down to 2,000 cases because of the diligent work
performed by Denise and the rest of her team at the CDC’s Polio Eradication Branch. It is only a matter of time before this disease no longer threatens our world’s children.

Madam President, Denise is just one of so many extraordinary employees who have dedicated their lives to serving the greater good. She and her team are truly engaged in what President Obama has called “repairing the world.” Their work saves lives and helps people to lead fuller lives. Let us give our Nation’s commitment to humanitarian leadership in the global community.

I hope my colleagues will join me in congratulating Denise Johnson and her team for their outstanding work, as well as the important contributions made by all of our excellent public servants.

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

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

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

The PRESIDENT PRO TEMPORE. Without objection, it is so ordered.

GROVES NOMINATION

Mr. CARPER. Madam President, in the Constitution, we see laid out before us a framework of how our government is supposed to work, with three branches—legislative, executive, judicial. We also find in the Constitution what our relative responsibilities are, not with great detail but with some definitiveness.

Ironically, one of the requirements the Constitution provides for us in this country is that every 10 years we try to count everybody. We have a census. Most nations do that. We have been doing that really for over 200 years. It does not get any easier. In fact, every 10 years it gets harder, and it also gets to be more expensive.

The Director of the Census does not serve a finite period of time. The Director of the Census really serves at the pleasure of the President, and we have had Census Directors who have served as little as 1 year and some Directors who have served maybe 4 or even 5 years.

This is particularly appropriate to speak about today because we do not have a Census Director or a Director of the Census. We had a Director down in Texas, who served for about the last year of the Bush administration as our Census Director. He did a very nice job. But at the beginning of this year, Dr. Murdock resigned. We do not have a Census Director. What we do have coming down the railroad tracks is the requirement to do the census.

Next April 1—I call it a little bit like D-day. At Normandy, we sent all of our troops ashore, and they scrambled off of those landing vessels. They stormed the beaches. They took place after literally months of planning, months of preparation, and finally the day of execution came.

In a way, the census is like preparing for the Normandy invasion. The efforts are underway now. They have been underway for months and will continue up to April 1 and beyond that day, as we try to count everybody. Yet, at this critical time, as we approach the need to conduct our census, to do it in an accurate, cost-effective way, we do not have a leader there. We have some good people, but they lack a Director.

Last month, in our hearings here on our Homeland Security and Governmental Affairs Subcommittee, and we invited people who had been high-level officials in, I think, every census since 1970—the 1970 census, the 1980 census, the 1990 census, and the 2000 census. We asked them to come in and talk to us about how they thought we were doing in terms of the preparation for the 2010 census. At the end of their testimony, I asked each of them to give to us on the record, a man or woman who they thought would be excellent Census Directors, and they were good enough to do that. I think every one of them included in their recommendations from Michigan—I am an Ohio State guy, but they recommended a fellow from Ann Arbor whose name is Dr. Robert Groves.

Dr. Groves is an expert in survey methodology. He has spent decades working to strengthen the Federal statistical system, to improve its staffing through training programs, and to keep the system committed to the highest scientific principles of accuracy and efficiency. Having once served as Associate Director of the Census Bureau a number of years ago, Dr. Groves knows how the agency operates and what its employees need to successfully implement the decennial census and other programs. He knows because he has been there. He is not just an academician—one of the most respected people in his field in the country—he actually helped run the Census Bureau at an earlier time. The committee staff has prepared him well to lead the Bureau at a time when rapid developments and changes are occurring.

As a manager, he elevated the University of Michigan’s Institute for Social Research to a premier survey research organization, respected throughout the country—actually, respected around the globe. Numerous Federal and State agencies and policymakers have sought his expertise in survey design. His work has received professional recognition through awards from various professional associations, including the 2001 American Association for Public Opinion Research Innovator Award and more recently the American Statistical Association Julius Shiskin Award for original and important contributions in the development of economic statistics. Ultimately, his deep expertise in survey response will help him understand the most important goal of the 2010 census, which is to encourage all people to respond to the census.

Dr. Groves will undoubtedly face a host of operational and management challenges as we move closer to the 2010 census. However, I remain confident he is well equipped—remarkably well equipped—to understand the agency, to lead his staff—he has led a large organization already; he served at a senior level at the Census Bureau before—and to also be a national spokesperson for the 2010 census and the agency’s other equally important ongoing survey programs. It is for these reasons that I hope the full Senate will support his nomination and move it quickly.

Let me just reiterate, we are now about 8 months away from when the first forms go out as part of the start of the 2010 census. The Bureau has already completed something we call address canvassing—an operation in which 140 million people on the ground nationwide were making sure the address lists we have to do the census are accurate.

Since the 2000 count, the population in this country is estimated to have increased by over 40 million people, with increased numbers of minorities and an increase in the number of languages spoken. Further complicating the 2010 decennial operations is the mismanagement and lack of preparation that occurred in past years, most notably in the failure of the field data collection automation contract, resulting in a last-minute decision to paper-based questionnaires, ultimately adding billions of dollars to the census budget. And it is only going to get harder the longer the Senate delays the confirmation process.

The reason we do not have a Census Bureau Director is not because we do not have a qualified candidate. It is not because our Subcommittee on Homeland Security and Governmental Affairs has not endorsed his candidacy. We have done so unanimously, and actually we have endorsed him with acclaim. We are just lucky, very fortunate in this country to have—at a time when we are about to try to meet our constitutional responsibility to count everybody accurately and in a cost-effective way—to actually have somebody with his gifts and his talents to bring to the job. What we do not have is the permission to bring his name up for a vote in the Senate. If we leave this chamber without it, we will not have the opportunity to vote up or down on the nomination of Dr. Groves, we will have made a very grave mistake.

I understand our Republican friends are uncomfortable, unhappy with the pace for the confirmation process for Judge Sotomayor, who has been nominated, as we know, to be an Associate Justice on the U.S. Supreme Court. I voted for Chief Justice John Roberts a couple of years ago. The timetable for approving his confirmation was almost the last-minute decision. At that time, he was nominated by former President Bush to the day we voted for him here, it was almost the same number of days we are...
talking about with respect to the Sotomayor nomination. The timetable on Justice Alto: almost the same from the day he was nominated by President Bush until the day we voted here in the Senate—at least a majority of our colleagues did—to confirm him. It was almost the same on the timeline for the confirmation of Judge Sotomayor that we provided for Justice Alto and Chief Justice Roberts. I, for the life of me, do not see how anybody could feel fair.

Just as I believe we are fortunate to have someone with Dr. Groves’ credentials to serve as our Census Director, I think we are lucky to have somebody with Judge Sotomayor’s credentials to serve on the Supreme Court. I have had the opportunity to meet with her. I know a number of my colleagues have too. I must say, among the things I most like and respect about her: She is up from nothing. She was a kid born in the street, lived in theBronx, and very humble, from a humble setting, a humble beginning. She worked hard, won herself a scholarship to Princeton, went there, excelled, and later went on to law school at Yale—two of the finest institutions we have in our country.

After that, she was a prosecutor for a number of years; beyond that, a corporate litigator; and finally nominated by a Republican President—George Herbert Walker Bush—to serve as a district court judge in the state where she did a superb job. She was not just so-so. She was an exceptional judge—so good, in fact, that a few years later, when there was a vacancy on the circuit court of appeals in her district, a Democratic President, Bill Clinton, said: I think she ought to get the nod. He nominated her for that position, and she was confirmed by a wide margin. So she has actually been through this process not once but twice. I think she has gone on to serve longer as a Federal court judge than anybody in the last 100 years who has been nominated to serve on the U.S. Supreme Court.

I have read the comments some of her colleagues have to say about her, including colleagues who were also nominated by Republican Presidents. They have been uniformly complimentary, very gracious in their remarks, very laudatory as well.

So I would say to my Republican colleagues, while you struggle to get over the fact that we are going to set the same timeline or try to set the same timeline for the confirmation of Judge Sotomayor that we set for the nominations of Judges Alito and John Roberts—I just don’t understand the angst you feel.

I do know this: Apparently, the nomination of Dr. Groves is being held up along with 25 to 30 other names, all of whom have cleared committees, I think, by wide margins. We can’t move forward on those nominations. Some of them maybe are not of grave consequence. The nomination of Dr. Groves is of grave consequence. If we have the opportunity later today in the course of business to actually consider a number of nominations that are before us and the ones that are awaiting our consideration, I would urge my colleagues on the other side of the aisle to allow the nomination of Dr. Groves to come here for a vote and to give us the opportunity to vote him up or down. I am sure that if that were to happen, I am equally sure he will make us proud with the service he will provide as the Director of the Census Bureau for our country in the years ahead.

With that having been said, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

HEALTH CARE REFORM

Mr. BROWN. Madam President, just before walking into this Chamber, I attended a historic rally on health care reform across the street. Today, thousands of Americans—some from every State in this country—traveled to Washington for one of the largest health care lobby days in the history of the Nation. I joined these citizens—volunteers, almost all—representing more than a thousand organizations and more than 30 million people who are fighting to ensure that every American has access to affordable health care coverage.

I am inspired by their activism and energy and by the message I hear from these Americans. I am hearing from hundreds of thousands of middle-class Ohioans, and their message is: Don’t let the special interests hijack this health insurance reform.

The message I hear is to make sure health care reform includes a strong public option. I will tell you about in a moment from a constituent from Powell, OH, who are demanding they change. Joseph, an ordained pastor and doctor of psychology, wrote to me that as a child he suffered a stroke and became paralyzed and blind. His father’s insurance expired and his family had no coverage. They struggled to provide the care he needed. As an adult, he is concerned that too many Americans are not receiving the medical care they need. Joseph wishes to see a public insurance option that will bring down costs and improve all Americans lead a productive life.

The spirit and energy of the people I met today—thousands from around this Nation demanding change—reaffirms why health care reform is so important.

Health care reform is about keeping what works and fixing what’s broken. Middle-class families from all over the country are demanding a health care system that provides coverage, enhances quality of care, and provides choice—choice either of a private insurance plan or of a public option. It is their choice. The existence of both will make the other behave better and make the overall system work better and improve the quality of care for all Americans. Good old American competition.

People are reminding elected officials in the Senate and House about Americans like Ken from Findlay, OH. He lost his manufacturing job a few years ago, after working in the industry for nearly 30 years. Shortly before losing his job, Ken began having serious health issues—unexplained seizures and memory loss. In and out of the hospital, Ken was forced to find expensive private insurance after being denied Social Security disability and not yet old enough to be eligible for Medicare. Unfortunately for Ken, the price of the private insurance was simply too high.

After a near-death seizure a few years ago, Ken was hospitalized again and diagnosed with lupus. After a month-long hospitalization, Ken entered a nursing home for rehabilitative care.

All this treatment was done without insurance. With tens of thousands of dollars in medical expenses, Ken had to withdraw from his 401(k) savings early—facing tax penalties, I might add—ultimately draining his lifetime, hard-earned savings, and putting his retirement security in jeopardy.

It is unacceptable that Ohioans such as Ken, who worked hard all their lives, have to fight for health insurance simply to take care of their family. That is why the time for health care reform is now.

The HELP Committee has accomplished a lot on quality, on prevention and wellness, in part thanks to the contribution and efforts of the Presiding Officer from North Carolina. We have done well with the workforce shortages issue. We have good language on fraud and abuse. Clearly, most important, the most difficult work is in front of us. We have more work to do to make sure health care reform is about providing people with affordable, quality health insurance that protects them, to protect what works and to fix what is wrong.

I need some of my colleagues to explain to me something that is pretty confusing. As we talk about this public option, I hear the insurance industry tell us over and over they can do things better, that with their marketing, their skills, their bureaucracy, their wealth, and executive officers, they do things better. As they argue against the public option, they say the government cannot do...
anything right. What puzzles me is why the insurance industry is so afraid that the public option will put them out of business. They tell us the insurance does things better, the government cannot do anything right, but yet they are afraid the public option will put them out of business. I don’t understand.

I encourage all of the grassroots volunteers whom I met today to keep moving forward to remind your elected officials this legislation is not about helping the insurance companies. Health care reform is about helping people such as Cheryl from Cleveland.

Cheryl is 59 years old and was recently diagnosed with diabetes. Her husband died just 4 months ago, and with no income, her insurance costs more than $400 a month. With no income, Cheryl cares for a disabled adult son and an autistic granddaughter. She writes that she has no choices and that our system is broken and unaffordable for her and millions of other Americans. She writes that she needs health care reform now before all her savings are lost. That is why it is so important we do this now.

President Obama is right we not wait for more unemployment next year after people say the economy is bad; we cannot do it now. The same people said when the economy was good: We cannot do it now. As Chairman Dodd repeatedly said in the committee that Senator Hagans and I sit on, 14,000 Americans every day are losing their health insurance.

It is people such as Cheryl I talked about and Ken and Kathleen and Joseph—Kathleen, I will speak about in a minute—who are losing their health insurance every day. 14,000 Americans every single day. For us to wait an additional 6 months or a year, or some people say let’s wait until the next election then the voters, again, say we need health care reform, 14,000 people every day are losing their insurance.

Health care reform is about helping small business owners such as Kathleen from Rocky River, OH, west of Cleveland. One of Kathleen’s finest employees suffers from rheumatoid arthritis. Kathleen’s premiums have increased to $1,800 a month, and after trying to purchase another plan, she was turned down because of her employee’s arthritis condition.

Keep in mind, if you have a small business of 10, 20, 50 employees, and you have a decent insurance plan, if one of them gets very sick to the tune of hundreds of thousands of dollars, everybody’s premium goes up because it is a small insurance plan. Then often the small business person has to give up and cannot insure their employees.

Kathleen is being victimized, as are her employees, by that phenomenon. She does not want to fire her finest employee, nor should she have to.

I stand ready to work with my colleagues to design a public insurance option that will help provide middle-class families with economic stability, with stable coverage, with stable costs, with stable quality. I stand with the thousands of volunteers who were here today across the street demanding real change in our health care system. They are showing the world how change in America happens. Their activism is important—the stories of the people they are fighting for, people I just mentioned—Joseph, Ken, Cheryl, and Kathleen. That is why we cannot wait any longer for health care reform now, and we need a strong public option now.

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

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

The bill clerk proceeded to call the roll.

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

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

AID TO PAKISTAN

Mr. GRAHAM. Mr. President, I want to speak on the record in support of the Kerry-Lugar legislation that was passed by this body basically without objection—by voice vote. It went through so quickly, to me it demonstrates the power of the bill, and so I want to congratulate Senator KERRY and Senator LUGAR for this piece of legislation.

To the public, what I am talking about is an aid package to Pakistan of I think it is over $1.5 billion a year for the next 5 years. I know we need money here at home. Trust me, in South Carolina we have the third highest unemployment in the Nation. Times are tough. But all I can tell the taxpayers and the American people is that what happens overseas does matter.

September 11 was planned in Afghanistan. It was an area of the world, quite frankly, that we ignored. Pakistan has been an ally in the war on terror generally. It is a regime with nuclear weapons. It is a country that has been challenged by the downturn of the world economy. There are millions of people in Pakistan who are looking to find a better way. The government is fighting forces that are aligned with the al-Qaida movement—the type of people who would impose a period of darkness in the Middle East that would affect the quality of our lives. So $1.5 billion is a lot of money, but it will do a lot of good in Pakistan and it will help this government and the Pakistan military combat the growing threat of al-Qaeda in Pakistan. The aid package is going to help the government provide a better quality of life for its people. Where the government fails to provide a decent quality of life in Afghanistan and Pakistan, you will have a vacuum that will be filled by the Taliban. The Taliban is not in favor with the Afghan people, but when the government of Afghanistan cannot deliver justice, provide the basic necessities of life, the Taliban will come along and fill in the vacuum.

Pakistan is a large country with nuclear weapons. It is in our national security interest to make sure that the government is stable, that the military will be supportive of civilian control of the government and will be able to defeat the forces of extremism we have seen. We know what they can do when left unchecked. So this bill is an aid package which focuses on civil capacity.

The bill also makes sure that we know where the money is going to. It is not a $1.5 billion check to Pakistan that could be stolen through corruption. It is a very accountable system that follows the money. It makes an effort to upgrade the Pakistan military to deal with counterinsurgency, because they do not have the capacity now that they need. Again, it provides assistance to the Pakistani people and the government to improve the quality of their lives.

I think we are getting something for our money. I think we are going to get a good return if we can stabilize Pakistan. It helps us in Afghanistan, where we have thousands of American troops stationed and fighting as I speak.

To Senators KERRY and LUGAR, congratulations on being able to get this bill through the Senate so swiftly.

To Senators MCCONNELL and REID, I applaud them both, the minority and majority leaders, for working for the common good here. The administration has also been very supportive. I have had my differences with this administration, and I will continue to have them, but I want to acknowledge that Ambassador Holbrooke, who is now in charge of monitoring Pakistan and Afghanistan as a unit, has done a good job of focusing on what we need to do in both countries, because one does affect the other.

The Kerry-Lugar bill, according to the Ambassador and General Petraeus, would be the most important thing the Congress could do to aid the Pakistani people and the Pakistani military at this crucial time. So I am glad to see that in a bipartisan fashion we responded to that call from our general and from our Ambassador, and hopefully this will become law soon.

To the American taxpayer, I know times are tough. I know money is in short supply. But quite frankly, this is an investment we have to make. We have soldiers serving in Afghanistan. If we can make Pakistan more secure and less of a safe haven for terrorists who are attacking our troops and making our soldiers’ lives better. If we can stabilize Pakistan and put it in the column of moderation and not extremism, not
only will our Nation prosper now, but future generations will be able to prosper. It is impossible for us as a nation to have a strong, vibrant economy and to enjoy the freedom we enjoy today and pass it on to our kids and grandkids if we confront and try to resolve these problems head on. Anytime you ignore problems such as Pakistan and Afghanistan, they always come back to bite you.

This is a wise investment at a time that it matters. The tide is turning in Pakistan in our way, and I hope this aid package will allow it to accelerate and get a result in Pakistan that helps us in Afghanistan.

Every American should be proud of the history and tradition of our country. We have been blessed in many ways. The challenges we face are enormous, but we have to remember we are the most blessed nation on Earth and this is a chance for us not only to help ourselves but help the world at large.

I am proud to be in the Senate. I look forward to working in the future with Ambassador Holbrooke and the administration on Afghanistan, Iraq, and Pakistan, to find ways to make sure we are successful. This is not a Republican or Democrat problem, this is a problem for anyone who loves freedom. This is a problem that needs to be addressed and the Kerry-Lugar bill does address the problem of Pakistan in a reasoned way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STRUGGLE FOR EQUALITY

Mr. BURRIS. Mr. President, this June we celebrate our diversity as Americans as we mark Pride Month. In many ways, the struggle for equality is a singular thread that is woven through the fabric of American history.

From the Declaration of Independence, to the Emancipation Proclamation, to women’s suffrage, from school integration, to Stonewall, the story of this Nation is a story of a long, slow march toward equal rights for every citizen. It is a story of ever greater inclusiveness—a tribute to the enduring promise of the American dream.

Together, we can reduce discrimination based on race, ethnicity, religion, sex, sexual orientation, and gender identity.

I believe we can achieve equal rights for all. I believe our next step in this ongoing struggle must be to secure the rights of the gay, lesbian, bisexual, and transgender community. We must start by stepping up our efforts to prevent hate crimes.

It is hard to believe that it has been over a decade since Matthew Shepard was brutally beaten and left to die on a bitter cold Wyoming road. His story rightly sparked a national debate about the nature of hate. It reminded us that if Matthew was vulnerable, anyone could be vulnerable to such a vicious attack.

The thing that is particularly heinous about hate crimes is that they are not just an assault on an individual, they are intended as an indiscriminate assault on an entire community.

Our government has a moral obligation to say this is wrong, and we need to make sure our law enforcement officers and our courts have all of the resources they need to deliver justice.

That is why I am proud to be a co-sponsor of the bill inspired by Matthew’s tragic story. I do not want to see an end to same-sex couples without the Matthew Shepard Local Law Enforcement Act as the law of the land. But we must not stop there. Far too many gay and lesbian Americans face not just violence but other forms of discrimination.

We are fortunate in Illinois to have laws on the books to protect our citizens from discrimination based on sexual orientation or gender identity. I believe those equal protections should be federal and I am proud to be a co-sponsor of the Employment Non-Discrimination Act. It is the fair thing to do, and it is the right thing to do, and it is far overdue.

Passing ENDA will not end all forms of discrimination. One of the worst forms of discrimination is not only destroying people’s careers and lives, it is undermining our national security.

I am talking about the military’s “Don’t Ask, Don’t Tell” policy.

To all who have served, and to those currently serving in our Armed Forces, let us say: Thank you—thank you to those who have served. We honor your service. We honor your sacrifices. And we honor your courage.

This Nation is a better, safer place because of them. They fight for this Nation every day. We should end this offensive and discriminatory policy so they can be the best soldiers, sailors, airmen, and marines they can be, while living their lives openly and honestly.

Especially in this time of war, when we face terrorist threats, we must welcome the service of every patriotic man and woman who signs up to defend our freedom. When we dismiss the sacrifices made by those with a different sexual orientation, we determine the strength—we undermine the strength—of our fighting forces.

When we fail to recognize the brave contributions that gay and lesbian servicemembers continue to make every single day, we diminish ourselves as much as we diminish their service.

Senator TED KENNEDY has long been a leader on this issue, and I know he wants to see legislation passed to end the ban. I support his important work and I will do all I can to support those efforts.

We will see justice, and not just in the military, but also for gay and lesbian families.

Last week, President Obama took a first step toward ending the inequality of gay and lesbian families when he extended certain benefits to domestic partners of Federal employees. For the first time, same-sex partners can be included in the Federal Long Term Care Insurance Program. Now any employee will be able to use sick leave to care for a same-sex partner, just as an employee can take time off to care for an opposite-sex spouse.

I applaud the President for beginning to tear down these inequalities, but while this Executive order represents an important initial step, there is so much more to be done. The U.S. Government is far behind the private sector on this front. A large number of Fortune 500 companies already offer comprehensive benefits to same-sex couples. They have done so for many years, sometimes for over a decade. This allows them to compete for the best and brightest LGBT professionals regardless of sexual orientation or gender identity. We need to make sure the Federal Government is able to compete for the same talented people.

I am proud to support a bill that would extend additional benefits to the domestic partners of Federal workers. This legislation, introduced by my friend Chairman LIEBERMAN and Ranking Member COLLINS, will extend the full range of benefits to these couples. This includes access to the same Federal health and retirement plans currently available to the recognized spouses of government workers. As the free market has shown, extending these benefits to same-sex couples is not only the right thing to do, it also makes good business sense.

I know that this week, the many Pride events around the country mean a lot of different things for people in the gay, lesbian, bisexual, and transgender community. For some, it is a chance to reflect on the progress and accomplishments made by this community and to organize for the future. For others, it is an opportunity to come together and to honor those who have been lost to AIDS. And still for others, it is a chance to feel safer, to feel empowered to celebrate a part of something bigger than themselves, and to be reminded that everyone should be proud of who they are. However each of us celebrates Gay and Lesbian Pride Month, I must remember that gender equality is far from over. But just as the Emancipation Proclamation set this country on the path to racial equality, just as women’s suffrage paved the way for gender equality, so that singular refrain throughout our history will be taken up again. The struggle for equality will not be easy,
and it never has been, but if we keep at it, we will get there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, might I inquire what mention?

The PRESIDING OFFICER. We are on the executive nomination of Harold Koh.

Mr. ENZI. Are there time restrictions?

The PRESIDING OFFICER. We are in postcloture, which requires debate on the pending matter.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business for such time as I might consume.

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

HEALTH CARE REFORM

Mr. ENZI. Mr. President, I rise today to speak about the need to reform our Nation's health care system. If we are to be successful, we must undertake this effort with the greatest care and deliberation.

When it comes to health care reform, we have started down this road before. Last Congress, I proposed legislation called Ten Steps to Transform Health Care in America in an effort to provide a blueprint from which we could begin to address the challenge of improving our health care system.

I might mention the way that came about is that Senator Kennedy as the chairman of the Health, Education, Labor, and Pensions Committee, and I as the ranking member, worked together on a number of bills. In fact, I have quite a record for being able to work in a bipartisan way to get bills completed. We were very busy on the Higher Education Act and other education issues, so I took some leadership in the health area, and we talked about principles we wanted to achieve. Then I collected ideas from both sides of the aisle and put together this package of 10 steps that will transform health care in America as a blueprint to improve and address this challenge of improving our health care system.

So it isn't something on which he or I just started working.

After I introduced the bill, I took my message of health care reform directly to the people in my State. I traveled 1,200 miles and held a series of events in my home State to provide the people of Wyoming with the chance to see what I was working on and to voice their concerns with our current system. Everywhere I went, I heard the same message repeated over and over, and that was that people want change.

They want a system that will provide them with a health care system that is affordable, more available, and easier for them to access. Simply put, the people of Wyoming, as do people all across the country, want more choices and more control over their health care. That was the goal of my Ten Steps bill. It was drafted with the aim of leveling the playing field in tax treatment of health insurance. It was also intended to provide a helping hand to low-income Americans in the form of subsidies that would ensure access to quality, affordable health insurance.

As I traveled through the State, I also met with groups of small business community. They made it clear that they wanted greater equity and access to a plan that would allow cross-State pooling so they could band together with small business owners in other States to get better rates on the health insurance they provide to their employees.

In the end, no matter whom I spoke with, they all had one message they wanted me to bring to the Senate: Keep costs down and under control. There have to be limits. That is why, as the only accountant in the Senate and as a member of the Budget Committee, I was and remain very concerned with the effect any health care reform proposal will have on our Federal budget, both in the short and longer term.

I can't be the only one who heard those things when I was back home. I think my experience on the road was very similar to that of almost every one of my colleagues. Last year, whether they were campaigning for themselves or for other members of our party, we logged on a lot of travel miles. We met with and spoke to people from all walks of life who came from every imaginable background. Some were from rural areas, others from large populations and others came from the smaller cities and some very small towns with fewer people and resources.

I have worked to and wherever we were, we all heard the same concerns: We need a better health care system, and we need it now.

In response, I was pleased to join with several of my colleagues as we continued to work on health care reform this year. As the ranking member of the Senate Committee on Health, Education, Labor, and Pensions and in my service on the Senate Finance Committee, I have been working to foster and facilitate a constructive and productive interaction with my colleagues on both committees.

I have also met with the President and administration officials on numerous occasions so we could share ideas on how to best craft a strong, bipartisan bill. As the debate on health care reform proceeds, I continue to stand ready to work on this critical issue.

This is likely to be the most important legislation we will ever work on as Members of the Senate, no matter how many terms we serve. How well we handle this crucial issue will have an impact not just today but for many tomorrows and countless years to come.

If we fail to provide the change that is needed, it may be a long time before the Senate will ever try to do this again.

I am convinced we have a perfect storm before us as we face this issue. The time is right, the political winds are with us, and we have the support and encouragement of the current administration and the people of this Nation to get something done. That is why a good bill and a bipartisan effort are well within our grasp.

If we are to do the work that is before us, and do it well, we can't have one side or the other try to grab the reins and lead the effort exclusively in their direction. The American people are looking for us to solve the problem, and they want to know we can do it. We need to do it together, and, most importantly, finished it together. They know no one side has all the answers, so they do expect us to put partisanship aside. This is too important an issue not to follow the path that will produce a bill that will have the support of 75 or 80 Members of the Senate. I have every belief we can do that, and that is why I am so strongly committed to bringing massive change to the policies laid out in the recently filed Kennedy bill. I will continue to work with, and learn from, the work being done by the Health, Education, Labor, and Pensions Committee and in the Finance Committee.

Let me be very clear about what I believe we can do if we put partisanship aside and work together. We can do it. We can do it as the rank and file Kennedy bill. I will continue to work on this bill. We can do it and we can do it this year.

Last week, the HELP Committee began to mark up a very flawed piece of legislation. We can do better. We can do better and we can do it better by drafting a good bipartisan bill, one that will draw a large majority to its side, and we can get it done this year.

As I traveled through the State, I continued to work on health care reform proceeds, I continue to stand ready to work on this critical issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor to the Senator from West Virginia.

Mr. MANchin. Mr. President, Senator Kennedy and Senator Enzi, I am pleased to speak as if in morning business on the pending matter.

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

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The result was a bill that when it came to the floor was over 1,000 pages long and it had the immense involvement of two committees—the same two committees we are talking about with health care, the HELP Committee and the Finance Committee. The committees came together on a bill of over 1,000 pages. When it came to the floor, we already had an agreement between the two committee members which was taken to the leaders, which meant we had an agreement with everybody in the Chamber that there would be 1 hour of debate, two amendments, and a final vote. I asked the Parliamentarian when the last time was that there was a bill of that complexity that had that kind of an agreement before we even debated it, and that person said: Not in my lifetime. That is what is possible around here if we work together. That is what we did with the Nation’s pension system.

I think we were talking about the Pension Benefit Guarantee Corporation being short a drastic $24 billion. Boy, that doesn’t look like much money anymore, does it? No. We are talking about some errors on this one that are over $59 billion. That’s pensions bill wasn’t so long ago. We worked together, we talked about what we had to do together, and then we came up with it together. The result was a bill that only had the two amendments offered to it because the agreement on both the process and the remedy was so strong.

As we prepared to begin the markup of this bill last week, we received a troubling preliminary analysis from the Congressional Budget Office and the Joint Committee on Taxation regarding the costs and coverage figures associated with the legislation. In its review of the proposal, the CBO found that enacting the proposal would result in an increase in spending of about $1.3 trillion over the 10 years, an increase to the Federal budget deficit of about $1 trillion over the 2010-to-2019 period. This cost estimate did not include the promised “significant expansion of Medicaid or other options for subsidizing coverage for those with an income below 150 percent of the poverty level.” As the markup continues, we will be asking the CBO for an official analysis of the impact of the addition of such a policy on the Federal budget deficit.

We care more and more seniors moving into the category of long-term care—and we have a proposal before us, which we will debate when we get back. The Senator from New Hampshire, Mr. Gregg, ranking member on the Budget Committee, pointed out that the only part of that proposal that gets scored are the premiums people would pay in over that first 10 years for their long-term care, which comes to about $59 billion, which shows a surplus of $59 billion. But what it doesn’t take into consideration is obligation that would really be people who are paying in those premiums that they will get long-term care.

The expected cost of that long-term care to those people paying in that $59 billion is $2 trillion. The proposed payment doesn’t match the proposed costs, and it would not be sustainable beyond the 10 years. Whether or not people actuarial studies, long-term care benefits right away, we will have another Federal Government program with a budget deficit. At the same time we received notice of the preliminary analysis of the Kennedy bill, we got word that the Office of Management and Budget was postponing the markup on health care legislation, after reports surfaced that the CBO was preparing an estimate of its legislation that projected an increase to the Federal deficit of $1.6 trillion over the next 10 years. All of this was on the heels of President Obama’s speech last week at the American Medical Association, in which he said:

“Health care reform must be and will be deficit neutral in the next decade.”

“The bill we have before us misses the target of that deficit by more than $1 trillion. Again, the bill is still missing language in three key areas.”

“I will take a few moments to speak about our Nation’s deficit and overall fiscal and economic condition. My concern about this commitment spending in the Kennedy bill—I should call it the Kennedy staff bill; I know the Senator, had he been able to work with me, would have come up with some different conclusions on the bill. My concern about this commitment spending in the Kennedy bill is not simply a concern that it breaks faith with the President’s health care reform commitments. Rather, I am deeply troubled by the direction this bill would take us during a truly perilous fiscal age.”

I was elected to this body in 1996. In my first years in Congress, we moved from a budget deficit to a budget surplus. I am deeply disappointed that nearly 13 years later, our projected deficit is now expected to exceed $1.34 trillion, and our national debt exceeds $11.4 trillion. That is bad. People are starting to take notice, and that, unfortunately, includes our creditors. Add to this the losses to our gross domestic product and an unemployment rate heading toward 10 percent and the news is worse. Again, there have to be limits. People have them in their families, municipalities have them, and most States have them. The Federal Government can’t have them.

According to the Federal Reserve, the level of debt-to-GDP ratio is estimated to reach the highest levels it has since immediately after World War II. The increasing spread between short-term and long-term treasuries is evidence that global investors are increasingly concerned about our Nation’s level of debt and the real potential for future inflation.

In recent weeks, Treasury Secretary Geithner traveled to China to attempt to ease growing concerns about our ability to pay off our growing debts. When Geithner told an audience of Chinese students at Peking University that “Chinese assets are very safe,” reports are that this statement drew loud laughter.

It is really not a laughing matter for us. It is serious. Tough action, not “I will tell you what you want to hear” speeches, is what we need.

On the State and local front, our economic indicators are equally troubling. On Thursday, the Rockefeller Institute of Government issued a report on State personal income tax revenues for 2009.

Of millions of Americans get the health insurance they need. The Congressional Budget Office estimates that, if enacted, this bill would only provide health insurance for one-third of the Nation’s uninsured. Let’s see, $1 trillion for 16 million people. This number falls far short of the President’s stated goal of “quality, affordable health insurance for all Americans” in his recent letter to Chairmen Kennedy and Baucus.

In even greater concern, the CBO projects that about 10 million individuals who would be covered through an employer’s plan under current law would not have access to that coverage under the Kennedy legislation. This figure breaks President Obama’s often-repeated promise during both the 2008 campaign and since taking office that under his health care plan:

“If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.”

Under the Kennedy plan, that promise rings hollow for millions of Americans, and that is simply unacceptable. I know the President has already scheduled an event on one of the networks to push his health care ideas. When it is all over, I am sure we will hear him repeat the line over and over: If you like the health care plan you already have, you can keep it.

If he makes that promise again, every time we hear him say that, we should remind ourselves that the White House has already admitted that such statements aren’t to be taken literally. I think that means they are not true.
I cannot recall ever hearing something like that from the White House, but those are their words. Maybe they should be applied to the whole presentation—that none of it should be taken literally.

It is one thing that can be taken literally, and we ought to give it straight to the American people, and that is this: Under the Kennedy proposal being rolled out, you would not be able to keep the care you have right now. Washington bureaucrats will be able to tell you and your family the care you need and that you fully deserve.

Unfortunately, that is not the only thing that we are in denial about. We are also in denial when it comes to the cost of the Democrats' health care plan and our ability to work our way out of a hole of debt that only promises to grow deeper and deeper for a long time and for many years to come.

A lot of times we talk about how we are saving the baby boomers and grandkids' money. I really feel compelled to point out that we are already spending our seniors' money. Why is that? Well, normally, what happens in this country is that a little bit is taken—well, a bunch is taken out of your check for Social Security, which is matched by the employer. That amount of money each month has always gone to pay the seniors who are retired, their pensions, and to have a little bit of surplus. But do you know what? It is not doing that anymore. We are having to take money out of the trust funds now to supplement that to be able to pay the people who are retired now—and we are not even to the baby boomers yet. So we have a problem.

Unfortunately, that is not the only thing we are in denial about. Having shown the devastating impact of the Kennedy bill on the Federal deficit, and the failure of it to provide access to affordable coverage for millions of Americans, I want to turn to one of the three foundational principles of my 10-step plan; namely, improving the quality of care.

On this front, I think the Kennedy plan again fails to live up to the promise laid out by President Obama to “improve patient safety and quality of care.” That is very important—to improve patient safety and quality of care.

I am deeply troubled by the real possibility that comparative effectiveness research, which is mentioned in the bill and has been debated in the committee, and which has been held intact in there, will be used as a cost-containment measure to ration care under this legislation. The result would be, for millions of Americans, a Federal bureaucracy would dictate the type of care they receive and interfere with the doctor-patient relationship.

As the Kennedy bill proceeds through Congress, I will fight to strip those provisions that will delay and deny needed health coverage to Americans. I spoke at length in committee about the truly horrible stories of rationing care that we hear about from the United Kingdom. I will continue to speak out to make sure this type of so-called care is not imported to the United States.

Finally, I am deeply troubled with a number of other policies advanced in the Kennedy bill. I believe the community rating provisions will result in skyrocketing premium costs for younger Americans. I am troubled that the bill doesn't provide incentives to encourage individuals to make healthier choices. There are a lot of choices we can make to improve our health ourselves.

As we complete the second week of the HELP Committee markup, we are still missing the guts of the Kennedy proposal. We expect that the final proposal will include a government-run plan, a mandate on employers to provide insurance, and a provision dealing with biosimilars. It is difficult to comment on these provisions until they are released.

Proponents of the government-run option—including the President—consistently argue that a public plan is necessary to keep the insurance companies honest and to foster competition. With the current system dealing with preexisting conditions, rate bands, and other reforms, we are all committed to taking action to keep insurers honest and make sure people with preexisting and chronic diseases can get insurance. The creation of a new government program at a time when the experts and Medicare trustees tell us that Medicare stands on the brink of insolvency, does nothing to foster honesty; it fosters fiscal irresponsibility. We are borrowing to pay for the government-run programs we have now. If you already have trouble making your mortgage payments, why would you go out and buy a boat and an RV?

With respect to the notion that we will be fostering competition with the creation of a government-run health plan, I think the public is growing tired of government intervention in our day-to-day lives. First, there was our involvement in the mortgage system and then the banking system, and then we got more involved in our Nation's automotive industry. It is certainly more than a possibility that the government has taken on more than it can handle. We are operating at more than the capacity already. Having government take over our Nation's health care system may be the last straw.

Think about that—about all the things that just this year the government has decided to take over. The comment I get at home, and in other places I have traveled across the United States, is, doesn't the government have a little bit of trouble just running government?

There is certainly a role for government as a strong regulator of free market enterprise, but the inclusion of the government as the principal player in our competitive markets is entirely inconsistent with our Nation's capitalist economic system. I will forcefully oppose the creation of a government-run health plan.

Before I conclude, I would like to say a few words about the current process of health care reform in the Senate Finance Committee. I said at the outset that I am committed to working toward bipartisan health care reform. As a member of the Finance Committee, I have witnessed and have had part of the least foundations of such reform. There are many hurdles to remain, but I thank Chairman BAUCUS and Ranking Member GRASSLEY for their very hard work on this extremely complex, difficult issue. We have never had an issue that involved as many people in this country—100 percent of the people. It is important we get it right, that we take the time to get it right. Ranking member GRASSLEY has been cooperative and Chairman BAUCUS has been open and honest in our deliberations. We have spent hours upon hours in that committee receiving inputs and opinions from both sides on how to reform our Nation's health care system.

This stands in great contrast to the process that has, unfortunately, unfolded in the Health, Education, Labor, and Pensions Committee. We have been tediously working through. There have been comments about how many amendments we have had. We have had 388 amendments. I had to remind them that if you don't get any piece of the drafting, you have to get your opinions in somehow and you do it through multiple amendments. Probably half those amendments were to fix grammatical errors, punctuation, typos—about half of them. Those were accepted.

It is my hope that the difference in process will result in a difference in substance between the Health, Education, Labor, and Pensions Committee legislation and the Finance Committee legislation. I will continue to work in the Finance Committee to shape legislation that improves the quality of our health care, reduces costs, is responsible in its budgetary impact, and increases access to care for all the American people.

As I have said, there is a long way to go on that committee and many differences to resolve, but I continue to do so in good faith and bipartisan, responsible health care reform. I am holding out hope a better, more inclusive process will emerge as we continue our work in the HELP Committee. I hope that a change will come about soon, but the bill we currently have before us is a clear sign that just as we have been excluded early on in the health care reform effort, it looks like we will continue to be excluded as the process continues. There is time to get us included. There is an important reason to get us included. But we will see.

In the end, for me and many people across this country, our discussions
about health care can be summed up in a short story with a simple moral. I was reading a book about a Wyoming doctor who came home and decided to settle in a town called Big Piney. He found some ranch land he liked, and he decided to make it his home. Where he was a small rural town, one of the cowboys competing in the contest looked at him and said: You aren’t from here, are you?

He said: Well, I am going to be, I am a doctor.

Unable to control his enthusiasm, the cowboy walked away shouting to all within earshot: Hey, we finally got ourselves a doctor.

That is what health care is all about in Wyoming, the West, and countless towns and cities all across our country. I have to tell you, this doctor spent most of his life in the Congo. He studied Ebola and established a lot of health clinics over there. When he retired, he moved to Wyoming. He did health care the old-fashioned way. He made house calls. He sat with people while they were dying. He had a lot of friends over there. Incidentally, he did not take Medicare or Medicaid. He said there were too many strings attached to it. He set up a foundation, and people he worked with could make a donation to his foundation instead. That way he wouldn’t violate any Federal rules about treating some people and taking money. He was a tremendous doctor. Unfortunately, we lost him this year. So that area is once again without a doctor. If you can send me one who likes rodeos, we would be happy to have him there. That is what health care in Wyoming is about.

In the big cities and towns of Chicago, New York, Boston, and Los Angeles, it seems to me there is a hospital or doctor’s office on almost every corner. In States such as Wyoming, however, they are few and far between, which makes health care a very precious commodity. I always tell people the statistics are we are short every kind of provider in Wyoming, including veterinarians, which always brings the comment: Surely, veterinarians don’t work on people. We say: Yes, if you are far enough from a regular doctor, you are happy to have a veterinarian. You just hope he doesn’t use the same medicines!

If we are not careful with this legislation, it will not make health care more plentiful and abundant, it will make it even more rare and difficult to obtain, and when health care gets more expensive and less available in places such as the big cities in this Nation, imagine what it will be like in the small towns of Wyoming and the West. People back home know what it will be like—another one-size-fits-all policy that did not fit so well into the rural areas of this country to begin with. That is why people are worried right now. They can assume that they do not have to worry is if we take the time to make sure we get it right the first time. Then, and only then, will the American people feel like they will be getting what they said they wanted during our campaigns last year—not just change but change for the better.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for the time I consume.

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

Mr. INHOFE. Mr. President, let me say of my friend, the senior Senator from Wyoming, he does articulate this issue well. He has spent countless hours working on it. When you listen to him, his depth of knowledge and trying to work out something that would give improvements and avoid a total socialization of medicine, he knows what he is talking about.

When I go back to my State of Oklahoma, it is not all that different than from when he goes back to his State of Wyoming and people ask the question: If government isn’t working well now, why do we want to put all the rest of these new rest of these new government, whether it is health care or the banking industry, the insurance industry, oil and gas and the other takeovers we are witnessing right now?

I do think you can summarize what he said very simply by merely saying, if there is a government option, of course, this is a moving target. For those of us who are not on a committee that is dealing with health care reform, we are not sure what is going on there, and I am not sure anyone else does either because it is a moving target. From one time to another, we hear different things that are going to be in the bill, and then they change their mind.

One thing we know, though, they keep saying there is going to be a government option. If there is a government option, we are going to see a huge impact on insurers, private companies that offer insurance, and you will see that market dwindling. You can’t blame them for that.

The other thing that is a certainty in this whole issue of the Kennedy bill and what they are trying to do, what the administration is trying to do with the health delivery system in America is that Washington between the patient and the doctor. That gets a response when I am back in Oklahoma of we don’t want that to happen.

So we have right now a lot of invasions on the systems that have worked well in America.

NATIONAL ENERGY TAX

I wish to talk about another issue since tomorrow the House is scheduled to vote on what is known as the Waxman-Markey bill, which is the Democratic Party’s proposal. Republican Congressmen were in the majority at that time. It had 5 days on the Senate floor, 10 hours a day, 50 hours. It was the McCain-Lieberman bill at

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The bill contains regulations on everything from light bulb standards to the specs on hot tubs and it will reshape America’s economy in dozens of ways that many don’t realize.

In other words, this would be, if it were to pass, the largest tax increase in the history of America. I know a little bit about this issue because I started working on this issue back in the late nineties when I was trying to get the United States to ratify the Kyoto treaty. The Kyoto treaty is very similar to the proposals we have had since that time. We know what that would have cost at that time. Somewhere between $300 billion and $330 billion a year as a permanent tax increase.

There have been proposals on the floor of the Senate in 2003, 2005, 2007, 2008, and now this time. We in the Senate have more experience in dealing with this issue than the House does because this is the first time they have ever had it up for consideration.

Over the past several weeks, Speaker PELOSI has been facing an insurrection within her own party. I have been reading about the Democrats who are pulling out saying: We don’t want to be part of the largest tax increase in the history of America. More and more people are jumping in and saying we won’t have it. And of yesterday, the American Farm Bureau opposed the strongest opposition to this legislation.

Let me say, if the Democrats are having trouble passing this bill in the House, where the majority can pass just about any bill it wants, then there is no hope for a cap-and-trade bill to come out of the Senate. I think we know that. We watched it.

Right now, by my count, the most votes that could ever come for this largest tax increase, by the history of America would be 34 votes—34 votes. They are not even close.

I say that because there are a lot of people wringing their hands: She wouldn’t bring this bill up in the House on Friday unless she had the votes. Maybe she will have the votes. There has been a lot of trading, a lot of people getting mad. Nonetheless, she may have bought off enough votes to make it a reality.

The other thing is the Waxman-Markey bill is just the latest incarnation of very costly cap-and-trade legislation that will have a very devastating impact on the economy, cost American jobs by pushing them overseas, and drastically increasing the size and scope of the Federal Government.

In the Senate, we have successfully defeated cap-and-trade legislation in the years I mentioned. Four different times it has been on the floor. I remember in 2005, I was the lead opposition to Senator JOHNSON from Wisconsin. We were in the majority at that time. It had 5 days on the Senate floor, 10 hours a day, 50 hours. It was the McCain-Lieberman bill at
that time. It was defeated then and by larger margins ever since then.

Just a year later, with the economy in a deep recession, it is hard to believe that many more Senators would dare vote in favor of legislation that would not only raise the price of gasoline, but drive our manufacturing jobs to
ahead and have a huge cap-and-trade system. This is a global issue that demands a global solution. Yet cap-and-trade advocates argue that aggresive unilateral—unilateral, that is—just America; in other words, we pass the tax just on Americans—aggressive unilateral action is necessary to persuade countries to enact mandatory emission reductions. In other words, we provide the leadership and they will follow. But recent actions by China and other developing countries continue to prove just the opposite. They continue to confirm what I have been saying and arguing for the past decade, that even if we act, the rest of the world will not.

If you still believe—and there are fewer people every day who believe that science is settled—that manmade gases, anthropogenic gases, CO₂, methane are causing global warming—there are a few people left who believe that. If you are one of those who still believe that, stop and think: Why would they do this? So for China, climate change will be no exception.

My colleagues in the Senate are rightly focused on the economic effects of this bill will have on their States and their constituents. But with China and other developing countries staunchly opposed to accepting any binding emission requirements, we should be asking a more fundamental question: What exactly are we doing this for? If the goal of cap and trade is to reduce global greenhouse gas concentrations, and if China and other leading carbon emitters continue to emit at will, then how can this supposed problem be solved?

Well, if I accept the alarmist science that anthropogenic gases are causing a catastrophe, then reducing global greenhouse gas concentrations is a solution. But the unilateral Federal solution, again, that America must first act to persuade China and others to follow—please follow us, please pass a tax in your own country, and then they are going to be following our example—there is no evidence that has ever happened before in the history of mankind. And again. The only thing America gets by acting alone is a raw deal and a planet that is no better off.

Now, my Democratic colleagues want to sweep this reality under the rug. They argue that cap and trade—and I hope everyone understands what cap and trade is. I have often said, and other people have said—including some of the advocates of this—that they would prefer to have a carbon tax over cap and trade. Well, if you are going to have a tax, I say go ahead and have a huge cap-and-trade tax to drive our manufacturing jobs to places such as China where they don’t have any real controls on emissions, and the result would be an increase in CO₂. In other words, if we pass this huge tax in this country, it is going to have the resulting effect of increasing the amount of CO₂ that is in the atmosphere
by itself. China has a vested interest in swearing off of carbon restrictions in order to keep its economy growing and lifting its people from poverty. Add unilateral Federal U.S. action into the mix, and we have an even stronger reason to oppose mandatory reductions for its economy. And China understands this all too well. I believe they will actively and unfailingly pursue their economic self-interest, which entails America acting alone to address global warming.

Consider that in other realms, whether on intellectual property rights or human rights. The Chinese have conspicuously failed to follow America’s example. We have tried to get them to follow our lead. All the human rights efforts we have gone through to try to get political prisoners released and all these other things we have said to them to do—we have threatened, we have argued—and they have not done it. So why would they do this? So for China, climate change will be no exception.

Cut the red tape and encourage private investment. As I have said before, I am for all of the above. I want to have renewables, I want wind, I want solar. I want clean coal, and natural gas. We need it all. Cut the red tape and encourage private investment. Let all technologies compete in the marketplace. However, that is not what the Democrats are proposing in the Waxman-Markey bill. I am talking on the Senate floor about a House bill, and I am doing that because it is scheduled to pass tomorrow and then there will be an effort over here. We have had experience with the Waxman-Markey bill. Before, it is not going to pass here, but it is a very significant thing. Anytime one House is proposing to pass the largest tax increase in history, we have to be concerned.

This bill does the exact opposite. It closes access to affordable sources of energy by trying to price certain kinds of energy out of the market. It picks winners and losers that leave places such as the Midwest and the South Middle America as opposed to the east coast and the west coast, and it creates more bureaucracy that will only increase the costs that consumers bear and add more layers of regulation to small business.

We have to ask: Why, then, do my colleagues believe creating a national carbon tax is necessary? It is all rooted in fabricated global warming science. In fact, just last week, the administration produced yet another alarmist report on global warming—which, of course, is nothing new—that takes the worst possible predictions of the United Nations Intergovernmental Panel on Climate Change’s Fourth Assessment Report—is what it is called. By the way, these assessment reports are not reports by scientists. They are policy reports, and they are not even documented by peer review. I have to also say—and I have said this on the floor of the Senate many times before—a lot of the things that come out and that are not in the best interests of the United States come from the United Nations. That is where there is such a lot of distortion, back in the middle 1990s. It was the IPCC of the United Nations where all it started. And it is no surprise that such a report was released just in time for a House vote on Waxman-Markey. However, what is becoming clear is that despite millions of dollars spent on advertising, the American public has clearly rejected
the so-called "consensus" on global warming. There was a time when this wasn’t true. I can remember back between the years of 1998 and 2005, when I would be standing on the Senate floor and talking about the science that reflects that time. Hundreds and hundreds of scientists who were on the other side of the issue have come over to the skeptic side, saying: Wait a minute, this isn’t really true. I do believe Claude Amsbury was perhaps considered by some people to be the top scientist in all of France. He used to be on Al Gore’s side of this issue back in the late 1990s. Clearly, he is now saying: Wait a minute, we have reevaluated, and the science just wasn’t there. David Bellamy, one of the top scientists in the U.K., the same thing is true there. He was on the other side and came over. Nieve Sharif from Israel, same thing. So there is no consensus, the science dictates that these atmospheric gases are causing global warming.

Of course, the other thing is, we don’t have global warming right now. We are in one of a cool spell. But that is beside the point. I am not here to address the science today but on the argument advanced by my colleagues, which is that U.S. unilateral action on global warming will compel other nations to follow our lead, as I have documented in speeches before since 1998.

By the way, if anyone wants—any of my colleagues—to look up those speeches, they can be found at Inhot.com and if you have insomnia some night, it might be a good idea to read them. They are all about 2 hours long. But I think many would find it very troubling indeed, that even if they believe the flawed IPCC or United Nations, which is what they are going to do, wouldn’t be the concerns that they believe should be the top priority, that this is our top priority, that we need to do something now, and that the United States and other Western nations have a special obligation to lead the way and do something.

Put simply, any isolated U.S. attempt to avert global warming is a futile effort without meaningful, robust international cooperation. No one disputes this fact. The American people need to know what they will be getting with their money: all cost and no benefit. This chart shows that U.S. action without international action will have no effect on world CO2. This is assuming that there is no change in the manufacturing base, which we know there would be.

This brings us to a key question as to whether a new robust international agreement can ever be achieved. In addition, this process is scheduled to culminate in Copenhagen this December. In Congress, the United States is currently involved in negotiations for a new international climate change agreement to replace the flawed Kyoto treaty. This process is scheduled to culminate in Copenhagen this December. This will be the big bash put on by the United Nations to encourage countries to buy into their program.

The prospects of such an endeavor are bleak at best. Following the conclusion of the climate meeting in Bonn recently, the U.N.’s top climate official—Yvo de Boer—said it would be physically impossible—now this is the chief advocate of all this—to have a deal conceptualized by the end of this year. He is right. That figure is not even the end of this decade. But that is beside the point. I am not going to do it. If Obama administration submits must meet the resolution’s criteria or it will be easily defeated.

Remember that criteria: If they submit something in which the United States and the fact there is no intention at all of even having to be a part of this new treaty, then, 15 years later they are going to be talking about. So I think the Byrd-Hagel resolution will still stand strong support in the Senate; therefore, any treaty the Obama administration submits must meet the resolution’s criteria or it will be easily defeated.

That is their written statement, and that speaks for itself.
and on top of that, China wants the United States to subsidize its economy with billions of dollars in foreign aid. In the final analysis, one must give China credit for seeking its economic self-interest. I sure hope the Obama administration will do the same for America.

Despite this reality, some here in the Senate will continue to tout the fact that China’s new self-imposed emissions intensity reductions, which do not penalize types of binding requirements, will somehow miraculously appear—will somehow suffice for binding requirements. I believe, however, that position will fail to satisfy the American people as acceptable justification for passage of a bill that will result in higher United States energy taxes and no change in the climate.

I do not blame them. If I were in China, I would be trying to do the same thing. I would be over there saying we want the United States to increase their energy taxes, we want a cap-and-trade bill, an aggressive one that is going to impose a tax—now it is expected to be—how high figures far above the $350 billion a year.

That is not a one-shot deal. I stood here on the Senate floor objecting last October when we were voting on a $700 billion bailout. I can’t believe some of our foreign friends, along with virtually most of the Democrats, voted for this. I talked about how much $700 billion is. If you do your math and take all the families who file tax returns, it comes out $5,000 a family.

At least that is a one-shot deal. What we are talking about here is a tax of somewhere around $350 billion every year on the American people and the bottom line is, China wants no restrictions for theirs. They want the highest reductions for the United States and they want foreign aid on top of that.

I want to mention one other thing that just came up in today’s Chicago Tribune. I read this because the Chicago editorialized in favor of the notion that anthropogenic gases are responsible for global warming. I will read this:

Democratic leaders need to slow down. This proposed legislation would affect every American individual and company for generations. There’s a huge amount of money at stake: $845 billion for the federal government in the first 10 years. Untold thousands of jobs created and destroyed. This requires careful study, not a Springfield-style here’s-the-bill-let’s-vote rush job.

Then:

The bill’s sponsors are still trying to re-solve questions over whether and how to impose sanctions on countries that do not limit emissions. That’s crucial.

That is exactly what we have been saying. Even the Chicago Tribune agrees with that.

That’s crucial. Those foreign countries would enjoy a cost advantage in manufacturing if their industries were free to pollute, while American industries picked up the tab. I do not believe America should pay the costs. The Democrats need to delay the vote. Otherwise, the House Members should vote no.

That came out today in the Chicago Tribune. Even the Chicago Tribune says there should not be a vote, but there is going to be a vote. I can’t imagine that Speaker Pelosi would bring this up for a vote unless she had the votes.

What is the motivation for this, knowing full well it will not pass the Senate? I mentioned Copenhagen a moment ago—the big meeting of the United Nations last December, all these people saying America should pass these tax increases. They have to take something up there that will make it look as though America is going to be taking some kind of leadership role. They are not going to do it. If they take the bill passed out of the House, I expect one will be passed out of the Senate committee—because that committee will pass about anything—they will take that to Copenhagen. Everyone will rejoice up there and come back only to find out we are not going to join in.

I am sure there is going to be some type of a treaty that is given to the Senate to ratify. We will all have to remember what happened in 1997. We voted to ratify any treaty that is either harmful to us economically or is not going to impose the same hardship and taxes on developing countries such as China as it does on the United States.

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

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

The legislative clerk proceeded to call the roll.

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

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

AUTHORITY OF U.S. PATENT AND TRADEMARK OFFICE TO USE TRADEMARK FUND

Mrs. BOXER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1358, which was introduced earlier today.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

GLOBAL WARMING

Mrs. BOXER. Mr. President, I did not plan to come down to the floor and speak today about the global warming legislation. But I heard bits and pieces of my friend Senator INHOFE’s speech about essentially why we will never approve global warming legislation, why it is a bad idea, and his usual litany of “horribles” about what will happen. My friend Senator Brownback and I work very well together on most issues that come before our committee when it comes to building the infrastructure; the State Revolving Fund, we have been a team; the highway trust fund, we have been a team. He has been very helpful on most of our nominees, if not all. So I am very grateful to him. But I could not allow his words to be the last word here on the global warming legislation as we get ready to leave for our week to go home and work.

I disagree very strongly with those who say that if we attack the problem with global warming head-on, we are moving into territory where we are
going to regret the fact that we did it because it is going to hurt our people, we are going to lose jobs, it is going to increase energy costs, when, in fact, we know the opposite is true. It is not just me saying it. I come from a State—California, where I have taken the lead in addressing the environment. We always have since the very early days. And what we have proven is that when you do it, you have a much healthier base for economic growth.

If we look at the per capita use of energy in my home State over the last 20 years, it has stayed absolutely flat, if you were to look at a graph. The rest of the country has gone up like this. So the difference between remaining on a flat line—in other words, keeping your per capita energy use stable—even with the creation in that time of computers and bigger TVs and all the rest, and a lot of other comforts, I might add—bigger homes—we have been able to do it. The rest of the country has gone this way and is consuming more energy. And the difference between energy efficiency and the rest of the country, we have a lot of room for improvement, and it has been tried and it is proven and it makes a lot of sense, whether it is better energy use standards or other ways that we have been absolutely key to us, or better fuel economy, which has been key to us. We are the State that happens to buy the most, for example, hybrid cars. We have shown that we can keep per capita use down. A lot of us in our State have changed to the lightbulbs that make sense, the compact fluorescent bulbs. We know we have laws that will move that even further. And we have not given up one ounce of our quality of life. We have a very good quality of life.

So by addressing the issue of global warming and getting the carbon out of the air, the first way to do it is through energy efficiency. That is what makes the light bulbs and compact fluorescent bulbs. Renewable standards for our utilities—very important. We have done it in California, and I know my friend who is in the chair is on the Energy Committee, and I am very grateful they did renewable-portfolio standards, although I would like to see it a little tougher. Be that as it may, we are on the road.

These are the things we can do that actually will tackle the problem of global warming. But there is more we can do through a system where we expect our industries that are emitting the most carbon to gradually bring it down so that we make sure we don't suffer the ravages of increased temperatures.

This science is clear, and my friend Senator INHOFE and I have disputed this for a long time. He insists that the science is not clear. Well, he is not a scientist and I am not a scientist. So I think the best way to do this is to talk to those scientists that are in the world. And we are very fortunate that we have had those scientists working at the United Nations, the Intergovernmental Panel on Climate Change, and they have come out with a series of reports, all of which tell us that temperatures are going up even more rapidly than we thought, the ice melt in the Arctic is occurring faster than we thought. I have seen the pictures of the polar bears. That picture is worth so much to us because we can see what is happening to the habitat there.

I will be leading a trip to Alaska for a couple of days at the invitation of Senator MARK BEGICH. He wants to show me and a group of Senators—and also Senator MURKOWSKI has been gracious enough to say she will join us in this. We are going to see ground zero for global warming in Alaska. I know in Greenland, where I went, you can just see the ice melt. You can sit and actually see the ice break off from these giant icebergs and watch them go out to sea.

So the scientists have proven it, and we know it is absolutely true. So when Senator INHOFE comes down here and he flies in the face of science, those of us who have been working on this—and I see one of our great leaders, not only, I say this, in the Senate but, frankly, the country, with a work record even in the world community, JOHN KERRY, who has joined us. Just for his information, I will be speaking for about another 10 minutes, and then I am going to be so happy to sit and hear him because he has a point about this.

But here is the good news. The good news is that this is an enormous opportunity to move our country forward. Again, I could quote Thomas Friedman, who did an extraordinary job of writing books and articles, and he testified before the Committee on Environment and Public Works very clearly on this, that the country that does this now and does it right and sets up a price on carbon—and I am sure he now knows this is a very good way to do that—is going to be the leader in the world, not just an environmental leader, which is very important for our kids and our grandkids—we don't want to turn over a planet to them where temperatures are so high that we see people dying in the summer from the high temperatures or see our kids swimming in rivers that have turned so warm that organisms now live in those rivers. We have already seen that happen....

This is testimony from those who are venture capitalists. And that, matched with the cap-and-trade system, which will have the ability to really help agriculture, which will have the ability to help our manufacturers, which will have the ability to make sure we have fair trade at the border when products come in, that means we are going to see technologies invented, cleanups start to happen, we will stop the ravages of global warming, and eventually, when all of this technology kicks in, we are going to pay less for their electricity. In the short run, if you have to pay just a little more—and I mean a little more, like 50 cents a day more maybe, probably less—we have the wherewithal to give you the credit for that funding global warming. So when I was a kid who said: Forget about polio, there is nothing you can do about it. But Dr. Jonas Salk figured out we could do something about it.

The science is clear. The world is getting warmer. Yes, to a certain degree, we can handle it, but above that it gets very dangerous. None other than the Bush administration’s CDC, the Centers for Disease Control, told us that it is unequivocal that the dangers are lurking. They started the work to say that there would be an endangerment finding, that our people are in danger if we don't do something. President Obama sees it clearly, and his EPA has picked up the ball and they have issued a draft finding that we are in danger. So Senator INHOFE and other Senators can stand up and say that we are not, but the science is clear. The Senate administration, and Bush administration officials participated in a lot of these U.N. meetings. So it is clear.

We have a great recession we are dealing with, and we have this great challenge of global warming. And the great news is that when we act to solve global warming, we act to solve the problem of this great recession. Why do I say that? Because we know from the venture capitalists, many of whom live in the Silicon Valley, that the amount of funding from the private sector, not the public sector, that is going to flow into clean energy is going to dwarf that that went into the computer industry, that went into high-tech and biotech. This is testimony from those who are venture capitalists. And that, matched with the cap-and-trade system, which will have the ability to really help agriculture, which will have the ability to help our manufacturers, which will have the ability to make sure we have fair trade at the border when products come in, that means we are going to see technologies invented, cleanups start to happen, we will stop the ravages of global warming, and eventually, when all of this technology kicks in, we are going to pay less for their electricity. In the short run, if you have to pay just a little more—and I mean a little more, like 50 cents a day more maybe, probably less—we have the wherewithal to give you the credit for that funding.

I think the House of Representatives has worked very hard to make sure they have the bill that will keep people whole, that will transform this economy to a clean energy economy, will save us of foreign oil, which is only to the good.

You know, Iran has been in the news, and our hearts go out to those who are
trying to take their country back, if I could say that. We all stand with those demonstrators. We will not forget what they have gone through in their struggle.

I ask unanimous consent that when I am done Senator KERRY finish this time on global warming, followed by Senator CORNBYN if he would like to be recognized at that time.

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

Mrs. BOXER. Good.

So what Thomas Friedman—again, writing his great column, as he does—says is that Iran would not be such a formidable power in the world if oil was not so sought after in the world.

We do not buy any Iranian oil for obvious reasons, but the rest of the world does. The fact is, if we can create these clean alternatives, it is going to make every difference—every difference—in the world.

So in closing—and I am so pleased Senator KERRY is here—let me say this: My ranking member, Jim INHOFE, made a comment. I just want to say we are good friends, and anything I say here I say to him, and vice versa. My ranking member in the press—and I do not know if Senator KERRY saw this—my ranking member, Senator INHOFE, said to me in the press I should get a life—get a life—and stop trying to pass global warming legislation because it is not going to happen.

I want to say to him very clearly today, I have a life, and I am spending it getting the votes I need to make sure we take advantage of this momentous opportunity. I want to thank those over in the House who seem to understand this golden moment of opportunity for our economy, for our foreign policy, for the creation of millions of new jobs, for energy independence—that is what they are fighting for over there and for great opportunities for our agricultural sector, our manufacturing sector.

This is an opportunity we should not lose. I am very pleased at the progress we are making over here, and I want to send that signal: We are making great progress.

Mr. President, I thank you very much.

I yield the floor.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is operating under clause on the nomination of Harold Koh.

Mr. KERRY. Mr. President, has the time for a vote been set at this point?

The PRESIDING OFFICER. It has not.

Mr. KERRY. It is not set. I thank the Chair.

With that in mind, I think the leadership is hopeful of trying to get that vote somewhere in the near term.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask the distinguished Senator from Massachusetts if he would yield for a unanimous consent request or two?

Mr. KERRY. Of course, I will yield, Mr. President.

Mr. REID. As usual, I appreciate the courtesy of my friend from Massachusetts.

Mr. President, I ask unanimous consent that all postcloture time be yielded back except for 30 minutes and that time be divided as follows: 10 minutes for Senator KERRY—and we can count the time he has already used. Does the Senate need more time? OK—10 minutes for Senator KERRY, 10 minutes for Senator CORNBYN, 10 minutes for Senator COBURN, or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. REID. Mr. President, I would ask to modify the consent request that in the case of Senator KERRY, the time for KERRY be given 15 minutes and Senator CORNBYN be given 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that upon disposition of the Koh nomination, and the Senate resuming legislative session, the Senate then move to proceed to the consideration of Calendar No. 84, H.R. 2018, the Legislative Branch Appropriations Act; that the motion be agreed to, and once the bill is reported, a Nelson of Nebraska substitute amendment, which is at the desk, be called up for consideration further that the following be the only first-degree amendments and motion in order: McCain, Nebraska photo exhibit; Coburn, online disclosure of Senate spending; DeMint, Visitor Center inscription: “In God We Trust”; Vitter, motion to commit, 2009 levels; DeMint, audit reform Federal Reserve; that upon disposition of the amendments and motion, the substitute amendment, as amended, if amended, be agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferences on the part of the Senate; provided further that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions of the amendments which had been agreed to; and that no further amendments be in order; and that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute amendment remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts, Mr. KERRY. Mr. President, could I have a 5-minute notice from the Parliamentarian?

The PRESIDING OFFICER. The Senator will be notified.

GLOBAL CLIMATE CHANGE

Mr. KERRY. Mr. President, I want to make some closing comments with respect to the nomination of Dean Koh. But before I do that, I want to have a chance to share a few thoughts with the distinguished chairman of the Environment and Public Works Committee, who has been an extraordinary leader on this subject of global climate change.

Let me be the first to affirm that I rather think the Senate has a terrific life, and I am proud of what she is doing with respect to this issue. It is the most interesting. I think it is important for us to talk a bit about a few of the issues.

The Senator from Oklahoma, Mr. INHOFE, has made some comments on the floor of the Senate that are either wrong on the facts or wrong in terms of the judgment politically.

I want to say upfront, as my colleague has said, I enjoy my conversations and my relationship with the Senator enormously. We are both pilots. He flies often, much more frequently than I do these days, but we both share a passion for flight and for aerobatics, and for different kinds of airplanes, and I love talking to him about them.

In which he were up to state of the art with respect to the science on global climate change. He made a number of comments on the floor of the Senate which Senator BOXER and I just have to set the record straight on: No. 1, suggesting that the science is somehow divided. That is myth. It is wishful thinking, perhaps, on the part of some people. I suppose if your definition of divided is that you have 5,000 people over here and 2 people over here—who want to put together a point of view that is not fact, not in fact, paid for by a particular industry or something—you can claim it is divided.

But by any peer review standard, by any judgment of the broadest array of scientists in the world—not just the United States, across the planet—the science is not divided. The fact is, Presidents of countries are committing their countries to major initiatives on global climate change.

The science is clearly not divided with respect to global climate change. In fact, the scientist of the United States whose life has been devoted to this effort, such as Jim Hansen at NASA, or John Holdren, the
President’s Science Adviser—formerly at Harvard—these people will tell you in private warnings that are even far more urgent than the warnings they give in public. The reason is, the science is coming back at a faster rate and to a greater degree in terms of the damager to which the people are exposed than any of these people had predicted.

The fact is, there is a recent study about the melting of the permafrost lid of the planet. It shows in the Arctic—this is the Siberian Shelf Study, which I would ask my colleague from Wyoming to read—columns of methane rising up out of the sea level, and if you light a match where those columns break out into the open air, it will ignite. Those columns of methane represent a gas that is 20 times more damaging and dangerous than carbon dioxide, and it is now—as the permafrost melts—uncontrollably being released into the atmosphere.

In addition to that, there is an ice shelf, the Fast Ice Shelf, down in Antarctica. A 25-mile ice bridge connected the Wilkins Ice Shelf to the mainland of Antarctica. That shattered. It just broke apart months ago. Now we have an ice shelf that for centuries—or thousands of years—was connected to the continent that is no longer connected.

We have sea ice which is melting at a rate where the Arctic Ocean is increasingly exposed. In 5 years, scientists predict we will have the first ice-free Arctic summer. That exposes more ocean to sunlight. The ocean is dark. It absorbs more of the heat from the sunlight, which then accelerates the rate of the melting and warming, rather than the ice sheet and the snow that used to reflect it back into the atmosphere.

There are countless examples of evidence of what global climate change is already doing across the planet. In Newfoundland, we just saw this year in the middle of an Arctic summer. That exposes more ocean to sunlight. The ocean is dark. It absorbs more of the heat from the sunlight, which then accelerates the rate of the melting and warming, rather than the ice sheet and the snow that used to reflect it back into the atmosphere.

So I think we are on the right track. China is going to reduce emissions. China will be on a different schedule because it is the international agreements set up years ago. But as a developing country with 800 million people living on less than $2 a day, it is understandable that they would fight to say: We can’t quite meet the same schedule now, but we will get to the same schedule. What is important is that we work together to reduce emissions. That will happen in Copenhagen. It is much more likely to happen in Copenhagen if the United States of America leads here at home. If we undertake these efforts and pass legislation here, I guarantee my colleagues that Copenhagen will bear fruit to reduce the greenhouse gases that give us the ability to transition our economic system. That is the only way to transition our economy in the next 2 or 3 years, we are going to be chasing China if we do not recognize what has happened and do this.

So the Senator from California, the chairperson of the Environment and Public Works Committee, completely understands, as do many others, this can be done without great cost to our electric power production facilities, without our companies losing business and losing jobs. On the contrary, the jobs of the century for the next 25 years will be in alternative and renewable energy and in the energy future of this country.

There is barely a person I know who does not think we would not be better off in America not sending $700 billion to China to pay for oil so we can blow it up in the sky and pollute and turn around and try to figure out how we are going to spend billions to undo it. Why not spend those $700 billion in the United States creating the energy of the first place, with jobs that do not get sent abroad, and which pay people good value for the job they are doing? It liberates America for our energy security. It provides a better environment. We are a healthier nation, and we increase our economy. So you get all those pluses. What are they offering? What is the alternative that Senator INHOFE and others are offering? If they are wrong in their predictions, we have catastrophe for the planet.

So I think we are on the right track. China is going to reduce emissions. China will be on a different schedule because it is the international agreements set up years ago. But as a developing country with 800 million people living on less than $2 a day, it is understandable that they would fight to say: We can’t quite meet the same schedule now, but we will get to the same schedule. What is important is that we work together to reduce emissions. That will happen in Copenhagen. It is much more likely to happen in Copenhagen if the United States of America leads here at home. If we undertake these efforts and pass legislation here, I guarantee my colleagues that Copenhagen will bear fruit to reduce emissions. That is the only way to transition our economic system. That is the only way we can reduce emissions, how we can transition our economy with minimal—minimal—costs. In fact, for the first few years, it pays for itself to undertake many of these transformations.

I wish to reemphasize some thoughts in the time I have left about Dean Koh. Dean Koh has been the legal counsel for the State Department. I have already spoken about his remarkable academic career, his leadership in the legal profession, the respect and glowing praise he has received from colleagues within the legal profession. We have heard a lot about him. I wish to address some of the points that have been raised in opposition to his nomination, some of which I believe are just plain disrespectful and indecent. It is hard to find the rationale for where they come from, frankly—maybe a mean-spiritedness or something—but it is hard, and I am grateful, as I think we all ought to be, that nominees are willing to subject themselves to some of these public warnings that are even far beyond from the experience. My career, both in and out of government, I have argued that the U.S. Constitution is the ultimate constitution. I have argued that the Constitution directs whether and to what extent international law should guide courts and policymakers.

That is definitive. No one should in any other interpretation into it other than the Constitution is primary. Some have also argued that Dean Koh’s views on international law, particularly on something called “transnational legal process,” would somehow undermine our sovereignty and our security. Again, this represents a fundamental misunderstanding of his views. Dean Koh understands that international law and institutions are simply part of life in a globalized world. Engagement with the international community is desirable. He believes it is best to engage constructively. Here is what he said at his confirmation hearing:

Transnational legal process . . . says what we all know—that we live in an interconnected world that is becoming more interdependent. It is not new, and . . .
a world in which we live . . . It is from the beginning of the republic. It is the basic views of Thomas Jefferson and Ben Franklin, who called for us to give decent respect to the ordinary man. And most importantly, it is necessary and unavoidable that we be able to understand and manage the relationship between our law and other law.

Those aren't the words of a ideologue, but the words of political. It is the broad perspective of a deeply knowledgeable and pragmatic and committed advocate for our Nation's interests. It reflects how we represent our interests. It reflects our real challenge, which is how to best use international agreements and institutions to advance national security interests and promote our core values. That is exactly what Dean Koh has spent his career working on. As one of the world's leading experts on international law, there is nobody better qualified to meet this challenge.

Yesterday, my colleague from Texas suggested that Dean Koh somehow created a moral equivalence between the United States and Iran's brutal and deadly policies. After the recent election. This is what our colleague said:

Koh appears to draw moral equivalence between the Iranian regime's political suppression and human rights abuses that we've been hearing about on television and America's counterterrorism policies on the other hand. In 2007, he wrote: The United States cannot stand on strong footing at the takeoff, they tend to be more supportive of the Bush administration's involvement in abusive interrogation techniques. Well, first of all, Dean Koh had no personal involvement in the lawsuit against John Yoo that has been mentioned, none whatsoever. Let's be clear.

The State Department Legal Adviser is not charged with defending U.S. officials from legal suit or investigation of allegations of war crimes. That is the job of the Justice Department and the Defense Department.

Finally, we have heard questions about Dean Koh's respect for the role that Congress has played in crafting legislation relating to our national security. Dean Koh said at his confirmation hearing, and his words should stand:

The Constitution's framework while defining the powers of Congress in Article 1 and the President in Article 2, creates a framework in which power is a power shared. Checks and balances don't stop at the water's edge. It is both constitutionally required, and it is also smart in the sense that it provides better decisions when Congress is involved. If they are in at the takeoff, they tend to be more supportive all the way through the exercise.

That is just the type of approach that we have in Congress. While disagreements on legal and policy issues are entirely legitimate, I regret that there have been some accusations and insinuations against Dean Koh in the media that would be laughable if they weren't impugning the reputation of such a devoted public servant. Some have alleged that Dean Koh supports the imposition of Islamic Shariah law here in America. Others have actually claimed that he is against Mother's Day. Does anyone really think this President and this Secretary of State would seek legal advice from a man trying to impose Islamic law on America? Or abolish Mother's Day? That type of allegation has no place in this debate.

Fortunately, there is a chorus of voices across party lines and across American life that know the truth about Dean's Koh's record. That's why he has the support of such a long and impressive list of law professors, deans, clergy, former State Department Legal Advisers, and legal organizations.

I was heartened to see that eight Republicans voted for cloture. This sends an important message that his nomination has real bipartisan support. The words of Senator Lugar on Dean Koh bear repeating: "Given Dean Koh's record of service and accomplishment, his personal character, understanding of his role as Legal Adviser, and his commitment to work closely with Congress, I support his nomination and believe he is well deserving of confirmation by the Senate."

Senator LIEBERMAN, one of this body's strongest supporters of the war in Iraq and of Professor Koh's nomination, also put it well: "[T]here is absolutely no doubt in my mind that Harold Hongju Koh is profoundly qualified for this position and deserves confirmation. He is not only a great scholar, he is a great American patriot, who is absolutely devoted to our nation's security and safety."

In closing, I believe Dean Koh's own words best sum up the case for his confirmation: As he has written, "I love this country with all my heart, not just because of what it has given me and my family, but because of what it stands for in the world: democracy, human rights, fair play, the rule of law."

There is no stronger bipartisan voice for foreign policy or for the Constitution in the Senate than Senator Dick Lugar of Indiana, and I hope my colleagues will follow his example.

I thank my Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to speak, once again, on the nomination of Harold Koh, who has been nominated to be Legal Adviser for the State Department. To put this in context, as the Senator from Massachusetts has addressed, the Legal Adviser is a very important job at the State Department. He is responsible for providing guidance on important legal questions, including treaty interpretation and other international obligations of the United States. He gives the Secretary of State legal advice during negotiations with other nations. So the Legal Adviser can be a very influential voice in diplomatic circles, especially if he or she has particularly strong views on America's obligations to other nations and multilateral organizations.

Based on my review of Dean Koh's record, I don't believe he is the right man for this job. His views are in tension with what I believe are core Democratic values, in that he would subjugate America's sovereignty to the obligations of the so-called international common law, including treaty obligations that the Senate has never ratified. Indeed, they are not obligations,
but he nevertheless would impose them on the United States. When the Senator from Massachusetts says he believes the U.S. Constitution is primary, I would have felt much better if he had said it was the exclusive source of American law, together with the laws that are made by the Office of Legal Counsel and international norms which I heard the Senator refer to.

It is true Professor Koh is an advocate of what he calls transnational jurisprudence. He believes Federal judges—these are U.S. judges—should use their power to “vertically enforce” or “domesticate” American law with international norms and foreign law. As I mentioned, this means judges using treaties and “customary international law” to override a wide variety of American laws, whether they be State or Federal. Of course, we understand treaties that have been ratified by the Senate are the law of the land, but Professor Koh believes that even treaties that the United States has not ratified can be evidence of customary international law and given legal effect as such.

The Legal Adviser to the State Department has an important role, as I mentioned, in drafting, negotiating, and enforcing treaties. That is why it is so crucial he understands that no treaty has the force of law in the United States until it has been ratified, pursuant to the Constitution, by the Senate. Do we want a top legal adviser at the State Department who believes that norms that he and other international scholars make should become the law, even if they are rejected or not otherwise embraced by the Congress? That can’t be within the mainstream. That is outside the mainstream; indeed, that is radical in my view of obligations in the international community.

In 2002, Professor Koh delivered a lecture on the matter of gun control. He argued for a “global gun control regime.” I don’t know exactly what he means by that, but if he means that the second amendment rights under the U.S. Constitution of an individual American citizen to keep and bear arms are somehow affected by global gun control regimes, then I disagree with him very strongly. Our rights as Americans depend on the American Constitution and American law, not on some global gun control regime or unratiﬁed treaties because of some legal advice of custom international law.

On the matter of habeas corpus rights for terrorists, in 2007, Professor Koh argued that foreign detainees held by the U.S. Armed Forces anywhere in the world—just enemy combatants at Guantanamo Bay—are entitled to habeas corpus review in U.S. Federal courts. Those are the rights reserved to American citizens under our Constitution and laws, not to foreign terrorists detained by our military in farflung battleﬁelds around the world.

If Professor Koh were correct—and he is not—this would mean that even foreign enemy combatants captured on the battlefield by our troops in Afghanistan and held at Bagram Air Force Base would be able to sue in the U.S. courts seeking their release.

On this issue, fortunately, Dean Koh’s radical views are not shared by the Obama administration, which ﬁled a brief recently arguing that habeas corpus relief doesn’t extend to detainees held at Bagram Air Force base in Afghanistan.

Do we want a top legal adviser in the State Department working to grant terrorists and enemy combatants even more rights than they have now? There is the issue of military commissions, something Congress has sporadically considered throughout our history. Dean Koh’s views of military commissions also deserve our attention.

Military commissions, it turns out, have been authorized since the beginning of this country—by George Washington during the Revolutionary War, by Abraham Lincoln during the Civil War, and by Franklin Roosevelt during World War II. Yes, military commissions have been authorized both by the 43rd and 44th President of the United States in the context of the war on terror.

President Obama has said that “military commissions . . . are an appropriate venue for trying detainees for violations of the laws of war.” I agree with him.

Of course, military commissions, as I alluded to a moment ago, have had bipartisanship and have been authorized by the Congress. But somehow Professor Koh takes a more radical view. He believes military commissions would “create the impression of kangaroo courts.” He said they “provide ad hoc justice.” He said they do not and cannot provide “credible justice.”

Do we want the top legal adviser at the State Department undermining both the will of Congress and the President regarding the time-tested practice of military commissions during wartime?

Again, here is another example of Professor Koh’s views that are radical views—certainly outside of the legal mainstream. Senators should also take a look at Professor Koh’s views on suing or prosecuting lawyers for providing professional legal advice in the service of their country.

My position is clear: Government lawyers—and I don’t care whether they are working in a Democratic administration or a Republican one—should not be prosecuted or sued for doing their jobs in good faith. They should not be punished for giving their best legal advice under difficult and novel situations, even if it turns out that some lawyer somewhere later disagrees with that advice.

As dean of the Yale Law School, Professor Koh has enabled and empowered the legal left-wing to sue one of its own alumni, John Yoo, who worked at the Office of Legal Counsel in the Bush administration.

The Yale Law School’s Lowenstein International Human Rights Law Clinic has ﬁled suit against John Yoo for the legal advice he provided to policymakers during his service on behalf of the American people.

I wonder if Professor Koh is willing to hold himself to the same standard and agree that individuals can sue him for his ofﬁcial acts if he is conﬁrmed as Legal Adviser to the State Department—if later on lawyers, and perhaps prosecutors, disagree with that legal advice and say it was wrong.

Suppose Professor Koh gives legal advice that authorizes military actions in Afghanistan or Pakistan. If those operations result in collateral damage, or civilian casualties, would the victims have standing in Federal Court to sue Professor Koh?

Do we want a top Legal Adviser at the State Department who is so compromised by the fear of being sued or perhaps convicted that he could not be trusted to give honest, good-faith legal advice to the Secretary of State or the President of the United States?

Perhaps most timely, given the civil unrest in Iran—and the Senator from Massachusetts was critical of the fact that I quoted a 2007 writing of Professor Koh, but it is true from this writing, and I will read it in a moment—Professor Koh appears to draw a moral equivalence between Iran’s repressive political suppression and human rights abuses, on one hand, and America’s counterterrorism policies on the other.

In 2007 he wrote:

“The United States cannot stand on strong footing attacking Iran for “illegal detention” when similar charges can be and have been lodged against our own government.

He goes on to say that U.S. Government criticism of Iranian “security forces who monitor the activities of citizens, entered homes and ofﬁces, monitored telephone conversations, and opened mail without court authorization,” was “hard to square with our own National Security Agency’s surveillance.”

Do we want to confirm a top Legal Adviser at the State Department who can’t see the difference between counterterrorism policies approved by the Federal courts and the Congress and the illegal detention practiced by a theocratic regime?

We have heard enough moral equivalence about Iran over the last week,
and we have heard enough apologies for the actions of the United States, and enough soft-peddling of the actions of the Iranian theocracy, which is a brutal police state. We don't need another voice in the administration whose first instinct is to blame America and to pursue a short-term objective of transforming this country into something it is not.

For these reasons, I urge my colleagues to oppose the nomination of Harold Koh as the top Legal Adviser to the State Department.

I yield the floor and reserve the remainder of my time.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Dean Harold Hongju Koh to serve as Legal Adviser to the Department of State. Dean Koh is a close friend of mine, whom I have known and respected for many years. His distinguished career reflects a long history of public service and bipartisanship. For example, Dean Koh served in both Republican and Democratic administrations, beginning his career in government in the Office of Legal Counsel during the Reagan administration and at the Department of Justice and as Assistant Secretary of State for Democracy, Human Rights, and Labor in the Clinton administration.

Dean Koh also has strong academic and professional credentials. He was the editor of the Harvard Law Review, a Marshall scholar and a law clerk for the Honorable Harry A. Blackmun of the U.S. Supreme Court. He has been awarded with several honorary degrees and more than 30 human rights awards.

Dean Koh’s established expertise in international law makes him a strong candidate for the position. I am certain that he will protect the U.S. Constitution and execute the job with extraordinary professionalism. I strongly support his nomination.

Mr. DODD. Mr. President, I rise in support of the nomination of Harold Koh to serve as Legal Adviser to the Department of State.

My one and only regret in offering my enthusiastic support for this nomination is that it will take from my State of Connecticut a pillar of our academic community and a mentor to countless young legal minds at the Yale Law School, where Harold Koh has served as a member of the faculty since 1985 and since 2004.

Dean Koh is of extraordinary intellect, unquestoned patriotism, and great accomplishment. He is a former Marshall Scholar, a graduate of Harvard Law School, the recipient of 11 honorary degrees, and the author of 8 books.

He has appeared before appellate courts and the Congress on countless occasions, won many awards and accolades as a human rights advocate, and served his country under Presidents of both parties. In his most recent service, he was unanimously approved by this body to serve as Assistant Secretary of State for Democracy, Human Rights, and Labor, where he served with tremendous distinction for 3 years.

In short, Dean Koh is exactly the sort of public servant we need at the State Department at a time when our Nation is seeking to restore its standing in the world. His commitment to the traditional American values like respect for all people and adherence to the rule of law.

After all, we confront global challenges as complex as they are numerous. Nuclear proliferation and international terrorism threaten our national security, and issues like genocide and human trafficking test our leadership on the world stage. Our foreign policy must be rooted in an understanding of American and international law, as well as a firm commitment to not only our Constitution, but also the underlying moral values from which it was created.

No one understands these issues better than Harold Koh. He is the child of parents born in South Korea who grew up under Japanese colonial rule. They lived through dictatorship and unrest before coming to America. Their son Harold chose to study law because he understood that, as he once stated in an essay, “freedom is contagious.”

Dean Koh wrote movingly of his time with the State Department:

“Everywhere I went—Haiti, Indonesia, China, Sierra Leone, Kosovo—I saw in the eyes of thousands the same fire for freedom I had first seen in my father’s eyes. Once, an Asian dictator told us to stop imposing our Western values on his people. He said, ‘We Asians don’t feel the same way as Americans do about human rights’ I pointed to my own face and told him he was wrong.

Our Nation will be safer and stronger, and the world will be freer, with Harold Koh at the State Department once again.

I suspect that many of my colleagues who have raised concerns about this nomination understand fully just how qualified Dean Koh is for this position. Unfortunately, some are too willing to play politics with our foreign policy.

Let’s be clear. To suggest that Dean Koh does not understand or appreciate American sovereignty or the supremacy of our Constitution is an insult. Dean Koh has done important and valuable work exploring the tenets of international law and comparisons between the legal systems of different countries, work I hope he will continue when his nomination is approved. He does not wish to subjugate our legal system to that of any other nation, or to international law, and claims to the contrary are simply inaccurate and unfair.

Indeed, while some have been tempted by the prospect of opposing a talented legal scholar nominated by a President of the opposing party, Dean Koh’s nomination has been endorsed by serious legal minds on both sides of the ideological spectrum.

John Bellingher, who served in this position under President George W. Bush, wrote: ‘‘I do think Harold Koh is well qualified and should be confirmed.’’

Kenneth Starr, the well-known Republican attorney who has opposed Dean Koh in court on many occasions, calls him ‘‘not only a great lawyer, but a truly great man of irreproachable integrity.’’

Conservative legal legend Ted Olson agrees, calling Dean Koh a ‘‘brilliant scholar and a man of great integrity.’’ He also makes the very salient point that ‘‘the President and the Secretary of State are entitled to have who they want as their legal adviser.’’

I urge my colleagues to oppose the nomination of the man President Obama has nominated to fill it, have been able to look past political considerations and judge Dean Koh fairly.

They support him. I support him. I urge my colleagues to support him. And I look forward to his confirmation, his service, and his continued friendship.

Mr. CORNYN. We yield back the remainder of our time.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there a sufficient second? There is a sufficient second.

The question is, shall the Senate advise and consent to the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the Department of State.

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 62, nays 35, as follows:

[Rollcall Vote No. 213 Ex.]

Yeas—62

Akaka
Baucus
Bayh
Benberg
Bingaman
Boxer
Brown
Burris
Cappelli
Cardin
Carper
Casey
Collins
Conrad
Durbin
Feinstein
Gillibrand

Nelson (NE)
Nelson (FL)
Prayor
Reed
Reid
Rockefeller
Sanders
Schatzen
Sanders
Shaheen
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Warner
Volkmisc
Whitehouse
Wyden

Nays—35

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning
Burris
Chambliss
Collins
Coburn
Coons
Corker
Corbyn
Crapo
DeMint
Reisch
Rini
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Jackson
Johannes
Kyl
McCaIN
McDonnell
Markowski
Risch
Roberts
Sessions
Shelby
Tenn
Vitter
Wicker

The PRESIDING OFFICER. Are there any other Members desiring to vote?
The nomination was confirmed.

Mr. KERRY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KYL. Madam President, today the Senate confirmed Harold Koh to the position of Legal Adviser to the State Department by a vote of 62 to 35. I voted against his confirmation for reasons I explained on the floor yesterday. Chiefly, I am concerned about his support for a transnational legal process. The National Review recently published an article that explores the inherent conflict between transnational legal norms and the constitutionally defined role of the American judiciary. I ask unanimous consent that it be printed in the RECORD.

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

**KOH FAILS THE DEMOCRACY TEST**

(John Fonte)

Advocates of global governance advance their agenda through the “transnational legal process.” Harold Koh, former dean of the Yale Law School, who has been nominated by President Obama to be the legal adviser to the State Department, is a leading advocate of this “transnational legal process.” His confirmation hearing is today, Tuesday, April 28.

Dean Koh has written extensively—sometimes clearly, sometimes obtusely—on transnational law and the “transnational legal process.” In a rather clear paragraph in The American Prospect (September 20, 2004), Koh explains how the system works: “Transnational legal processes encompass the interactions of public and private actors—nation states, corporations, international organizations—in a variety of forums, to make, interpret, enforce, and ultimately internalize rules of international law. In my view, it is the key question why nations obey international law. Under this view, those seeking to create and embed certain human rights principles into international and domestic law should trigger transnational interactions, which generate legal interpretations, which can in turn be internalized into the domestic law of even resistant nation-states.”

Koh says much the same thing in the Penn State International Law Journal (2006)—more abstractly, to be sure, but it is worth listening to him to begin to appreciate the tone of the global-governance debate in legal circles: “To understand how transnational law works, one must understand the trans-substantive process in each of these issues areas [business, crime, immigration, refugees, human rights, environment, trade, terrorism] whereby [nation] states and other transnational private actors use the blend of domestic and international legal process to internalize international legal norms into domestic law. Transnational disputes are typically global norms that are ‘created’ and ‘interpreted’ in transnational forums into American constitutional law is the American judiciary. As Koh decries, the American courts may play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law. The global norms that are to be ‘internalized’ into American law cover a wide range of policy areas, including matters of foreign policy, immigration, commerce, human rights, free speech, and social issues such as feminism, abortion, gay rights, and the status of children.

To ask the crucial questions of democratic theory: Who governs? Who decides? For the advocates of global governance, the policy issues in play are typically global problems that require global solutions. In this view, international judges, NGO activists, international lawyers, and the like operating in transnational forums such as the International Court of Justice, the International Criminal Court, and various U.N. agencies are the appropriate decision-makers. For the advocates of liberal democracy, these issues should be decided through the democratic political process. In the United States, this would mean the elected representatives of the people: the Congress and president at the national level, state legislatures at the state level, and city councils and mayors at the local level. To be sure, the American judiciary should perform its constitutional role of interpreting the laws made by the political branches of American democracy. However, it is not appropriate for American courts to impose or ‘internalize’ global norms, rules, or laws ‘created’ at transnational forums by transnational actors who have no direct accountability to “We the People of the United States”; actors who not only are not elected by the American people, but who are, for the most part, not even citizens of the United States. It is not appropriate, that is, if one believes in liberal democracy.

But, of course, transnational legal processes articulated by Harold Koh and the politics of transnationalism generally are not democratic. They represent a new form of governance that I call ‘post-democratic.’ To ‘make, interpret, and enforce’ international law, ‘which can in turn be internalized into the domestic law of even resistant nation-states’ (as Koh describes it), is to exercise governance. But do these transnational governors have the consent of the governed? The transnational legal process fails the ‘government by the consent of the governed’ test in two ways. First, the democratic branches of government, the elected representatives of the people, have no direct input either in writing the global laws in the first place, or even in consenting to their domestic internalization, as, for example, happens when the Senate ratifies a treaty or the Congress passes enabling legislation for a non-self-executing treaty. Second, there is no democratic mechanism to repeal or change these international rules that are incorporated into U.S. law by this process. What if the American people decide that some U.N. norms or transnational laws that were imposed upon them without their consent (on, for example, the death penalty, international security, immigration, family law, etc.)? What if the American people at first approved, but later changed their minds on, some of these rules? How do these global norms, now part of international law and U.S. constitutional law, be repealed? Legislation to repeal the global norms could be deemed ‘unconstitutional’ in short, transform democratic answers to these questions consistent with the transnational legal process, because it is not a democratic process. At the end of the day, the argument over the transnational legal process is one part of a larger argument that will come to dominate the 21st century; Who governs? Who decides? Americans continue to decide for themselves public policies related to national security, human rights, immigration, free speech, terrorism, the environment, trade, commercial regulation, abortion, gay rights, and family issues—or will questions be decided by ‘transnational issue networks’ working with ‘transnational norm entrepreneurs,’ ‘governmental norm sponsors,’ and ‘interpretive communities,’ with the complicity of American judges?

The PRESIDING OFFICER. Under the previous order, the President shall be notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the clerk will read as follows:

A bill (H.R. 2981) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be at least one more vote today. Senator Nelson should be here momentarily to start managing the Legislative Branch and Appropriations.

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. NELSON of Nebraska. Madison Professor, I ask unanimous consent that the order for the quorum call be rescinded.

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

(Purpose: In the nature of a substitute.)

Mr. NELSON of Nebraska. Madam President, it is my understanding that there is an amendment already at the desk.

The PRESIDING OFFICER. That is correct. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. Nelson] proposes an amendment numbered 1365.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)
Mr. NELSON of Nebraska. Madam President, I rise today to present the fiscal year 2010 legislative branch bill. I want to start by thanking Senator MURKOWSKI and her staff for their help in putting this bill together. I am very grateful for her support on this subcommittee. This was truly a bipartisan effort from start to finish. I thank her and I note that her health is improving because her leg is improving and she is getting to places on her own now.

The bill funds the salaries of the very dedicated public servants who support the legislative branch of government. The legislative branch is home to not only all of us here in the Senate and the House, but the Capitol Police, the Library of Congress, the Architect of the Capitol, the Government Accountability Office, the Government Printing Office, the Congressional Budget Office, the Office of Compliance, and the Open World Leadership Center.

In drafting this bill, it was our firm belief that the legislative branch should lead by example, funding only the most critical needs of our agencies and being good stewards of the taxpayers' dollars. This proved to be quite a challenge. We were presented with a budget request that reflected a 15-percent increase over the fiscal year 2009 enacted level. However, after several hearings, many meetings, and countless hours of staff negotiations, I am proud to say that we did exactly what we set out to do in writing this bill.

The bill before us today totals $4.6 billion, which is a 4.7-percent increase over the current year. The bill includes House-related items solely considered by that body which totaled $1.475 billion. It is important to note that the Senate Legislative Branch appropriations bill, which did not include House-related items, over which we had no control, had a 3.8-percent increase over fiscal 2009 and was significantly below the budget request. If you include the $25 million that GAO received in the stimulus bill, then this is only a 2.4-percent increase over current year funding levels.

The fiscal year 2010 bill provides $931 million for the Senate, which is an increase of 4.3 percent over the current year. This funding will provide for annual salary and operating increases for Senate offices, the Senate Sergeant at Arms, the Secretary of the Senate, and other agencies that support the operation of the Senate.

The bill includes $331 million for the Capitol Police, which is an 8-percent increase over current year. This includes $4 million to fully implement the merger of the Library of Congress Police with the Capitol Police, providing seamless security throughout the entire Capitol complex.

The bill also provides for 10 additional civil service positions to help resolve management issues, including the constant increase in the demand for overtime. The committee did not provide the 76 new officers requested in fiscal year 2010, but does direct GAO to work with the Capitol Police to ensure that they are getting the most efficient use of their nearly 1,800 officers currently on board, by far the biggest force has ever been.

The Architect of the Capitol is funded at $445 million, which is a decrease of $18 million, or 4 percent below current year. The amount includes $48 million in deferred maintenance projects, including $16.8 million for continued asbestos abatement and structural repairs in the utility tunnels. I am happy to say that the utility tunnel work is on schedule and significantly below original cost estimates. The bill also includes over $14 million in energy and sustainability projects across the Capitol campus.

The Library of Congress funding totals $638.5 million, which is a 4-percent increase over the current year. This amount includes $5.5 million for technology upgrades to allow for increased digitization of the Library's collections and full funding for the Digital Talking Book for the Blind project.

The Government Accountability Office is funded at $35.6 million, which is a 4-percent increase over the current year, and provides all salary and inflationary increases for GAO's current staff level. The Government Printing Office is funded at $147 million, which is a 4-percent raise over current year, allowing for completion of GPO's Federal Digital System and other technology upgrades.

The Congressional Budget Office is funded at $45 million, a 2-percent increase over the current year. Combined with the $2 million included in the supplemental, CBO will have adequate funding and FTEs needed to perform the critical work associated with health care spending, the current financial crisis, and global climate change.

The Office of Compliance is funded at $1.4 million, an increase of 8 percent above current year to cover inflationary changes and to allow the Office to hire an Occupational Safety and Health Program supervisor.

Last, but not least, the Open World Leadership Office is funded at $14.4 million, which is a 4-percent increase over the current year.

I believe the bill before the Senate is sound, prudently and responsibly. Taking into account the calculations I have given, it is a 2.4-percent increase over the current with those calculations. I encourage my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I rise this afternoon in support of the Legislative Branch appropriations bill for fiscal year 2010. The chairman of the appropriations subcommittee, Senator Nelson, and I have worked collaboratively in this process of putting the bill together. I thank him for that. I think we had some real substance in our hearings and spent the time, the energy, and the focus we needed on these matters regarding this particular appropriation.

When combined with the House items, the bill before us totals $4.7 billion, while this 4.7 percent increase is less than a 3-percent increase over fiscal year 2009, as the chairman has said—in fact, 2.4 percent. I would argue for those who say we need to tighten our belts, and help ensure that the legislative branch is a model for the rest of the government. We believed we needed to set a good standard. If we stay on schedule, we will be able to get this bill enacted prior to the beginning of the fiscal year. It is a good start to the appropriations process.

I would like to highlight just a few areas, adding on to what the chairman has mentioned.

First, with respect to the Architect of the Capitol, the bill funds those projects that address the most serious risks to safety and health, such as repairs within the utility tunnels that underlie the Capitol Complex and projects that remedy deferred maintenance in our buildings. If we don't address the maintenance backlogs, the price tags, we know, will just increase down the road.

The bill continues the Architect of the Capitol's efforts to improve energy efficiency, with over $14 million in funding designated for this purpose.

Within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure. For about a decade now, there have been no increases to IT within the Library. For the first time, the users of the Library are virtual users. This was the highest priority of our Librarian of Congress, Mr. Billington. This investment will
ensure that millions of people who access the Library through its Web site will be able to find what it is they are looking for.

Similarly, within GPO, we funded the final increment for updating GPO’s—this is the Library of Congress Policy Office—Web site to ensure government publications can be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress and the Library of Congress Policy Office into the Capitol Police. This project was initiated by Senator BENNETT when he was chairman of the subcommittee and has been promoted by each of the successive chairs and ranking members to improve security of the Capitol Complex.

Finally, there is a directive in the bill for a report by the Government Accountability Office of a study of Capitol Police staffing and overtime. Senator NELSON and I both share the concern that the right-size the Capitol Police and we control overtime spending. We recognize security is absolutely paramount, but effective management of the agency is equally as important.

I thank Senator NELSON for his efforts to promote this subcommittee and his staff and my staff in putting this bill together. I also thank the full committee chairman, Senator COCHRAN, and the ranking member, Senator COCHIN, for getting us to the floor today.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, today the Senate begins its consideration of annual spending bills. We start with the legislative branch appropriations bill. I am pleased to announce to my colleagues that as of this moment, the Appropriations Committee has reported out four appropriations bills. It may please you to know, Madam President, that all of the bills—Legislative, Homeland Security, Commerce, and Interior—passed the committee unanimously and all of the bills represent a bipartisan approach.

We start with the legislative branch appropriations bill not because we want to take care of ourselves, but because it is the only bill so far which has been passed by the House and marked up by the Senate Appropriations Committee.

With the unanimous agreement, the Senate can only act on those appropriations bills which have already been approved by the House. While we begin today with the legislative bill, we are confident that several bills will soon follow. We are optimistic that the Homeland Security bill will pass the House this week and be available for consideration before we adjourn for the recess. Later this week the Committee on Appropriations will meet to consider additional appropriations bills and we expect to meet in early July to prepare another five bills. Over the next several weeks we expect to have many bills debated and hopefully passed by the Senate so that we can begin final conference deliberations on these critically important measures.

The bill before the Senate, as prepared by our Legislative Subcommittee Chairman, Senator NELSON of Nebraska and his ranking member Senator MURKOWSKI of Alaska provides $3.1 billion for the operations of the Congressional Branch, excluding amounts specifically requested for the House of Representatives. It represents a 3-percent increase over the amount included in FY 2009, but it is nearly 10 percent below the amount requested.

Our colleagues should thank Senators NELSON and MURKOWSKI for completing their hard work on this bill. Because of the change in administration, the committee has had the details of the President’s request for less than 2 months. Yet our colleagues, who have only assumed their subcommittee leadership positions this year, have already completed their review and prepared this measure.

The bill was marked up by the committee last week and approved on a unanimous vote. It is a tribute to our two senators that this bill was passed by the committee without a single amendment.

For those of our colleagues who focus on the small part of the Appropriations bills which are earmarks, I would note that there is only one earmark in this bill.

Many critics and pundits constantly overstating the controversial over earmarks, but here in the bill which provides the essential support for our legislative branch, we include only one earmark.

As we begin our process to provide for our Nation’s spending it is important to remember why we are engaged in this annual exercise.

As the Framers of our Constitution recognized it is critically important to our democracy to ensure that the people’s representatives in the Congress are the ones who determine how taxpayer money would be expended.

While the Congress relies on the expertise of the executive branch to develop programs and to construct spending plans, it is our responsibility to determine which of these programs and plans is right for the American people. We were elected to represent our States, one way in which we carry out our responsibilities is by determining our Nation’s budget.

Included in this process is the relatively small amount of funding that are included in direct response to our constituents’ petitions. In the fiscal year 2010 bills that the Appropriations Committee will recommend to this body we will reduce our spending on non-project based earmarks by 50 percent compared to amounts for these program in fiscal year 2006.

To understand the importance of our willingness to curtail this type of spending, I would note that this means a reduction of more than $8 billion in earmarks.

Chairman OBEY and I have agreed that, as long as he and I are Chairman, the total of non-project based earmarks in appropriations bills will not exceed 1 percent of the total discretionary funding appropriated by the committee in any fiscal year.

What this means is that this year and in future years we will allocate 99 percent of the funds for national programs and programs which are included in the President’s request, and only 1 percent, really less than 1 percent, for programs that are included in direct response to the needs of our States, cities, towns and the constituents whom we represent.

It is essential that the Congress maintain its control over Federal spending. While it may not always be politically popular to challenge the authority of Presidents in determining the spending priorities for the country, it is how we safeguard the democratic traditions of this Nation.

The day that we cede this authority to the White House is the day when we create a monarchy. As chairman of the Appropriations Committee and a member of this body for more than 46 years, I have no intention to allow that to occur.

As the Senate reviews this and other spending bills which will soon follow, I urge it to be mindful of the importance of this task.

The bill before this body deserves the support of every Member of this body. It provides for the essential services to fulfill the functions of our legislative branch.

It is a clean bill free of unnecessary legislative riders. It is $300 million below the amount requested and within the funding allocation provided to the subcommittee. I strongly recommend its approval.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. VITTER. Madam President, I have a motion to commit with instructions at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Mr. VITTER moves to commit the bill H.R. 2918 to the Committee on Appropriations with instructions to report the same back to the Senate making the following changes:

(1) Amend the amounts appropriated in the bill so as to report back a bill with an aggregate level of appropriations for fiscal year 2010 not more than the level enacted for fiscal year 2009, while retaining appropriations necessary for the security of the United States Capitol complex.

Mr. VITTER. Madam President, I will outline my motion to commit slightly differently. First, upon introduction, let me say how disappointed and frustrated I am that another amendment I had proposed for this bill was consistently blocked out all of this week, and no vote, no consideration was allowed by the distinguished majority leader. This amendment had been filed some time ago, which I worked hard to get before this body, would have passed again, a repeal of the automatic pay
raise provision for Members of the Senate and Members of the U.S. House currently in the law.

We are in the midst of a very serious recession. American families all around the country are really hurting. Many of them have lost their jobs through investment losses and the stock market. Many others are scared to death about their future. Yet all of us as Members of Congress live under this system where we get an automatic pay raise virtually every year, a pay raise or not. And we do it without anyone knowing about it, without a proposal or a bill to be offered, to be filed, to be debated or voted on. That really is a very offensive system to millions of American families, particularly so during this serious recession.

I am very sorry the majority leader felt the need to work at every turn to block out any consideration of this amendment and certainly any vote on this amendment. We have a unanimous consent agreement on this bill before us. But I do not think amendments not germane to the bill. It contains amendments that have points of order against them. There is no legitimate way the majority leader can distinguish my amendment from those, except that he didn’t want to deal with the issue.

We already have dealt with it by passing a stand-alone bill through the Senate. But, of course, to require the House to deal with it, we need to effectively provide them with a must-pass bill. So that remains my goal, and my effort will continue. I wish to assure and reassure the majority leader that effort will continue and we will be talking about this more in the future.

With regard to my motion to commit with instructions, it has a very similar theme because this motion to commit would simply send this appropriations bill back to the committee and ask that they restyle it so that it does not spend more money than we spent on legislative appropriations for the last fiscal year. That would constitute about a $76 million cut. That is not a huge amount of money in Washington terms, but I think it would be the beginning of a huge and an important and an appropriate statement by this body.

Again, as I said, American families are hurting all over the country. There have been layoffs, job losses; there have been tremendous investment losses. American families are being whittled away, down to nearly nothing in some cases. People who had retired, counting on a certain future have seen that future disappear in front of their eyes. They don’t have the luxury, particularly now, this year, in this recession, of any percentage increase—many of them. Many of those American families are dealing with a huge income decrease. Wouldn’t it be reasonable and appropriate for us collectively to say we are going to live by the same dollar amount as last year? Constitutional, that amount last year was an 11-percent increase from the year before, so that amount Congress passed last year was an 11-percent increase—about triple the rate of inflation—done in the middle of this serious recession. That was a significant increase last year. Shouldn’t we temper that? Shouldn’t we make a statement that we are going to live with the same dollar amount as last year?

I also note that under the exact language of my amendment, No. 1, we would give maximum flexibility to the Appropriations Committee about how they would find those modest savings of $76 million, or No. 2, the one thing we would protect, the one thing we would tell them not to touch is spending which is essential for security of the Capitol Complex. There would be no chance—not that it would be the desire of the Appropriations Committee—there would be no possibility of sacrificing anything to do with security of the Capitol Complex.

This is a pretty simple and a pretty basic suggestion. I think it is a pretty commonsense one. American families are struggling with the worst recession since World War II. Millions of American families have one or more members who have lost their jobs. Those families have seen their incomes go down. Tens of millions of other Americans have seen life savings cut in half. Folks in retirement or near retirement have seen that whole picture change before their eyes. So there are plenty of Americans who are not dealing with an increase from last year, they are dealing with a huge decrease. How about we say on a bipartisan basis: OK, our legislative budget got an 11-percent increase last year even as this recession was underway.

So this year, we are going to get a zero percent increase. This year we are simply going to live with the same dollars as we lived with for the legislative branch last year. This is simple, straightforward, but I think important. Again, we would do this by giving the Appropriations Committee flexibility in terms of finding those savings, and we would do it by protecting the security of the Capitol complex.

I urge all of my colleagues to support this important symbol and this important statement as families hurt all around our country.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise in opposition to the Vitter amendment to fund the legislative branch agencies at current year levels, which would result in a reduction of actually of $101 million below the level that Senator Mark Udall and I have proposed in the bill we are considering.

The fiscal year 2010 bill reflects, as I have mentioned and said, only a 2.4-percent increase over fiscal year 2009 amounts. That is 2.4 percent. So it includes GAO’s stimulus funding into account.

When we started drafting this bill, the budget request we received sought a 15-percent increase over fiscal year 2009. From the outset, my ranking member and I have been committed to holding this bill to the lowest possible funding level, and to lead by example in being good stewards of the taxpayers’ money.

My amendment was to hold this bill at the rate of inflation, if we could, and it frankly pained me to even have to go as far as 2.4 percent over current year. But the reality is there are expenses in the legislative branch that we are required to fund for.

As a former Governor, I am used to hearing individuals assert the desire to make budget cuts without actually offering any specifics. So I am used to what we are seeing here tonight. I say to my colleague, if he has specific suggestions about how the types of cuts would be prudent—he has told us what not to cut, but if he has some specific suggestions about the types of cuts, I would be happy to talk about them. I think we would will not get the job done. I can appreciate the desire to keep spending restrained. However, if the Senator wishes to make specific suggestions of the $100 million cuts that he is, in fact, proposing, I would welcome it, as we have not come across hearing any of the Senator’s suggestions during the weeks and months it took to create this bill.

As a matter of fact, I have visited with my colleague Senator JOHANNS and I am sure he is aware of this year, and have suggested to him that if there are other areas we should cut, then we would take his thoughts into consideration and make any adjustments that would make sense.

But, to my knowledge, I have not received any note of concern from the Senator, the sponsor of this amendment, about any of the items included in this bill while it was being created. We are all concerned about fiscal responsibility.

Let’s talk a little bit about this bill and what this amendment would mean. We now have a fully operating Visitor Center here in the Capitol that costs money to operate and to secure, recently completed. There are still costs associated with bringing it up and into the running process. The Visitor Center has provided increased amenities for our constituents when they make the trip to Washington to visit. But it doesn’t cost the taxpayer.

I have already outlined the bill in my opening statements, so I will not go through all of that again.

This is the first time through this process as chairman of the Legislative Branch Subcommittee, and I must say I was very impressed when Chairman Nystrom tasked me with the enormous responsibility.

This committee funds the agencies Congress relies on to provide them with timely information pertaining to the oversight of the Federal Government. For example, last year the Government Accountability Office, the GAO, as it is referred to, received over
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Mr. VITTER. In summary, let me try to clarify and rebut a few points. First, to say that this bill is a 2.4-percent increase over last year’s is complete fiction, because that assumes the stimulus into last year’s number. In fact, last year’s number, because of the stimulus was a one-time bill, not a normal fiscal year bill. No. 2, last year’s bill, as I mentioned, was an 11-percent increase over the previous year, three times the rate of inflation.

No. 3, I wanted to give the committee maximum flexibility in making this modest cut. But there are plenty of suggestions I would have. I would be happy to offer specifics. I will offer one right now. The Open World Leadership Center Trust Fund, $14.5 million. That would be almost a quarter of the savings I am asking for. That is a program to bring governmental officials from Russia and Eastern European republics to tour the United States. I am sure it is a nice idea, but I think there would be a lot of American families in the middle of this recession who would ask, is that essential? Is that core to what we are doing in government in very tough economic times? Do we actually need to do this?

We can find those savings. That program alone is a quarter of the savings my motion to commit would require. We can find those savings clearly without touching Capitol Police overtime, without touching cost-of-living increases for employees.

Finally, there are millions of American families who are not dealing with any increase this year in their incomes. They are dealing with a huge decrease. They are dealing with a huge decrease in savings. So can’t we simply live with the same dollar amount as we did in the legislative branch last year? I think the huge majority of Americans would find that a very reasonable and a very modest goal.

I yield the remainder of my time.

Mr. DURBIN. I announce that the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I move to table the Vitter motion and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON. Madam President, I move to table the Vitter motion and ask for the yeas and nays.

The PRESIDING OFFICER. The motion is agreed to.

Mr. NELSON. Madam 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.

SERVICE OF SUMMONS AGAINST AND RESIGNATION OF SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Pursuant to Rule IX of the Rules and procedures in the Senate when Sitting on Impeachment Trials, the Secretary of the Senate will now swear the Sergeant at Arms.

The SECRETARY OF THE SENATE. Do you, Terrance W. Gainer, solemnly swear that the return made by you upon the process issued on the 24th of June, 2009, by the Senate of the United States, against Samuel B. Kent, is truly made, and that you have performed such service as therein described: So help you God?

The SERGEANT AT ARMS. I do.

Madam President, I send to the desk the return of service I executed upon service of the summons upon Judge Samuel B. Kent yesterday, June 24, 2009, at 4:30 p.m., at Devens Federal Medical Center, Ayers, MA, accompanied by a statement of resignation executed by Judge Samuel B. Kent following service of the summons, and to be effective June 30, 2009.

The PRESIDING OFFICER. The return of service and accompanying statement of resignation will be spread upon the Journal and printed in the RECORD.

Mr. VITTER. The motion was agreed to.

Mr. NELSON of Nebraska. Madam 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.

BYRD. Madam President, I move that the Sergeant at Arms be excused to return to the floor of the Senate.

The PRESIDING OFFICER. The motion is agreed to.

The Sergeant at Arms is excused to return to the floor of the Senate.
The documents are as follows:

The foregoing writ of summons, addressed to Samuel B. Kent, United States District Judge, and the foregoing precept, addressed to me, were duly served upon the said Samuel B. Kent, by my delivering true and attested copies of the same to Samuel B. Kent, at Devens Federal Medical Center on the 24th day of June, 2009, at 4:30 p.m.

TERRANCE W. GAINER, Sergeant at Arms.

Dated: June 24, 2009.
Witness: Andrew B. Willison, Deputy Sergeant at Arms.

1. Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT.

Dated 24 June 2009.
Witnessed: Terrance W. Gainer; 4:44 p.m., Andrew B. Willison.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the Secretary of the Senate be directed to deliver the original statement of resignation executed by Judge Samuel B. Kent on June 24, 2009, to the President of the United States to send a certified copy of the statement of resignation to the House of Representatives.

I further ask unanimous consent that a copy of the statement of resignation be referred to the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent established by the Senate on June 24, 2009.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more votes today. We will have no session tomorrow. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

As I have told everyone more than once, the next 5 weeks after we get back are going to be jam packed with stuff to do. Members should understand that we will have votes on Mondays and Fridays, with one exception which has already been announced: It is July 17. We hope we don’t have to have weekend sessions. We have a lot to do. Everyone works hard. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

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appropriations bill is about 2.4 percent. While $200,000 is a lot of money—and it certainly is a lot to people today—I think it is important to point out that this museum is associated with the legislative branch in the following manner.

The Durham Museum is seeking to provide a public service of Federal interest making it appropriate to promote a public-private partnership. And this truly is a public-private partnership; the funding for the project in this bill is only 10 percent of the total cost. The Durham Museum will privately raise the remaining 90 percent and incur all ongoing operating costs.

The $200,000 requested in this bill for the Durham Museum to begin the preservation and digitization of the museum’s photo archive collection will create new jobs, preserve our history and improve access to these priceless treasures.

This project will be moved significantly forward by the able assistance of the Library of Congress, and I thank Dr. Billington for his willingness to assist with this important project.

It is important to point out that the Library of Congress has been a leader in digitization projects, having digitized more than 15 million unique primary source documents. The library enjoyed a remarkable long-term relationship with the Durham Museum long before I came to the Senate and will undoubtedly oversee a quality project as the Durham Museum seeks to follow in our national library’s footsteps.

Mr. President, not all national treasures are located inside the beltway. This project is more than just a “photo exhibit.” In addition to making these images available to the public, as noted in the Legislative Branch Report, Durham will work with the Library of Congress to establish conservation and preservation training programs in connection with digitized primary source materials into school curricula.

Dr. Billington and I have worked together to ensure that the library’s most impressive exhibits have traveled to the Durham Museum over the years, ensuring that my fellow Nebraskans, Iowans from the east, Kansans from the north, and South Dakotans from the south, have had access to some of our Nation’s most treasured documents and artifacts.

Some of the notable library exhibits that have traveled to the Durham Museum have included: “Bound for Glory,” showcasing the photographs of the Farm Security Administration in the late 1930s and 1940s, and “With An Eye Toward Fifty,” commemorating the 50th anniversary of the landmark Supreme Court decision in the case of Brown v. the Board of Education.

In January of 2011, the library’s most recent impressive exhibit on Abraham Lincoln, “With Malice Toward None,” will travel to the Durham Museum, showcasing some of our revered former President’s most transformative speeches and eloquent letters.

I urge that this not be considered just a local project. It is associated with the Library of Congress and, as such, has a tie that is an ongoing and longstanding relationship that we should benefit both the Library of Congress and the Durham Museum. There is a nexus here and it is not an isolated incident.

At this point, I ask my colleagues to support the provision that funding within this budgetary request.

OSHA VIOLATIONS

Mr. GRASSLEY. Madam President, as the Senate considers the fiscal year 2010 legislative branch appropriations bill, S. 1294, I would like to raise a concern I have with a provision related to the Congressional Accountability Act of 1995, CAA. As the author of the Congressional Accountability Act, I have long believed that Congress needs to practice what it preaches by applying certain standards and practices to the legislative branch. The CAA did this by incorporating a number of laws including the Occupational Safety and Health Act of 1970. Senator MURKOWSKI, the distinguished ranking member of the Appropriations Subcommittee on the Legislative Branch, is here and I would like to ask about the provision in the bill related to the CAA.

I am concerned that the provision striking a section of the CAA related to the OSHA violations may go further than necessary. As the author of the CAA, this provision was included to ensure that OSHA violations that are found in legislative branch buildings are remedied in a timely fashion. I understand that some concerns have arisen regarding the requirement that compliance occur by the next fiscal year, which prompted this revision, is that correct?

Ms. MURKOWSKI. That is correct, and I think it was a topic of discussion during the subcommittee hearings. Citations from the Office of Compliance are requiring certain actions by the Architect of the Capitol that don’t always make sense. We found that the legislative branch is held to a higher standard than the executive branch and the private sector, and certain standards and timelines are applied that would not be applied outside the legislative branch, particularly to historic buildings.

As I said work with the Architect of the Capitol and Office of Compliance, I am completely supportive of having strong fire and life safety standards, but applying a “gold standard” to the legislative branch doesn’t seem to be appropriate. We need to be pragmatic, and operate within a risk-based framework. In some cases, we have been asked to fund expensive projects by the AOC that simply aren’t a good use of taxpayer dollars and don’t necessarily offer significant improvements in fire and life safety.

Senator NELSON and I asked GAO to work with us to suggest how we could improve access to these priceless treasures.

Mr. GRASSLEY. I thank the distinguished ranking member and look forward to working with her and the chairman to narrow this provision and address the concerns expressed by the Office of Compliance.

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The PRESIDENT. Madam President, the nomination of a new Justice to the Supreme Court has somewhat unexpectedly brought to our mind a core question both for the Senate and the American people, and that is: What, if any, is the appropriate role for foreign law to play in the interpretation of our Constitution? The Constitution, as interpreted by the Supreme Court, is the supreme law of the land. Judges should not be constrained by foreign law in their interpretation of our fundamental rights.

Until recent years, the answer has always been understood to be no, apart from a few rare circumstances, certainly, and certainly never in the interpretation of the meaning of our precious constitutional rights.

This traditional understanding has served to protect our constitutional right by ensuring that judges remain true to the will of the American people, not the will of foreign judges or courts. Our system has a critical component: moral authority. That moral authority
comes from the basic concept that our law is a product of the will of the people through the people they chose to represent them. The Constitution begins "We the People do ordain and establish this Constitution." Our laws are enacted in a Congress, a body subject to the will of the people, comprised of people elected by the people. We are accountable to the American citizens.

The novel idea that foreign law has a place in the interpretation of American law creates numerous dangers. A number of academics, and even Federal judges, I would say, are seduced by this idea.

Judge Sotomayor clearly shares in that idea. I am somewhat surprised, but it is true, as I will discuss. Her vision seems to be that we should change our laws, or listen to other laws and judges, and sort of merge them with this foreign law. That is the overt opinion of Mr. Koh, who was just nominated and confirmed to the chief counsel of the S. State Department. Mr. Koh is quite open about it—shockingly so, really.

But I suggest that if we become transnational, we suffer two monumental blows to our legal system. First, we are subject to laws we will not have made by us. This should remind us of the Boston tea party. The colonies objected to paying taxes, but not just any taxes; they objected because the taxes were being imposed on them by the British Parliament, and they didn't have a voice in it. The complaint was "taxation without representation." Thus, the moral power of the American law to compel obedience arises from the people's choice to enact it in the first place. That moral authority is undermined when we allow foreign law, which we had nothing to do with, to impact our law. That is a pernicious thing, I suggest.

Second, it is not ever going to work in a head on way. Most countries don't have laws, truth be known. They have politics masquerading as laws. Trying to merge our system, based on truth, the law, and the evidence, with these political legal systems will only result in our being shortchanged. We can understand in a good way. Most countries don't have a voice in it. The complaint was "taxation without representation." Thus, the moral power of the American law to compel obedience arises from the people's choice to enact it in the first place. That moral authority is undermined when we allow foreign law, which we had nothing to do with, to impact our law. That is a pernicious thing, I suggest.

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Second, it is not ever going to work in a head on way. Most countries don't have laws, truth be known. They have politics masquerading as laws. Trying to merge our system, based on truth, the law, and the evidence, with these political legal systems will only result in our being shortchanged. We can reach agreements affecting mutual interests with foreign nations and adhere to them as long as we agree to do so—treaties and other kinds of agreements—but to submit ourselves to their political policies while pretending we are upholding our law with theirs is foolishness.

It also creates confusion on a matter of utmost importance. The question is, who does the judge serve, the people of the United States or the people of the world or some individual country with whom they agree or the amorphous "world community," which has been referred to?

Furthermore, reliance on foreign law places our constitutional rights in jeopardy. There are profound differences between American and foreign law on cherished rights protected by our Constitution. The Constitution's protection of free speech is probably unparalleled anywhere in the world. Other nations punish sometimes spirited debate on controversial matters. They call it sometimes "hate speech" and take action against speech and other things that we would allow without a single thought, but it is criminalized in other countries.

The Constitution clearly protects the right to keep and bear arms. Other nations ban private gun ownership entirely. The Constitution allows for the death penalty. Other nations reject the use of the death penalty, even for violent killers, while some other nations have the death penalty and they impose it without due process being carried out. Yet this troubling potential for infringements on constitutional rights, I suggest, is only the tip of the iceberg.

First and foremost, reliance on foreign law creates opportunities for judges to impose their preferences. In a speech that was given to the Puerto Rico chapter of the American Civil Liberties Union on April 28 of this year, 2009, 1 day after having been contacted by the White House about the possibility of a Supreme Court seat, Judge Sotomayor placed herself firmly on what I believe is the wrong side of this debate, stating in this speech:

"To suggest to anyone that you can outlaw child abduction with a treaty—one of the few instances in which reliance on foreign law may be perfectly permissible. Judge Sotomayor repeatedly criticized the majority judges on the panel as "parochial" for consulting American dictionaries to understand the meaning of custody as determined by the Hague Convention on International Child Abduction, and then she relies on foreign interpretations of those words instead. Yet the majority of the judges held Judge Sotomayor for relying on the scattered and divergent foreign legal cases on this subject. The majority even cites a Supreme Court precedent that warns against relying on foreign law where it is in a state of confusion. Third, the reliance on foreign law is also based on a misconception that judges, rather than elected officials in the political branches of government, play a role in advancing our Nation's foreign policy.

Judge Sotomayor states this:

I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.

But judges are not diplomats. It is the job of diplomats to protect our standing in the world, and they have to explain to the world why we rule the way we rule in our cases. That is their responsibility.

Fourth, reliance on foreign law blurs the distinction between domestic and
foreign law, undermining our ability to make democratic choices. The examples of the Supreme Court reliance on foreign law, cited approvingly by Judge Sotomayor, involved the interpretation of the Constitution dealing with purely domestic legal issues that do not need not touch on any matter of international concern. For example, she approvingly cites the case of Roper v. Simmons in which five Justices of the Supreme Court recently rendered a decision on the part on their view of foreign law and concluded that our Constitution declares that we cannot execute a violent criminal if that criminal is 1 day under 18 years of age when he killed someone or a group of people. There is nothing in the Constitution that says that. They found some foreign law to make an argument about what the Constitution says about what age a State can set for the death penalty. I know we can disagree on what the age should be, but it is a legislative matter.

The Court in that case said it was looking to “evolving standards of decency that mark the progress of a maturing society.” What kind of standard is that for law? Where do you find what a mature society is now believing? Do you check with China? Do you check with Iran? Or maybe France? Where do we do this? How do they divine what this all is?

The Court concluded that the death penalty violated the eighth amendment which prohibits cruel and unusual punishment. There are at least six or more references in the Constitution itself to capital crimes, to taking a life without due process. It has always been contemplated in the Constitution that the death penalty is not cruel and unusual. That was for drawing-and-quartering and such matters as that.

If basic constitutional rights are subject to redefinition by considering foreign law, our Constitution ceases to be the bulwark for our liberty it has always been. The Constitution will be weakened. Its authority and power will be diminished. Yet this is precisely the view of foreign law advocated by Judge Sotomayor, who says that these courts that do this “were just using foreign law to help us understand what the concept meant to other countries, and to help us understand whether our understanding of constitutional rights fell into the mainstream of human thinking.” I am not sure, did she mean to say that judges conduct worldwide polls of human thinking? How does a judge find out what the mainstream of human thinking is? In truth, many of the critics of this idea have hit the nail on the head. They say that all it does is allow a judge to look around the world to find somebody who agrees with them and use that as authority to do what they wanted to do all along.

Judge Sotomayor not only advocates for reliance on foreign law, but she also goes a step further than Justice Ginsburg, advocating for adoption of the techniques of foreign judges, even ones that serve to conceal the individual judge’s reasoning process from public scrutiny.

In her forward to the book “The International Judge,” which she was chosen to do, Judge Sotomayor states: “be it good or bad, we have to learn from foreign law and the international community when interpreting our Constitution. We can’t always agree, but we should also question how much we have to learn from international courts and from their male and female judges about the process of judging.” Instead of seeing the world outside the law that influence our decisions.

In her speech in 1999, Judge Sotomayor expressed admiration for the French tradition of judicial panels of judges issuing single decisions, commenting:

With a single decision, there is less pressure on individual judges and less fear of reprisal for unpopular decisions.

According to law professor William D. Popkin, French legal opinions are anonymous, unanimous, and laconic, the legal equivalent of “an English police officer’s badge” and “[t]he irony about French judicial opinion writing is that minimal reason-giving allows French judges to conceal a bold judicial lawmaking role, perhaps even bolder than in the case of U.S. English judges because of the lack of any formal notion of precedent.”

That is different from the American heritage of law. Judges sign opinions. But we have seen at least three very significant opinions in recent years and months from Judge Sotomayor that were per curiam. No one judge assumed responsibility for the decision, and they were very short—so in a way, maybe she is following that—really surprisingly short in the case involving firearms in the case involving firearms in Connecticut. They were very short opinions and not a lot of discussion and per curium.

The problems with this tradition are clear. The approach makes it easier for judges to command of their decisions, making it more difficult to assess whether their legal reasoning was justified. Only then can one see if proper principles are being followed. Indeed, Judge Sotomayor may already be following that, as I noted with some of the per curiam opinions we have seen.

I have to say the judge wants more international law, not less. Ominously, Judge Sotomayor states:

International law and foreign law will be very important in the discussion of how we think about the unsettled issues in our legal system. It is my hope that judges everywhere will continue to do this because . . . within our American legal system we are commanded to interpret our law in the best way we can, and that means looking to what other, anyone has said to see if it has persuasive value.

The judge makes an audacious claim that the American legal system commands judges to look at foreign law and highlights the role of making decisions on unsettled cases. There have been and will be many differences between domestic and foreign law on matters that are fundamental. This is normal and understandable because different nations have different cultures, values, and legal systems. The American ideal of law is objectivity in deciding the case before the court, that case being sufficient for the day. This is unusual. Most countries are not so restrained. To a much greater degree, foreign judges see themselves as policymakers. In Afghanistan and Pakistan recently, the chief judge was setting all kinds of policy in Afghanistan. I thought it was most unusual. Surely nothing like that would happen here because we have a different heritage.

I suggest that for an ambitious, strong-willed American judge, such freedom to search around the world to identify arguments that might be helpful in allowing them to reach a result they might like to reach would be a great temptation. It is a siren call that ought not to be followed, and great judges do not do so. They analyze the American statutes, the American Constitution in a fair and objective way. They apply it to the evidence fairly and honestly found. They reach a decision without any regard to the parties before them, to the rich and poor alike, as their oath says. That is why we give them independence as a judge to show they will be more willing to render these kinds of opinions.

I am troubled by this. I have to say, I did not expect to see a nominee who would be one of the leading advocates for the adoption of foreign law in the American legal system. I think it is wrong. I don’t think that is a good idea. The American people need to be talking about that issue as they think about the confirmation that will be coming up.

Our nominee, Judge Sotomayor, is delightful to talk to. She has a record and a practice as a private practitioner, as a prosecutor, as a district judge, and an appellate judge. All of those are good. She has many good qualities. But some of the issues I am raising today and have raised previously do cause me concern.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BINGGELI). The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The McClain amendment to H.R. 2918.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

The remarks of Mr. Dodd pertaining to the introduction of S. 1382 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

COMMENDING MARK S. MANDELL

Mr. REID. Mr. President, I rise to honor my good friend, a good American and a good person, Mark Mandell.

Mark will turn 60 years old on Saturday, June 27. I have known Mark and his family for many years, and have long been impressed by his many accomplishments and contributions to his community.

Mark’s affiliations are far too long to list but that is an accurate indication of how much of himself he has given to others.

A founding partner at his successful firm—Mandell, Schwartz & Boisclair, Ltd. in Providence, R.I., Mark has been listed among the “Best Lawyers in America.” He has served as the president of the Rhode Island Bar Association and the Rhode Island Trial Lawyers Association.

In addition to his abundant bar memberships, professional associations, society memberships, civic and community activities, and government appointments, Mark has authored and lectured extensively throughout the United States and around the world.

Mark has been recognized with numerous awards, but I know that he is most gratified not by those that honor his professional achievements, but rather those that acknowledge his good citizenship and leadership in community service.

Many of those awards honor Mark for his strong commitment to the Jewish community he so values. As the Torah implores, “Justice, justice shall you pursue.”

I am proud to call Mark Mandell my friend, and thank him for his dedicated and principled pursuit of justice. Happy birthday, Mark.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2010 budget resolution. The reports, which cover fiscal years 2009 and 2010, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through June 22, 2009, and include the effects of P.L. 111–22, the Helping Families Save Their Homes Act of 2009; P.L. 111–31, the Family Smoking Prevention and Tobacco Control Act; H.R. 1777, an act to make technical corrections to the Higher Education Act of 1965, and for other purposes, pending Presidential action; and H.R. 2346, the Supplemental Appropriations Act, 2009, pending Presidential action. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

For 2009, the estimates show that current level spending is $942 million below the level provided for in the budget resolution for budget authority and $3.9 billion above it for outlays while current level revenues match the budget resolution level. For 2010, the estimates show that current level spending is $1,205.9 billion below the level provided for in the budget resolution for budget authority and $715.9 billion below it for outlays while current level revenues are $12.3 billion above the budget resolution level.

I ask unanimous consent to have the letters and accompanying tables from CBO printed in the RECORD.

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


Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate.

Dear Mr. Chairman: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 22, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 405 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated September 11, 2008, the Congress has cleared and the President has signed several acts that affect budget authority, outlays, and revenues for fiscal year 2009. The budgetary effects of legislation enacted at the end of the second session of the 110th Congress are included in the effects of previously enacted legislation on Table 2.

Legislation enacted during the 111th Congress prior to the adoption of S. Con. Res. 13 is included in the budget aggregates of S. Con. Res. 13 (see footnote 1 of Table 2). In addition, since the adoption of S. Con. Res. 13, the Congress has cleared and the President has signed the following acts:

Helping Families Save Their Homes Act of 2009 (Public Law 111–22); and

An act to protect the public health by prohibiting the manufacture, sale, and distribution of tobacco products and to amend the Public Health Service Act, (Public Law 111–31).

The Congress has also cleared for the President’s signature the following acts:

An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (H.R. 1777); and

Supplemental Appropriations Act, 2009 (H.R. 2346).

This is CBO’s first current level report since the adoption of S. Con. Res. 13.

Sincerely,
ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

(For March 25, 2009)

<table>
<thead>
<tr>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,667.6</td>
<td>3,667.6</td>
<td>0.9</td>
</tr>
<tr>
<td>3,361.0</td>
<td>3,361.0</td>
<td>3.9</td>
</tr>
<tr>
<td>1,851,797</td>
<td>1,851,797</td>
<td>0.0</td>
</tr>
<tr>
<td>1,533,683</td>
<td>1,533,683</td>
<td>0.0</td>
</tr>
<tr>
<td>513.0</td>
<td>513.0</td>
<td>0.0</td>
</tr>
<tr>
<td>653.1</td>
<td>653.1</td>
<td>0.0</td>
</tr>
</tbody>
</table>

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

(For March 25, 2009)

<table>
<thead>
<tr>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,186,897</td>
<td>2,186,897</td>
<td>0.0</td>
</tr>
<tr>
<td>2,031,683</td>
<td>2,031,683</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Previously Enacted 1

Budget authority Outlays Revenues

Current level 2

Current level under (–) resolution

OFF-BUDGET

Social Security Outlays 3 | 653.1 | 653.1 | 0.0 |

Social Security Revenues | 653.1 | 653.1 | 0.0 |

1. S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $7.2 billion in budget authority and $8.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. The Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current law.

2. Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

3. Includes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.
TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued  
(In billions of dollars)  

<table>
<thead>
<tr>
<th>Budget resolution 1</th>
<th>Current level 2</th>
<th>Current level under (-) resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ON-BUDGET</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget Authority  3</td>
<td>2,802.1</td>
<td>1,676.2</td>
</tr>
<tr>
<td>Outlays</td>
<td>2,789.1</td>
<td>2,283.2</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,653.7</td>
<td>1,666.0</td>
</tr>
<tr>
<td><strong>OFF-BUDGET</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Security Outlays 3</td>
<td>544.1</td>
<td>544.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Security Revenues</td>
<td>668.2</td>
<td>668.2</td>
</tr>
</tbody>
</table>

1 S. Con. Res. 13 includes $7,150 billion in budget authority and $1,788 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level. 

2 Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 3 of Table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made. 

3 Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually. 

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009  
(In millions of dollars)  

<table>
<thead>
<tr>
<th>Offsetting receipts</th>
<th>n.a.</th>
<th>n.a.</th>
<th>1,665,986</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>n.a.</td>
<td>n.a.</td>
<td>1,656,986</td>
</tr>
</tbody>
</table>

Previously Enacted 1 

<table>
<thead>
<tr>
<th>Revenues</th>
<th>1,637,433</th>
<th>1,621,675</th>
<th>n.a.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Appropriation legislation</th>
<th>1,637,433</th>
<th>1,621,675</th>
<th>n.a.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Offsetting receipts</th>
<th>-690,251</th>
<th>1,656,986</th>
</tr>
</thead>
</table>

| Total, Previously enacted | 947,172 | 1,531,924 | 1,665,986 |

| Total, enacted this session | 328 | 11,319 | 46 |

1 Includes the Children’s Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amount.

2 Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

<table>
<thead>
<tr>
<th>Budget authority</th>
<th>15,539</th>
<th>n.a.</th>
<th>2,900</th>
<th>n.a.</th>
</tr>
</thead>
</table>

3 Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually. 

4 Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

<table>
<thead>
<tr>
<th>Budget authority</th>
<th>Adjusted Budget Resolution</th>
<th>Effective Budget Resolution</th>
<th>Revised Budget Resolution Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,675,736</td>
<td>3,358,952</td>
<td>3,578,032</td>
<td>3,330,335</td>
</tr>
</tbody>
</table>

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<th>1,656,986</th>
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</thead>
</table>

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Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf)
Enclosure.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Hon. Kent Conrad,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

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This is CBO’s first current level report for fiscal year 2010.

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(For Douglas W. Elmendorf)
Enclosure.

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(In millions of dollars)  

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Enclosure.

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This is CBO’s first current level report for fiscal year 2010.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf)
Enclosure.
HONORING OUR ARMED FORCES

SPECIALIST CHANCELLOR ARSENIO KEESLING

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Army SPC Chancellor Arsenio Keesling, from Indianapolis, IN. Chancellor was 25 years old when he lost his life on June 19, 2009, in Baghdad, Iraq. He was a member of the 961st Engineer Company of the U.S. Army Reserve, based in Sharonville, OH.

Today, I join Chancellor’s family and friends in mourning his death. Chancellor, who was known to his friends and family as Chancy, will forever be remembered as a loving brother, son and friend to many. He is survived by his parents Gregg and Jannett Keesling; his brother O’Neil; his sister Tiana; his grandparents Gary and Gwen Keesling and Terrence and Barbara Fowlie; and a host of other friends and family members.

Chancellor, a graduate of Lawrence North High School in Indianapolis, enlisted in the Army following his graduation in 2003. He served his first tour of duty in Iraq as a combat engineer assigned to a company based at Fort Sill in Lawton, OK. He was redeployed to Iraq in May 2009 with the 961st Engineer Company for a second tour of duty.

Chancellor had been home just a few weeks ago to celebrate his 25th birthday with family and friends. A native of Jamaica, where he lived until he was 12 years old, he had a particular passion for soccer and reggae music. He planned on going into the construction business once his military career was complete.

While we struggle to express our sorrow over this loss, we can take pride in the example Chancellor set as a soldier and patriot. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln’s words as he addressed the families of soldiers who died at Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Chancellor’s heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Army SPC Chancellor Arsenio Keesling in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Chancellor’s family can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Chancellor.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 43rd anniversary of the signing of the Freedom of Information Act, FOIA. The tragic events unfolding in Iran are a powerful reminder of the vital role of a free press and the free flow of information in an open society. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on bad policies and government abuses. The act has helped to guarantee the public’s “right to know” for generations of Americans.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act, Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays than it has been in the past. A key component of the OPEN Government Act was the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. This office will mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman.
I applaud President Obama and Acting Archivist of the United States Adrienne Thomas for recently appointing Miriam Nisbet as the first Director of OGIS. I look forward to working closely with Director Nisbet and I will continue to work very hard to ensure that OGIS has the necessary resources to carry out its mission.

These new reforms to FOIA are very good news. But there is still much more to be done.

Earlier this year, Senator CORNYN and I joined together to reintroduce the bipartisan OPEN FOIA Act, S. 612, a commonsense bill to promote more openness regarding statutory exemptions to FOIA. This FOIA reform measure requires that Congress clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain government information secret to ensure the public good and safety, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act has twice passed the Senate this year as a part of other legislation. This bill provides a safeguard against the growing trend towards FOIA exemptions and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. I hope that the Congress will enact this good government measure this year.

When describing our vibrant democracy, President Kennedy once wisely observed that “[w]e are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.” As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm this commitment to open and transparent government.

Open government is not a Democratic issue, nor a Republican issue. It is truly an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 43rd anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

COMMENDING HUBERT AND THOMAS VOGELMANN

Mr. LEAHY. Mr. President, I would like to commend Senator CORNYN’s efforts in a recent article published in The Burlington Free Press on Father’s Day, which featured father and son botanists Hubert and Thomas Vogelmann from Jericho, VT, and the University of Vermont.

Now professor emeritus at the University of Vermont, Hub Vogelmann was the pioneer researcher calling attention to the impact of atmospheric deposition—acid rain—on the forests of the Northeast. Hub led a field trip on the western slopes of the Green Mountains to view the damage in person with the Environmental Protection Agency, EPA, Administrator. His contributions to the stewardship of our natural resources are many, particularly concerning the health of the forest ecosystem.

Now dean of the College of Agriculture and Life Sciences at the University of Vermont, Hub’s son Tom is carrying on in the Vogelmann family tradition of science, service and stewardship.

As if this were not remarkable enough, Hub and his late wife Marie’s two other sons are scientists as well, Jim, a botanist and Andy, a physicist.

I value the working relationship I have enjoyed with Hub over the years and look forward to working with Tom in his new role as dean.

Mr. President, I ask unanimous consent that the article “Like Father, Like Son—Fellow botanists have a lot in common,” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record.

LIKE FATHER, LIKE SON; FELLOW BOTANISTS HAVE A LOT IN COMMON

(By Tim Johnson)

JERICO—This is a story about the family Vogelmann, father and son. They’re next-door neighbors.

Hub, the father, grew up in a city, married, had three sons, moved here to the country, and bred his me a bit better. A grass-fed, back before that was fashionable.

Tom, the eldest, proved adept at haying. He was a bit of a handful, into everything, but he was good at tossing bales into the barn.

Hub had a day job, and he used to joke that’s what made it possible for him to lose money on the cattle. Tom helped out but “he always had a mind of his own—it was get out of the way.”

Hub bought a 120-acre dairy farm in Jericho...
Was it something in the water? How was it that all three Vogelmann offspring wound up with advanced degrees in science? The question brought a blank look to Tom’s face. “A lot of conversations around dinner table...” he said vaguely.

About what, besides butternutes?

“Children,” he said, “from fossils to... We used to walk through plowed fields, we’d find artifacts, and we’d talk about them.”

Or, he mused, maybe it had to do with the ambiance in which they came of age. Some kids grew up in a corporate culture. They grew up in a university culture.

Hub still enjoys hearing Tom talk about the doings at UVM. Some things don’t change, Hub said. They don’t just talk shop, though. Each one brags about the other’s garden.

“He grows some of the world’s best celeriac,” Tom was saying before Hub showed up.

Celeriac, Tom explained, is a big root that you can grate into soups or salads. The leaves look like celery leaves.

After Hub arrived and sat down, the porch conversation turned back to gardens. “He has the biggest garlic patch in Vermont,” Hub said.

“I don’t,” Tom said.

“How many plants do you have—a thousand?”

“Over a thousand,” Tom said. “That’s a lot of holes to make with your thumb.”

“Has he any varieties?”

“Forty-two,” Tom said.

Hub smiled. He seemed to know what was coming.

“If all tastes pretty much the same,” Tom said.

GUN VIOLENCE

Mr. LEVIN. Mr. President, the past few months have been marked by several high-profile, tragic shootings that have left families to grieve and communities to ponder why. While many of the details of these recent shootings vary tremendously, one fact remains constant, our current gun laws have failed to keep firearms out of the hands of those who should not have been able to acquire them.

In 1983, James von Brunn, a white supremacist and Holocaust denier, was convicted of attempting to kidnap members of the Federal Reserve Board, after he was caught trying to enter a board meeting carrying multiple firearms. As a convicted felon, Mr. von Brunn was legally barred from possessing firearms. Despite this fact, on June 10, Mr. von Brunn walked into the United States Holocaust Memorial Museum and fatally shot security guard Stephen T. Johns, a 6-year veteran of the facility, before being shot during Sunday morning services. The accused killer had been arrested by police in 1996, after being found with bomb-making material in his car.

These senseless acts of gun violence frequently also target police officers. On April 4, a 23-year-old man,dishonorably discharged from Marine basic training, armed with three guns, including an assault rifle, ambushed and gunned down Officers Eric Kelly, Stephen Mayhle, and Paul Sciullo in Pitts- burgh, PA. A fourth officer, Timothy McManaway, was shot in the hand. This shooting just 2 weeks after a 26-year-old man, with a prior conviction for assault with a deadly weapon, turned two guns, including an assault rifle, on police officers in Oak- land, CA. SGTs Mark Dunakin, Ervin Romans, Daniel Sakai, and Officer John Hege were fatally shot in what was the deadliest day for U.S. law enforcement since September 11, 2001.

In the span of a few months, a security officer, a doctor, two soldiers, and seven police officers lost their lives. All devoted their professional lives to the protection of others; all gunned down by someone who should not have had access to a firearm. These are not uncommon events, but rather simply the latest high-profile shootings to capture national headlines. In a nation which suffers 12,000 gun homicides, 17,000 self-inflicted gun deaths, and another 70,000 nonfatal gun injuries every year, there are still those who resist legislation aimed at putting an end to these tragedies. I urge my colleagues to act immediately and pass urgently needed commonsense gun legislation.

CLOSE THE SILO/LILLO LOOPHOLE ACT

Mr. BAUCUS. Mr. President, I have been extremely concerned about the problems that arise from the sale-out and lease-out loopholes in our current gun laws. It is clear however, that gaming the system at the taxpayers’ expense is simply unacceptable. In 2004, Senator GRASSLEY and I successfully shut down the loophole that allowed losses from these deductions, but the current economic crisis has once again revealed a problem in this system.

I applaud the work of Senator MENENDEZ to address these issues, and I support his efforts to resolve this problem.
Ms. MIKULSKI. Mr. President, as Chairwoman of the Appropriations Subcommittee on Commerce, Justice, science, and Related Agencies, I rise today to clarify for the record the sponsorship of a congressionally-designated project included in the explanatory statement accompanying H.R. 1105, the Omnibus Appropriations Act, 2009, Public Law 111–8.

Specifically: Senator FEINSTEIN should not be listed as a cosponsor of the San Francisco district attorney’s "Back on Track" Byrne discretionary grant through the Department of Justice, since she did not request this funding. Senator FEINSTEIN’s name was added as a cosponsor of this project through a clerical error.

MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

Mr. CARDIN. Mr. President, I rise today to show my support for the Matthew Shepard Hate Crimes Prevention Act of 2009.

On June 15, 2009, Stephen Johns was killed in the U.S. Holocaust Museum. On February 12, 2008, Lawrence King, a 15-year-old student, was murdered in his high school because he was gay. On election night 2008, two men went on an assault spree to find African Americans, because then-Senator Obama won the Presidential election. In July 2008, four teenagers brutally beat and killed a Mexican immigrant while yelling racial epithets. Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in 2007. That’s nearly one every hour of every day. Over 150 of those incidents occurred in my own home State of Maryland.

The number of hate crimes occurring across the country is likely underestimated. At least 21 agencies in cities with populations between 100,000 and 250,000 did not participate in the FBI data collection effort for the 2007 report. Additionally, victims may be fearful of authorities and may not report these crimes. Local authorities may define what constitutes a hate crime differently than other jurisdictions. But what we do know is that hate crimes are occurring and have increased toward certain groups of individuals.

According to the recent Leadership Conference on Civil Rights Education Fund Report, entitled “Confronting the New Faces of Hate,” hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a five year high in victimization toward lesbian, bisexual and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacist groups has increased by 54 percent and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion based offenses decreased, the number of reported anti-Semitic crimes increased slightly between 2006 and 2007.

The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities. Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based upon a victim’s gender. States have a patchwork of hate crimes statutes which leaves gaps which need to be filled in order to have an effective and comprehensive protection of these crimes. The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin and religion. We need to protect all Americans including disability, gender identity, and sexual orientation. Current law also requires the victim to be participating in a federally protected activity, like attending school or voting. Those who commit hate crimes often times make certain jurisdictions and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The American public supports this goal. According to a Gallup poll from 2007, 68 percent of all Americans support eliminating hate crimes protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans, and 62 percent of individuals who frequently attend church. This legislation also enjoys the support of 42 Senators from both sides of the aisle. The legislation has also already passed the House of Representatives.

This legislation will also provide necessary resources to our State and local law enforcement. Specifically, it will provide grants for State, local and tribal law enforcement entities for prosecution, programming and education related hate crime prosecution and prevention. The bill will also amend States and provide them with additional resources that will not diminish their role in managing criminal activity within their State. The bill supplements state and local law enforcement efforts.

Additionally, and most importantly, the legislation was carefully drafted to maintain protections for Americans’ first amendment rights. Nothing in this legislation diminishes any American’s freedom of religion, freedom of speech or press, or the freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear, the Matthew Shepard Hate Crimes Prevention Act targets violent acts, not speech.

Hate crimes affect not just the victims; they victimize entire communities and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. I encourage my fellow colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

100TH ANNIVERSARY OF MEDICINE BOW, WYOMING

Mr. BARRASSO. Mr. President, I rise today to recognize the 100th anniversary of Medicine Bow, WY. The town eventually became the setting for the classic Western novel by Owen Wister, “The Virginian.”

Medicine Bow’s history began decades before its incorporation on June 26, 1909. The town’s name originates from the mountains surrounding the area. American Indians historically traveled to the foot of the Medicine Bow Mountains to obtain wood that was excellent for arrows. According to the Native Americans, anything that is perfect for the purpose for which it is intended is called “good medicine.”

The Union Pacific Railroad routed tracks through the valley because the Medicine Bow River was an ideal place for a pumping station. Steam engines would pause to take on a load of water before roaring across the prairie to the east or over the mountains to the west. The railroad not only produced what is now known as the town of Medicine Bow, but it also created economic opportunities. Wyoming’s booming cattle industry necessitated stock yards in Medicine Bow. The town became an important shipping center for cattle headed to the eastern market and a great place for cowboys to congregate after gathering their herds.

The land in the Medicine Bow forest was excellent not only for arrows but also for railroad ties. Every year, tie hacks cut hundreds of thousands of railroad ties and mining props from the mountains at the head of the river. The material was then floated down to a boom, a mile from the Medicine Bow Station. These ties were pulled from the river and shipped to supply America’s swiftly expanding railroad network.

The tie hacks and the cowboys played a vital role in the development of Medicine Bow’s untamed reputation. It was this reputation as one of the West’s wildest towns that brought famous novelist Owen Wister to Medicine Bow. Following his stay in Medicine Bow Wister authored the classic Western novel, “The Virginian.” In his novel, he mirrored more than just the setting of the town. His plot was a fictionalized story about the Johnson
County War in Wyoming, told from the cattle barons’ point of view. Even Wister’s famous line from the novel was not original. The phrase, “When you look at me smile,” came from a local man named William Hines. His novel brought fame and recognition to Wyo-
ing ranchers. In 1913 the Virginian Hotel was built by August Grimm and named after Wister’s novel. To this day, visitors from all over the world enjoy a nice meal and a com-
fortable night’s sleep at the Virginian. The area surrounding Medicine Bow has long been host to several energy in-
dustries. Coal and uranium mines brought jobs to the area. Presently, wind turbines secure Medicine Bow’s future and contribution to the Amer-
ica’s energy market. Without a major interstate nearby, the Medicine Bow Valley has been able to secure and maintain its majestic western roots. Modernization may sweep through, but valleys like the Medicine Bow remind us of this heritage.

In celebration of the 100th anniver-
sary of the town of Medicine Bow, I in-
vite my colleagues to visit this historic place. I congratulate the citizens of Medicine Bow who steward this impor-
tant piece of Wyoming’s history and present it to visitors from all over the world.

### ADDITIONAL STATEMENTS

**COMMENDING REVEREND GEORGE POULOS**

- Mr. LIEBERMAN. Mr. President, today I would like to recognize the extra-
ordinary service and remarkable character of Reverend George Poulos of the Church of the Archangels in Staf-
ford, CT, who recently retired after over a half decade of service.

Rev Poulos has come to hold a special place in our hearts and minds over his 53-year career. Over the years, he has been a spiritual father and friend to thousands of Connecticut families. As parish priest for Church of the Archangels, Reverend Poulos has officiated over 2,000 baptisms, 1,000 weddings, and 800 funerals. Although his formal tenure as parish priest ended earlier this week, Reverend Poulos remains intimately connected to the birth, life, and remembrance of the Stamford community. I have known Reverend Poulos for many years and treasure the example he has set in his career of devoted service; I am grateful for all the wisdom he has of-
fered me personally.

The Church of the Archangels where Reverend Poulos served as parish priest is a magnificent structure built in the 11th century Byzantine style; in fact, it is the only true Byzantine-style church in the Western Hemisphere. As a 16-
year-old, I watched the amazing struc-
ture emerge just down the street from the house where I grew up. When you enter the church, the left side wall reads: “AGIASON TOUS AGAPONTAS

**REMEMBERING H.A. “RED” BOUCHER**

- Ms. MURKOWSKI. Mr. President, as our colleagues know, this year marks the 50th anniversary of Alaska’s admis-
sion to the Union. Seeing that year I had the privilege to speak at a number of events to kickoff the 50th anniver-
sary celebration. I marveled at the fact that so many of Alaska’s statesmen and stateswomen—the people who led Alaska from a frontier territory to a modem and vibrant state—are still with us today. The founding fathers and mothers of so many of our States are just names in a history book. In contrast, the founding fathers and mothers of Alaska are not remote hist-
orical figures for friends and neighbors. Alaska’s history is very much a living history. That is a source of great pride to me and to all Alas-

Yet every year, it seems, we lose an-
other piece of Alaska’s living history as those who played a significant role in the statehood fight and the early growth of our 49th State pass on. Today it is my sad duty to acknowled-
edge the loss of Red Boucher, the first elected lieutenant governor of Alaska. Red died last Friday at the age of 88. This Friday the people of Alaska will celebrate Red’s life at a memorial serv-
vice in Anchorage.

Everyone who knew Red knew of his persuasive gifts. Born in Nashua, NH, he grew up in St. Vincent’s Orphanage in Fall River, MA, where he was placed at age 9 after his father’s death in 1930. Seven years later Red, who was barely 16 years old, talked his way into the U.S. Navy. He served for 20 years, in-
cluding all of World War II. After he left the service he ended up in Fair-
banks, where in 1958 he established one of Interior Alaska’s first sporting goods stores. But sports was only one of his passions. Politics was clearly an-
other.

Following service on the Fairbanks city council and as mayor of the city of Fairbanks, Red served as lieutenant governor of Alaska under Governor Bill Egan from 1976 to 1974. After his term as lieutenant gov-

The formula for “Alaska On Line” was simple: Invite interesting guests and let them tell their stories. These shows are virtual oral histories of Alas-
ka. In fact, many of the tapes have al-
ready been acquired by the University of Alaska Anchorage Consortium Li-
brary for use by historians and schol-
ars.

Red Boucher lived every day to the fullest enriching the lives of his fellow Alaskans in innumerable ways. I join with Red’s family and all Alaskans in mourning the loss of this exemplary Alaskan.”
WEST VIRGINIA SCHOOL OF EXCELLENCE AWARD RECIPIENTS

Mr. ROCKEFELLER. Mr. President, today I honor the recipients of the West Virginia School of Excellence award for the 2006–2007 academic school year. This is a prestigious award given to schools scoring in the top 1% of the United States for providing rigorous curriculum, innovative programs, and exhibiting an overall high standard of learning. Those receiving the award this year were Ben Franklin Career and Technical Center in Kanawha County; Poca Middle School in Putnam County; Eagle School Intermediate in Berkeley County; Davis Creek, Village of Barboursville, and Martha Elementary Schools all of Cabell County; Cottageville Elementary in Jackson County; and Stratton Elementary in Raleigh County. They are all incredibly impressive schools that are challenging their students. I would like to take a little time to highlight how each school is preparing their pupils for future success.

Ben Franklin Career and Technical Center, located in Dunbar, centers its curriculum around the principle of preparing all students for the 21st century by training them to operate efficiently in a complex economy. It offers career preparation programs, short-term skill courses, and customized training for local businesses.

Poca Middle School is based on the principles of allowing students to “master basic academic skills and to explore and identify their own interests.” It is a school that prides itself on offering students various opportunities to explore the arts and to actively pursue their interest by attending a wide range of classes and school events. It has allowed students to experience a more personal learning environment by implementing an online math program. The school’s use of online learning is just the beginning of the many expanded learning programs that the schools will be implementing in the near future.

Eagle School Intermediate, located in Martinsburg, is dedicated to “providing educational opportunities for all students to reach their highest academic potential.” Eagle School Intermediate was one of the first schools in West Virginia to allow parents to track their student’s progress via online grade checking. This is just another example of how West Virginia is expanding its boundaries towards providing the most in-depth academic technology to its students and their parents.

Davis Creek Elementary School, located in Barboursville, is an extraordinary representation of the Mountain State’s flourishing primary education programs. For the 2006–2007 school year, the Cabell County public school was declared a National Blue Ribbon School. Davis Creek served 169 students in grades K-5 and has also been named a West Virginia Exemplary School.

Village of Barboursville Elementary School, located in Barboursville as well, is an institution that is focused on cohesive learning among students and faculty. It boasts a strikingly high parental approval rating. The school focuses its curriculum on providing students with the opportunity not only to learn inside the classroom, but also to develop proper social skills that can be taken and used to develop a stronger bond with the environment.

Martha Elementary School, located in Barboursville, is an institution founded on cooperation between parents and students to create an environment conducive to learning. This 300-student rural school focuses on enrolling students with the opportunity to follow their dreams. The dedicated faculty uses innovative programs to assist students on an individual basis, allowing for a more personalized educational experience. The school strives to create an atmosphere of support among family, the school, and the community.

Cottageville Elementary, located in Cottageville, is dedicated to providing “equity and excellence in education.” The school bases its curriculum on the belief that all students should be held to a high standard and endowed with the support necessary to receive and excel at education. Teachers and faculty strive to provide their students with the skills necessary to excel academically by creating a support system that includes the school, family, and the community.

Stratton Elementary, located in Beckley, strives to afford all of its students the opportunity to learn at a pace that is the best match for each individual. Stratton offers many gifted and talented programs and online learning portals that allow students to take more advanced courses and to have access to one-on-one help around the clock.

Once again, I congratulate these eight schools for receiving the West Virginia School of Excellence award, a distinction each school undoubtedly deserves. I commend them on their impressive achievements and applaud all of the administrators, teachers, and students for the wonderful example they set for all West Virginians.

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 President laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 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 bills:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2008, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mrs. Gillibrand).

MEASURES PLACED ON THE CALENDAR

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

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 2009, she had presented to the President of the United States the following enrolled bill:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2008, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2091. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Triallate; Pesticide Tolerances” (FRL No. 8421–2) received in the Office of the President of the Senate on June 22, 2009, to the Committee on Agriculture, Nutrition, and Forestry.

EC–2092. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “2-Butenedioic acid (Z)-, monobutyl ester, Polymer with methoxethene, sodium salt; Tolerance Exemption” (FRL No. 8418–7) received in the Office of the President of the Senate on June 22, 2009, to the Committee on Agriculture, Nutrition, and Forestry.

EC–2093. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “2-Methyl-1-propanol; Tolerance Exemption” (FRL No. 8420–9) received in the Office of the President of the Senate.
Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2089. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009” (FRL No. 8418–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2100. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009” (FRL No. 8418–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2101. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Acetochlor Pesticide Tolerances” (FRL No. 8419–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2102. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “2-Propanoic acid, butyl ester, polymer with ethylene–2-propenoate and N-(hydroxymethyl)-2-propanamide; Tolerance Exemption” (FRL No. 8418–4) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2103. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Michi- gan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone” (FRL No. 8921–2) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2104. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Illinois: Oxides of Nitrogen Regulations, Phase II” (FRL No. 8921–5) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2105. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revision of Source Category List for Standards Under Section 112 (k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Refineries” (FRL No. 8920–6) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2106. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled “Agricultural Chemical Substances; Technical Amendment” (FRL No. 8917–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2107. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances” (FRL No. 8417–6) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2108. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Approval of Promulgation of Air Quality Implementation Plans; Tennessee; Approval to the Knox County, Tennessee” (FRL No. 8903–6) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2109. A communication from the Assistant General Counsel of the Office of the General Counsel, Office of the Director of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Mine Rescue Teams” (RIN2119–A866) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Health, Education, Labor, and Pensions.


EC–2111. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “False Statements Regarding Security Background Checks” (RIN1652–AA66) received in the Office of the President of the Senate on June 23, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2112. A communication from the Deputy Chief Counsel of the Office of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “False Statements Regarding Security Background Checks” (RIN1652–AA66) received in the Office of the President of the Senate on June 23, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2113. A communication from the Deputy Chief Counsel of the Office of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “False Statements Regarding Security Background Checks” (RIN1652–AA66) received in the Office of the President of the Senate on June 23, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2114. A communication from the Deputy Chief Counsel of the Office of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “False Statements Regarding Security Background Checks” (RIN1652–AA66) received in the Office of the President of the Senate on June 23, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2115. 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; Rattles Over the River; Bullhead City, Arizona” ((RIN1625–AA00)(Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2116. 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; Ohio River Mile 266.2 to 266.2 and from Kanawha River Mile 0.0 to 0.5, Point Pleasant, West Virginia” ((RIN1625–AA00)(Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Fireworks; Mission Bay, San Diego, California” ((RIN1625–AA00)(Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2118. 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; Ohio River Mile 460.0 to 475.5, Cincinnati, Ohio” ((RIN1625–AA00)(Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2119. 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: Sea World Summer Nights Fireworks, Mission Bay, San Diego, California” ((RIN1625–AA00)(Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.
EC–2120. 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; Maritime Vessel Launch, Marquette, Wisconsin” (RIN1625–AA08) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2121. 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; Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments” (RIN1625–ZA23) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2122. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Common Crop Insurance Regulations; Basic Provisions; Enterprise Unit Revisions” (RIN0563–AC23) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2123. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, one relative to the one-year extension of authority to provide additional support for counter-drug activities of certain foreign governments, and one relative to the establishment of a defense coalition support fund to maintain the readiness of critical items for coalition partners, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Armed Services.

EC–2124. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to including as part of the National Defense Authorization Bill for fiscal year 2010, relative to the authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency, received in the Office of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2125. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the authority to order Reserve components to active duty in response to a major disaster or emergency, received in the Office of the President of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2126. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank’s 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2127. A communication from the First Vice President and Controller, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank’s 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2128. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Required Fees for Mining Claims or Sites” (RIN0004–AE09) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Energy and Natural Resources.

EC–2129. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tribal Economic Development Bonds” (Notice 2009–51) received in the Office of the President of the Senate on June 25, 2009; to the Committee on Finance.

EC–2130. A communication from the Secretary of Health and Human Services, transmitting a legislative proposal relative to including as part of the National Defense Authorization Bill for fiscal year 2010, one relative to the authority to transfer defense articles no longer needed in Iraq and to provide defense services to the Security Forces of the Islamic Republic of Iran and Pakistan; one relative to building the capacity of Coalition partners; and one relative to building the capacity of NATO and Partner Special Operations Forces, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Foreign Relations.

EC–2131. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of Danger Pay for U.S. Government personnel serving in Bosnia-Herzegovina based on improved conditions; to the Committee on Foreign Relations.

EC–2132. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Establishment of the Upper Mississippi River Valley Viticultural Area” (Notice 2009–6777) (RIN1513–AB40) received in the Office of the President of the Senate on June 23, 2009; to the Committee on the Judiciary.

EC–2133. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Implementation of Statutory Amendments Requiring the Qualifications of Manufacturers and Importers of Other Amendments Related to Permit Requirements, and the Expanded Definition on Roll-Your-Own Tobacco (T.D. TT–78)” (RIN1513–AB52) received in the Office of the President of the Senate on June 23, 2009; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, with an amendment in the nature of a substitute:


By Mr. DURBIN, from the Committee on the Judiciary, without amendment:

S. 1107. A bill to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to vote into the Judicial Survivors’ Annuites System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Raphael William Bostic, of California, to be Assistant Secretary of Housing and Urban Development.

David H. Stevens, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. LEAHY for the Committee on the Judiciary.

B. Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

John P. Kacavas, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. MARTINEZ, Mr. ISAKSON, Mr. COCHRAN, Mr. BURR, Mr. BROWNBACK, Mr. VITTER, Mr. WICKER, Mr. BAUCUS, Mr. TESTER, and Mr. CRAPO):

S. 1348. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. BROWNBACK):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. WYDEN):

S. 1350. A bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. GRASSLEY, Mr. INHOFE, and Mr. Vitter):
S. 1351. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND: (for himself and Mr. SANDERS)

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Finance.

By Mr. BARRASSO (for himself and Mr. WYDEN)

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. MENCHENEZ


By Mr. BARRASSO (for himself and Mr. WYDEN)

S. 1355. A bill to amend title XVII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

By Ms. BOXER (for herself and Mrs. FEINSTEIN)

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. INHOFE)

S. 1358. A bill to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force; considered and passed.

By Ms. LANDRIEU (for herself and Mr. INHOFE)

S. 1359. A bill to provide United States citizenship for children adopted from outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. COONS)

S. 1360. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. BOND)

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard, and improvements of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Ms. KHOUHICHA, Ms. STABENOW, Mr. LEVINSON, Mr. MARTINEZ, and Mr. LEAHY)

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. BATH, Mr. NELSON of Florida, and Mr. CRAPO)

S. 1363. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. MCNULTY)

S. 1364. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. Ensign, Mr. BAYH, Mr. VITTER, Mr. Specter, Mr. Inaskin, Mr. WIGGINS of Delaware, and Mr. LUPPO)

S. 1365. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on Finance.

By Mrs. BOXER

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. Reed, Mr. Ensign, and Mr. Risch)

S. 1367. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rates for individuals; to the Committee on Finance.

By Mr. WHITEHOUSE

S. 1368. A bill to amend title 35, United States Code, to provide for an exception from infringement of design patents for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY)

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. BOXER

S. 1370. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. Ensign, and Mr. MARTINEZ)

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD)

S. 1372. A bill to authorize vehicle maintenance building to house the Smithsonian Institution’s Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself and Mr. Cardin)

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted with Federal funds or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. KERRY, Mr. DURBIN, Mr. HARKIN, and Mr. FRINGOLD)

S. 1374. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BENNET, Mr. BROWNACK, Mr. KOUYL, Mr. LEAHY, Mr. UDALL of Colorado, and Mr. SANDERS)

S. 1375. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. INHOFE, Mr. FRINGOLD, and Mr. DURBIN)

S. 1376. A bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1377. A bill to provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

By Mr. LEVIN

S. 1378. A bill to modify a land grant patient issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. MENCHENEZ)

S. 1379. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial, and industrial buildings; and to create sustainable communities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 1380. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivering and paying for care by renaming the Medicare Payment Advisory Commission, making the commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Finance.

By Mr. GRASSLEY

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. DODD

S. 1382. A bill to improve and expand the Peace Corps for the 21st century, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. GRASSLEY)

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIRKULSKY)

S. 1384. A bill to amend title XVIII of the Social Security Act to provide a senior housing facility plan option under the Medicare
At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 144, supra.

S. 348
At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 391, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 417
At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451
At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS), was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 475
At the request of Mr. BURRE, the name of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) 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. 505
At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 546
At the request of Mr. LEAHY, his name 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. 565
At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 592
At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 604
At the request of Mr. SANDERS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624
At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senate Paul Simon Water for the Poor Act of 2005.

S. 662
At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 686
At the request of Ms. MIKULSKI, the name of the Senator from Michigan Supra

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND):
S. Res. 296. A resolution expressing the sense of the Senate that the United States should immediately implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance.

By Mr. REID:
S. Con. Res. 31. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. MENEZES:
S. Con. Res. 32. A bill expressing the sense of Congress on health care reform legislation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 144
At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. CRIVIN), the Senator from Alaska (Ms. MUKOWSKI), the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to provide for tax relief for children with disabilities, and to amend the tax credit for employers of a certain class of individuals.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 144, supra.

S. 145
At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Texas (Mr. BENDITZ) were added as cosponsors of S. 145, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 180
At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Texas (Mr. BENDITZ) were added as cosponsors of S. 180, a bill to amend the Internal Revenue Code of 1986 to provide that certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

S. 266
At the request of Mr. BURRIS:
S. 146. A bill to amend title 46, United States Code, to improve port safety and security; to the Committee on Commerce, Science, and Transportation.

By Mr. BURRIS:
S. 1386. A bill to amend the Homeland Security Act of 2002 to establish the office of Disability Coordination, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. NELSON):
S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

By Ms. CANTWELL (for herself and Mrs. MURRAY):
S. 1389. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLS, Mr. HARKIN, and Mr. BURRIS):
S. 1390. A bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

S. 1413. A bill to provide for equitable compensation; to the Committee on Commerce, Science, and Transportation.

By Mr. VANDERHILL:
S. 411. A bill to amend the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:
S. 453. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 460. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 461. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 462. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 463. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 464. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 465. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

S. 466. A bill to provide for the National Security Act of 1947, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.
At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mr. BURRI) and the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Hampshire (Mr. GRIEGG) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 694

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mr. BURRI), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Hampshire (Mr. GRIEGG) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigrants Reform, Immigration, and 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 who entered the United States as children, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 846

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 855, a bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, appliance and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes.

S. 855

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 908

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 908, a bill to provide federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 908

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 981

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 984

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 994

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

S. 1012

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1023, a bill to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1023

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1033, a bill to extend the availability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 1033

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1048, a bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants.

S. 1048

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1083, a bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes.

S. 1083

At the request of Mr. NUNES, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1131

At the request of Mr. ROYBLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1150

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1233

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through Aging and Adulting systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1257

At the request of Mr. CORSER, the name of the Senator from North Dakota (Mr. DOGAN) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of leverage management assets of certain designated TARP recipients, and for other purposes.

S. 1280

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. PRIYOR) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1301

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1304

At the request of Mr. BATH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1309, a bill to amend title IV of the...
At the request of Mr. Gregg, the name of the Senator from Oklahoma (Mr. Coburn) was added as a cosponsor of S. 1218, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

At the request of Mr. Coburn, the names of the Senator from Kentucky (Mr. Bunning) and the Senator from Oklahoma (Mr. Coburn) were added as cosponsors of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the sequestration or for the enactment of laws, and for other purposes.

At the request of Mr. Coburn, the names of the Senator from Idaho (Mr. Risch) were added as cosponsors of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the sequestration or for the enactment of laws, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. Snowe (for herself and Mr. Conrad):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

Ms. Snowe. Mr. President, today I rise to reintroduce legislation to offer a drastically simplified alternative for home-based businesses to benefit from the home office deduction. The U.S. Small Business Administration’s, SBA’s, Office of Advocacy designated reforming the home office tax deduction as one of its top 10 regulatory review and reform initiatives for 2008. By establishing an optional home office deduction, the Home Office Tax Deduction Simplification and Improvement Act of 2009 would take a strong step toward making our tax laws easier to understand. I would like to thank Senator Conrad for joining me to introduce this legislation here in the Senate and Representative Gonzalez for introducing identical legislation in the House of Representatives.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I continually hear from small businesses across Maine and this nation about the necessity of tax relief and reform. Despite the fact that small firms are our economy’s real job creators, the current tax system places an entirely unreasonable burden on them as they struggle to satisfy their tax obligations.

Notably, according to the Office of Management and Budget’s Office of Information and Regulatory Affairs, the American public spends approximately nine billion hours each year to complete government-mandated forms and paperwork. A staggering 80 percent of this time is consumed by completing tax forms. What is even more troubling is that the overwhelming majority of taxpayers spend more time on their taxes than on their personal expenses.

Turning to the legislation we are reintroducing today, the Internal Revenue Code currently offers qualified individuals a home office tax deduction if they use a portion of their home as a principal place of business or as a space to meet with their patients or clients. That said, although recent research from the Burmese Business Research Foundation found that roughly 53 percent of America’s small businesses are home-based, few of these firms take advantage of the home office tax deduction. The reason is simple: reporting the deduction is complicated.

A 2006 survey conducted by the National Federation of Independent Business Research Foundation found that approximately 33 percent of small-employer taxpayers try to comprehend the tax rules governing the home office tax deduction, but half of those respondents believe that they actually have a good understanding of the rules. As Dewey Martin, a Certified Public Accountant from my home state of Maine, so aptly said in testifying last year before the Finance Committee, “Many small business owners avoid the deduction because of the complications and the fear of a potential audit.”

With a morass of paperwork attributable to the home office deduction, the time-consuming process of navigating the tangled web of rules and regulations makes it unsurprising that so many small business owners forego the home office deduction. So to encourage the use of the home office tax deduction, the bill we are introducing today would establish an optional, easy-to-use incentive.

Specifically, our bill would direct the Secretary of the Treasury to establish a method for determining a deduction that consists of multiplying an applicable standard rate by the square footage of the type of property being used as a home office. The proposal would also require the IRS to separately state the amounts allocated to several types of expenses in order to reduce the burden on the taxpayer. It is vital that the IRS clearly identify the amounts of the deduction devoted to real estate taxes, mortgage interest, and depreciation so that taxpayers do not duplicate them on Schedule A. Finally, the bill makes two changes designed to ease the administration of the deduction: First, to reflect an economy in which many business owners conduct business or consult with customers through the Internet or over the phone versus face-to-face, our legislation takes these entrepreneurial needs into account, by allowing the home office deduction to be taken if the taxpayer uses the home to meet or deal with clients regardless of whether the clients are physically present. Second, our bill would allow for de minimis use of business space for personal activities so that taxpayers would not lose their ability to claim the deduction if they make a personal call or pay a bill online.

I would be remiss not to note that the bill we are introducing today is the result of the dedicated efforts of various groups and organizations, which have worked with Senator Conrad and me on a consensus approach to improve the current home office tax deduction. In particular, it is significant to note that the IRS Taxpayer Advocate Service and the National Taxpayer Advocate, Nina E. Olson, sent my office the following statement regarding our legislation:

Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes.

At the request of Mr. Burr, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. Res. 199, supra.

The contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

At the request of Mr. Burr, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. Res. 199, supra.
"In my 2007 Annual Report to Congress, I made a similar proposal to simplify the home office business deduction. I am pleased that Senator Snowe and Conrad's proposed bill reflects the gist of my legislative recommendation. Reducing the burdensome substantiation requirements for employees and self-employed taxpayers who incur modest home office costs will make the home office business deduction simpler and more accessible to them. Our measure also received an endorsement from the National Federation of Independent Business. Dan Danner, the organization's Executive Director, said the following: "Currently only a small percentage of home-based businesses in the U.S. take advantage of the home-office deduction because calculating the deduction is unnecessarily complicated. NFIB small business owners have advocated for a simpler, standard home-office deduction for years. The Snowe-Conrad legislation gives home-based businesses the option to deduct a legitimate business expense with minimum hassle. This commonsense change to the tax code will reduce tax complexity and help many home-based businesses take advantage of this deduction." Additionally, the SBA's Office of Advocacy added: "The SBA Office of Advocacy reviewed the legislation and supports it. In closing, according to the SBA's Office of Advocacy, America's home-based sole proprietors generate $102 billion in revenue annually. With this in mind, it is absolutely critical to endow these small firms with as much relief from burdensome tax constraints as possible so that they can focus their efforts on developing the products and services of the future, as well as creating new jobs. The confusion over the home office business tax deduction, in my estimation, can be easily solved by passing this legislation. I urge all Senators to consider the benefits this bill will provide to thousands of small business owners, and I look forward to working with my colleagues to enact it in a timely manner.

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:

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 "Home Office Tax Deduction Simplification and Improvement Act of 2009".

SEC. 2. OPTIONAL STANDARD HOME OFFICE DEDUCTION. (a) In General.—Subsection (c) of section 280A of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use limitations on deductions for such use) is amended by adding at the end the following new paragraph:

"(T) Election of standard home office deduction.

"(A) In general.—In the case of an individual who is allowed a deduction for the use of a portion of a dwelling unit as a business by reason of paragraph (1), (2), or (4), notwithstanding the limitations of paragraph (5), if such individual elects the application of this paragraph with respect to such dwelling unit, such individual shall be allowed a deduction equal to the standard home office deduction for the taxable year of such individual other than the deduction otherwise allowable under this chapter for such taxable year by reason of paragraph (1), (2), or (4).

"(B) Standard home office deduction.—

"(i) In general.—For purposes of this paragraph, the standard home office deduction is an amount equal to the product of

"(I) the applicable home office standard rate, and

"(II) the square footage of the portion of the dwelling unit which paragraph (1), (2), or (4) applies.

"(ii) Applicable home office standard rate.—For purposes of this subparagraph, the term 'applicable home office standard rate' means the rate applicable to the taxpayer's category of business, as determined and published by the Secretary for the 5 categories of businesses described in subparagraphs (1), (2), and (4) for the taxable year.

"(iii) Maximum square footage taken into account.—The Secretary shall determine and publish annually the maximum square footage that may be taken into account under clause (i(I)) for the 5 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

"(c) Effect of election.—

"(1) General rule.—Except as provided in clause (ii), any election under this paragraph, once made by the taxpayer with respect to any dwelling unit, shall continue to apply with respect to such dwelling unit for each succeeding taxable year.

"(ii) One-time election for dwelling unit.—A taxpayer who elects the application of this paragraph in a taxable year with respect to any dwelling unit may revoke such application in a subsequent taxable year. After so revoking, the taxpayer may not elect the application of this paragraph with respect to such dwelling unit in any subsequent taxable year.

"(d) Denial of double benefit.—

"(1) In general.—Except as provided in clause (ii), no deduction or credit, for the taxable year, for any such taxable year attributable to the portion of a dwelling unit taken into account under this paragraph.

"(ii) Exception for disaster losses.—A taxpayer who elects the application of this paragraph in any taxable year may take into account any disaster loss described in section 165(f) for losses for the applicable taxable year, in addition to the standard home office deduction under this paragraph for such taxable year.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

"(f) Modification of home office business use rules.—

"(1) Place of meeting.—Subparagraph (B) of section 280A(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) as a place of business which is used by the taxpayer in meeting or dealing with patients, clients, customers in the normal course of the taxpayer's trade or business, or .

"(2) De minimis personal use.—Paragraph (1) of section 280A(c) of such Code is amended by striking "his employer" and inserting "for the convenience of such employee's employer. A portion of a dwelling unit shall not fail to be deemed as exclusively used for business for purposes of this paragraph solely because a de minimis amount of non-business activity may be carried on in such portion.

"(g) Reporting of expenses relating to home office deduction.—Within 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall ensure that all forms and schedules used to calculate or report itemized deductions and profits or losses from business or farming are reconceived or revised to ensure that all forms and schedules used to calculate or report itemized deductions and profits or losses from business or farming separately amounts attributable to real estate taxes, mortgage interest, and depreciation for purposes of the deductions allowable under paragraphs (1), (2), and (7) of section 280A(c) of the Internal Revenue Code of 1986.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure and alternative fuel use for purposes of:

The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

Mr. PRYOR. Mr. President, I rise today along with Senator INHOFE to introduce the Fuelling America Act of 2009, which will research, develop, and promote vehicles that run on natural gas or propane. These vehicles and aftermarket conversion kits have been available for years, but they have been used mostly in government and private fleets. Very few have been purchased and used by consumers. Larger natural gas and propane vehicles are often used for clean-burning transit buses and delivery trucks.

Natural gas and propane are clean, cost-effective alternative fuel choices. Two important potential benefits of increasing the supply of natural gas and propane vehicles are energy security and reduced pollutant and greenhouse gas emissions than comparable gasoline or diesel vehicles. Compared with conventional vehicles, natural gas vehicles produce only 5 to 10 percent of allowable emissions, which means far less greenhouse gases.

Thanks to new drilling technologies that are unlocking substantial amounts of natural gas from shale rocks, the nation's estimated gas reserves have surged by 35 percent, according to a study released last week. The report by the Potential Gas Committee, the authority on gas supplies, shows the United States holds far larger reserves than previously thought. Estimated natural gas reserves rose to 2,074 trillion cubic feet in 2008, from 1,532 trillion cubic feet in 2006, when the last report was issued.

The increasing production of natural gas and propane vehicles for both individual and public transportation will provide a huge boost for Arkansas'
economy and job growth, Arkansas, with its abundant natural gas resources, has the capability to be a leader in the alternative energy sector and the fight to reduce our country’s dependence on foreign oil. Developing the natural gas vehicle and propane industry will help Arkansas’ natural gas producers grow and thrive, boosting the State’s economy. In Arkansas, the Fayetteville Shale is proving to be a major new find of domestic natural gas. The Center for Business and Economic Research at the University of Arkansas estimates that this shale play will result in about $17.9 billion in economic stimulus and 11,000 jobs for the State.

Natural gas and propane vehicles are more fuel efficient and environmentally friendly than their gasoline counterparts, but right now their high cost and lack of infrastructure, such as refueling stations, make them an unrealistic option for the average American. Since the number of natural gas refueling stations is limited only about 400 to 500 publicly available nationwide, private sector and roughly 120,000 retail gasoline stations the purchaser of a new natural gas vehicle would likely also install a home refueling system. According to NGV America, a typical home system costs roughly $4,500 plus installation.

The Fuelling America Act of 2009 will establish a research, development and demonstration program at the Department of Energy to improve cleaner, more efficient natural gas and propane vehicle engines, on-board systems, and fueling station infrastructure; require the GSA to report on whether the Federal fleet should increase the number of natural gas and propane vehicles, as well as aftermarket conversion kits. At the same time, America can become less dependent on foreign oil, utilize our abundant natural gas resources, and create a cleaner environment.

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. 1350

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 “Fuelling America Act of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I.—INCREASED PRODUCTION OF NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES

SEC. 101. Definitions.

SEC. 102. Natural gas and liquefied petroleum gas vehicle research, development, and demonstration projects.

SEC. 103. Study of increasing natural gas industry.

SEC. 104. Clean school bus program.

SEC. 105. Tax incentives.

SEC. 106. Certification of aftermarket conversion systems.
matter to be applicable for school buses manufactured in that model year; or
(iv) clean school buses with engines only fueled by compressed natural gas, liquefied natural gas or liquefied petroleum gas, except that school buses described in this clause may be eligible for a grant that is equal to an additional 25 percent of the acquisition cost of the school bus (including fueling infrastructure).; and

(B) in subparagraph (B)—
(i) in the subparagraph heading, by striking "one-fourth" and inserting "50 percent"; and
(ii) in the paragraph preceding clause (i), by striking "and any qualified liquefied petroleum gas motor vehicle", and inserting "and any eligible natural gas motor vehicle";

(iii) in paragraph (4), by striking "in clause (i) a new qualified alternative fuel motor vehicle or aftermarket conversion system for the final assembly of which is in the United States and that—"

(iv) is only capable of operating on liquefied petroleum gas or liquefied natural gas, or

(v) is capable of operating for more than 15 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

(3) any eligible liquefied petroleum gas motor vehicle.—For purposes of this paragraph, the term ‘eligible liquefied petroleum gas motor vehicle’ means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system for the final assembly of which is in the United States and that—

(i) is only capable of operating on liquefied petroleum gas, or

(ii) is capable of operating for more than 15 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

(4) Aftermarket conversion system.—For purposes of this paragraph, the term ‘aftermarket conversion system’ means property that converts a vehicle that is not described in this paragraph into an eligible natural gas motor vehicle (for purposes of subparagraph (B)) or an eligible liquefied petroleum gas motor vehicle (for purposes of subparagraph (C)).

(5) Extension of credit for natural gas and liquefied petroleum gas refueling property.—For purposes of this paragraph, the term ‘extension of credit for natural gas and liquefied petroleum gas refueling property’ has the same meaning as the term ‘qualified natural gas vehicle refueling property’ described under subsection (c) if only natural gas, compressed natural gas or liquefied natural gas, or

fueled natural gas and is capable of operating on gasoline or diesel fuel.

(TITLE II—TAX INCENTIVES)

SEC. 201. CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.

(a) INCREASE IN CREDIT PERCENTAGE FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.—Subsection (e) of section 30B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY AND QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—

(1) In general.—In the case of any qualified natural gas vehicle refueling property and any qualified liquefied petroleum gas vehicle refueling property to which paragraph (6) does not apply:

(i) subsection (a) shall be applied by substituting ‘90 percent’ for ‘30 percent’;

(ii) subsection (b)(1) shall be applied by substituting ‘$50,000’ for ‘$30,000’, and

(iii) subsection (b)(2) shall be applied by substituting ‘$2,000’ for ‘$1,000’.

(2) Qualified natural gas vehicle refueling property.—For purposes of this paragraph, the term ‘qualified natural gas vehicle refueling property’ has the same meaning as the term ‘qualified alternative fuel vehicle refueling property’ would have under subsection (c) if only natural gas, compressed natural gas, and liquefied natural gas were treated as clean-burning fuels for purposes of section 179A(d).

(3) Qualified liquefied petroleum gas vehicle refueling property.—For purposes of this paragraph, the term ‘qualified liquefied petroleum gas vehicle refueling property’ would have under subsection (c) if only liquefied petroleum gas were treated as a clean-burning fuel for purposes of section 179A(d).

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30B of the Internal Revenue Code of 1986 is amended to read as follows:

"(g) CREDIT.—Subsection (e) of section 30B of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) CREDIT.—The credit allowed by this subsection is—

(a) for each taxable year ending after such date, the credit allowable with respect to the qualified Alternative fuel motor vehicle or aftermarket conversion system, described in subsection (a)(1), determined by multiplying—

(i) the amount of alternative fuel delivered to such qualified Alternative fuel motor vehicle or aftermarket conversion system, by the number of alternative fuel vehicles operated by the taxpayer for each taxable year ending after such date, and

(ii) the number of alternative fuel vehicles operated by the taxpayer for each taxable year ending after such date, by the number of alternative fuel vehicles operated by the taxpayer for each taxable year ending after such date.

"(b) ELIGIBLE NATURAL GAS MOTOR VEHICLE.—For purposes of this paragraph, the term ‘eligible natural gas motor vehicle’ means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system for the final assembly of which is in the United States and that—

(i) is only capable of operating on liquefied petroleum gas, or

(ii) is capable of operating for more than 15 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

"(C) ELIGIBLE LIQUEFIED PETROLEUM GAS MOTOR VEHICLE.—For purposes of this paragraph, the term ‘eligible liquefied petroleum gas motor vehicle’ means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system for the final assembly of which is in the United States and that—

(i) is only capable of operating on liquefied petroleum gas, or

(ii) is capable of operating for more than 15 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

"(D) AFTERMARKET CONVERSION SYSTEM.—For purposes of this paragraph, the term ‘aftermarket conversion system’ means property that converts a vehicle that is not described in this paragraph into an eligible natural gas motor vehicle (for purposes of subparagraph (B)) or an eligible liquefied petroleum gas motor vehicle (for purposes of subparagraph (C)).

"(E) EXTENSION OF CREDIT.—The credit allowed by this subsection shall be applied to vehicles placed in service after December 31, 2008, in taxable years ending after such date.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to join my fellow New Englander, Senator SUSAN COLLINS of Maine, in introducing the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009.

As families in New England look forward to outdoor fun this summer—and with good reason, as we look forward to vacationing in New England—they might not be thinking about the risks and dangers associated with hiking, camping, and other outdoor activities.

But every year, tens of thousands of Americans working or playing outdoors are bitten by ticks.

For most, a tick bite is nothing more than a minor annoyance. But approximately 20,000 Americans contract Lyme disease each year, and the numbers are rising. And because Lyme disease is difficult to diagnose, many experts believe the true number of cases each year could be as much as 10 to 12 times what the government reports. Worst of all, it is our children who are most at risk.

Lyme disease was first described in my home State of Connecticut, and we still have the highest incidence rate in the country and are ten times more likely to contract Lyme disease than the rest of the Nation. But the Centers for Disease Control and Prevention has received reports of new cases from 46 States and the District of Columbia. According to some estimates, Lyme disease costs our Nation more than $2 billion in medical costs each year.

Lyme disease can affect every part of the body. Tens of thousands of Americans suffer through pain, severe fatigue, sleep disturbance, and cognitive difficulties, among many other symptoms. Some of these victims are able to lead normal lives, finding ways to cope with the disease. But many more find their lives, preventing them from everyday experiences that we all take for granted.

The legislation we offer today directs the Secretary of Health and Human Services to establish a Tick-Borne Diseases Advisory Committee at HHS to coordinate efforts and improve communication between the federal government, medical experts, physicians, and the public.

It will improve diagnostic efforts, establish a national clearinghouse for research and reporting, and require that scientific viewpoints on this often-frustrating disease be disseminated in a balanced way.

It contains tools for researchers, physicians, and the public to improve awareness and treatment.

Finally, it requires the Secretary to prepare and submit to Congress an annual report to the Appropriations Committees of both the Senate and the House of Representatives regarding Lyme disease research and treatment funding.
I want to specifically mention and thank the organization from my home State of Connecticut that worked closely with me to develop this legislation, Time for Lyme. The co-presidents and founders of Time for Lyme, Diane Blanchard and Debbie Siciliano, are tireless advocates for the people struggling with chronic Lyme disease. This is not their job. They are parents whose children suffer from this disease. They work to find time in their busy schedules to make a difference. This is their community. They give us hope that we can get this done.

I also want to thank my good friend, Senator COLLINS, for her leadership on this issue. I want to thank Senators REED, LIEBERMAN, CARLIN, and WHITEHOUSE for their support for this bill. Whether it is fishing on the Housatonic River or exploring Gillette Castle State Park near my home in East Haddam, Connecticut families enjoy a variety of outdoor activities. But Lyme disease remains a persistent and dangerous risk for my constituents, for Senator COLLIN’S constituents, and for those across the country. With leadership from this body and better coordination from federal agencies, we can more effectively combat this disease, better protect our children and families, and make our outdoor spaces safer places to work and play.

I urge my colleagues to join Senator COLLINS and myself in support of this legislation and thank them kindly for their consideration.

By Mr. LEAHY (for himself and Mr. SANDERS): S. 1353. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

By Mr. BARRASSO (for himself and Mr. WYDEN): S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today to introduce legislation that will correct an inequality in the Department of Justice’s Public Safety Officers Benefits, PSOB, Program by extending benefits to non-profit EMS providers who die or are disabled in the line of duty. I am pleased to be joined today to introduce legislation that will provide same day in the same dangerous environments. With a renewed appreciation for the important community service of first responders since the tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act would correct this inequality by extending the PSOB program to cover non-profit EMS providers who provide emergency medical and ground or air ambulance services. Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1988 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

(A) is a public agency; or

(B) is (or is a part of) a nonprofit entity serving the public that is officially authorized or licensed—

(i) to engage in rescue activity or to provide emergency medical services; and

(ii) to respond to an emergency situation;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “or as a chaplain”;

(B) in subparagraph (B)(i), by striking “or” and after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”;

and

(D) by adding at the end the following:

“the service of first responders and other members of non-profit emergency medical service crews who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2(1) of this Act shall apply only to injuries sustained on or after January 1, 2009.

As the Senate takes up comprehensive healthcare reform, this Congress must not lose focus on the health needs of folks in rural areas. Too many Oregonians cannot get the kind of affordable and comprehensive coverage or access to care that their Medicare and Medicaid patients receive. In addition, many patients in rural Oregon, even those with good health benefits, do not have access to providers or have to travel long distances to get medical care.

Meanwhile, providers lack incentives to go to—or stay in—rural areas. It is a lot more lucrative for them to work in big cities where they can work in state-of-the-art facilities and earn top dollar. According to Oregon’s Office of Rural Health, a major obstacle facing Oregon’s rural health clinics is the severe shortage of health care providers willing or able to work in a rural area. One out of three Oregon rural health clinics was recruiting in 2008.

That is why Senator BARRASSO and I come here to introduce the Rural Health Clinic Patient Access and Improvement Act. Simply put, our bill would help improve access for patients in rural areas, while increasing reimbursement rates and giving incentives to providers in rural areas.

June 25, 2009
The Rural Health Clinic Patient Access and Improvement Act increases the all-inclusive Medicare payment rate for rural health clinics by more than 20 percent per visit from an average of $76 to $92. This bill would provide an additional $2 bonus for rural health clinics that participate in a quality improvement program. Quality of care should be a focus for all providers.

The bill will allow for better collaboration and communication between health centers and rural health clinics. It also creates a 5-state demonstration project to recruit and retain providers in rural communities by subsidizing a portion of the provider’s medical liability costs if they practice in a rural health clinic. These reforms will help ensure rural residents have access to the same level of quality care as those in other parts of the country.

This bill builds upon the success of Oregon’s rural health clinics that serve 31 rural counties across the state. These rural health clinics help to ensure access to primary care for the underserved elderly and low-income populations. Ninety-eight percent of Oregon’s rural health clinics are willing to continue and Medicaid patients as well as patients with no insurance. Not only are they willing to see these patients, but 96 percent are currently accepting new patients. Many rural residents—whether they are single, elderly, poor, uninsured, or have private insurance—would have nowhere to go to receive primary care without rural health clinics.

When it comes to health care, people want to go to a provider they know and trust. One of the reasons rural health clinics have been so successful is that they have become an integral part of their communities. A great example of this is Gilliam County Medical Center. Gilliam County hosted a succession of short-term physicians placed in the clinic were hired. Dave, Dennis, their aunts Jones and Bruneau. David’s wife is a medical technician who works in the clinic and Dennis’ wife serves as the clinic manager. When Dr. Carlson is not in Condon, he has his own medical practice 70 miles away in Hermiston, OR, with supervision of the nearest hospital to Condon.

Not all rural areas are alike and the rural health clinic program gives these providers the flexibility they need to be the regular source of care of primary care physicians. Regular access to primary care, as you know, is one of the key tests of whether or not you will receive the preventive health screenings that can mean the difference that could save your life. They allow for health problems to be caught early on so that they can be headed off for just a little money, instead of at later stages, which require costly specialty care that runs up the bill for the patient and the taxpayer.

Oregonians deserve the same right to quality, affordable medical care as those living in urban areas, but they do not have it under our current system. This bill will expand access to health care for folks in rural areas and instill the playing field for rural health clinics by giving them the tools they need to attract and retain quality medical providers.

I want to thank Senator BARRASSO and his staff for their hard work in bringing this important bipartisan legislation before the Senate. I hope my colleagues will join Senator BARRASSO and me, and support this much needed and bipartisan bill.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise on behalf of myself and Senator FEINSTEIN to speak on the introduction of the Western States Trail Study Act of 2009. This legislation would provide for a study by the Department of the Interior on the possible designation of the Western States Trail as a National Historic Trail.

The National Trails System Act specifies that to qualify for listing as a National Historic Trail, a trail must be historically significant and must have significant potential for public recreational use or historical interpretation and appreciation. The Western States Trail absolutely meets these criteria.

From the beginning of California’s recorded history, the Western States Trail has had an important role in the development of our state and nation. Originally a Native American trail used by the Paiute and Washoe Indians, it later became the most direct link between the gold camps of California and silver mines of Nevada. Professor William Brewer also followed part of this trail in his 1863 expedition as part of State Geologist Joseph Whitney’s survey of California. In 1855, the Western States Trail became the site of the world’s first and leading 100-mile trail ride, and in 1974 became the world’s first and leading international trail ride. These national events are of tremendous importance to the local community as well as equestrians and runners throughout the nation. Western States volunteers dedicate hundreds of hours each year to the U.S. Forest Service and California Department of Parks and Recreation to maintain the trail, exemplifying citizen action at its best.

Most of the trail remains in the same state as in the 19th century, passing through scenic wilderness ranging from the Sierra Crest, to magnificent forests and mountain streams, to the grasses and oaks of the Sierra foothills.

The citizen-government partnership that our bill represents continues the tradition of the Western States Run to protect and preserve the Western States Trail, and to ensure that the public has access to its rich history and scenery.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I believe that perhaps the most effective way to improve the education of our children is to invest in their teachers, and make certain that quality teachers have the incentive to stay in the classroom system.

Unfortunately, without new investments, our disadvantaged and rural schools may not be able to attract the qualified teachers needed to prepare our children for the 21st Century workplace. Isolated and impoverished, too many West Virginia schools must compete against higher paying, well-funded schools for scarce classroom talent. As a result, they face a shortage of qualified teachers, particularly in math, science and foreign languages.

I am introducing a bill designed to invest in bringing dedicated and qualified teaching professionals to West Virginia and America’s disadvantaged and rural schools. This bill will help give students the opportunity to learn and flourish, an opportunity that every child deserves. The Incentives To Educate American Children Act—or I Teach Act—will provide teachers with a refundable tax credit every year they teach in the public schools with the most need. And it will give every public school teacher and principal in the country the right to earn their certification by the National Board for Professional
Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

There are over 16,000 rural school districts in the U.S., and these schools face special challenges in recruiting and retaining teachers as well as dealing with other issues related to their rural location. Disadvantaged urban schools must overcome similar difficulties. My Teach Act will reward teachers willing to work in rural or disadvantaged schools with an annual $1,000 refundable tax credit. Additionally, teachers who obtain certification by the National Board for Professional Teaching Standards will receive an annual $1,000 refundable tax credit. Therefore, teachers who work in rural or disadvantaged schools and get certified will earn a $2000 credit. Schools that desperately need help attracting teachers will get a boost, and children educated in disadvantaged and rural schools will benefit most.

In my state of West Virginia, as in over 30 other states, there is already a state fiscal incentive for teachers who earn National Board certification. My legislation builds upon the West Virginia program. Together, they will create a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

Education is among our top national priorities. I believe it is vital for our economic and national security. Teachers are a critical component of quality education, and they deserve the incentives to stay in the classroom.

By Mr. LEAHY (for himself and Mr. BOND): S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, Reserves and active forces; to authorize the Department of Defense to develop technologies and systems that will help the National Guard, serving in a domestic emergency response, to use their skills where they are most needed.

By Mr. LEAHY, Mr. President, today I am pleased to join with Senator BOND in introducing the National Guard Empowerment and State-National Defense Integration Act of 2009. This is a clearly needed piece of legislation that will enable the Nation to tap more of the tremendous experience and expertise that exists within the National Guard.

This legislation—known as Empowerment II—ensures that the Department of Defense takes advantage of the Guard’s unique strengths and focuses on the critical mission of domestic operations and military support to civilian authorities. This bill is about focusing attention on the military’s response to emergencies at home and fleshing out an architecture of response. Doing that will ensure our National Guard, Reserves and active forces can bring their specialized capabilities to bear, all while safely under the control of democratically elected officials and civilian authorities.

The bill will specifically make the Chief of the National Guard a full member of the Joint Chiefs of Staff, while creating a new three-star deputy to the Bureau Chief to reflect the Bureau Chief’s increased responsibilities. Additionally, the 2009 Empowerment Act provides the National Guard Bureau with limited budget authority to be able to acquire specially designed equipment for domestic operations, and it requires the Department of Defense to establish procedures to formalize arrangements to allow National Guard forces to have tactical control over active forces that operate in a domestic setting.

Today Senator BOND and I seek to build on some of the major improvements to the Guard that we, together, have tried in the Fiscal Year 2008 Defense Authorization Bill. That landmark bill enacted large portions of the first version of the Guard Empowerment Bill which elevated the Chief of the National Guard Bureau to a full General. The goal of all the changes enacted was to begin to ensure that the Guard has a seat at the table in major budget and policy decisions.

We need to pick up where we left off last year and sharpen the focus on the National Guard’s role as a homeland defense and defense support to civilian authorities force. In fact, we are trying, in the realm of domestic operations and military support to civilian authorities, to do exactly what Secretary of Defense Robert Gates is trying to do in the realm of irregular warfare. The Secretary is working to ensure that at least a good portion of the Department of Defense’s equipment is considered and should be procured equipment to be dedicated solely for counterinsurgencies. I strongly support the Secretary’s initiative.

There also is a need to carve out a small wedge of the defense budget to develop technologies and systems that will help the National Guard, serving in a Title 32 capacity under the control of the Governors. Much of all Guard equipment is considered and should be “dual use,” but a sliver should be specifically designed and used solely for domestic situations.

The Guard Empowerment bill we are introducing today will also reduce the confusion that sometimes exists when there is a domestic emergency about how National Guard forces, serving under a Governor during an emergency, will interact with duty forces that serve under the President’s command. United States Northern Command in Colorado has unfortunately only exacerbated those concerns through attempts to override Governor and command-and-control of National Guard assets in a State even though they are in their so-called Title 32 status.

There is nothing in this bill that the National Guard is not already undertaking. The President and the Secretary of Defense look to the Guard Bureau Chief on matters related to defense at home. The Guard works to procure equipment through the so-called Guard and Reserve Equipment Account, and the Governors already wield active duty personnel during so-called National Security Events. The chain of command arrangements made during last year’s political conventions in Minnesota and Colorado are a good example.

The President recognizes that this legislation makes sense. In his “Blueprint for Change,” his new Administration’s national security plan, President Obama endorsed the idea of making the Guard Bureau Chief a full member of the Joint Chiefs of Staff, a move that Vice President BIDEN also has endorsed. In developing the bill, we worked closely with The National Guard Association of the United States, the Adjutants General Association of the United States and the Enlisted National Guard Association of the United States—organizations that were not to formally endorse the bill after its introduction.

Everyone recognizes that if there is an emergency like Katrina or our civilian resources at all levels get overwhelmed, the military is going to have to come in to assist. The American people expect no less than a swift, coordinated and effective response. And it is the National Guard that knows how to do this mission right. Providing support to civilian authorities at the State level is what the Guard has done since its inception more than two centuries ago, and it is a mission that the National Guard continues to take seriously.

This legislation solidifies and codifies sensible approaches to improving the Guard’s ability to support civilian authorities in an emergency. Enactment of this legislation is the very least we owe our proud citizen soldiers and airmen for their 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. 1361

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2009.

SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”

(2) CONFORMING AMENDMENT.—Section 10602 of such title is amended—
SEC. 5. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) In General.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 1011 the following new chapter:

"Chapter 1013—Other Domestic Missions"

"§ 10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations"

"(a) In General.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year as follows:

(1) Amounts for training and equipment, including critical dual-use equipment.

(2) Amounts for military construction, including critical dual-use capital construction.

(b) Scope of funding.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

(1) The development and implementation of doctrine and training requirements applicable to purposes of such assistance.

(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance.

(c) Clerical amendment.—The table of sections at the beginning of chapter 1013 is amended by inserting at the end the following new heading:

"10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations"
CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

Sec. 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(a) For National Guard Personnel, Army, $11,000,000.
(b) For National Guard Personnel, Air Force, $7,000,000.
(c) For Operation and Maintenance, Army National Guard, $11,000,000.
(d) For Operation and Maintenance, Air National Guard, $7,000,000.
(e) For National Guard Officers in Command of the Headquarters.

SEC. 6. FISCAL YEAR 2010 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.

(a) CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $28,000,000.
(B) For National Guard Personnel, Air Force, $7,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Force Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States, homeland and natural and man-made catastrophes in the United States.

(b) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by subsections (a), (b), (c) for the purpose set forth in subsection (a) shall be in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 7. ENHANCED RESPONSIBILITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assign to the National Guard the duties and responsibilities for supporting civil authorities when National Guard operations are conducted under State control, including National Guard operations conducted in State active duty under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty under title 32, United States Code or under title 10, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, of the Armed Forces in support of domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(d) MANDATORY APPROVAL.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(e) AUTHORITY TO MODIFY ASSIGNMENT OF COMMANDER RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign any part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of the expeditious implementation of the authorities and responsibilities in this section.

SEC. 8. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) COMMANDER OF THE UNITED STATES PACIFIC COMMAND.—The officer serving in the position of Commander, United States Pacific Command, shall be an officer in the Army National Guard of the United States.

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are required to pursue an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Com- monwealth of Kentucky, Mr. Whitehouse, and Mr. Lautenberg):

By Mr. REED (for himself, Ms. Klobuchar, Ms. Stabenow, Mr. Whitehouse, and Mr. Lautenberg):
time in a student’s educational and social development. The middle grades are the key to ensuring students remain on track to college and career-readiness. International comparisons indicate that students in the United States fall behind their counterparts in other nations in math and science, but they fall significantly behind in these subjects by the end of the middle grades. According to the 2007 National Assessment on Educational Progress, only one-third of eighth grade students in the United States can read at proficiency or above. For math proficiency, this number falls to 31 percent of all eighth grade students. There has been significant focus during K–12 reform discussions regarding high school reform, and while there is no doubt that this is an essential component, non-proving our education system, addressing dropout prevention must begin earlier. It must begin at the middle schools that feed into the thousands of “dropout factories” across the country. Dropout factories are high schools in which fewer than 60 percent of students graduate. As one of the leading experts in the area of middle and high school reform, Robert Balfanz, has stated, middle schools are the “first line of defense” in identifying at-risk students and then effectively intervening to prevent them from dropping out. Balfanz’s research has shown that sixth-graders who failed math or English, attended school less than 80 percent of the time, or received an unsatisfactory behavior grade in a core course had only a 10 to 20 percent chance of graduating on time. Without successful intervention, these behaviors lead students to course failure, non-promotion, and eventually dropping out.

That is why I am reintroducing the Success in the Middle Act. This bill will help strengthen that first line of defense by providing grants to schools and school districts to improve and turnaround low-performing middle schools. It would concentrate new resources on the middle grades by requiring districts to develop an early warning indicator system for indentifying students at risk of dropping out, and tailoring research-based interventions to get these students back on track to graduating college and career-ready. These interventions would include high-quality professional development for teachers; personal academic plans such as the Individual Learning Plans required in Rhode Island; mentoring and counseling; and extended learning time.

When he was in the Senate, President Obama was the lead sponsor of this legislation. I am pleased that the President has continued to recognize the need for increased investment in middle and high school reform, including earlier this year, his action to encourage states and school districts to spend a significant portion of their American Recovery and Reinvestment Act federal education funds on improving student achievement in the middle and high school grades.

I was pleased to work with the Rhode Island Middle Level Educators, Rhode Island Association of School Principals, ACT, Alliance for Excellent Education, The College Board, International Reading Association, National Association of Secondary School Principals, National Council of Teachers of English, National Forum to Accelerate Middle Grades Reform, and National Middle Schools Association, and a host of other education organizations on the legislation, and I would like to co-sponsor the Success in the Middle 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. 1362

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 “Success in the Middle Act of 2009.”

SEC. 2. FINDINGS.

In this Act:

(1) International comparisons indicate that students in the United States do not start out behind students of other nations in mathematics and science, but that they fall behind by the end of the middle grades.

(2) Only 1/3 of eighth grade students in the United States, and only 4 percent of such students who are English language learners, are proficient in reading based on the 2007 National Assessment on Educational Progress (NAEP). The percentage of eighth grade students proficient at reading has not increased since 1998, and the NAEP average reading score for eighth grade students has remained static. In contrast, NAEP reading scores and achievement levels for fourth grade students have increased significantly.

(3) In mathematics, less than 1/3 of students in eighth grade show skills at the NAEP proficient level, and nearly 30 percent score below the basic level. The percentage of eighth grade students scoring above the basic level was 8 points higher in 2007 than in 1998, but 50 percent of all middle grades students, the percentage increased 17 points, more than double the increase for middle grades students. In eighth grade, the gaps between the average mathematics scores for white students and black students and between white and Hispanic students were as wide in 2007 as they were in 1990.

(4) Fewer than 2 in 10 of the students who graduated from high school in 2005 or 2006, met, as eighth graders, all 4 of ACT’s EXPLOR College Readiness Benchmarks, the minimum level of achievement that ACT has determined college ready. And the NAEP average reading score for eighth grade students has remained static. In contrast, NAEP reading scores and achievement levels for fourth grade students have increased significantly.

(5) Lack of basic skills at the end of middle grades has serious implications for students. In mathematics, less than 1/3 of students who entered high school in 2000 or more years behind grade level in mathematics and literacy have only a 50 percent chance of progressing on time to the tenth grade; those not progressing are at significant risk of dropping out of high school.

(6) Middle grade students are hopeful about their future, with 93 percent believing that they will complete high school and 92 percent anticipating that they will attend college.

(7) Sixth grade students who do not attend school regularly, who are subjected to frequent disciplinary actions, or who fail math and reading, have a 15 percent chance of graduating high school on time and a 20 percent chance of graduating 1 year late. Without effective interventions and proper supports, these students are at risk of subsequent failure in high school, or of dropping out.

(8) Student transitions from elementary school to the middle grades and to high school are often complicated by poor curriculum alignment, inadequate counseling services, and unsatisfactory sharing of student performance and academic achievement data between grades.

(9) According to ACT, the level of academic achievement that students attain by eighth grade has a larger impact on students’ college and career readiness upon graduation from high school than anything that happens academically in high school.

(10) Middle schools are almost twice as likely as elementary schools to be identified for improvement, corrective action, or restructuring (22 percent as compared to 13 percent), according to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(11) Middle grades improvement strategies should be tailored based on a variety of performance indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the middle grades, and so that teachers can provide effective instruction and adequate assistance to meet the needs of at-risk students.

(12) To stem a dropout rate nearly twice that of the students without disabilities, students with disabilities in the critical middle grades must receive appropriate academic accommodations and access to assistive technology, high-risk behaviors such as absenteeism and course failure must be monitored, and problem-solving skills with broad application must be taught.

(13) Local educational agencies and State educational agencies often do not have the capacity to provide support for school improvement strategies. Successful models do exist for turning around low-performing middle grades, and Federal support should be provided to increase the capacity to apply promising practices based on evidence from successful schools.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a partnership that includes—

(A) not less than 1 eligible local educational agency; and

(B)(i) an institution of higher education; and

(i) an educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(ii) a nonprofit organization with demonstrated expertise in high quality middle grades intervention.

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that serves not less than 1 eligible school.

(4) ELIGIBLE SCHOOL.—The term “eligible school” means an elementary or secondary school that contains students who are at risk of subsequent failure in high school grades beginning with grade 5 and ending with grade 8 and for which—

(A) a high proportion of the middle grades students attending Elementary School do not attend a high school with a graduation rate of less than 65 percent;
(B) more than 25 percent of the students who finish grade 8 at such school, or the earliest middle grade level at the school, exhibit 1 or more of the key risk factors and early risk indicators, including—

(i) student attendance below 90 percent;
(ii) a failing grade in a mathematics or reading or language arts course;
(iii) 2 or more failing grades in any courses; and
(iv) out-of-school suspension or other evidence of at-risk behavior;

(C) more than 50 percent of the middle grades students at such school do not perform at a proficient level on State student assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) in mathematics or reading or language arts.

(vi) The term ‘institute of higher education’ has means the Secretary of Education.

(f) The formula grants to State educational agencies for the fiscal year 2010 shall be calculated by multiplying the allotment determined for such agency under subsection (c) for such fiscal year.

(g) FUNDING.—In order to receive a grant under this title, a State educational agency shall examine policies under section 104; and

(9) A PRELIMINARY DETERMINATION.—In order to receive a grant under this title, a State educational agency shall make a preliminary determination of an allotment to the State for the fiscal year, unless the Secretary determines that the application does not meet the requirements of this title.

(10) STUDENT WITH A DISABILITY.—The term ‘student with a disability’ means any of the handicapped or disabled persons described in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(b) In general.—From amounts appropriated under section 107, the Secretary shall make grants under this title for a fiscal year to each State educational agency for which the Secretary has approved an application under subsection (f) in an amount equal to the allotment determined for such agency under such fiscal year.

(9) RESERVATIONS.—From the total amount made available to carry out this title for a fiscal year, the Secretary—

(1) shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section;

(2) shall reserve 1 percent to evaluate the effectiveness of this title in achieving the purposes of this title and ensuring that results are peer-reviewed and widely disseminated, which may include hiring an outside evaluator; and

(3) shall reserve 5 percent for technical assistance and dissemination of best practices in middle grades education to States and local educational agencies.

(c) IN GENERAL.—As provided in paragraph (2), of the total amount made available to carry out this title for a fiscal year and not reserved under subsection (b), the Secretary shall allot such amount among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are classified as having incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children in the remaining States in accordance with this section.

(2) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this subsection for a fiscal year that is less than $500,000.

(d) MANDATORY ACTIVITIES.—A grant under this title is less that $500,000, the Secretary is authorized to award grants to States educational agencies in competitive basis, rather than as allotments described in this section, to enable such agencies to award subgrants under section 104 on a competitive basis.

(e) REALLOPMENT.—

(i) FAILURE TO APPLY; APPLICATION NOT APPROVED.—If a State educational agency does not apply for an allotment under this title for a fiscal year, or if the application from the State educational agency is not approved, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

(ii) UNUSED FUNDS.—The Secretary may reallocate any amount of an allotment to a State if the Secretary determines that the State will be unable to use such amount in the current fiscal year. Such reallocations shall be made on the same basis as allotments are made under subsection (c).

(iii) APPLICATION.—In order to receive a grant under this title, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Including such information as the State or local educational agencies or eligible entities under section 1014; and

(iv) Peer Review and Selection.—The Secretary—

(1) shall establish a peer-review process to assist in the review and approval of proposed State applications;

(2) shall appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices (including the areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students), which individuals may include recognized exemplary middle grades teachers and middle grades principals who have received recognition at the State or national level for exemplary work or contributions to the field;

(3) shall ensure that States are given the opportunity to have feedback, and to interact with peer-review panels, in person or via electronic communication, on issues that need clarification during the peer-review process;

(4) shall approve a State application submitted under this title not later than 120 days after the date of the application unless the Secretary determines that the application does not meet the requirements of this title;

(5) may not decline to approve a State's application before—

(A) offering the State an opportunity to revise the State's application;

(B) providing the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) shall direct the Inspector General of the Department of Education to—

(A) review final determinations reached by the Secretary to approve or deny State applications;

(B) analyze the consistency of the process used by peer-review panels in reviewing and recommending to the Secretary approval or denial of such State applications; and

(C) report the findings of this review and analysis to Congress.

SEC. 1015. STATE PLAN; AUTHORIZED ACTIVITIES.

(a) MANDATORY ACTIVITIES.—

(i) IN GENERAL.—A State educational agency that receives a grant under this title shall use the grant funds to—

(A) prepare and implement the needs analysis and middle grades improvement plan, as described in paragraphs (3) and (4), of this section;

(B) to make subgrants to eligible local educational agencies or eligible entities under section 104; and

(C) to assist eligible local educational agencies and eligible entities, when determined necessary by the State educational agency, or at the request of an eligible local educational agency or eligible entity, in designing a comprehensive statewide improvement plan and carrying out the activities under section 104.

(ii) FUNDS FOR SUBGRANTS.—A State educational agency that receives a grant under this title shall use not less than 80 percent of the grant funds to make subgrants to eligible local educational agencies or eligible entities under section 104.

(b) MIDDLE GRADES NEEDS ANALYSIS.—A State educational agency that receives a grant under this title shall enter into a contract, or similar formal agreement, to work with entities such as national, state, and regional teacher education centers (as described in section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 2213)), institutions of higher education, or nonprofit organizations with demonstrated expertise in high-quality middle grades reform, to prepare a plan that analyzes how to strengthen the programs, practices, and policies of the State in supporting students in the middle grades, including the factors, such as local implementation, that impact variation in the effectiveness of such programs, practices, and policies.

(c) PREPARATION OF PLAN.—In preparing the plan under paragraph (a), the State educational agency shall examine policies and practices of the State, and of local educational agencies within the State, affecting—

(i) middle grades curriculum; and

(ii) education accountability and data systems;

(iii) teacher quality and equitable distribution; and

(iv) interventions that support learning in school.

(d) MIDDLE GRADES IMPROVEMENT PLAN.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title
shall develop a middle grades improvement plan that—

(i) shall be a statewide plan to improve student academic achievement in the middle grades, and shall include funds and methods analysis described in paragraph (3); and

(ii) describes what students are required to know and do to successfully—

(I) describe the middle grades; and

(II) make the transition to succeed in academically rigorous high school coursework that prepares students for college, independent living, and employment.

(B) PLAN COMPONENTS.—A middle grades improvement plan described in subparagraph (A) shall also include—

(I) a comprehensive school performance indicator that is aligned with high school curricula and assessments and prepare students to take challenging high school courses and successfully engage in postsecondary education;

(II) ensure coordination, where applicable, with the activities carried out through grants for Title I-V education improvement plan described in subparagraph (ii) of section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and school improvement plans for middle grades education are new and have not been implemented before; and

(iii) Identify and disseminate information on effective schools and instructional strategies, models, and programs that—

(A) are evidence-based or, when available, scientifically valid; and

(B) lead to improved student academic achievement;

(ii) support collaborative communities of middle grades teachers, administrators, and researchers in maintaining informational databases to disseminate results from rigorous research on effective practices and programs for middle grades education; and

(iii) increase middle grades student support services, such as school counseling on the transition to high school and planning for entry into postsecondary education and the workforce.

SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-PERFORMING MIDDLE GRADES.

(a) IN GENERAL. —The State educational agency that receives a grant under this title shall make competitive subgrants to eligible local educational agencies and eligible entities to enable the eligible local educational agencies and eligible entities to improve low-performing middle grades in schools served by the agencies or entities.

(b) PROGRAM.—In making subgrants under subsection (a), a State educational agency shall give priority to eligible local educational agencies or eligible entities based on—

(1) the respective populations of children described in paragraph (1) of section 102(c)(1) served by the eligible local educational agencies participating in the subgrant application process; and

(2) the respective populations of children served by the participating eligible local educational agencies who attend eligible schools.

(c) APPLICATION.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including—

(I) a comprehensive schoolwide improvement plan described in subsection (d); and

(II) a description of the activities described in such plan that will be coordinated with activities specified in plans for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and school improvement plans required under section 1116(b)(3) of such Act (20 U.S.C. 6316(b)); and

(iii) a description of the activities described in such plan that will be complementary to, and coordinated with, school improvement activities for elementary schools and high schools in need of improvement that serve the same students within the participating local educational agency.

(d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT PLAN.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall develop a comprehensive schoolwide improvement plan for the middle grades that shall—

(I) include the information described in subsection (c)(2); and

(ii) describe how the eligible local educational agency or eligible entity will—

(A) identify eligible students; and

(B) ensure that funds go to the highest priority eligible schools first, based on the eligible schools’ populations of children described in section 102(c)(1); and

(c) USE OF FUNDING.—The academic achievement of all students, including English language learners and students with disabilities, in eligible schools;

(d) INTENSIVE IDENTIFICATION AND INTERVENTION SYSTEM TO ALERT SCHOOLS WHEN STUDENTS BEGIN TO EXHIBIT OUTCOMES OR BEHAVIORS THAT INDICATE THE STUDENT IS AT INCREASED RISK FOR LOW ACADEMIC ACHIEVEMENT OR IS UNLIKELY TO PROGRESS TO SECONDARY SCHOOL GRADUATION, AND TO CREATE A SYSTEM OF ALARM DEVICES USED BY SCHOOLS TO EFFECTIVELY INTERVENE, BY—

(i) identifying and analyzing, such as through the use of longitudinal data of past students, the academic and behavioral indicators in the middle grades that most reliably predict dropping out of high school, such as attendance, behavior measures (including suspensions, officer referrals, or conduct marks), academic performance in core courses, and earned on-time promotion from grade-to-grade;

(ii) analyzing student progress and performance on the indicators identified under clause (i) to guide decisionmaking;

(iii) analyzing academic indicators to determine whether students must take at least one year to graduate on time, and developing appropriate evidence-based intervention; and

(iv) identifying or developing a mechanism for regularly collecting, analyzing, and disseminating data on students’ progression and achievement.

(e) USE OF GRANTS.—Notwithstanding any other provision of law, grants under this title shall be used to—

(I) student-level data on the indicators described in clause (i);

(II) student-level progress and performance, as described in clause (ii); and

(III) student-level data on the indicators described in clause (iii);

(f) DISSEMINATION OF INFORMATION.—The State educational agency shall—

(I) notify and disseminate information to eligible local educational agencies on the strategies, programs, supports, and instructional practices proposed under the schoolwide improvement plan new and have not been appropriate evidence-based intervention; and

(ii) periodically collect, analyze, and disseminate data on student outcomes and progress;

(g) GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—In making subgrants under this title, the State educational agency shall—

(I) give priority to eligible local educational agencies in entitled high school prepared for success in a rigorous college-ready curriculum, including a description of how such readiness will be measured;

(II) make a systemic transition plan for all students and encourage collaboration among elementary schools, middle grades, and high school grades; and

(iii) provide evidence of how local educational agencies and eligible entities to implement the strategies, programs, supports, and instructional practices proposed under the schoolwide improvement plan new and have not been implemented before;

(h) REVIEWS AND SELECTION OF SUBGRANTS.—In making subgrants under subsection (a), the State educational agency shall—

(I) establish a peer-review process to assist in the review and approval of applications under subsection (c); and

(ii) appoint individuals to participate in the peer-review process and experts in identifying, evaluating, and implementing effective education programs and practices, including areas of teaching and learning; and

(iii) use funds to work with assessments, school improvement, and academic and behavioral supports for middle grades students, including recognized exemplary middle grades teachers and principals who have been recognized at the State or national level for exemplary work or contribution to effective education programs and practices.

(i) REVISION OF SUBGRANTS.—If a State educational agency, using the peer-review process described in subsection (e), determines that an application for a subgrant under subsection (a) does not meet the requirements of this title, the State educational agency shall
notify the eligible local educational agency or eligible entity of such determination and the reasons for such determination, and offer— 

(1) the eligible local educational agency or eligible entity an opportunity to revise and resubmit the application; and 

(2) technical assistance to the eligible local educational agency or eligible entity, by the State educational agency or a nonprofit organization with demonstrated expertise in high quality middle grades interventions, to revise the application.

(g) MANDATORY USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) shall do the following:

(1) Align the curricula for grades kindergarten through 12 for schools within the local educational agency to improve transitions from elementary grades to middle grades to high school grades.

(2) In each eligible school served by the eligible local educational agency receiving or participating in the subgrant:
   (A) Align the curricula for all grade levels within eligible schools to improve grade to grade transitions.
   (B) Implement evidence-based or, when available, scientifically valid instructional strategies, programs, and learning environments that meet the needs of all students and educators across all grade levels and ensure that students receive professional development on the use of these strategies.
   (C) Ensure that school leaders, teachers, pupils, service personnel, and other school staff understand the developmental stages of adolescents in the middle grades and how to deal with those stages appropriately in an educational setting.
   (D) Implement organizational practices and school schedules that allow for effective leadership, collaborative staff participation, effective teacher coaching, and parent and community involvement.
   (E) Create a more personalized and engaging learning environment for middle grades students by developing a personal academic plan for each student and assigning not less than 1 adult to help monitor student progress.
   (F) Provide all students with information and assistance about the requirements for high school graduation, college admission, and career success.
   (G) Use data from an early warning indicator and intervention system described in subsection (d)(2)(D) to identify struggling students and assist the students as the students transition from elementary to middle grades to high school.
   (H) Implement academic supports and effective and coordinated additional assistance programs to ensure that students have a strong foundation in reading, writing, mathematics, and science skills.
   (I) Implement evidence-based or, when available, scientifically valid schoolwide programs and targeted supports to promote positive academic outcomes, such as increased attendance rates and the promotion of effective and coordinated additional assistance about the requirements for students by developing a personal academic plan for each student and assigning not less than 1 adult to help monitor student progress.
   (J) Implement extended learning opportunities in core academic areas including more instructional time in literacy, mathematics, science, and social studies to ensure that students have the necessary opportunities for language instruction and understanding of other cultures and the arts.

(2) Provide evidence-based professional development activities with specific benchmarks to enable teachers and other school staff to appropriately monitor academic and behavioral progress, identify progress in meeting academic and implementation accommodation and assistive technology services for, students with disabilities, consistent with the students’ individualized educational programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d));

(3) Employ and use instructional coaches, including English language learners and English language learner coaches.

(4) Provide professional development for content-area teachers working effectively with English language learners and students with disabilities, as well as professional development for English as a second language educators, bilingual educators, and special education personnel.

(5) Encourage and facilitate the sharing of data among elementary grades, middle grades, high school grades, and postsecondary educational institutions.

(6) Create collaborative study groups composed of principals or middle grades teachers, or both, of schools within the eligible local educational agency receiving or participating in the subgrant, or between such eligible local educational agency and another local educational agency, with a focus on developing and sharing methods to improve measurable learning gains by middle grades students;

(2) use the results of the evaluation conducted under paragraph (1) to adjust the policies and practices of the State as necessary to achieve the purposes of this title; and

(3) submit the results of the evaluation to the Secretary.

(b) AVAILABILITY.—The Secretary shall make the results of each State’s evaluation under subsection (a) available to other States and local educational agencies.

(c) LOCAL EDUCATIONAL AGENCY REPORTING.—On an annual basis, each eligible local educational agency receiving a subgrant under section 104(a) shall report to the State educational agency and to the public on—

(1) the performance on the school performance indicators (as described in section 102(a)(4)(B)(vi)) for each eligible school served by the eligible local educational agency receiving a subgrant under section 104(a) and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of funds by the eligible local educational agency or eligible entity and each such school.

(d) FEDERAL EDUCATIONAL AGENCY REPORTING.—On an annual basis, each State educational agency receiving grant funds under this title shall report to the Secretary and to the public on—

(1) the performance of eligible schools in the State, based on the school performance indicators described in section 102(a)(4)(B)(vi) for the eligible entity, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of the funds by each eligible local educational agency in the State and by each such school.

(3) PERMISSIBLE USES OF FUNDS.—An eligible local educational agency, eligible local educational agency, or eligible entity, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) use the funds by each eligible local educational agency in the State and by each such school.

(4) NOTIFICATION.—Every 2 years, the Secretary shall report to the public and to Congress—

(1) the performance of eligible schools in the State, based on the school performance indicators described in section 102(a)(4)(B)(vi) for the eligible entity, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of the funds by each eligible local educational agency in the State and by each such school.
There are authorized to be appropriated to carry out this title $1,000,000,000 for fiscal year 2010 and such sums as may be necessary for each fiscal year thereafter.

TITLE II—RESEARCH RECOMMENDATIONS

SEC. 201. PURPOSE.

The purpose of this title is to facilitate the generation, dissemination, and application of research needed to identify and implement effective practices that lead to continual student learning and high academic achievement in the middle grades education.

SEC. 202. RESEARCH RECOMMENDATIONS.

(a) STUDY ON PROMISING PRACTICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to study and identify promising practices for the improvement of middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall identify promising practices currently being implemented for the middle grades in education. The study shall be conducted in an open and transparent way that provides interim information to the public about criteria used to identify—

(A) promising practices;

(B) the practices that are being considered; and

(C) the kind of evidence needed to document effectiveness.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 1 year after the date of the commencement of the contract.

(b) SYNTHESIS STUDY OF EFFECTIVE TEACHING AND LEARNING IN MIDDLE GRADES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to review existing research on middle grades education, and on factors that might lead to increased effectiveness and enhanced innovation in middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall review research on education programs, practices, and policies, and on the role of the cognitive, social, and emotional development of children in the middle grades age range, in order to provide an enriched understanding of the factors that contribute to the development of innovative and effective middle grades programs, practices, and policies. The study shall focus on—

(A) the impact of curriculum, instruction, and assessment (including additional supports for students who are below grade level in reading, writing, mathematics, and science, and who have disabilities) to better prepare all students for subsequent success in high school, college, and cognitively challenging employment;

(B) the quality of, and supports for, the teacher workforce;

(C) aspects of student behavioral and social development, and of social interactions within schools that affect the learning of academic content;

(D) the middle grades in which schools and local educational agencies are organized and operate that may be linked to student outcomes;

(E) how development and use of early warning indicator and intervention systems can reduce risk factors for dropping out of school and low academic achievement; and

(F) other research and reseach and evaluation may be needed on these topics to further the development of effective middle grades.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection after the date of enactment of this Act.

(c) OTHER ACTIVITIES.—The Secretary shall—

(1) conduct or make grants for and other research and development centers established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), institutions of higher education, and others to partner with State educational agencies and local educational agencies to develop, adapt, or replicate effective models for turning around low-performing middle grades.

(b) AUTHORIZATION.—There are authorized to be appropriated to carry out this title $100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) RESERVATIONS.—From the total amount made available to carry out this title, the Secretary shall reserve—

(1) 2.5 percent for the studies described in subsections (a) and (b) of section 202;

(2) 5 percent for the clearancehouse described in section 202(a); and

(3) 5 percent for the database described in section 202(c); and

(4) 42.5 percent for the activities described in section 202(d); and

(5) 15 percent for the activities described in section 202(e); and

(6) 30 percent for the activities described in section 202(f).

By Mr. WYDEN (for himself and Mr. MERKLEY): S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to be introduced with Senator MERKLEY. This legislation has already been introduced by Representative SCHRADER in the House, who is a champion for protecting the river. The Molalla River Wild and Scenic Rivers Act of 2009 will designate an approximately 15.1-mile segment of the Molalla River, and an approximately 6.2-mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act protects a popular Oregon destination that provides abundant recreational activities all of which take place among the abundant wildlife that call this area home. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only protect the Molalla River as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout,
along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pilated woodpecker, golden and bald eagles, deer, elk, the Pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby. By safeguarding the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I want to express my thanks to the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill’s supporters to advance this legislation to the President’s desk.

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. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with my colleagues Senators ENSEN and MARTINEZ, the Clean Renewable Water Supply Bond Act.

While many of us do not think twice about a clean, safe, and affordable water supply. The U.S. population has grown more than 50 percent in the last 30 years. At the same time, the amount of water used by each of us has tripled. In many States, particularly fast-growing States, water consumption nears or exceeds the renewable water supply. Several parts of the country have experienced drought or near-drought conditions requiring authorities to impose water user restrictions. According to a comprehensive Government Accountability Office study, even under normal conditions requiring water restrictions would exceed the approximately 21.3 miles of the Molalla River.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby. By safeguarding the approximately 21.3 miles of the Molalla River, the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill’s supporters to advance this legislation to the President’s desk.

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

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 “Molalla River Wild and Scenic Rivers Act”.

SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1282(a)) is amended by adding at the end the following:

“(208) MOLALLA RIVER, OREGON.—

“(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

“(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

“(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE 1/4 sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

“(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of: (i) entry, appropriation, or disposal under the public land laws; (ii) location, entry, and patent under the mining laws; and (iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

“(C) EFFECT OF DESIGNATION.—

“(i) IN GENERAL.—The designation of the river segments under this paragraph shall not affect valid existing rights (including water rights) held in, through, and to the land designated as part of the Wild and Scenic River System under this paragraph.

“(ii) PRIVATE LAND.—Nothing in this paragraph requires management of private land within the basins of the river segments designated under this paragraph in a manner different than that required under State law, including Chapter 527 of the Oregon Revised Statutes.”

By Mr. NELSON, of Florida (for himself, Mr. ENSEN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with my colleagues Senators ENSEN and MARTINEZ, the Clean Renewable Water Supply Bond Act.

While many of us do not think twice about a clean, safe, and affordable water supply. The U.S. population has grown more than 50 percent in the last 30 years. At the same time, the amount of water used by each of us has tripled. In many States, particularly fast-growing States, water consumption nears or exceeds the renewable water supply.

Several parts of the country have experienced drought or near-drought conditions requiring authorities to impose water user restrictions. According to a comprehensive Government Accountability Office study, even under normal conditions requiring water restrictions would exceed the approximately 21.3 miles of the Molalla River.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby. Protecting the approximately 21.3 miles of the Molalla River would be created by the new investment from the Clean Renewable Water Supply Bond Act—enough new water to meet the needs of over four million families of four.

Addressing the challenges of our growing water needs will require a concerted effort that involves all levels of government—Federal, State, and local. The Clean Renewable Water Supply Bond Act would create an effective tool for the shared Federal-State financing of advanced, innovative clean water supply projects. I encourage my colleagues to support the legislation.

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

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SEC. 5A. CLEAN RENEWABLE WATER SUPPLY BONDS.

(a) In General.—Subpart I of Part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 5A. CLEAN RENEWABLE WATER SUPPLY BONDS.

(a) In General.—For purposes of this subpart, the term "clean renewable water supply bond" means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

"(2) the bond is issued by a qualified issuer,

"(3) the issuer designates such bond for purposes of this section, and

"(4) in the case of a bond issued by a qualified issuer before the enactment of this section—

"(A) pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable water supply bond limitation under subsection (b), and

"(B) not later than 6 months after the date on which such allocation is made, the Secretary shall publish a notice in the Federal Register informing the public of the allocation of such bond for purposes of this section.

(b) National Limitation on Amount of Bonds Issued.—

"(1) In General.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

"(A) 850 million dollars for 2009,

"(B) $100,000,000 for 2010,

"(C) $150,000,000 for 2011,

"(D) $200,000,000 for 2012,

"(E) $250,000,000 for 2013,

"(F) $300,000,000 for 2014,

"(G) $400,000,000 for 2015,

"(H) $500,000,000 for 2016,

"(I) $600,000,000 for 2017,

"(J) $750,000,000 for 2018.

"(2) Allocation of Limitation.—

"(A) In General.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified projects as provided in this paragraph.

"(B) Method of Allocation.—For each calendar year before 2019 for which there is a national clean renewable water supply bond limitation, the Secretary shall publish a notice soliciting applications by qualified issuers for allocations of such limitation to qualified projects. Such notice shall specify a 3-month application period in the calendar year during which the Secretary will accept such applications. Within 30 days after the end of such application period, and subject to the requirements of subparagraph (C), the Secretary shall allocate such limitation to qualified projects, as follows:

"(1) a governmental body, or

"(2) in the state of a political subdivision thereof (as defined for purposes of section 103), any project qualified to receive Federal or State assistance under Federal or State law.

"(C) Allocation Requirements.—

"(1) Certifications Regarding Regulatory Approvals.—No portion of the national clean renewable water supply bond limitation shall be allocated to a qualified project unless the qualified issuer has certified in its application for such allocation that the project is not a large project. For purposes of this section, the term "large project" means any facility that is used to reclaim contaminated or naturally contaminated groundwater and which is not a large project, or more than 18 percent of such limitation to any single project that is not a large project.

"(2) Identification of Qualified Projects.—For purposes of subparagraph (A), the term "qualified project" means any project qualified to receive Federal or State assistance under Federal or State law.

"(3) Identification of Qualified Issuer.—For purposes of subparagraph (B), the term "qualified issuer" means—

"(i) a governmental body, or

"(ii) in the case of a political subdivision thereof (as defined for purposes of section 103), any project qualified to receive Federal or State assistance under Federal or State law.

"(D) Identification of Classification of Projects.—For purposes of subparagraph (C), the term "classification of projects" means—

"(i) a governmental body project, or

"(ii) in the case of a political subdivision thereof (as defined for purposes of section 103), any project qualified to receive Federal or State assistance under Federal or State law.

"(E) Definition of Limitation.—For purposes of this section—

"(1) GOVERNMENTAL BODY.—The term "governmental body" means any State or Indian tribal government, or any political subdivision thereof.

"(2) LOCAL WATER COMPANY.—The term "local water company" means any entity owning, operating, and maintaining a water distribution system for the general public (including electric utility, industrial, agricultural, commercial, or residential users) pursuant to State or tribal law.

"(3) QUALIFIED BORROWER.—The term "qualified borrower" means a governmental body or a local water company.

"(4) QUALIFIED REMEDIATION FACILITY.—The term "qualified remediation facility" means any facility that is used to produce new water supplies by desalinating seawater, groundwater, or surface water if the facility’s source water includes chlorides or total dissolved solids that, either continuously or seasonally, exceed maximum permitted levels for drinking water under Federal or State law (as in effect on the date of issuance of the issue).

"(5) QUALIFIED GROUNDWATER REMEDIATION FACILITY.—The term "qualified groundwater remediation facility" means any facility that is used to reclaim contaminated or naturally contaminated groundwater and which is not a large project, or more than 18 percent of such limitation to any single project that is not a large project.

"(6) QUALIFIED ISSUER.—The term "qualified issuer" means—

"(A) a governmental body, or

"(B) in the case of a political subdivision thereof (as defined for purposes of section 103), any project qualified to receive Federal or State assistance under Federal or State law.

"(7) QUALIFIED PROJECT.—

"(A) In General.—The term "qualified project" means any project qualified to receive Federal or State assistance under Federal or State law.
“(F) a clean renewable water supply bond.”.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking “and” at the end of clause (v) and inserting “,” and”, and by adding at the end the following new clause:

“(vii) in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).”.

(3) The table of sections for subpart I of part IV of chapter 1 of title 42 of such Code is amended by adding at the end the following new item:

“Sec. 54G. Clean renewable water supply bonds.”

c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution’s Vehicle Maintenance Branch at the Suitland Colonnade, in Suitland, Maryland; to the Committee on Rules and Administration.

Mr. LEAHY. 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. 1372

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

SECTION 1. VEHICLE MAINTENANCE BUILDING.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a vehicle maintenance building at its Vehicle Maintenance Branch in Suitland, Maryland, to house, maintain, and repair Smithsonian vehicles and transportation equipment.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for fiscal year 2010 for the purposes described in section 1.

By Mr. LIEBERMAN (for himself and Mr. CORNYN):

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency; or from funds administered by that agency to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the Federal Research Public Access Act. I am very pleased to be joined again by my good friend and colleague, Senator Joe Lieberman, who has remained dedicated to seeing this important legislation passed. This bipartisan bill is the same legislation we introduced in the 109th Congress. The purpose of this legislation is to ensure American taxpayers’ dollars are spent wisely, which is even more important now in this time of fiscal tension.

To put things in perspective, the Federal Government spends upwards of $35 billion on investments for basic and applied research every year. There are approximately 11 departments/agencies that are the recipients of these investments, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, the Department of Defense, and the Department of Agriculture. These departments/agencies then distribute the taxpayer’s money to fund research which is typically conducted by outside researchers working for universities, health care systems, and other groups.

While this research is undoubtedly beneficial to America, it remains the case that not all Americans are capable of experiencing these benefits firsthand. Usually the results of the researchers are published in academic journals. Despite the fact that the research was paid for by Americans’ tax dollars, most citizens are unable to attain timely access to the wealth of information that the research provides.

Some Federal agencies, most notably the NIH, have recognized this lack of accessibility and innovative steps to take positive steps in the right direction by requiring that those articles based on government-funded research be easily accessible to the public in a timely manner. I am proud to report that the NIH’s public access policy has been a success over the past few years. By the NIH implementing a groundbreaking public access policy, there has been strong progress in making the NIH’s federally funded research available to the public, and has helped to energize this debate.

Although this has surely been an encouraging and important step forward, Senator Lieberman and I believe there is more that can and must be done, as this is just a small part of the research funded by the Federal Government. With that in mind, Senator Lieberman and I find it necessary to reintroduce the Federal Research Public Access Act that will build on and redefine the work the NIH and other Federal agencies have done and require that the Federal Government’s leading underwriters of research adopt meaningful public access policies. Our legislation provides a simple and practical solution to giving the public access to the research it funds.

Our bill will ask all Federal departments and agencies that invest $100 million or more annually in research to develop a public access policy. Our goal is to have the results of all government-funded research readily accessible to the largest possible audience. By speeding access to this research, we can help promote the advancement of science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people here at home and abroad.

Each policy that these departments and agencies develop will require that articles resulting from federal funding must be presented in some publicly accessible archive within six months of publication. In doing so, the American taxpayers will have guaranteed access to the latest research, ensuring that they do not have to pay for the same research twice—first to conduct it and then again to view the results.

This simple legislation will provide our government with an opportunity to better leverage our investment in research and in turn ensure a greater return on that investment. All Americans can benefit from this bill, including patients diagnosed with a disease who will have the ability to use the Internet to read the latest articles in their entirety concerning their prognosis, students who will be able to find full text abundant research as they further their education, or researchers who will have their findings more broadly evaluated which will lead to further discovery and innovation.

While a comprehensive competitive-ness agenda is still a work-in-progress, this legislation is good step forward. Providing public access to cutting-edge scientific information is one way we can encourage public interest in these fields and help accelerate the pace of discovery and innovation. Enacting this legislation, I hope to guarantee that students, researchers, and every American can access the published results of the research they funded.

By Mr. ROCKEFELLER:

S. 1377. A bill provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in out-of-pocket costs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will guarantee that Medicaid remains available as a critical safety-net for working families in the event of another economic downturn. Medicaid is consistently the first program slated for cuts during a State budget crisis. My legislation would establish an automatic trigger for a temporary FMAP increase so that state resistance becomes available in a timely and targeted manner during significant economic challenges.

State cutbacks during the 2001-2003 recession eliminated public health coverage for more than one million Americans. According to the Kaiser Commission on Medicaid and the Uninsured, between fiscal years 2002 and 2005, the loss of revenue led all 50 States to reduce Medicaid provider payment rates and assistance; 38 States to reduce FMAP eligibility and 34 States to reduce benefits. Many more Americans would have lost coverage if Congress had not provided states with $20 billion in Federal aid in 2002. As we now, once again, the country is facing economic challenges unlike anything else we have faced since the Great Depression. Fortunately, the American Recovery and Reinvestment Act, ARRA, included $7 billion in Federal Medicaid relief for States. It is estimated that through this temporary FMAP increase, my State of West Virginia will receive nearly $450 million in...
Federally funded over the next 2 years to help meet the existing and growing enrollment needs in Medicaid. This temporary FMAP increase will protect the health care coverage of nearly 400,000 West Virginians, and approximately 58 million Americans, as this country works to pull itself out of the current economic recession.

After the last economic downturn, I joined a bipartisan group of my colleagues in requesting that the Government Accountability Office conduct a study and report on options to protect Medicaid during future recessions. In response to this request, the GAO issued a report GAO-07-97, entitled Medicaid: Strategies to Help States Address Increased Expenditures during Economic Downturn and developed a State and local government model that can simulate the fiscal outcomes for this sector in the aggregate for several decades into the future.

The legislation I am introducing today is based on the findings of this GAO study. As we have seen in the past two recessions, waiting for Congress to act to provide necessary Federal Medicaid relief results in harmful delays in families gaining access to the assistance they need. I believe that there should be an automatic trigger for State fiscal relief—indeed, of Congressional intervention—during future recessions. My legislation would create such a trigger for a temporary FMAP increase.

State fiscal relief would become available when the average unemployment rate has increased by at least 10 percent in at least 23 States. This type of automatic trigger would provide States with the timely, targeted, and temporary Federal Medicaid assistance that they need in the face of a significant economic downturn. More importantly, it would help Americans maintain access to health care in tough times.

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. 1377

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

SECTION 1. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) National Economic Downturn Assistance FMAP.—

(1) In general.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the first sentence—

(i) by striking “(4)” and inserting “:(4)”; and

(ii) by inserting “and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(2), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (y)(3)” before the period; and

(B) by adding at the end the following:

“(y) National Economic Downturn Assistance FMAP.—For purposes of clause (5) of the first sentence of subsection (b):

(1) National economic downturn assistance period.—A national economic downturn assistance period described in this paragraph—

(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (referred to as the ‘trigger quarter’); and

(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that the rolling average unemployment rate for that quarter is increased by at least 10 percent over the corresponding quarter for the most recent 12-month period for which data are available.

(2) Eligible State.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

(3) Determination of national economic downturn assistance FMAP.—

(A) In general.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is the Federal medical assistance percentage for the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter; and

(B) Multiyear average.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is the Federal medical assistance percentage for the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year quarter for which data are available.

(4) Determination of national economic downturn assistance FMAP.—

(A) In general.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is the Federal medical assistance percentage for the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year quarter for which data are available.

(5) Treatment as base quarter for the State for such national economic downturn assistance period.

(6) National average amount of additional federal medical assistance to nonelderly adults and children.—(I) In general.—The national expenditure per person in poverty amount determined under subclause (II) is divided by

(bb) the total amount of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

(II) National expenditure per person in poverty amount.—For purposes of subparagraph (bb), the National expenditure per person in poverty amount is the quotient of—

(aa) the State expenditure per person in poverty amount determined under subclause (II)(aa) for all States; and

(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

(7) State non-disability.-Nonelderly adults and children.—

(i) In general.—The State non-disability treatment for nonelderly adults and children is the quotient of—

(aa) the State expenditure per person in poverty amount determined under subclause (II)(aa) for all States; and

(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

(ii) Exception.—If the State determines that less than 23 States have a rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average unemployment rate for the State for the corresponding quarter for the most recent 12-month period for which data are available, the Secretary determines that the rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.
“(5) DEFINITION OF ‘ROLLING AVERAGE QUANTITY NUMBER OF UNEMPLOYED INDIVIDUALS’, ‘ROLLING AVERAGE UNEMPLOYMENT RATE’.—In this subsection, the term—

(A) ‘rolling average quantity number of unemployed individuals’ means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment rates for each month in such quarter;

(B) ‘rolling average unemployment rate’ means, with respect to a calendar quarter and a State, the average of the 12 most recent seasonally adjusted unemployment rates for the quarter; and

(C) ‘monthly unemployment rate’ means, with respect to a calendar quarter and a State, the monthly seasonally adjusted unemployment rate for such quarter; and

(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines appropriate for modifying the national economic downturn assistance FMAP described in section 2105(b) to reflect the economic downturn assistance period a greater percentage of the national economic downturn assistance Federal medical assistance percentage; and

(7) AMENDMENTSemade by paragraph (2) that require political subdivisions of States to provide ''recipient reports'' shall be applied to the periods of national economic downturn, including recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP described in section 2105(b) to reflect the economic downturn assistance period a greater percentage of the national economic downturn assistance Federal medical assistance percentage; and

(8) AMENDMENTSmade by paragraph (2) that relate to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to any political subdivision of a State determined by the Secretary to address State and regional economic downturns, including recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP described in section 2105(b)."
The first problem is that the most accurate part of these job estimates will be from the recipient reports, and since the stimulus bill included approximately $271 billion in government investment spending, these reporting requirements just cover over a third of the $787 billion of stimulus funding.

While the job estimates from these recipient reports should be an accurate representation of actual jobs created by the stimulus, the administration even admits that "there will likely be inconsistencies and measurement error across the individual reports.''

This leads us to the second problem: for the other 2/3 of the bill, in the administration's own words, "there is no mechanism available for collecting data on actual job creation from these parts of the Act." So, for 2/3 of the bill, the job estimates are basically going to be guesswork from the administration based on mathematical formulas.

Since President Obama's "First 100 Days" address on April 29, 2009, we have heard plenty about the 150,000 jobs that have been created or saved so far by the stimulus.

As I have pointed out, it is impossible to verify these numbers with any degree of certainty, and the administration can not even give an estimate of how many of the 150,000 jobs were created and how many were saved.

What we can verify are the actual job numbers produced on a monthly basis by the Department of Labor. According to the Department of Labor, in the 3 full months March, April, and May, following enactment of the stimulus bill, the U.S. economy has lost over 1.5 million jobs. In the first 5 months of 2009, the U.S. economy has lost 2.9 million jobs. These are the painful numbers that really matter.

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the limitation on itemized deductions, which is known as Pease. Under the 2001 tax law, PEP and Pease are scheduled to be completely phased out in 2010. However, like other provisions in the law, PEP and Pease are scheduled to come back in full force in 2011 should Congress fail to take further action.

With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rate increased by 20 percent or more. For example, the rate that is in the 33 percent tax bracket in 2010 could pay a marginal effective tax-rate of 41 percent after 2010—or even more if they had more children—because of PEP and Pease.

Some of my colleagues on the other side of the aisle have defended this proposal by claiming they will only raise taxes on “wealthy” taxpayers who make over $200,000 a year. For the vast majority of people who earn less than $200,000, the additional taxes might not sound so bad.

However, this means that many small businesses will be hit with a higher tax bill. These small businesses happen to at least 70 percent of all new private sector jobs in the U.S. These small businesses that are taxed as sole proprietorships, S corporations, and partnerships—including LLCs—whose owners make over $200,000, or $250,000 if married, would get hit with the President’s proposal to raise the top two marginal tax rates.

In addition, there are just under 2 million C corporations that are not publicly traded, and all C corporations are subject to double taxation. To the extent these C corporations’ owners that make over $200,000, or $250,000 if married, pay themselves a salary, they would get hit with the tax increase on the top two marginal tax rates proposed by the President.

Also, any owners of C corporations that receive dividends or realize capital gains and make over $200,000, or $250,000 if married, would pay a 20 percent rate on these dividends and capital gains after 2010 under the President’s tax hike proposals, instead of paying the current law rate of 15 percent.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20-249 workers would fall in the top two brackets. According to the Small Business Administration, about 3% of the Nation’s small businesses are employed by small businesses with 20-500 employees.

Do we really want to raise taxes on these small businesses that create new jobs and employ 5% of all small business workers?

With these small businesses already suffering from the credit crunch, do we really think it’s wise to hit them with the double-whammy of a 20 percent increase in their marginal tax rates? Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over $250,000. This is a conservative number, because it doesn’t include flow-through business owners making between $200,000 and $250,000 that will also be hit with the Budget’s proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is suffering from the credit crunch, do we really want to come back in full force in 2011 should Congress fail to take further action?

I will also fight for a lower estate tax rate and a higher estate tax exemption amount to protect successful small businesses and farmers. In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising their taxes.

The stimulus bill would eliminate the tax on capital gains after 2010 under the President’s proposal to raise the top two marginal tax rates. As the author of the tax writing Finance Committee, you can be sure that I will continue to fight to prevent a dramatic tax increase on our nation’s job engine—the small businesses of America. This includes working to protect small businesses from higher marginal tax rates, an increase in the capital gains and dividends tax rate, and an increase in the unfair estate tax rate that will penalize the success of small businesses and eliminate the double like tax on their gains to the next generation.

In fact, today I have introduced a bill to lower taxes on these job-creating small businesses.

My bill contains a number of provisions that will leave more money in the hands of these small businesses so that these businesses can hire more workers, continue to pay the salaries of their current employees, and make additional investments in these businesses.

For instance, my bill would increase the amount of capital expenditures that small businesses can expense from $250,000 to $500,000. Also, my bill would allow more small C corporations to benefit from the lower graduated tax rates for smaller corporations.

Another provision takes the general business credits, which are listed in section 38, out of the Alternative Minimum Tax, AMT, for those sole proprietorships, flow-throughs and non-publicly traded C-corps with 50 million or less in annual gross receipts. This provision amends section 39 to extend the 1-year carryback for general business credits to a 5-year carryback. This applies to general business credits for those sole proprietors, flow-through entities and non-publicly traded C-corps with 50 million or less in annual gross receipts.

Another provision in my bill amends section 1202 of the Internal Revenue Code, which contains the deduction for manufacturing, to provide a 20 percent deduction for flow-through business income for all small businesses, which are defined as flow-through entities with $50 million or less in annual gross receipts. Another provision in my bill deals with the situation where a C corporation becomes an S corporation. Under current law, there is no tax on built-in gains of assets within a C corporation that converts to an S corporation if those assets with built-in gain are held for 10 years by the S corporation. The stimulus bill reduced this 10-year period down to 7 years for sales of assets with built-in gain that occur with 2009 and 2010. My provision reduces this time period down to 5 years for all S corporations that have converted from a C corporation.

Another provision in my bill expands the 1-year carryback for general business income for all small businesses, which are defined as flow-through entities with $50 million or less in annual gross receipts. This provision amends section 39 to extend the 1-year carryback for general business credits to a 5-year carryback. This applies to general business credits for those sole proprietors, flow-through entities and non-publicly traded C-corps with 50 million or less in annual gross receipts. Another provision in my bill amends section 1202 of the Internal Revenue Code, which contains the deduction for manufacturing, to provide a 20 percent deduction for flow-through business income for all small businesses, which are defined as flow-through entities with $50 million or less in annual gross receipts. Another provision in my bill deals with the situation where a C corporation becomes an S corporation. Under current law, there is no tax on built-in gains of assets within a C corporation that converts to an S corporation if those assets with built-in gain are held for 10 years by the S corporation. The stimulus bill reduced this 10-year period down to 7 years for sales of assets with built-in gain that occur with 2009 and 2010. My provision reduces this time period down to 5 years for all S corporations that have converted from a C corporation.

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to the jobs President Obama argues that the stimulus bill has saved while our economy has been hemorrhaging jobs, my bill will create countable, verifiable, private sector jobs that will put people to work and get the economy moving in the right direction again.

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. 1381

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Tax Relief Act of 2009".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

SEC. 2. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) In General.—Subsection (b) of section 179 (relating to limitations) is amended—

(1) by striking "$25,000" and all that follows in paragraph (1) and inserting "$500,000".

(2) by striking "$2,000,000" and all that follows in paragraph (2) and inserting "$2,500,000".

(3) by striking "after 2007 and before 2011, the $120,000 and $500,000" in paragraph (5)(A) and inserting "after 2009, the $500,000 and the $2,500,000".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. MODIFICATION OF CORPORATE INCOME TAX RATES.

(a) In General.—Paragraph (1) of section 11(b) (relating to amount of tax) is amended to read as follows:

"(1) In general.—The amount of the tax imposed by subsection (a) shall be the sum of—

"(A) 15 percent of so much of the taxable income as does not exceed $1,000,000.

"(B) 25 percent of so much of the taxable income as exceeds $1,000,000 but does not exceed $1,500,000.

"(C) 34 percent of so much of the taxable income as exceeds $1,500,000 but does not exceed $2,000,000, and

"(D) 34 percent of so much of the taxable income as exceeds $2,000,000 in the case of a corporation which has taxable income in excess of $2,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of

(i) 5 percent of such excess, or

(ii) $335,000.

In the case of a corporation which has taxable income in excess of $2,000,000, the amount of the tax determined under the foregoing provisions of this paragraph shall be increased by an additional amount equal to the lesser of

(i) 3 percent of such excess, or

(ii) $100,000".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) In General.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS.—

"(A) In general.—In the case of eligible small business credits—

"(i) this section and section 39 shall be applied separately with respect to such credits, and

"(ii) in applying paragraph (1) to such credits—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the amount otherwise determined under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year other than the eligible small business.

"(B) ELIGIBLE SMALL BUSINESS CREDITS.—

For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits determined under paragraphs (1) and (2) that are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (1) of section 38.

"(C) ELIGIBLE SMALL BUSINESS.—

For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year—

"(i) a corporation the stock of which is not publicly traded, or

"(ii) a partnership, which meets the gross receipts test of section 448(c) (by substituting $50,000,000 for $5,000,000 each place it appears) for the taxable year, or

"(III) is not passive income (as defined in section 38(c)(5)(C).

(b) Effective Date.—The amendments made by this section shall apply to credits arising in taxable years beginning after December 31, 2009.

SEC. 5. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) In General.—Section 38(a) (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

"(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

"(A) In general.—Notwithstanding subsection (d), in the case of eligible small business credits—

"(I) this section shall be applied separately from the business credit other than the eligible small business credits) or the marginal oil and gas well production credit,

"(II) paragraph (3) shall be applied by substituting "each of the 5 taxable years" for the "taxable year" in subparagraph (A) thereof, and

"(III) paragraph (2) shall be applied—

"(I) by substituting "25 taxable years" for "23 taxable years" in subparagraph (A) thereof, and

"(II) by substituting "24 taxable years" for "20 taxable years" in subparagraph (B) thereof.

"(B) ELIGIBLE SMALL BUSINESS CREDITS.—

For purposes of this section, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B)."

(b) Conforming Amendment.—Section 39(a)(3)(A) is amended by inserting "or the eligible small business credits" after "credit-

(c) Effective Date.—The amendments made by this section shall apply to credits arising in taxable years beginning after December 31, 2009.

SEC. 6. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) In General.—Paragraph (1) of section 199(a) is amended to read as follows:

"(1) In general.—There shall be allowed as a deduction an amount equal to the sum of—

"(A) 6 percent of the

"(i) the qualified production activities income of the taxpayer for the taxable year, or

"(ii) taxable income (determined without regard to this section) for the taxable year, and

"(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

"(i) the eligible small business income of the taxpayer for the taxable year, or

"(ii) taxable income (determined without regard to this section) for the taxable year.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

"(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

"(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).

"(2) ELIGIBLE SMALL BUSINESS INCOME.—

"(A) In general.—For purposes of this section, the term 'eligible small business income' means the excess of—

"(i) the income of the eligible small business which—

"(I) is attributable to the actual conduct of a trade or business,

"(II) is income from sources within the United States (within the meaning of section 861), and

"(III) is not passive income (as defined in section 90(d)(2)(B)), over

"(ii) the sum of—

"(I) the cost of goods sold that are allocable to such income, and

"(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

"(B) EXCEPTIONS.—The following shall not be treated as income included in the gross income of an eligible small business for purposes of subparagraph (A):

"(i) Any income which is attributable to any property described in section 1400P(p)(3).

"(ii) Any income which is attributable to the ownership or management of any professional sports team.

"(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(c)(3).

"(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

"(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

"(D) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (b) shall apply for purposes of this subsection.

(c) Conforming Amendment.—Section 199(a)(2) is amended by striking "paragraph (1)" and inserting "paragraph (1)(A)".
SEC. 7. REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1202(d)(3)(E)(vi) (relating to definitions and special rules) is amended to read as follows:

‘‘(7) RECOGNITION PERIOD.—

‘‘(A) IN GENERAL.—The term ‘recognition period’ means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

‘‘(B) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), subparagraph (i) shall be applied without regard to the phrase ‘10-year’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 8. CARRYBACK OF NET OPERATING LOSSES FROM CERTAIN SMALL BUSINESSES ALLOWED FOR 5 YEARS.

Subparagraph (H) of section 172(b)(1) is amended to read as follows:

‘‘(H) 5-YEAR CARRYBACK OF LOSSES OF CERTAIN SMALL BUSINESSES.—

‘‘(1) IN GENERAL.—In the case of a net operating loss with respect to any eligible small business for any taxable year ending after 2008, or, if applicable, following the taxable year with respect to which an election was made by such eligible small business under this subparagraph (as in effect before the date of the enactment of the Small Business Tax Relief Act of 2009),

‘‘(i) subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’,

‘‘(ii) subparagraph (E)(ii) shall be applied by substituting ‘4’ for ‘2’, and

‘‘(iii) subparagraph (F) shall not apply.

‘‘(2) ELIGIBLE SMALL BUSINESS.—For purposes of this paragraph the term ‘eligible small business’ has the meaning given such term by section 38(c)(5)(C).

SEC. 9. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) TEMPORARY INCREASE IN EXCLUSION.—Paragraph (3) of section 1202(a) (relating to exclusion) is amended to read as follows:

‘‘(3) SPECIAL RULES FOR STOCK ACQUIRED BEFORE 2001.—In the case of qualified small business stock acquired before January 1, 2001,

‘‘(I) paragraph (1) shall be applied by substituting ‘75 percent’ for ‘50 percent’, and

‘‘(II) paragraph (2) shall not apply, and

‘‘(III) section 57(a)(7) shall not apply.

(b) INFLATION ADJUSTMENTS.—Section 1202 (relating to partial exclusion for gain from certain small business stock) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

‘‘(k) INFLATION ADJUSTMENT.—

‘‘(1) IN GENERAL.—In the case of any taxable year ending after calendar year 2008, and before calendar year 2013, an amount is determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

‘‘(2) Rounding.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 10. DEDUCTION FOR HEALTH INSURANCE CONTRIBUTIONS PAYING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesigning paragraph 5 as paragraph 4.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 11. INFLATION ADJUSTMENT FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Section 1202(d)(1) (relating to partial exclusion for gain from certain small business stock) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

‘‘(k) INFLATION ADJUSTMENT.—

‘‘(1) IN GENERAL.—In the case of any taxable year ending after calendar year 2008, and before calendar year 2013, an amount is determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

‘‘(A) such dollar amount, multiplied by

‘‘(B) the cost of living adjustment determined under calendar year 2008, which shall be applied by

‘‘(i) substituting ‘5’ for ‘2’,

‘‘(ii) paragraph (2) shall not apply, and

‘‘(iii) section 57(a)(7) shall not apply.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 12. REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1202(d)(3)(E)(vi) (relating to definitions and special rules) is amended to read as follows:

‘‘(7) RECOGNITION PERIOD.—

‘‘(A) IN GENERAL.—The term ‘recognition period’ means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

‘‘(B) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), subparagraph (i) shall be applied without regard to the phrase ‘10-year’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.
Today I rise to offer a piece of legislation for one simple reason. Mr. President: I want the Peace Corps to continue playing that role that it has for the last half century for another half century to come. But before we consider how the Peace Corps can grow going forward, I think it might be worth remembering just how it came into being. Where did it all start? How was it created?

Like an awful lot of groundbreaking ideas, Mr. President, the Peace Corps might have survived a board meeting or a subcommittee hearing where the idea was first proposed. It was a wild notion in many ways, so breath-takingly outrageous that it could only have been born out of idealism, youthful energy, and—perhaps a key element—too much caffeine. For you see, the Peace Corps was born at 2 in the morning.

It was October 4, 1960, and a then young Senator from Massachusetts by the name of John F. Kennedy was running for the Presidency. He was running hours late, as candidates often do, for a campaign stop at the University of Michigan in Ann Arbor. John Kennedy assumed that most of the crowd would come by that late hour. But when he arrived at the student union, at the campus in Ann Arbor, he found 10,000 students waiting outside in the frigid dark to greet him. As public officials and holders of elective office, I think we can sympathize with John Kennedy at that hour, having endured months of late nights on a campaign trail, uncomfortable beds, and a bad diet along the way. I suspect he might have been sorely tempted at that late hour—as all of us have been from time to time—to offer a perfunctory thank-you to the Michigan students for hanging around all that long, recite a memorized stump speech—having given it on countless occasions, he would know it from memory—and send them home and retire himself.

But something besides a chill was in the air that night in Ann Arbor. Floodlit and shivering, the crowd awaited John F. Kennedy's words. He began his speech by telling these students more than just the story of how he had won the nomination. He chose the words "we can make America live. In a hotel room in downtown Washington—not far from where I am on the floor of the Senate—with only a handful of typewriters and a stack of blank paper, two aides—only two of them; a few typewriters and a stack of blank paper on the floor of the Senate—with only a handful of typewriters and a stack of blank paper on the floor of the Senate, John Kennedy's top advisers were already working on those issues. After all, they had decided, if we don't start doing our part for the developing world, they will be concerned—and rightly—about their own survival. They looked around the world. At a time much like today, when our Nation faced conflicts with people who knew as little of America as we knew of them, this case for a Peace Corps could be made not only by invoking higher principles but in the cold hard language of realpolitik.

The notion that service could be a part of our foreign policy—indeed that it could be a powerful weapon in the Cold War—was truly a radical idea. It suggested that there could be more measures of strength than caliber or tonnage. It argued that the world needed to see our ideals not just in ink but incarnate in the person of Americans with dirty hands working under a hot foreign sun. It said: You cannot hate America if you know Americans.

The skeptics quickly descended upon John Kennedy's idea. Richard Nixon called the Peace Corps "a haven for draft-dodgers." President Dwight Eisenhowe called it "a juvenile experiment." Even those old foreign policy hands who supported Kennedy's idea thought it was a fine idea, as long as it was kept small. Academics and State Department officials agreed: Proceed with caution, they urged. Start with just a few hundred volunteers. Don't create a fiasco, they said. Don't let this experiment get out of hand. If they had gotten their way, I suspect the Peace Corps might not even exist today. But just as a late-night burst of exuberance gave birth to the Peace Corps in Ann Arbor, a similar bolt of sleepless inspiration kept it alive. In a hotel room in downtown Washington—not far from where I am on the floor of the Senate—with only a few typewriters and a stack of blank papers, two aides—one of them named Benedict Shriver, the other named Harris Wofford, who turned out years later to be a colleague of ours in the Senate—compiled the entirety of the Peace Corps staff that had been tasked with figuring out how to put this outrageous idea into practice.

The one thing the two of these men knew, Benedict Shriver later told us, was that the conventional approach then in vogue wouldn't work. America would easily have to demonstrate to the world that America was willing to spend its days in foreign soil. And he asked them to continue playing that role that it has for the last half century for another half century to come. But before we consider how the Peace Corps can grow going forward, I think it might be worth remembering just how it came into being. Where did it all start? How was it created?

Like an awful lot of groundbreaking ideas, Mr. President, the Peace Corps might have survived a board meeting or a subcommittee hearing where the idea was first proposed. It was a wild notion in many ways, so breath-takingly outrageous that it could only have been born out of idealism, youthful energy, and—perhaps a key element—too much caffeine. For you see, the Peace Corps was born at 2 in the morning.
Mr. President. Besides simple labor and goodwill, every American we send abroad brings with him or her another chance to make America known to a world that often fears and suspects us and our motives. Every American who returns to our country from that service can too be a citizen strengthened with the knowledge of the world in which he or she has just lived.

As Sargent Shriver said, “Peace Corps Volunteers come home to the USA realizing that there are billions—yes, billions—of human beings enraptured by our pretensions, or our practices, or even our standards of conduct.”

Second: size matters. The perils of a small, timid Peace Corps are just as clear today as they were in 1961. Just as then, advocates of a stripped-down mission make the same arguments: sending untrained, untested students only aggravates our host countries and raises the chance of a mishap—so let’s send nothing at all instead. And just as in 1961, our response is fundamentally the same, and still fundamentally correct: of course we need volunteers of the highest quality. But we need the highest quantities, too.

Then: size costs. The bigger any organism grows, the slower it gets. The Peace Corps that charted its course in a hotel room with a staff of two now enjoys a staff of over a thousand and a fine office building close to the White House. But even the most groundbreaking ideas must all make, in good time, what the philosopher Gramsci called “the long march through the institutions.” And where President Kennedy once predicted that, within a few decades, our Nation would have more than one million returned volunteers, today fewer than 200,000 have had the opportunity to serve.

The legislation I offer today is designed to help the Peace Corps not only grow, but also join the many voices calling for it to grow dramatically—but also reform.

To those who know and love the Peace Corps, reform is an uncomfortable subject. After all, we don’t want to destroy what has made this institution so remarkable and unique. There wouldn’t be a Peace Corps if JFK had stuck to the script in Ann Arbor. There wouldn’t be a Peace Corps if thousands of students, acting on their own initiative, hadn’t caught his attention with their message. There might not be a Peace Corps if Sargent Shriver had listened to the respectable voices of caution in the early days of 1961.

The Peace Corps is unlike any other organ of our government because of its uniquely grassroots origin. And we can’t treat it like any other organ of our government for those reasons.

So the Peace Corps Improvement and Expansion Act of 2009 does not include a list of mandates. It does not micro-manage.

Instead, it asks those who have written this remarkable success story—from the Director to managers and country directors to current and returned volunteers—to serve once more by undertaking a thorough assessment of the Peace Corps and developing a comprehensive strategic plan for reforming and revitalizing the organization.

Just as JFK’s question to those Michigan students sparked the Peace Corps, asking questions today, some 50 years later, I believe will strengthen it. How can volunteers be better managed? How can they be better trained? Can we improve recruiting? Are we sending our volunteers to the right countries? Why do we have volunteers in Samoa and Tonga, but not in Indonesia, Egypt, or Brazil? Are we still achieving the broader goals of the Peace Corps and helping our country meet 21st century challenges?

Most of all: How can we strengthen and grow this remarkable organization without losing the spark—the ambitious sense of the possible that led JFK to say: “If you think there is no place for the highest quantities, too."

Inventiveness and duty: two qualities that don’t often go together. But the Peace Corps is the result of just such a combination. It has strengthened our Nation, improved the world, and stands today as one of the signal accomplishments of the 20th century. It has been supported by Republican and Democratic administrations over the last 50 years.

As I said at the outset of these remarks, except for my own family, nothing has meant more in my life—or in the lives of so many others—than the experience I enjoyed so many years ago.

Today we honor the accomplishment of this organization. But let us commit to strengthening and expanding the Peace Corps by passing this legislation which I will send to the desk momentarily. Let us strive to inspire future generations to walk the path of service and exploration, the one that led me and thousands of our Nation’s citizens to nations such as the Dominican Republic or Ethiopia, where Paul Tsongas and I, and then years later, arrived at this institution, which I cherish and love as well. And let us never lose that spirit, that idealism, that ambition that led a young President of a young nation to ask a generation to serve.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. I rise to introduce the Dextromethorphan Abuse Reduction Act of 2009. This legislation will help prevent the dangerous abuse by minors of cough medicines containing the ingredient dextromethorphan, and will also help education and prevention efforts regarding teen abuse of prescription and nonprescription drugs. I am so pleased to be joined by my colleague Senator GRASSLEY of Iowa in sponsoring this legislation, and I look forward to working with him to see it enacted into law.

Dextromethorphan, or DXM, is a cough suppressant commonly found in over-the-counter cough cold medicines. These medicines are safe and effective when taken in their recommended dosage, but when consumed in large amounts, medicines containing DXM can produce a hallucinogenic high. Teens who abuse cough medicines often refer to the practice as “Robotripping,” a term derived from the cough medicine Robitussin which contains DXM. When abused, cold medicines containing DXM can cause a variety of harmful effects, including disorientation, impaired physical coordination, abdominal pain, nausea, rapid heartbeat, and seizures. However, medicines containing DXM are legal, inexpensive, and sold at retail stores and over the Internet.

Studies show that teenagers are abusing cough medicines at an alarming rate. A recent study by the Partnership for a Drug-Free America revealed that about 7 percent of teens—or 1.7 million—reported abusing cough medicine in the year 2008. This study also found high rates of teen abuse of other prescription drugs, with 2.5 million teens reporting having abused a prescription pain reliever in 2008. Experts say that cough syrup and prescription drug abuse is significantly unreported.

The Dextromethorphan Abuse Reduction Act would take significant steps to reduce and prevent teen abuse of DXM and other over-the-counter drugs. First, the bill prohibits the sale of products containing DXM to a buyer who is under 18 years of age. It also requires major retailers, including Walgreens, Rite-Aid, and Giant, have already voluntarily agreed not to sell products that contain DXM to purchasers who are under 18, and their retail clerks check IDs to verify the purchaser’s age. The legislation would codify these voluntary steps, and would also direct the Justice Department to promulgate regulations ensuring that Internet sales of DXM-containing products comply with these age restrictions. Notably, the legislation prohibits the sale to minors of any product containing DXM, including not just over-the-counter cough medicines but also products containing DXM in its raw, unfinished form. This is important since the abuse of unfinished DXM has been responsible for several deaths in my home State of Illinois and elsewhere.

Second, this legislation would fund prevention and educational programs...
to combat over-the-counter and prescription drug abuse. The bill authorizes the Director of National Drug Control Policy to provide money for the creation of a nationwide education campaign directed at teens and their parents to raise awareness of and prevention of abuse of prescription and nonprescription drugs. It also authorizes grants to communities for over-the-counter drug abuse awareness and prevention efforts, and provides increased funding to the National Community Anti-Drug Coalition Institute to provide training and technical assistance to boost those community-level efforts.

I am pleased that drug manufacturers and drug prevention groups have joined together in support of this legislation. The bill is supported by the Consumer Healthcare Products Association, the Partnership for a Drug-Free America, and the Community Anti-Drug Coalitions of America.

Restricting access by minors to DXM-containing products and increasing awareness for teens and their parents of the potential harms of cough syrup and other over-the-counter drugs will help combat the high rates of teen abuse of these products. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Increasing numbers of teens and others are abusing over-the-counter cough and cold medications containing dextromethorphan, and Seizure, loss of consciousness, and death are serious medical consequences caused by abuse of prescription and nonprescription dextromethorphan-containing products. (2) Dextromethorphan is inexpensive, legal, and readily accessible, which has contributed to the increased abuse of the drug, particularly among teenagers. (3) Increasing numbers of teens and others are abusing dextromethorphan by using it as a party drug. (4) An estimated 1,700,000 teenagers (7 percent of teens) abuse over-the-counter cough medicines in 2008.

SEC. 3. SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.

(a) Sales of Products Containing Dextromethorphan.—

(1) IN GENERAL.—Part D of title II of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"SEC. 424. CIVIL PENALTIES FOR CERTAIN DEXTROMETHORPHAN SALES.

"(a) IN GENERAL.—

"(1) SALES.—

"(A) IN GENERAL.—Except as provided in section 423(d), it shall be unlawful for any person to knowingly or intentionally sell, or cause another to sell, a product containing dextromethorphan to an individual under 18 years of age, including any such sale using the Internet.

"(B) FAILURE TO CHECK IDENTIFICATION.—If a person fails to request identification from an individual under 18 years of age and sells a product containing dextromethorphan to that individual, that person shall be deemed to have known that the individual was under 18 years of age.

"(C) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to an alleged violation of subparagraph (A) that the person selling a product containing dextromethorphan examined the purchaser's identification card and based on that examination, that person reasonably concluded that the identification was valid and indicated that the purchaser was not less than 18 years of age.

"(2) EXCEPTION.—This section shall not apply to any sale made pursuant to a validly issued prescription.

"(3) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General shall promulgate regulations for Internet sales of products containing dextromethorphan.

"(B) SALES TO RETAILERS.—It shall be unlawful for any person to knowingly or intentionally sell, or cause another to sell, a product containing dextromethorphan to a retailer, or person whose activities as a distributor of products containing dextromethorphan are limited almost exclusively to the sale of over-the-counter cough and cold medicines containing dextromethorphan to an individual under 18 years of age, including any such sale using the Internet.

"(1) the term 'Identification card' means a government-issued identification card or a driver's license issued by a State or the Federal Government; and

"(2) the term 'retailer' includes a State or the Federal Government; or

"(ii) is a manufacturer of products containing dextromethorphan, and shall be considered acceptable for purposes of this section if it

(2) it has a well-established national Internet presence targeting parents seeking information about drug prevention and intervention;

(3) it has a well-established national Internet presence targeting parents seeking information about drug prevention and intervention;

(4) it is able to secure pro bono media time and space to support the campaign specified in subparagraph (A) and

(5) it has a well-established national Internet presence targeting parents seeking information about drug prevention and intervention.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.
and non-Federal funds available for carrying out the activities described in this subsection.

(2) GRANTS FOR EDUCATION, TRAINING AND TECHNICAL ASSISTANCE TO COMMUNITY COALITIONS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall award a grant to the entity described in section 201(g) of the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 note) for the development and provision of specially tailored education, training, and technical assistance to community coalitions throughout the nation regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $1,500,000 each fiscal year 2010 through 2012 to carry out this paragraph.

(C) SUPPLEMENTAL GRANTS FOR COMMUNITIES WITH MAJOR PRESCRIPTION AND NON-PRESCRIPTION DRUG ISSUES.—

(1) IN GENERAL.—Grants under this subsection—

(A) the term "Administrator" means the Administrator of the Substance Abuse and Mental Health Services Administration;

(B) the term "drug" has the meaning given to that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(C) the term "eligible entity" means an organization that—

(i) before the date on which the organization submits an application for a grant under this subsection, has received a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.); and

(ii) has documented, using local data, rates of prescription or nonprescription drug abuse above national averages for comparable time periods, as determined by the Administrator (including appropriate consideration of the Monitoring the Future Survey by the University of Michigan);

(D) the term "nonprescription drug" has the meaning given that term in section 760 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379a); and

(E) the term "prescription drug" means a drug described in section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(2) AUTHORIZATION OF PROGRAM.—From amounts made available to carry out this subsection, in consultation with the Director of the Office of National Drug Control Policy, shall make enhancement grants to eligible entities to implement comprehensive, community-wide strategies regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking an enhancement grant under this subsection shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(B) CRITERIA.—As part of an application for a grant under this subsection, the Administrator shall require an eligible entity to submit a detailed, comprehensive, multisector plan for addressing abuse of prescription and nonprescription drugs (including dextromethorphan).

(4) USES OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds for implementing a comprehensive, community-wide strategy that addresses abuse of prescription and nonprescription drugs (including dextromethorphan) in that community, in accordance with the plan submitted under paragraph (3)(B).

(5) GRANT TERMS.—A grant under this subsection—

(A) shall be made for a period of not more than 4 years; and

(B) shall not be in an amount of more than $100,000 per year.

(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(7) EVALUATION.—A grant under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures required of the recipient of a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

(9) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $1,000,000 for each of fiscal years 2010 through 2012 to carry out this subsection.

(10) DATA COLLECTION.—It is the sense of the Senate that Federal agencies and grantees that collect data on drug use trends should ensure that the survey instruments used by such agencies and grantees include questions to ascertain changes in the trend of abuse of prescription and nonprescription drugs (including dextromethorphan).

(11) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) TABLE OF CONTENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513; 84 Stat. 1266) is amended by inserting after the item relating to section 423 the following:

"Sec. 424. Civil penalties for certain dextromethorphan sales."

By Mr. Wyden (for himself and Mr. Chambliss):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence

Mr. Wyden. Mr. President, today I am introducing legislation that I hope will enable our national intelligence agencies to increase their employees' proficiency in critical foreign languages. I have been a member of the Senate Intelligence Committee for over eight years, and during that time I have sat in a number of briefings and hearings that addressed foreign language capabilities. While specific details regarding the intelligence community's capabilities are generally classified, it is no secret that there is still a great need for more analysts and agents trained in key foreign languages. Over the past few years there have been a number of new initiatives designed to address this problem from different angles, and even newer initiatives are being introduced this year. The legislation that I am introducing today, which I have drafted along with Senator Chambliss of Georgia, is not designed to replace those initiatives—rather, we think it will complement those other initiatives by filling a key gap.

Let me explain this gap a little, so it will be clear what problem we are trying to fix. Most efforts to improve the language capabilities of our intelligence agencies focus on recruiting Americans who have a background in critical foreign languages—either from their education, or from their family. But this only attacks the problem from one angle. If you want the national security workforce to have the strongest language skills possible, you also need to improve language training for people who already work for the intelligence agencies. This means both enhancing the language capabilities of more people, and helping people who are already proficient improve their skills further. Unfortunately, language training is time-intensive, and this can mean that personnel are diverted from short-term priorities.

Here is an example of how this problem might crop up in practice. Imagine that you are the supervisor of a group of 10 people somewhere in the intelligence community, working on counterterrorism issues, and that one of those employees decides he wants to go spend several months in intensive language training to improve his Arabic. This would be a good career move for that individual, and a good long-term investment for your agency. But for you, the supervisor, it means that you might be short-handed for several months while one of your employees is off getting language training. Since you have a fixed number of positions available for your office, it is difficult for you to replace someone while they are gone. This means that the supervisor you actually have an incentive to resist letting that employee head off for language training, since it will leave your team less well-equipped to meet short-term priorities.

I am not saying that all supervisors within the intelligence community are focused solely on short-term priorities, to the detriment of our long-term security interests. But I am saying that if we want our intelligence agencies to effectively balance short- and long-term priorities, we need to give them incentives that encourage them to do so, and not penalize people who try to balance short-term needs and long-term goals.

Here is how the bipartisan legislation that Senator Chambliss and I are introducing today would attempt to address this problem. The legislation gives the Director of National Intelligence the authority to transfer additional positions to offices whose personnel are
temporarily unavailable due to language training. The Director of National Intelligence is uniquely situated to evaluate which offices are most in need of these extra positions, and could transfer them to the places where they would do the most good.

So, to return to my previous example, if you were the supervisor of a young counterterrorism analyst who wants to take 6 months to go learn Arabic, you could ask the Director of National Intelligence to transfer an extra position to your office for that 6 month period. That way, you could bring someone else in on a temporary basis to do that analyst’s work while they were away for training. The analyst and the agency would get the long-term benefits of additional language training, and you, the supervisor, would not have to sacrifice in the short-term.

Senator Chambliss and I do not claim that this legislation will revitalize the intelligence community’s language capabilities overnight. But it is our hope that it will make it easier than it is now for managers to balance short- and long-term priorities. If we can achieve that it will be good for our national intelligence workforce, and for our national security interests.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 206—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD IMMEDIATELY IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 206

Whereas, since his election in 2002, the President of Colombia, Alvaro Uribe, has been overwhelmingly successful in strengthening the institutions of Colombia, fighting terrorism, improving the economy of Colombia, and extending the authority of the central government, the social support network, and security to most of Colombia;

Whereas, during President Uribe’s term, the economy of Colombia grew at an average rate of more than 5 percent per year between 2002 and 2007;

Whereas, according to the World Bank, the total gross domestic product of Colombia increased from $33,000,000,000 in 2002 to $307,800,000,000 in 2007;

Whereas, according to the Office of the United States Trade Representative, approximately 10,000,000 people in Colombia have been lifted out of poverty during the past 5 years;

Whereas, according to the Ministry of Defense of Colombia, between 2002 and 2007, kidnappings in Colombia decreased by 83 percent, murders decreased by 40 percent, and terrorist attacks decreased by 76 percent;

Whereas police are now present in all 1,099 municipalities in Colombia, including areas previously held by various criminal and terrorist groups;

Whereas, according to the Department of Agriculture, more than 30,000 paramilitaries have been demobilized and disarmed since 2002;

Whereas, in July 2008, the security forces of Colombia successfully rescued 13 citizens and 3 missionaries held hostage by the Revolutionary Armed Forces of Colombia (FARC), including French-Colombian Ingrid Betancourt and 3 citizens of the United States, the Mac Gonsalves, Keith Stansell and Thomas Howes;

Whereas, according to the Office of the United States Trade Representative, unemployment in Colombia fell from 16 percent in 2002 to 9.9 percent in 2007;

Whereas, recognition of the impressive economic, political, and diplomatic advances Colombia has made during the past decade, the United States negotiated and signed the United States-Colombia Trade Promotion Agreement on November 22, 2006, and a protocol of amendment to the Agreement on June 28, 2007;

Whereas, according to the Office of the United States Trade Representative, Colombia is currently the 27th largest trading partner of the United States with respect to goods;

Whereas, according to the United States International Trade Commission, goods valued at $11,400,000,000 were exported from the United States to Colombia in 2006, an increase from $3,600,000,000 in 2002;

Whereas, according to the United States International Trade Commission, implementing the United States-Colombia Trade Promotion Agreement would boost exports from the United States by an estimated $1,100,000,000;


Whereas, according to the Office of the United States Trade Representative, more than 80 percent of consumer and industrial products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States-Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be eliminated within 10 years after the Agreement enters into force;

Whereas, according to the Office of the United States Trade Representative, the primary exports from the United States to Colombia in 2008 were $2,600,000,000 in machinery, $997,000,000 in mineral fuel, $974,000,000 in organic chemicals, $969,000,000 in corn and wheat cereals, and $950,000,000 in electrical machinery;

Whereas, according to the Office of the United States Trade Representative, Colombia is the 15th largest market for farm products exported from the United States, with the United States exporting almost $1,700,000,000 worth of farm products to Colombia in 2008;

Whereas, since 2006, the quantity of agricultural products exported from the United States to Colombia has increased by approximately 40 percent per year;

Whereas, according to the Department of Agriculture, 99.9 percent of agricultural products imported into the United States from Colombia enter the United States duty-free, but no agricultural products exported from the United States to Colombia currently enter duty-free;

Whereas, according to the American Farm Bureau Federation, the United States-Colombia Trade Promotion Agreement would increase sales of United States services produced in the United States by $90,000,000,000 each year;

Whereas, according to the Department of Agriculture, more than half of agricultural products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States-Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be phased out over time;

Whereas the United States-Colombia Trade Promotion Agreement will level the playing field for workers, businesses, and farmers in the United States by making duty-free treatment the norm for Colombia; and

Whereas, the United States-Colombia Trade Promotion Agreement, the United States and Colombia reaffirm their obligations as members of the International Labour Organization: Now, therefore be it

Resolved, That—

(1) the Senate—

(A) recognizes the historic successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia;

(B) congratulates President Uribe, the Government of Colombia, and the security forces of Colombia for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(C) recognizes the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime; and

(D) recognizes that the United States-Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free for the first time; and

(2) it is the sense of that Senate that—

(A) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(B) the United States should implement the United States-Colombia Trade Promotion Agreement immediately.

Mr. JOHANNS. Mr. President, I rise today to speak about the United States-Colombia Trade Promotion Agreement which was signed way back in November of 2006. On July 29, President Uribe will be visiting the United States to meet with our President, President Obama. The two have previously met at the Summit of the Americas in April, but this will be President Uribe’s first time here under the new administration.

Today, as one Senator, I rise to express my hope for a continuing bond in our relationship with Colombia’s President Uribe. I also rise to express some concerns that I will talk about. I am happy that President Obama recognizes the importance of our closest ally in South America. I am also pleased President Uribe continues to seek a close relation with the United States, for he is truly a courageous and a visionary leader.

Coming to power in some of the darkest and most vicious days of a Marxist insurgency everywhere in that country, he has pulled Colombia back from
the brink. President Uribe has driven the terrorists from much of their territory in Colombia’s cities, boosted the economy, and he has improved Colombia’s human rights record.

If an American President had achieved some would be clamoring for him or her to seek a third term. The same is true in Colombia, where despite term limits, Uribe is actually being petitioned to run again. His achievements are very impressive. During President Uribe’s time in office, the economy grew at an average rate of over 5 percent over the past 5 years.

According to the World Bank, Colombia’s GDP growth then grew 7.5 percent in 2007, far surpassing the average in Latin America. Ten million Colombians have been lifted out of poverty, unemployment has fallen from double digits—16 percent in 2002—to 9.9 percent in 2007.

Crime has been a historic problem in Colombia. Yet, under President Uribe’s stewardship, kidnappings have declined 83 percent, murders are down by 40 percent, terrorism has been reduced by 76 percent. Every single one of Colombia’s 1,099 municipalities now have a police presence. Finally, at long last, Colombia appears to be winning the war against the terrorists who have made life miserable for far too many years.

Last summer, the world was treated to the images of smiling U.S., French, and Colombian hostages when a daring Colombian Army raid freed them from the terrorists. These included three U.S. defense contractors and one hostage who had been held since February of 2002.

The U.S. State Department estimates that over 30,000 paramilitaries and terrorists have been disarmed and demobilized—an impressive number. I look to the future in this relationship, but I will be very candid. I am not sure if I can repeat the kind of leadership I have seen in Colombia.

I come from a farm state where we are especially eager to open new markets. Virtually 100 percent of Colombia’s agricultural products enter the United States duty free. Zero percent of U.S. agricultural exports enter Colombia duty free.

This FTA eliminates those differences. It levels the playing field. Tariffs would immediately disappear for 80 percent of U.S. exports into Colombia and the rest phase out over time. The potential for dramatic increases in our exports across the board is very clear.

Consider this: Even with the tariff imbalance our agricultural exports to Colombia totaled almost $1.7 billion in 2008. In spite of all of the current tariffs, corn and wheat cereals are one of the major U.S. exports to Colombia. Last year we sold $969 million worth, as well as $2.6 billion in machinery. By anybody’s definition these are very big numbers, and on a level playing field—which is what the FTA will do—the U.S. has a potential to create thousands of jobs in an economy that needs every job.

These statistics clearly show the FTA we have negotiated with Colombia is not a blind leap into the unknown. Colombia already has free trade with us, an open border. This FTA levels the playing field for America’s farmers and ranchers and U.S. businesses.

Did you know more than 8,000 small- and medium-size businesses in our country export to Colombia? For them, the elimination of these tariffs would blow open the door of opportunity.

Congress should not be in the business of creating hurdles for the United States overseas, nor should the executive branch. Yet here we have a clear pathway to eliminate a huge hurdle with a simple nod of approval. Yet we have failed to act.

The economic justification speaks for itself, but it is just one of the several compelling reasons to ratify this agreement immediately. Perhaps as persuasive is the political situation in Latin America. Since his rise to power in Venezuela in 1998, Hugo Chavez has reinvigorated the radical Latin-American left. He has formed a block of anti-American countries in South and Central America composed of Cuba, Nicaragua, Bolivia, and, increasingly, Ecuador.

During an audacious raid on the Ecuador border, Colombian military units captured evidence detailing the Venezuelan Government’s extensive support for the terrorists. Venezuela has used its petroleum money to buy friends and influence people throughout the hemisphere, and too often they have succeeded. Our friend in Colombia has stoutly resisted this siren song. When too many other nations have drifted into cheap anti-U.S. populism, Colombia has stood strong, and has traveled precisely the opposite way.

While President Uribe is here in our Nation and is meeting with our President, I hope the President of the United States will do the right thing and stand firmly in support of completing the FTA that has been negotiated. It is time for the administration to show great leadership on this issue, which is at every level, in my judgment, just good common sense.

Congress must step to the mound, Congress must step to the mound, Congress must step to the mound. Congress must step to the mound, Congress must step to the mound.

That is why today I introduce a resolution recognizing the benefits of the Colombian Free Trade Agreement. I encourage my colleagues to cosponsor this resolution and to implore the leadership to allow it to come to a vote.

Rarely has an initiative with benefits this crystal clear faced such a rocky and uncertain road. The time to level the playing field for farmers and ranchers and small businesses is here. It is up to us.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Nebraska on his resolution to recognize the importance of the United States continuing to trade in the United States, especially with our friends in Latin America, especially when they are already taking advantage of low tariffs with us and we are not taking advantage of low tariffs with them. Our principal concern on the Republican side, and I am sure for many Democrats, too, is the cost of living for middle-class families in America. There are many issues that come before us that deal with that—the level of taxes, the level of tuition, that we get Medicaid spending under our job programs. Will we be able to fund the Universities of Nebraska and Tennessee better—but another way to do that is to trade with the world.

People walk into stores in America, and they are looking, today, in bad economic times, for low costs. Are we going to erect barriers and raise costs? Are we going to say to families who do not have many extra dollars that it is in our national interest to raise our costs? Are we going to keep out of our country people with products and ideas causing them to keep our products and ideas out of their country? Are we that afraid of competing in the world?

We Tennesseans have been much better off since Federal Express started flying in China and Nissan started building cars in Tennessee. Federal Express employs 30,000 people in the Memphis, TN, area, and Nissan just announced this week it is going to build electric cars, not in Japan but in Smyrna, TN. That is because we trade with the world. So I am opposing protectionism that we see as a threat to the middle-class budget of every American.
Senator JOHANNS has made an important step toward change.

SENATE CONCURRENT RESOLUTION 31—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 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, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or that day as may be specified by its Majority Leader or his designee, in the motion to rec- cess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate is in any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by the Minority Leader or his designee, it stand adjourned until 2:00 p.m. on Tues- day, July 7, 2009, or such other time on that day as may be specified in the motion to ad- journ, or until the time of any reassembly pursuant to section 2 of this concurrent reso- lution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their re- spective designees, acting jointly after con- sultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassem- ble at such place and time as they may des- ignate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 32—A BILL EXPRESSING THE SENSE OF CONGRESS ON HEALTH CARE REFORM LEGISLATION

Mr. MENENDEZ submitted the follow- ing concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pen- sions:

S. CON. RES. 32

Whereas consumers may continue to con- front a variety of problems with a reformed health care system:
Whereas those problems may range from difficulties in choosing an appropriate health plan, problems with calculation of premiums and cost-sharing, the possibility of a denial of benefits, and issues with enrollment and access to providers;
Whereas the Institute of Medicine esti- mated the 1 as more than 30 percent of people in the United States suffer from health treatment illiteracy;
Whereas the Office of Disease Prevention and Health Promotion of the Department of Health and Human Services reports that only 12 percent of the population can use a table to calculate the share of health insurance costs for an individual;
Whereas a study by RAND Corporation found that increasing the ease of access to information regarding insurance products and simplifying the application process would increase purchase rates of insurance products as much as modest subsidies would; Whereas the Institute of Medicine, the Office of Disease Prevention and Health Promotion, and RAND Corpora- tion prove there is a need for a fundamental improvement in which con- sumers learn about insurance choices;
Whereas many consumers lack avenues or mechanisms to present grievances both to their health plans and to external entities, and to them in a manner that will be reviewed and fail to receive timely decisions with respect to those grievances; Whereas consumers often need expert guid- ance to pursue claims for denied health care benefits and other coverage disputes; Whereas some States have documented a number of cases of improperly rescinded health insurance policies, inappropriate bill- ing for out-of-network services, and fraud- ulent and deceptive marketing of health plans; Whereas the Federal Government lacks oversight mechanisms to prevent health care coverage problems from recurring in other States; Whereas the appropriate resolution of a health coverage complaint may involve multiple Federal and State agencies; Whereas Federal laws have created suc- cessful models of consumer assistance with Medicaid; Whereas Federal laws have created suc- cessful models of consumer assistance with health dispute resolution, such as the Long Term Care Ombudsman program that assists nursing home residents in every State and the Senior Health Assistance Pro- gram that assists those eligible for Medicare; Now, therefore, be it

Resolved by the Senate (the House of Representa- tives concurring), That it is the sense of Congress that any health care reform leg- islation should include, with respect to health plans—
(1) support for consumer education and as- sistance with enrollment, particularly for vulnerable populations, at both the Federal and State level;
(2) assistance for people asserting con- sumer rights;
(3) a strengthened system of consumer pro- tections, including—
(A) an appeal mechanism within a health plan, and an appeal mechanism with an ex- ternal entity independent of the health plan, which could address a variety of coverage problems;
(B) coverage for emergency care without prior authorization;

AMENDMENTS SUBMITTED AND PROPOSED

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, as follows:
Strike all after the enacting clause and in- sert the following:
That the following sums are appropriated, out of any money in the Treasury not other- wise appropriated, for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I LEGISLATIVE BRANCH

EXPENSE ALLOWANCES
For expense allowances of the Vice Presi- dent, $3,526,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Con- ference Committees, each, $3,288,000; each Chair- man; and Chairmen of the Majority and Mi- nority Policy Committees, $5,000 for each Chairman, in all, $50,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS
For representation allowances of the Ma- jority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES
For compensation of officers, employees, and others as authorized by law, including agency contributions, $3,526,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT
For the Office of the Vice President, $2,517,000.
OFFICE OF THE PRESIDENT PRO TEMPORE
For the Office of the President Pro Tem- porary, $752,000.
OFFICE OF THE MAJORITY AND MINORITY LEADERS
For Offices of the Majority and Minority Leaders, $850,000.
OFFICE OF THE MAJORITY AND MINORITY WHIPS
For Offices of the Majority and Minority Whips, $2,288,000.
COMMITTEE ON APPROPRIATIONS
For salaries of the Committee on Appropria- tions, $15,844,000.

CONFERENCE COMMITTEES
For the Conference of the Minority and the Conference of the Majority, at rates of com- pensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.
OFFICE OF THE SECRETARIES OF THE CONFERENCE COMMITTEE
For salaries of the Secretary of the Con- ference of the Majority and the Conference of the Minority, $3,526,000.

POLICY COMMITTEES
For salaries of the Majority Policy Com- mittee and the Minority Policy Committee, $1,726,000 for each such committee; in all, $3,452,000.
OFFICE OF THE CHAPLAIN
For the Office of the Chaplain, $275,000.
OFFICE OF THE SECRETARY
For the Office of the Secretary, $25,790,000.
OFFICE OF THE SERGEANT AT ARMS AND DOORMAN
For the Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations authorized by law, $5,274,000, of which $5,165,000 shall remain available until expended; for salaries and expenses of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Floor Leader; for salaries and expenses of the Minority Floor Leader, $1,565,000, including $10,000 for official expenses of the Minority Leader; for salaries and expenses of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; for salaries and expenses of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker’s Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Democratic Steering Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000, for training development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS’ REPRESENTATIONAL ALLOWANCES

For Members’ representational allowances, including members’ clerk hire, official expenses of members, and official mail, $19,145,000.

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolution, $130,782,000, of which $3,937,000 shall remain available until December 31, 2010. Any amount remaining after all payments have been made, for reducing any other provision of law, any amounts appropriated under this Act for “House of Representatives—Salaries and Expenses” shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt) in the form authorized by law, and employee child care benefit payments, $3,500,000, if authorized; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $900,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS’ REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TRANSFERS TO THE FEDERAL DEBT.—Withstanding any other provision of law, any amounts appropriated under this Act for “House of Representatives—Salaries and Expenses” shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt) in the form authorized by law, and employee child care benefit payments, $3,500,000, if authorized; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $900,000.

(b) RESOLUTION.—The Committee on Appropriations of the House of Representatives shall have authority to prescribe regulations to carry out this section.
For salaries and expenses of the House of Representatives, $1,377,000, to be disbursed by the Secretary of the Treasury for fiscal year 2010 for the Capitol Police may be transferred between the headings “Salaries and Expenses” and “General expenses” upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month for each attending physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $380 per month each not to exceed 11 assistants on the basis herefore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Treasury for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are paid, and which shall remain available until September 30, 2014.

Office of Compliance

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,418,000, of which $883,990 shall remain available until September 30, 2011: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

Disposition of Surplus or Obsolete Personal Property

“Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following: "Sec. 306. Disposition of surplus or obsolete personal property. "The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discard.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

Congressional Budget Office

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

Capitol Police

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions to retirement, social security, professional liability insurance, and other applicable employee benefits, $267,203,000, to be disbursed by the Chief of the Capitol Police or his designee.

General Expenses

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal assistance, oral interpretation services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison officers, and liability insurance at the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $64,354,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of the Treasury from funds available to the Department of Homeland Security.

Architect of the Capitol

(a) Transfer authority.

Sec. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings “Salaries and Expenses” and “General expenses” upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

Administrative Provision

For all necessary expenses for the maintenance, care and operation of the Capitol, $3,305,000, of which $6,499,000 shall remain available until September 30, 2014.

Capitol Police

For salaries of the Architect of the Capitol, $118,597,000, of which $25,074,000 shall remain available until September 30, 2014.

Capitol Police Plant

For all necessary expenses for the maintenance, care and operation of the Capitol Police Plant, $30,000,000, of which $1,410,000 shall remain available until September 30, 2014.

Joint Items

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month for each attending physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $380 per month each not to exceed 11 assistants on the basis herefore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Treasury for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are paid, and which shall remain available until September 30, 2014.

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month for each attending physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $380 per month each not to exceed 11 assistants on the basis herefore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Treasury for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are paid, and which shall remain available until September 30, 2014.

Joint Items

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month for each attending physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $380 per month each not to exceed 11 assistants on the basis herefore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Treasury for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are paid, and which shall remain available until September 30, 2014.

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month for each attending physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $380 per month each not to exceed 11 assistants on the basis herefore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Treasury for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are paid, and which shall remain available until September 30, 2014.
LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $48,754,000, of which $14,470,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,160,000, of which $7,650,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and its nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Architect of the Capitol, $11,896,000, of which $1,280,000 shall remain available until September 30, 2014: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,756,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol may, with the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be used to defray the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) by inserting “(a)” before “Under”; and

(2) by adding at the end the following:

“(b) For purposes of this section, the term ‘agency’ shall mean the Architect of the Capitol and the Botanic Garden. With respect to the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.”

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1304. Section 311 of title 5, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section the term ‘agency’ shall mean the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.”

BOTANIC GARDEN VENDOR CONTRACTS

SEC. 1305. Section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146) is amended—

(1) in subsection (b)(1), by striking “an account entitled Botanic Garden, Gifts and Donations’’ and inserting “an account entitled Botanic Garden: Operations and Maintenance’’;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) CONTRACTS WITH VENDORS.—

(1) IN GENERAL.—The Architect of the Capitol may not obligate or expend any funds derived from collections during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula programs further.

That of the total amount appropriated, $750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Birthplace Foundation for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Birthplace Foundation: Provided further, That $200,000 shall remain available until expended for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $35,751,000, to remain available until expended; and not more than $6,350,000 shall be derived from collections during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: Provided further, That not more than the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellecual property laws and policies: Provided further, That not more than $4,250,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the United States Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Copyright Office Annual Reports), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.
For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 48 Stat. 1417; 707,404,000, of which $35,577,000 shall remain available until expended; Provided, That the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) shall exceed $25,500,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading “Library of Congress” to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 107 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c; Provided, That the total amount transferred may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading “Library of Congress” upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of such transfers may not exceed $12,782,000: Provided, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office to pay for printing and binding of the United States Code, or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code:

(c) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

“(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 under standards established by the Office in subsection (a)(2).”

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6301(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting “,”; and

(3) by adding after subparagraph (G) the following:

“(H) a position in the Library of Congress which is set at the rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 3314.”

GOVERNMENT PRINTING OFFICE MACHINERY, CONSTRUCTION, AND BINDING (INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record: Provided, That the total amount available for the fiscal year ending September 30, 2010, shall be available for the purchase of not more than 12 passenger motor vehicles: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 310(b) of title 5, United States Code, but at rates for individuals not more than the basic pay for level IV of the Executive Schedule under section 315 of such title: Provided further, That this appropriation shall be available for reimbursement or payment of not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $32,546,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $7,670,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum authorized to fund the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 310(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 315 of such title: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office to pay for printing and binding of the United States Code, or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code:

GOVERNMENT ACCOUNTABILITY OFFICE SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Public Printer in connection with official representation and reception expenses; temporary or intermittent services under section 310(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 315 of such title: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office to pay for printing and binding of the United States Code, or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code:

OFFICE OF SPECIAL INSPECTOR GENERAL FOR THE GOVERNMENT PRINTING OFFICE SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Special Inspector General for the Government Printing Office, including not more than $2,500,000 for expenses of the Office of Special Inspector General for the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Public Printer in connection with official representation and reception expenses; temporary or intermittent services under section 310(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 315 of such title: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office to pay for printing and binding of the United States Code, or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code:

SECRETARY OF THE NAVY TRANSPORTATION SAFETY BOARD

Sec. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Sec. 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking "fiscal year" and inserting "fiscal years":

(b) EVALUATION AND AUDIT OF NATIONAL

TRANSPORTATION SAFETY BOARD.—Section

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1138 of title 49, United States Code, is repealed.

(c) Local Educational Agency Spending Audits.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6747b) is repealed.

(d) Audits of Small Business Participation in Construction of the Alaska Natural Gas Pipeline.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720) is amended by striking subsection (c).

(e) Audits of Assistance Under Compacts of Free Association.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921(h)) is amended by striking paragraph (2). A sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Librarian of Congress shall appoint''.


(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,465,000, available until September 30, 2010.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) Board Membership.—Section 333(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended by

(1) in subparagraph (A), by striking “members” and inserting “Members of the House of Representatives”;

(2) in subparagraph (B), by striking “members” and inserting “Senators”;

(b) Executive Director.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking “The Board shall appoint” and inserting “On behalf of the Board, the Librarian of Congress shall appoint”.

(c) Effective Date.—The amendments made by this subsection shall apply with respect to

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $390,000.

TITLE II

GENERAL CONSTRUCTIONS, MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.), is vacated or filled by a reclassification of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) on March 26, 1996.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to transfer authority provided in this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), no part of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees of the Architect of the Capitol or other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPLIANCE DATE RELATING TO CERTAIN VIOLATIONS OF OSHA WITHIN THE LEGISLATIVE BRANCH

SEC. 209. Section 215(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 141(c)) is amended by striking paragraph (6).

This Act may be cited as the “Legislative Branch Appropriations Act, 2010”.

SA 1366. Mr. MCCAIN proposed an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) In General.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “shall audit an agency” and inserting “agency”.

(b) Amendment.—Subsection (c) of section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(c) Audit and Report of the Federal Reserve System.—

“(1) In General.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

“(2) Report.—

“(A) Required.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed.

“(B) Contents.—The report under paragraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.”.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
SEC. 13. ENGRAVINGS IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of "In God We Trust" in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

NOTICE OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. 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, July 9, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Wilma A. Lewis, to be an Assistant Secretary of the Interior, Richard G. Newell, to be Administrator of the Energy Information Administration, and Robert V. Abbey, to be Director of the Bureau of Land Management.

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. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2 p.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 2009.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 11 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Matthew Shepard Hate Crimes Prevention Act of 2009."

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Matthew Shepard Hate Crimes Prevention Act of 2009."

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

COMMITTEE ON WARE AND WILDLIFE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 3:30 p.m. in room 406 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that three individuals from my staff, Caitlin Baalke, Hanna Kim, and Kimberly Stone, be granted the privilege of the floor during debate on this appropriation bill.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, July 6, the Senate proceed to vote in relation to the McCain amendment No. 1366; that prior to the vote, there be 10 minutes equally divided and controlled between Senators NELSON of Nebraska and MCCAIN or their designees.

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

Mr. REID. Mr. President, for the information of the Senate, following the disposition of the McCain amendment, the Senate is expected to then vote on final passage of the Legislative Branch appropriations bill, so it is the McCain amendment and then final passage of the Legislative Branch appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 7, following a period of morning business, the Senate proceed to the consideration of H.R. 2892, the Homeland Security appropriations bill, and that once the bill is reported, Senator MURRAY or her designee be recognized to offer a substitute amendment; provided further that this order is only applicable if the bill is available.

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

Mr. REID. Mr. President, let me say, even though he is not here, I wish to extend my appreciation to the distinguished Republican leader for working for several days to help us get to what we have just announced. I was patient, he was patient, and as a result of that we were able to get this done, and I acknowledge his good work on behalf of the Senate.
EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 207, 214, 215, 216, 252, 255, 256, and 257; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating thereto appear at the appropriate place in the Record as if read, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

CENTRAL INTELLIGENCE AGENCY

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

DEPARTMENT OF COMMERCE

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

FEDERAL COMMUNICATIONS COMMISSION

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

Robert Malcolm McDonell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

DEPARTMENT OF LABOR

Kathleen Martines, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

DEPARTMENT OF DEFENSE

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DEMINT. Mr. President, I would like to speak for a moment about a pending nomination that is not necessarily the topic of dinner table conversations around the country, but is nonetheless very important in all our daily lives. I am speaking of the Chairman of the Federal Communications Commission, the FCC.

Wireless phones, cable, and satellite television, Internet services, and local television and radio are a part of everyone’s daily lives in one way or another. And while we may all have a customer service issue from time to time, for the most part these industries and the services they provide are the showcase of the freedom and innovation that has made America the most dynamic economy and society in the world’s history.

We have seen these innovations in dramatic ways in recent days with Twitter replying, YouTube videos, and mobile updates from the streets of Iran. Of course, the most important element of this new technology is that it gives an unprecedented power to individuals to speak about and share their personal experiences—everyone is empowered and the individual controls the message.

This is very important as it changes the media paradigm we have known for a generation. We often hear the terms “old” and “new” media. It is more accurate to say “centralized” and “personalized” media. Not long ago, the average American had access to only a handful of radio and television programming, a local newspaper, no Internet, no mobile telephone service, no texting, and certainly no mobile broadband. In other words, the average person had far less access to information than today, and from far more centralized sources.

The changing communications landscape calls for a knowledgeable and forward-looking FCC: not one looking to regulatory structures of the past that will hamstring future growth and innovation. The President has nominated Julius Genachowski to be Chairman of the FCC. While I believe he is very knowledgeable about today’s communications industry, I am concerned that he may have tendencies to direct the development of our private communications industries, particularly broadcast media, with an eye towards the past.

Many of my colleagues have chosen to give Mr. Genachowski the benefit of the doubt, and are supporting his nomination. I believe he has enough votes to be confirmed as FCC Chairman. While I remain concerned that Mr. Genachowski will take us backward, towards more government control of media, more government interference in commerce, and, unfortunately, more government control of media content—I will not prevent his nomination from proceeding.

I will, however, be vigilant in the weeks and months ahead and will fight any effort that even appears to have the effect of limiting or mandating political speech on the airwaves. Mr. Genachowski has said that, under his guidance, any rules that the Commission considers would be through “processes that are open, transparent, fair, and基于 industry and the marketplace.” I hope this is true and promise to hold him to his commitments.

On June 11, the Select Committee on Intelligence, which I am privileged to chair, favorably reported the nominations by a bipartisan 14–1 vote. The committee’s support of the nominees is based on an extensive public record. We questioned them at an oversight hearing on May 21. That day we also placed on our website their responses to our questionnaire for presidential nominees and to additional prehearing questions about the offices for which they have been nominated.

On June 9, we placed on our website their responses to a further, extensive round of posthearing questions. We also examined financial information that is available to the public through the Office of Government Ethics and considered comments to the committee from the nominees that supplement their public answers about how they will approach potential conflicts relating to their private law practices.

Mr. Litt is a graduate of Harvard University and Yale Law School. He clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the Supreme Court. He served as an assistant U.S. attorney in the Southern District of New York for 6 years. He later became a partner at the law firm of Williams & Connolly. Then from 1993 to 1999, after a year at the State Department, he held two important posts at the Department of Justice. There, after service as a deputy assistant attorney general in the criminal division, he rose to be Principal Associate Deputy Attorney General. At the DOJ, his responsibilities included FISA applications, court action reviews, computer security, and other national security matters.

He has been a partner with the law firm of Arnold and Porter since 1999 and has been active in intelligence and national security policy matters through bar association and other public activities.

Stephen Preston is a graduate of Yale University and Harvard Law School. He clerked for Judge Phyllis A. Kravitz of the U.S. Court of Appeals for the 11th Circuit, and joined Wilmer, Cutler, and Pickering, where he became a partner. From 1993 to 2000, Mr. Preston served in the Department of the
Defense and the Department of Justice. At the Department of Defense, he was a deputy general counsel and then the principal deputy general counsel, which included a period as acting general counsel and later, general counsel for the Deputy Secretary of the Navy. At the Department of Justice, he was a deputy assistant attorney general in the civil division. While at DOD, the chief counsels at the defense intelligence agencies assigned Mr. Preston to the Navy, and while in the Navy department he had legal and oversight responsibilities for the Naval Criminal Investigative Service. He has informed the committee that in his DOD and Navy positions, he dealt with other national security agencies, including the CIA.

Mr. Preston has been a partner at the law firm of WilmerHale since 2001, dealing in both his practice and public and private activities with national security matters.

The Director of National Intelligence has the statutory responsibility of ensuring compliance with the Constitution and laws of the United States by the Office of the DNI and the CIA and ensuring that compliance by other elements of the intelligence community through their host executive departments. The independent legal officer of the Office of the Director of National Intelligence, the general counsel has the critically important responsibility of aiding the DNI in fulfilling this mandate.

In providing legal advice to the DNI, the general counsel must have insight into activities throughout the intelligence community including those of the general counsel offices in the various intelligence community elements. As we made clear during this nomination process, the committee expects that the ODNI general counsel will be aware of and have an opportunity to evaluate all of the significant legal decisions about the intelligence community. The general counsel also represents the executive branch in proposing and negotiating legislative provisions for our annual intelligence community authorization bill. As we come up, and for other legislation that affects the equities of the intelligence community. The first ODNI general counsel, Benjamin Powell, played an indispensable role, for which our country is deeply grateful, in working with the Congress on the FISA Amendments Act of 2008.

The Central Intelligence Agency operates around the world outside of the law of other nations but is required to operate in strict compliance with United States law, including the Constitution, acts of Congress, and treaties made under the authority of the United States. The CIA general counsel serves to ensure that compliance. Because of the independent legal judgment the role requires, the position of CIA general counsel is an extremely challenging one that requires a strong and principled individual. This has been the standing position of the Senate, as manifested in the recommendations of the Iran-Contra Committees upon examining the significant failures they exposed, that it is essential that the CIA general counsel be confirmed by the Senate.

The CIA Office of General Counsel played a key role in the creation of the CIA detention and interrogation program. It provided significant information to the Office of Legal Counsel at the Department of Justice. It participated in briefings to the National Security Council and to Congress. And it was in charge of interpreting and implementing the Office of Legal Counsel’s guidance to CIA interrogators in the field.

An examination of the role of the general counsel’s office in the detention and interrogation program—something that the Intelligence Committee’s review of the program will explore—demonstrates how important it is that the office has a strong leader who applies both sound legal analysis and good judgment to the task of providing counsel to the Director. As I mentioned earlier in these remarks, the nominees answered the committee’s many questions both in writing and in testimony before us. Individual members of the committee may have disagreements with individual answers, and some of these were discussed in the committee’s consideration of both. To some extent, the nominees are at the disadvantage of not yet knowing the often still classified context of various questions. I am confident that they will be able to answer these.

Moreover, a nomination process is a two-way communication. We use it to learn about the nominees, but it is also a process in which they learn about our concerns. Both nominees now have an abundantly clear idea, for example, of the importance we place on the law's requirements for keeping the committee fully and currently informed. Of course, they will also have the responsibility of implementing the clear commitments that Directors Blair and Panetta have made to that cornerstone of accountability and oversight.

For both the ODNI and the CIA, the nomination of highly qualified and experienced general counsel is coming up, and for other legislation that affects the equities of the intelligence community. The first ODNI general counsel, Benjamin Powell, played an indispensable role, for which our country is deeply grateful, in working with the Congress on the FISA Amendments Act of 2008.

The President of the United States as the head of the Executive branch in exercising judicious discretion to the office of the director of national intelligence and the CIA. I urge my colleagues to confirm them.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The President pro tempore of the Senate notified of his intention to file the report of Contributions of Daniel M. Rooney was printed on page S7776 in the July 21, 2009 Congressional Record.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The President pro tempore of the Senate notified of his intention to file the report of Contributions of Daniel M. Rooney was printed on page S7776 in the July 21, 2009 Congressional Record.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Mr. Rooney to be Ambassador Extraordinary and Plenipotentiary of the United States of America:

Mr. Rooney to be Ambassador Extraordinary and Plenipotentiary of the United States of America:

Daniel M. Rooney, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Daniel M. Rooney, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The President pro tempore of the Senate notified of his intention to file the report of Contributions of Daniel M. Rooney was printed on page S7776 in the July 21, 2009 Congressional Record.
Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 190, and that the Senate proceed to that. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 190) Supporting National Men’s Health Week.

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Center for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, 3 men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost 4 of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6; and

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;

SUPPORTING NATIONAL MEN’S HEALTH WEEK
The legislative clerk read as follows:

A resolution (S. Res. 199) recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

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

Mr. KOHL. Mr. President, I rise today to applaud the Senate’s passage of a resolution I submitted earlier this week with the cochair of the Senate Committee on Commerce, Science, and Transportation. Our resolution recognizes July 1 as National Boating Day, and more importantly, recognizes the importance of boating and fishing to our economy and our constituents.

I believe this resolution comes at a critical time. Like so many other industries, the boating industry has suffered during these tough economic times. Last summer’s high gas prices and this past year’s credit crisis has had a significant impact on sales. Beyond the tourism jobs generated by recreational boating, the boating industry has a strong foothold in my State. Whether it’s Mercury Marine in Fond du Lac to SkipperLiner in Lake Geneva, recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories. The importance of boating, however, extends well beyond its economic impact. More than $9 million people spend time each year on our rivers, lakes, and coastlines. These are families spending time together and they are people learning more about the natural resources our country has to offer. The true impact of boating is immeasurable.

And that is why I am so pleased to join my colleagues in supporting the resolution passed today. I hope that on July 1—National Boating Day—both Members of Congress and the American people will reflect on the true importance of boating to our country.

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 if there are any statements relating to this resolution, they be printed in the RECORD.

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

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS the recreational boating community in the United States includes over 59,000,000 individuals;

WHEREAS the boating industry contributes more than $33,000,000,000 annually to the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling $10,400,000,000 annually;

WHEREAS recreational boaters often serve as stewards of the marine environment of the United States, educating others of the value of marine resources, and preserving the resources for the enjoyment of future generations;

WHEREAS there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

WHEREAS recreational boating provides opportunities for families to be together, appeals to all age groups, and benefits the physical fitness and mental performance of those who participate; and

WHEREAS, July 1, 2009, would be an appropriate day to establish as National Boating Day, now therefore be it

RESOLVED, That the Senate—

(1) commends the recreational boating community and the boating industry of the United States for contributing to the economy of the United States, benefiting the well-being of United States citizens, and providing responsible environmental stewardship of the marine resources of the United States; and

(2) encourages the United States to observe National Boating Day with appropriate proclamations and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 31.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 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, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to re- cess or adjourn the time of any re- assembly pursuant to section 2 of this con- current resolution, whichever occurs first; and that when the House adjourns on any legislative day, Friday, June 26, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolu- tion by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tues- day, July 7, 2009, or such other time on that day as may be specified in the motion to ad- journ, or until the time of any reassembly pursuant to section 2 of this concurrent reso- lution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after con- sultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Sen- ate and the House, respectively, to reassem- ble at such place and time as they may des- ignate if, in their opinion, the public interest shall warrant it.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Sen- ate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent resolution of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, Senate committees may file reported legislative and executive calendar business on Thursday, July 2, 2009, from 2 p.m. to 5 p.m.

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

ORDERS FOR MONDAY, JUNE 29, 2009, AND/OR MONDAY, JULY 6, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad- journ until 2 p.m. on Monday, July 6, unless the House fails to adopt S. Con. Res. 31, the adjournment resolution; that if the House fails to act, the Sen- ate convene at 2 p.m. on Monday, June 29, that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and the Senate proceed to Senate period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each; that following

morning business on July 6, the Senate resume consideration of H.R. 2018, the Legislative Branch appropriations bill. The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I an- nounced earlier, Senators should ex- pect a series of rollcall votes in rela- tion to the Legislative Branch appro- priations bill at about 5:30 on Monday, July 6.

ADJOURNMENT UNTIL MONDAY, JUNE 29, 2009, AT 2 P.M. OR MON- DAY, JUNE 7, 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 the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Monday, June 29, 2009, at 2 p.m., or Monday, June 7, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION


NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF COLORADO, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2012, VICE STEVEN B. CHELANDER, RESIGNED.

DEPARTMENT OF STATE

JUDITH GAIL GARRER, OF VIRGINIA, A CAREER MEM- BER OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN- ISTER-COUNSELOR TO BE AMBASSADOR EXTRAOR- DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

SAMUEL L. BOYD, OF MONTANA, TO BE AMBASSADOR EXTRAOR- DINARY AND PLA

NATIONAL FEDERAL COMMUNICATIONS COMMISSION


NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF COLORADO, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2012, VICE STEVEN B. CHELANDER, RESIGNED.

DEPARTMENT OF STATE

JUDITH GAIL GARRER, OF VIRGINIA, A CAREER MEM- BER OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN- ISTER-COUNSELOR TO BE AMBASSADOR EXTRAOR- DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

MIQUEL A. VILA, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLA
CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, June 25, 2009:

DEPARTMENT OF STATE

CAPT. ELIZABETH L. TRAIN

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

To be rear admiral (lower half)

CAPT. GRETCHEN S. HERRBERT

CAPT. DIANE E. H. WESHER

CAPT. RANDOLPH L. MAHR

CAPT. TIMOTHY S. MATTHEWS

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

To be rear admiral (lower half)

CAPT. RICHARD P. BRECKENRIDGE

CAPT. THOMAS L. BROWN II

CAPT. ANTHONY A. GALENI

CAPT. JOHN R. BAILEY

CAPT. JEFFREY S. JOHNS

CAPT. WILLIAM K. LESCHER

CAPT. MATTHEW L. KLUNDER

CAPT. JEFFREY S. JONES

CAPT. SCOTT T. CRAG

CAPT. ANTHONY E. GAILANI

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nomination was confirmed:

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the UNITED STATES OF AMERICA TO IRELAND.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nomination was confirmed:

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nomination was confirmed:

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL, AND ENDING WITH DAVE N. TASHARIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nomination was confirmed:

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND plenipotentiary of the UNITED STATES OF AMERICA TO IRELAND.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nomination was confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL, AND ENDING WITH DAVE N. TASHARIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

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