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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 8, 2009, at 2 p.m.

Senate

FRIDAY, AUGUST 7, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

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

Let us pray.

Eternal God, who comes with light and life, we praise and adore You. As the Senate anticipates the August break, we pause to thank You for sustaining us and request Your continuing mercies in the days to come. May the time away from this Chamber be restorative and constructive as our lawmakers connect with family, friends, and constituents. Give traveling mercies to our Senators and staffers, particularly those who will be traveling overseas.

Lord, we ask Your special blessings upon our 2009 summer page class and thank You for their faithful service. As they leave, bless and keep them in their coming and going, their labor and leisure, their successes and failures, their joys and sorrows.

Lord, give us such a vision of Your purposes that we will seize every opportunity to be agents of Your grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. REID. Mr. President, it is really an understatement to say that the current economic downturn is the worst the country has experienced in several generations. The reality is that the crisis President Obama inherited when he was elected President was severe—worse that anything the country has seen since the Great Depression. When he took office, the country was losing 700,000 jobs a month. Banks were in crisis and had stopped lending, and a number of them were teetering on bankruptcy and some went out of business. The President and the Congress acted swiftly and passed the American Recovery and Reinvestment Act, which has stopped the bleeding and avoided economic catastrophe.

People complain: Look at all the deficit spending. In December, I was at a meeting with a small number of people. We had Mark Zandi, JOHN MCCAIN's economic adviser during the campaign, and we had economic advisers to Democratic and Republican Presidents in years past. Every one of them said: The only money in the world is in Washington, and unless you spend some of it, there will be a worldwide depression. We listened, and that is why we did what we did.

Today, the July unemployment numbers have been reported. They paint a much better picture than was anticipated. It was anticipated that 340,000 jobs would be lost, and that is not the case. The case is that over 200,000 jobs have been lost—a terribly large number but certainly much better than anyone ever anticipated. It is the lowest number since the spring of 2008. It is now late summer 2009. The national unemployment rate actually fell last month by one-tenth of 1 percent. It is welcome

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

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news and further proof that the economic recovery plan we enacted is producing positive results. I repeat, what would it have been had we not done that?

So that is the good news. But many Americans still continue to struggle. Many in Nevada continue to struggle as a result of the economic crisis. Over the next several weeks, long-term unemployed workers will begin exhausting their unemployment benefits. Some estimates put the number of unemployed workers who will have used up their benefits by the end of September at 500,000. By the end of the year, the number of unemployed workers who will have exhausted their benefits will be 1.5 million. With the job market as depressed as it is, most of these workers will not be able to find work and will then have no means to survive and take care of their families.

Soon after Congress returns to Washington, we will need to address this matter. We must do so with the understanding that most experts believe job growth will be one of the last things to recover in this economic crisis. It always lags behind economic recovery.

There is an economic case to be made for extending unemployment benefits. Last year, when analyzing the effectiveness of various stimulus proposals, Mark Zandi found that extended unemployment benefits generated $1.64 for every dollar it cost the American people. That means unemployment benefits are a sound investment.

There should be no disagreement that we must help those who are suffering as a result of the economic crisis they didn't create. We will keep fighting until unemployed workers in Nevada and across the Nation find employment.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

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

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

Mr. KYL. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

CASH FOR CLUNKERS

Mr. KYL. Mr. President, I am not sure I will need that much time, but there are four or five things I wanted to address this morning now that the Senate has completed its work through July and we will all be going home to visit with our constituents over the August recess.

What I did was I pulled together three or four topics I wished to address but, because of all the business we had this past week in dealing with the Sotomayor nomination and the cash for clunkers legislation, in particular, I had not yet had an opportunity to address them.

Let me start with the so-called cash for clunkers legislation which was adopted last night. This is legislation which I think was, as I said, a very well-intentioned concept in two respects: No. 1, to help auto dealers get off the mat—they had all been suffering from a lack of business—as well as to promote the idea of more fuel-efficient cars. But the well-intentioned plan ran into a lot of problems, and I think there were two reasons for that.

The first was the fact that it was rushed through. It was put on an emergency piece of legislation without hearings, without legislation having gone through the committee process, and, frankly, without anybody really thinking through how the program would be implemented. As a result, there were a lot of problems with it.

I got calls from car dealers. They had no idea whether they were going to be paid. The Department of Transportation had no idea whether it still had money left to pay the car dealers. As a matter of fact, one of them called me and said, as of Thursday a week ago, the Department had said they didn't need to kill the vehicles anymore that they had taken in on trade-in—that is to say do what they do to them so they can never operate again—because they weren't sure the money would be available to send to the dealer for the transaction. So the dealer may need to resell the car as a used car. The program, in other words, was very confusing and they got a lot of confusing signals out of the Department of Transportation.

That is why I offered an amendment yesterday that suggested we ought to call a timeout, a pause, to make sure all of the transactions that qualified could clear the process, the dealers could get paid, and we would know how much money we spent. Did we spend $1 billion? More than $1 billion? My amendment would have said whatever it takes to pay for all of the deals that had been made as of today, but then establish some process whereby the sales could be tracked, so that each day, at least by the end of the day, we would know how many cars were sold and what the obligations of the government were to the dealers that had acquired those trade-in cars. That way, we would know when we got close to the additional money that had been allocated.

Well, my amendment didn't pass. As a result, it is quite likely we are going to continue to have problems with this program. So I hope the Department of Transportation can find a way on its own to do this without direction from Congress so we don't have the same kinds of problems we have had in the past.

But there is a more fundamental problem with the program, and that is that it subsidizes a specific segment of the economy, as several of my colleagues pointed out, for the most part to simply advance the sale of a car that would have occurred anyway. So at the end of the day, there was no new economic activity—simply the expensive replacement of a vehicle that might have been used as a secondhand vehicle for several more years but because of the requirements of the program is actually destroyed. So as a matter of fact, we actually took value out of our economy rather than putting it in, and at a great cost. It was estimated that it was about $20,000 per vehicle.

There was a great editorial—or column, I should say—in my hometown newspaper, the Arizona Republic, today by Bob Robb, who is one of the smartest people I know, especially when it comes to economic matters. The title of it is ''Cash for Clunkers a Lemon.'' In it, he points out what is wrong as a matter of economic policy with programs like this that subsidize a particular piece of economic activity but end up in effect simply costing the taxpayers of the country without advancing an economic cause.

I ask unanimous consent to have this very erudite column printed in the RECORD at this point.

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

[From the Arizona Republic, Aug. 7, 2009]

CASH FOR CLUNKERS A LEMON

(By Bob Robb)

The cash for clunkers program is a perfect illustration of what's wrong with economic policy and thinking in this country.

The program is widely hailed as a successful economic stimulant. Congress is rushing to pour more money into it.

And it has been a success, if success is defined as selling more cars in the short-term.

Basically, the program offers owners of old cars a subsidy to buy a new one. If government subsidizes something, demand for that thing will increase—whether it is cars, or toasters or cosmetic surgery.

And if there is a quick expiration date on the subsidy, as is the case with cash for clunkers, demand will be artificially goosed even more.

This is obviously good news for car sellers and qualifying new car buyers. It may be good news for those in the car-making business, if production picks up to replace depleted inventories.

However, for the economy as a whole, the effect of cash for clunkers will be negligible, and slightly negative if anything.

In the first place, the federal government has no money. So, every dime of subsidy it is offering has to be borrowed. That puts a burden on future economic activity.

To the extent the subsidy induces people to make a car purchase they otherwise would

not have made, the money so spent would have otherwise been spent on something else or saved. There is no clear evidence that the economy will be better off for the money to have been spent on a new car than the alternatives.

In political economy, it is virtually always better to look to the long-term than the short-term. Government has neither the wit nor the tools to manage short-term economic performance. Despite all the happy talk about shovel-ready projects, very little of the stimulus money has gotten out the door. The Fed has been flooding the economy with liquidity, but lending is still contracting.

Virtually everyone agrees that Americans need to spend less, borrow less and save more. President Obama has given speeches lecturing us about that.

Yet the federal government continues to offer massive inducements for consumption and borrowing.

The federal government will pay more for your old car than it is worth if you'll buy a new one.

The housing bubble was caused by an overinvestment in housing and lax lending standards. Yet the federal government is offering a sizable tax credit for the purchase of a new home and the Federal Housing Administration will guarantee mortgages with a down payment of as little as 3.5 percent of the purchase price.

Lax monetary policy is a subsidy for borrowing in general.

In other words, the message from the federal government is that Americans need to spend less, borrow less and save more. Just not now.

But it is during downturns that behaviors change. A respect for economic uncertainty is what causes people to live below their means and save for the future. When things are humming along, few see the need to change their behavior.

This isn't to say that government should remain idle during a downturn, particularly one as severe as this one. Government should be in the business of helping people cope, through such things as extended unemployment benefits and other income transfer programs.

Government shouldn't, however, be offering new inducements for consumption and borrowing. That's sacrificing the long-term for the short-term.

The reason policymakers do this is, in significant part, our fault. We hold federal elected officials, particularly the president, responsible for the short-term performance of the economy. If the economy is doing well at any given moment, we're likely to think the president is doing a good job. If not, we're looking to get rid of the bum.

Presidents do not an economy make. They can affect the long-term trajectory of the economy through wise or unsound long-term fiscal policies. But day-to-day, we're pretty much on our own.

Of course, any presidential candidate who actually said that would never get elected. And therein lies the heart of the problem.

SUPPORTING THE INTELLIGENCE COMMUNITY

Mr. KYL. Mr. President, my colleague, Senator LIEBERMAN from Connecticut, had put an item in the CONGRESSIONAL RECORD that was a letter to the President urging that the President and the Attorney General take action to stop the further notion of investigating members of the U.S. intelligence community for activities long since past related to the interrogation of terrorists after the September 11 attack on the World Trade Center. I found this to be a particularly well-reasoned statement as to why this kind of continually looking backwards, this kind of politics that seems to want to continue to scratch at old wounds, can be very destructive to our safety and security in the future.

Among other things, Senator LIEBERMAN quoted President Obama and said:

> President Obama had it right when he said that with regard to past behavior by the intelligence community, he is ''more interested in looking forward than . . . looking backward.''

And Senator LIEBERMAN said:

> Given the threats that we face as a Nation, it is imperative that we follow the President's lead.

He went on to point out that if we don't, we are going to chill the activities of the intelligence community.

He noted—and I will note, as well—that there are so many very hard-working, dedicated Americans working in a frequently very dangerous environment whom we have asked to find out the most difficult things, such as: What are these terrorists up to? And might they have plans to attack us again? It is very difficult to get this information.

Anything we do that chills the methods by which they do that—short, of course, of violating the law or engaging in torture or other impermissible activity—simply hastens the day when there is another successful attack against the American people. We need to do everything we can to prevent that. The reason I was reminded was there are reports this morning we have been successful in taking out one of the most dangerous terrorists in Pakistan, someone who was allegedly involved in the planning of the death of Benazir Bhutto and who had been sought for a long time.

I was thinking about the activities of some of my colleagues in the Senate attacking the previous administration for considering a program that would involve the use of intelligence community assets to track down and find and then either capture or kill these terrorist leaders who are responsible for so many deaths. The assumption was it was somehow wrong for the United States to consider doing this. This program was begun back when President Clinton was in office, and he issued a directive which basically said: If there is a way we can find and either capture or kill these people, we should do so. The program was never implemented because there were potential problems with it. The same thing occurred during the Bush administration. It wasn't implemented. The Intelligence Community wasn't advised about it. Had there been a decision to go ahead with the program, the law would have required that the Intelligence Committees in the House and Senate be briefed. But there was great criticism of the Bush administration and Vice President Cheney.

I wondered at the time, how about these people whom we send into harm's way to try to find these terrorists and either capture them or, if they attempt to fight or flee, to kill them, what does it say to the people we send into harm's way to accomplish this, when there is all the criticism back home that somehow there is something wrong with it?

I was pleased this morning when the news of the alleged attack and killing of this terrorist leader was greeted with a great deal of approval in the media and by the people who commented on it. That is the kind of reaction our intelligence officials need to see when they go after these very dangerous terrorists—not a reaction that, gee, maybe we need to read this guy the Miranda rights before we try to capture him.

The reality is, these people are not generally subject to capture. We have the facilities and the means to track them and, frequently, we do track them by these means, and we are able to take them out. Since we are engaged in a war with these terrorists and they would kill us if we don't kill them, if you don't have the ability to capture them, then killing them and taking them off the battlefield in that way is totally appropriate and under the rules of war.

That is why I am pleased this kind of event is greeted with enthusiasm and approval because it might send the kind of signal to the intelligence community we want to send, which is: Do your best to defeat the opposition in the war on terror. I think Senator LIEBERMAN's point was well taken in the letter he wrote.

WITHHOLDING STIMULUS FUNDS

Mr. KYL. Mr. President, I ask unanimous consent that an editorial from the August 7 Arizona Republic be printed in the RECORD, called ''Cabinet Chiefs Play the Heavies.''

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

CABINET CHIEFS PLAY THE HEAVIES

The political hit job perpetrated—reportedly—by infamous tough guy Rahm Emanuel, the president's chief of staff, against Arizona Republican Sen. Jon Kyl continues to roll.

And it continues reminding us that hardball, hyperpartisan tactics did not suddenly disappear from the White House when Karl Rove left the building.

Indeed, in some ways, the tactics have gotten worse. Since when are Cabinet secretaries supposed to act like wise guys in a political goon squad?

On July 12, Kyl went on the Sunday Washington talk show This Week and criticized the $787 billion economic-stimulus program. He said the program was ineffectual and suggested it be wrapped up and ended.

The administration came down on the senator like a ton of Chicago-baked bricks.

The very next day, four Cabinet secretaries sent letters to Arizona's Republican Gov.

Jan Brewer, asking if she still wanted the state's portion of the stimulus cash, or if she felt compelled to fall in with Kyl. The letters arrived almost simultaneously and were similar in structure and language, each suggesting that projects important to Phoenix and Arizona were in jeopardy.

Clearly, their delivery was orchestrated to embarrass Kyl.

Few doubted the manipulative hand of Emanuel in the letter-writing campaign. And, indeed, the online political news service Politico reported July 16 that ''Emanuel directed that the letters from the Cabinet secretaries be sent to Brewer, according to two administration officials.''

It would be an intellectual insult to suggest otherwise. Emanuel is notorious for such back-alley tactics and is the only person in a position to organize such a campaign literally overnight. But on July 24, at a hearing of the House Budget Committee, Transportation Secretary Ray LaHood—author of the snarkiest of the four letters—insulted away.

Asked repeatedly whether he had been encouraged or told by anyone within or without the administration to write his letter, LaHood—finally—gave a straight answer. ''No,'' he said.

As most Washington-watchers know, honesty does not come easily to many of the political class. But couldn't LaHood, an Illinois Republican, simply have taken the Fifth? It would have been in keeping with the tenor of things.

Rahm Emanuel used the president's Cabinet for his political goon squad.

If anyone ought to be protesting this staged theater, it isn't so much Kyl or Brewer as the Cabinet secretaries who were so demeaned by being forced to deliver cheap political threats that are laughable on their face and utterly transparent.

Mr. KYL. Mr. President, the editorial reports on what they call a political hit job perpetrated ostensibly against me. It didn't bother me, but as reported, the Chief of Staff of the President enlisted four Cabinet officers to write letters to the Governor of Arizona, which were seen by some as veiled threats to withhold stimulus funding because I had dared to criticize the stimulus program and suggest that after the first couple years of spending, the outyears might be saved and spent in better ways. That generated criticism by these four Cabinet Secretaries, who wrote almost identical letters, which clearly were designed to try to intimidate.

That is not the right way for the administration to make its point. I am happy to debate the success or failure of the stimulus package with anybody from the administration who would like to debate it. I welcome that kind of conversation. But there seems to be too much effort now to either shut people up or intimidate them from speaking.

There have been a lot of reports with respect to the stimulus and the so-called health care legislation, and in other areas, to be coincidence. There seems to be a pattern developing, and it is not good. Senator CORNYN, yesterday, spoke to that issue with respect to a new Web site that the White House started asking people to send in their observations of people who are criticizing the administration's plans, if they think some of the criticism isn't accurate or they said: If you think there is something fishy, let us know about it.

These are the kinds of tactics that might go over well in certain cities that have had a history of political bosses, but it is not the kind of tactic you would expect from the White House. I hope the folks at the White House have learned their lesson and, frankly, will knock it off.

FANNIE MAE AND FREDDIE MAC

Mr. KYL. Mr. President, there were two items that came to my attention that I wished to briefly comment on that are related. The first has to do with the Fannie Mae and Freddie Mac continuing saga of costing the American taxpayers a ton of money. We all know that despite warnings, particularly from Republicans, they needed oversight, that they were accumulating far too much bad debt and taking on all these so-called toxic assets—mortgages that, frankly, weren't going to be paid back; that they were exposing the American taxpayer to liability because of the implicit guarantee that lay behind the Federal charter for Fannie Mae and Freddie Mac. Others said: Don't worry, keep going with this; it is a wonderful program. Finally, the bottom fell out. Fannie and Freddie were deeply in debt and the American taxpayers came to their rescue.

The idea was then to restructure these two entities so that never again could this happen. We did that. The problem was that, because Fannie and Freddie were government-chartered entities, it didn't take long for them to squeeze out most of the private players in the mortgage market. Today, I think they hold something like 75 percent of these particular mortgages.

Well, of course, the day of reckoning has come again. They have now run up more debt—a huge amount of debt—and they are not going to be able to pay it. A story in yesterday—I will get the source later—reported that the government has since pledged, after their original reorganization, more than $1.5 trillion, including $85 billion in direct aid, in order to keep the mortgage market working through Freddie Mac and Fannie Mae. The White House is now considering a new plan that apparently is coming out of the Office of the Secretary of Treasury and the National Economic Council Director that would somehow reform Fannie and Freddie yet again.

The Treasury Secretary said:

> The only question that remains is what form and what structure they ultimately will take.

The article points out that the most likely structure is a good bank/bad bank structure, in which they will basically be relieved of all their obligations, which will all be put in a new ''bad bank,'' which is a pile of debt that the American taxpayers will eat, and then the ''good bank'' is the entity that is supposed to continue on.

The question is: Why would we want these quasi-government entities to continue to compete with the private market, continue to create bad debt that taxpayers have to eat every now and then, and after we slough off the bad debt to the American taxpayers, they continue to do business as if they had gone through bankruptcy and don't have any more debts but they still have the implicit guarantee of the American taxpayers.

It is time to end that. We have a vibrant mortgage market now. There is an expectation that within the next several months housing will come back. It already is in certain areas. Interest rates are low, and it is possible to write mortgages now. We have learned the lesson that we are not going to write mortgages that cannot be repaid. It is not good for the financial institutions or for the people who take out the mortgages if they cannot repay them, and it is not good for taxpayers who have to end up eating the bad debt that is created.

I wished to close by referring to the penultimate paragraph from this newspaper, which says that the bad bank would be for Fannie Mae's and Freddie Mac's toxic assets. Then the government could create new companies to attract private investment for mortgage finance, starting the process over again.

Why should the government create new companies? The private market has an adequate way to deal with this; it is called the private sector, private companies. They are highly regulated. The proposal from the administration is to impose additional regulations, but why do we need a new government company? We have government insurance companies, government car companies, and the administration proposal on health care is to create a new government health insurance company. We have banks taken over by the government.

Now we are going to fail to learn the lesson with Fannie Mae and Freddie Mac and create new government-backed companies, such as Fannie and Freddie—maybe they have the same name, who knows—in the mortgage business. When are we going to get out of the business of having the government create new companies? That is socialism, that is not American. That is not our free enterprise system. When things go wrong, we adjust and we make new regulations to correct the problems that were created; we learn the lessons of why government created the issue in the first place.

We don't need to continue to have the government create new companies that cost the taxpayers money and get us deeper into the notion that the government can compete with the private sector. That, then, leads inevitably to the government takeover because the government is never a good competitor when it is also the regulator. That is a fear a lot of people have with health care.

HEALTH CARE

Mr. KYL. Mr. President, that brings me to the final point. In yesterday's Wall Street Journal, an article is entitled ''ObamaCare's Real Price Tag.'' It goes through all the different expenses of the proposed health care legislation, with the creation of a government insurance company. They talk about the funding gap that is created by the commitments of funding to this entire program. One of the things they notice is people need to be aware of the long-term consequences. We all know that Medicare, for example, is not financially sound. We can go out through the 5-year projections, 10-year, 15-year, 20-year, and so on, and know what the obligations of our children and grandchildren will be.

When we pass regular legislation in Congress, we have a set of blinders that says: What is the 10-year cost? We get it, and then we assume there are no more costs beyond that. What this op-ed points out is, we can calculate a 10-year cost. Maybe it is $1 trillion or $2 trillion or maybe it is more than that. We can at least estimate it. That is what the CBO and the Joint Tax Committee are charged with doing. Then there is an assumption that there is no cost beyond that.

What the people who write the legislation frequently do is to build in benefits in the early years and then phase in the ways of paying or not paying for it, so the real costs come in the so-called outyears—the outyears are beyond the 10-year window—so that it doesn't score as a big loser. What they point out is, in effect, what this legislation does is gone out for 10 years and creates a cliff. When you fall off the cliff, that is when you are in trouble because the commitments to the people for health care have been already made.

Can you imagine Congress pulling back on those commitments? Once there is an expectation from government, that is not lightly withdrawn. The American people come to expect it, and there is a big lobby against it, if you try to withdraw the benefit. But if you haven't provided for how you are going to pay for it, there is a very rude and sudden awakening when you come to the cliff and realize you haven't folded into your calculations how you are going to pay for this benefit.

We did that with the so-called SCHIP legislation. We created a benefit, and the benefit kicked in early. The funding ostensibly stopped after a certain period of years. But everybody knew the funding would not stop. That required the suspension of belief. I guess it is called cognitive dissonance. The notion that somehow or another Congress is going to, at the end of that period of time—I believe it was 5 years—pull back all the benefits we had been giving to people for 5 years, that was not going to happen.

So you had the commitment to provide benefits, but no way to pay for them. As this article points out, that is what is happening with this health care legislation as well.

Let me quote from the third paragraph:

> In the July 26 letter, CBO Director Douglas Elmendorf notes that the net costs of new spending will increase at a more than 8 percent per year between 2019 and 2029—

There we are talking about the next 10 years, not the first 10 years.

> —while new revenue would only grow at about 5 percent. ''In sum,'' he writes, ''relative to current law, the proposal would probably generate substantial increases in federal budget deficits during the decade beyond the current 10-year budget window.''

The point is, we should not look at these things during the first period of time that we analyze them, but rather the continuing commitment of the American taxpayer. When we do that, as the Director of the CBO points out, we find that we have a continuing, growing deficit; in other words, piling up more and more debt and, if anything, my guess is that these estimates are conservative and that the amount of deficit would be even more.

The editorialist in the Wall Street Journal had complained about this, talking about the ''Grand Canyon'' between spending and revenue, pointing to the CBO's long-term projections, and then said:

> That's not our outlook. That's what White House Budget Director Peter Orszag told the House Budget Committee in June. He added that ''If you're not falling off a cliff at the end of your projection window, that is your best assurance that the long-term trajectory is also stable.''

As the editorial points out: ''The House bill falls off a cliff.''

So the precise thing we are trying to avoid in intelligent legislating is not avoided in the Democratic health care proposals: benefits promised now, ostensibly paid for in the first 10 years, not paid for after that. That is not me talking, as I said, that is the nonpartisan Congressional Budget Office.

There are other examples of this pointed out, but as the editorial notes in conclusion:

> ObamaCare's deficit hole will eventually have to be filled one way or another—along with Medicare's unfunded liability of some $37 trillion.

I read that last night, and I had to go back and reread it—unfunded deficit of $37 trillion. It is impossible for us to imagine how much money that is—$37 trillion just for current obligations, not counting what would be added by the ObamaCare.

We cannot afford this, and I think the American people are beginning to appreciate we cannot afford it. There is no free lunch. The Federal Government cannot simply keep promising things and not worry about the costs in the future. We can only print money for so long before we have rampant inflation that destroys the wealth of everyone, primarily the people who have saved in the country, which starts with our senior citizens.

We cannot borrow our way out of it because the main people who continue to lend to us, such as the Chinese, have begun to lecture us on the fact they don't trust we are going to pay them back now, and they are going to start requiring more and more in the way of interest payments for them to continue to lend to us.

It is a little bit like the credit card company that says to a family: Look, you have borrowed a lot of money on your credit card. We are not sure that you are going to be able to pay that back to us. So if you are going to borrow more money on the credit card, we are going to double the interest rate to make it a high interest rate so at least it accounts for our risk in lending you more money. Borrowing more money from the Chinese at higher interest rates is not the answer.

The other alternative is to tax the American people. Everybody understands taxing the American people is the worst thing you can do for an economy, especially in a downturn. Americans believe they are already taxed enough. You cannot tax the rich and solve the problem because they already pay most of the taxes and it would only account for another few hundred billion dollars, even if you taxed them for everything they are worth.

You eventually get down to the middle class. The President has said over and over that he does not want to tax the middle class. The reality is that it is unavoidable if we continue to consider legislation such as this.

Mr. President, I ask unanimous consent to have printed in the RECORD this Wall Street Journal op-ed of August 6 called ''ObamaCare's Real Price Tag.''

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

[From the Wall Street Journal, August 6, 2009]

OBAMACARE'S REAL PRICE TAG

The funding gap is a canyon by year 10.

ObamaCare sinks in the polls, Democrats are complaining that the critics are distorting their proposals. But the truth is that the closer one inspects the actual details, the worse it all looks. Today's example is the vast debt canyon that would open just beyond the 10-year window under which the bill is officially ''scored'' for cost purposes.

The press corps has noticed the Congressional Budget Office's estimate that the House health bill increases the deficit by $239 billion over the next decade. But government-run health care won't turn into a pumpkin after a decade. The underreported news is the new spending that will continue to increase well beyond the 10-year period that CBO examines, and that this blowout will overwhelm even the House Democrats' huge tax increases, Medicare spending cuts and other ''pay fors.''

In a July 26 letter, CBO director Douglas Elmendorf notes that the net costs of new spending will increase at more than 8% per year between 2019 and 2029, while new revenue would only grow at about 5%. ''In sum,'' he writes, ''relative to current law, the proposal would probably generate substantial increases in federal budget deficits during the decade beyond the current 10-year budget window.'' (The House bill has changed somewhat in the meantime, but not enough to alter these numbers much.)

The nearby chart shows this Grand Canyon between spending and revenue, including CBO's long-term predictions. While these are obviously very coarse estimates, there's also a projection of a $65 billion deficit in the 10th year—and ''deficit neutrality in the 10th year is . . . the best proxy for what will happen in the second decade.''

That's not our outlook. That's what White House budget director Peter Orszag told the House Budget Committee in June. He added that ''If you're not falling off a cliff at the end of your projection window, that is your best assurance that the long-term trajectory is also stable.'' The House bill falls off a cliff.

And the CBO score almost surely understates this deficit chasm because CBO uses static revenue analysis—assuming that higher taxes won't change behavior. But long experience shows that higher rates rarely yield the revenues that they project.

As for the spending, when has a new entitlement ever come in under budget? True, the 2003 prescription drug benefit has, but those surprise savings derived from the private insurance design and competition that Democrats opposed and now want to kill. The better model for ObamaCare is the original estimate for Medicare spending when it was passed in 1965, and what has happened since.

That year, Congressional actuaries (CBO wasn't around then) expected Medicare to cost $3.1 billion in 1970. In 1969, that estimate was pushed to $5 billion, and it really came in at $6.8 billion. House Ways and Means analysts estimated in 1967 that Medicare would cost $12 billion in 1990. They were off by a factor of 10—actual spending was $110 billion—even as its benefits coverage failed to keep pace with standards in the private market. Medicare spending in the first nine months of this fiscal year is $314 billion and growing by 10%. Some of this historical error is due to 1970s-era inflation, as well as advancements in care and technology. But Democrats also clearly underestimated—or lowballed—the public's appetite for ''free'' health care.

ObamaCare's deficit hole will eventually have to be filled one way or another—along with Medicare's unfunded liability of some $37 trillion. That means either reaching ever-deeper into middle-class pockets with taxes, probably with a European-style value-added tax that will depress economic growth. Or with the very restrictions on care and reimbursement that have been imposed on Medicare itself as costs exploded.

On the latter point, the 1965 Medicare statute explicitly stated that ''Nothing in this title shall be construed to authorize any Federal official or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.'' Yet now such government management of doctors and hospitals is so pervasive in Medicare that Mr. Obama can casually wonder in a recent interview with Time magazine how anyone could oppose the ''benign changes'' that he supports, such as ''how the delivery system works.'' Oh, is that all?

Democrats will return in the fall with various budget tweaks that will claim to make ObamaCare ''deficit neutral'' over 10 years. But that won't begin to account for the budget abyss it will create in the decades to come.

Mr. KYL. Mr. President, I know I have talked about a lot of different issues today, but as we start this period of time when we go back home—we call it our work period back home—there are a lot of issues about which we want to talk to our constituents.

First on my list is going to be what do you think about the increased amount of debt this country is taking on, with all of the programs we have already passed and the programs that are on the horizon, including what was referred to here as ObamaCare, but the so-called health care reform? Do you believe your health care situation is in such a dire strait that we need to take on that kind of debt, or are there more targeted ways to resolve the problems that everybody acknowledges exists, particularly with some of the costs associated with health care.

We are also going to talk about whether the American people are comfortable with the degree of government involvement, the government takeover of all of these different elements of our society, including health care, including the mortgage business, as I talked about, and picking winners and losers in subsidizing the purchase of cars now.

I know we own two of the big car companies, but it seems a little self-serving then to try to help those car companies that the government owns by picking that as the place to put $3 billion to encourage people to buy new cars.

I know a lot of folks back home who are in other businesses who are hurting significantly. They could use this help just as much. I wonder if we took $3 billion and spread that to some of the other industries that are also hurting, I am sure they would say: This is great; why don't you help us out?

When government gets in the business of picking winners and losers, it is a sad day for our democratic Republic. I think we need to watch this. I am going to ask my constituents what they think about that. I already know. I got an earful last Sunday in church about a couple of these different ideas. I expect I am going to continue to hear about that.

It is important that our constituents talk to us about their concerns. We work for them, not the other way around. They pay our salaries. We need to listen to them about what they have to say.

Finally, we have all these domestic issues, but I wanted to refer to Senator LIEBERMAN's comments about we cannot forget we have brave men and women halfway around the globe right now in 120-degree temperatures representing us. They are the men and women in our military services and in our intelligence services working very hard to protect us.

We have to send the signal to them that we appreciate what they do, that we are not going to criticize them for simply doing their job. I think Senator LIEBERMAN was right when he said let's not send signals to those we have instructed to help us out in this war on terror that at the end of the day we are going to second-guess what they are doing, we are going to be Monday morning quarterbacks and even potentially find them criminally liable for activity they engaged in in good faith and belief they were protecting the American people.

I am going to be very interested to see what my constituents have to say about these issues. I know my colleagues will as well. I hope when we come back from the recess that we will not only be personally refreshed from having the opportunity to visit with our families and spend a little downtime but intellectually refreshed by having heard from our bosses—our constituents—on how they want to approach these problems in the future. Maybe in September, we will be a little more enlightened about how to carry out our responsibilities.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I have come to the floor, much as I have every day for the last 3 weeks or so, to share letters from constituents in Ohio—from Findlay and Mansfield and Ravenna and Gallipolis and Bucyrus and Cleveland. These are letters from people who have often suffered because our health care system doesn't work for them.

We understand the health care system works for many; that many people are pleased with their health insurance. We understand—and the Chair certainly does, as a member of the Health, Education, Labor, and Pensions Committee—that we have made sure people who have insurance they are satisfied with can keep that insurance. As you know, we have built consumer protections around those health care plans that people now benefit from to make sure preexisting conditions are not banned from coverage; to stop discrimination based on gender or age; to make sure insurance companies cannot throw somebody off their rolls because they have an annual cap on the insurance. But as we throw these words around on this debate, words like ''exchange'' and ''market exclusivity'' and ''gateway'' and ''direct negotiations'' and all these terms, it is important to always bring it back to people whom we know, people who have written letters—from Eugene, OR, or from Toledo, OH—people who have written letters to us about the health insurance system. I would like to share a few of these letters today as I have for the last 2 or 3 weeks.

Heather from Lorain County, the county where I live, west of Cleveland, writes:

I am a resident of Elyria, OH, a Registered Nurse of 14 years, living with relapsing-remitting multiple sclerosis. I live at both ends of the stethoscope. I am a frontline witness to the disintegration of our health ''care'' system both as a caregiver and as a patient. Health care is a NON-partisan issue, but it's been all about dollars and cents, not common sense.

She is right about that. We simply have let too many people fall through the cracks. We have not relied enough on nurses like Heather, people who deliver the care directly. We have allowed our health care system in that sense to get away from us.

Mary from Jefferson County, eastern Ohio, along the Ohio River—Steubenville is the community that is the county seat in their county.

I am writing this on behalf of my brother, an insulin dependent diabetic who is a retired factory employee in Kettering, OH. He has recently been notified that he will be losing most of his pension and all of his health care.

I have contacted almost all health care insurance companies trying to a get single coverage policy. Due to his diabetes, he is excluded from any coverage and completely uninsurable. His insulin alone is approximately $8,000 a year. The reason is not that diabetes is a pre-existing condition but is a chronic condition.

My brother worked in the factory for over 30 years, paid into the program, paid his taxes. It is a true sin that these older Americans are being treated this way in our system.

Mary writes about diabetes, which is an increasing problem in this country. It is an increasing health problem that afflicts so many, not just older people like Mary's brother but younger people too, especially people diagnosed with diabetes at very young ages. Our legislation deals with that. It deals with that particularly for children, on preventive care and wellness programs dealing with childhood obesity—all of those issues.

It deals with people like Mary's brother in Kettering who suffer because of, in too many cases, a cap on coverage. If you are spending too much, according to the insurance company, one year, they do not pay any more. The rest of it comes out of pocket. Sometimes they dump you and you lose your insurance. That kind of discrimination by the insurance companies will be prohibited under our health care bill even if you have insurance you are happy with. We want you to stay in the plan if you are happy with your insurance, but we are going to build these consumer protections around it so things don't happen to you like happened to Mary's brother.

This comes from Scott in Hamilton County—that includes Cincinnati on the Ohio River in southwest Ohio.

I recently changed employers. My previous employer was not required to offer COBRA. I was not aware of this and was quite shocked. My new employer had a waiting period of 90 days before I could enroll in the employer-sponsored plan. Between the time I left my old job and before I could enroll in a new plan, my wife found out she was pregnant. But when attempting to find new coverage, we kept being turned down due to the pregnancy being deemed a pre-existing condition. There should have been a better option. Please do what you can to support health care reform.

If I didn't live in this country and I didn't know that these things happen, I would just think they made up that story. This guy has insurance. He switches jobs. Between leaving his job and his next job, he is uninsured. His wife gets pregnant, and they can't get insurance because she has a preexisting condition. How stupid does that sound?

What is wrong with out health insurance system? It has a lot of good things, but what is wrong with the system that allows him to fall through the cracks so at best she will have a pregnancy with no difficulties, generally good pregnancy, but still that costs thousands of dollars. Imagine if she has a particularly difficult pregnancy with all kinds of expensive care for her and for their newborn baby. Imagine the tens of thousands of dollars. They will go into debt because, as Scott from Hamilton County says, health insurance was not available because of this preexisting condition—his wife got pregnant.

Dinah from Cuyahoga County, up near Cleveland, writes:

I've been a small business owner in graphics design for 17 years. We always provide our employees with the best fully-paid health care we could afford. Throughout the whole time, the cost of health care was our largest expense after salaries. Business has declined—

As it has throughout our Nation in many places—

and we have been forced to lay off employees from our once high of eight to just two of us. Now we are on the edge of having to close down unless business increases soon.

We have learned that we are in a catch-22 situation. If I lay off my last employee to stay in business, we no longer have two persons to qualify for a group and thus the group insurance will be canceled by our insurer. Getting an individual policy with reasonable coverage at age 62 is no easy trick. And we have no idea if my one employee, single and 40, will qualify either. We have no idea whether we will be accepted or will have some kind of preexisting condition we're not aware of. With two and a half years to go before Medicare, I'm pretty close to my worst fears being realized.

Fight on for the public option. Please don't give up and settle for something that just puts a band aid on this huge problem. So many people so desperately need your help.

That is what we never can forget in this body when we talk about market exclusivity and talk about the gateway and exchange and all these terms—direct negotiations. We can never forget people like Dinah from Cuyahoga County, saying, ''So many people so desperately need your help.'' They need our help in this body. We have to pass this bill by the end of the year. She says, ''Fight on for the public option.'' She understands that insurance companies so often play games with people such as Dinah and Scott and Heather and some of the other people I will read letters from today.

Mr. President, that is why you, on the HELP Committee, and why I, on the HELP committee, and Senator DODD and others, why we fought for the public option. That is an option. What it will do is inject competition into the health care system, competition with insurance companies so that insurance companies—even though we are going to change the rules for insurance companies, we also know they always try to game the system. They want to insure you because you are healthy. They are not so sure they want to insure you because you might be expensive. We cannot let them do that anymore. That is why we are changing the rules. That is why we also need the public option, so the public option can compete and keep these insurance companies honest. Dinah gets that. Not all of our colleagues in this body get that. That is why it is so important to make sure this health care system improves so it works for everybody.

Ruth from Greene County, the Xenia area in the State, sort of southwest Ohio, writes:

Last year, my granddaughter Lilly was diagnosed with cystic fibrosis, a fatal genetic disorder. She requires many specialized enzymes and foods and three daily breathing treatments to keep her lungs from deteriorating. She also needs specialized care from a cystic fibrosis center and will likely be hospitalized for lung infections at some point.

Without insurance this treatment would not be possible, and with insurance companies' ability to deny coverage for preexisting conditions, what is her long-term ability to get health coverage? Currently, her parents are changing jobs. How will they get affordable health insurance for their daughter is a big question.

It appears from the letter from Ruth that her granddaughter Lilly has insurance right now and is getting good treatment and good medical care, as most Americans are at this point.

But it seems there are two things she is talking about. One is her parents have had, for whatever reason, to change jobs—Lilly's parents. What is going to happen with their insurance when their new employer and their new employer's insurance company understands they have a daughter with cystic fibrosis? And then she asks a question that is just as crucial: What happens to Lilly when she gets older? What happens to somebody who has a chronic health condition such as cystic fibrosis or anything else? When they get to be adults, what happens to them? What happens to their ability to get health care coverage?

That is why the public option is so important, why our bill is so important. The public option will compete with private insurance carriers to make sure they stay honest, that they do not dump people like Lilly, so they do not play this preexisting condition game, so they don't game the community rating system, so they don't discriminate against people because of

gender or geography or age or anything else.

The last two letters I would like to read are actually both from physicians.

Michael, from Montgomery County, the Dayton area, writes:

As a physician I see what happens to people every day when they cannot get health insurance. I see the abuses they suffer at the hands of the greedy insurance companies. I also see constant erosion in payments to doctors, hospitals, and all health care providers. The only thing that is increasing is the redtape. The redtape doesn't provide care. It takes caregivers away from patients.

Michael is a medical doctor in Montgomery County in southwest Ohio. Michael understands, because he has been victimized by it, he has been harassed by it, he has been annoyed at best by it, that he deals and his office deals with all kinds of insurance company redtape.

Mr. President, I have heard you actually talk about it in committee. You know Medicare has less than 5 percent administrative costs. The paperwork for Medicare is much less than the paperwork Michael's office has to do, dealing with hundreds and hundreds of different insurance companies. Medicare keeps its administrative costs under 5 percent. Insurance companies' administrative costs are 15, 20, sometimes even 30 percent. That is the redtape he is talking about.

Medicare is not perfect. Medicare has redtape. It needs to be streamlined every way we can do that so it is simpler and cleaner, the way we need to build the public option to be.

But we also know private insurance has huge administrative costs, huge salaries for their executives. People have come down to the floor and read what the salaries are of United Health and some of the other insurance companies—Aetna, CIGNA—the top executive salaries, often into the tens of millions of dollars each. We know they have those kinds of administrative costs. We know they have the profits they make. Fine, they should make profits, but sometimes they are excessive.

We also know they have costs for huge numbers of people in these private insurance companies who are there to deny care. When did you ever hear Medicare turn somebody down for a preexisting condition? I don't think it has ever happened. When did you ever hear Medicare say: Sorry, you are spending more than your cap; that is the end; we are not going to take care of you. The fact is, the preexisting condition, the denial of coverage because of your gender or your age or your geography, doesn't happen with Medicare. It does happen with private insurance.

Michael understands that when he writes. He talked about the greedy insurance companies. Not all of them are but some are, and some of the executives are way overpaid. We know that.

Most important, we need to cut through the redtape. That is why the public plan, competing with the private insurance plans, will make the private plans better, and, frankly, the energy and the dynamism of the private plans probably will make the public option better too. That is the whole point of competition.

The last letter I will read comes from Ellen from Cuyahoga County, the Cleveland area.

I am a physician and a partner in a small business that offers health care benefits to its employees. For them, but most as a wife of a cancer survivor, I feel there is no more important issue than health care. We must provide affordable health care to all Americans.

We hear it from doctors, we hear it from a nurse, we hear it from patients, we hear it from family members, family members who care deeply about their family and what it has done to them.

We are about to leave here for the next month. When we come back in September, there is a deadline on negotiations in the Finance Committee. If the six—three Democratic and three Republican Senators—do not come to agreement, it is time to move forward with the Health, Education, Labor, and Pensions bill we wrote. Our bill, as you recall, is a bipartisan bill. Our bill that we passed out of the HELP Committee went through 11 days of markup, 11 days of considering amendments, debating, discussing, arguing—whatever we do when we get together. Never in my 17 years in the House of Representatives and the Senate have I seen a bill have that much attention, have that many amendments, spend that long working on it. This bill has been vetted. We know the ins and outs of it.

We accepted 161 Republican amendments. Some of them were minor, some of them were major amendments. The Republicans did not win on some of the big issues, but the big issues were decided, in many ways, by the election. The big issues are things such as, should there be a Medicare-like plan or should we continue the privatization of Medicare, which is what Republicans want to do. There are very big differences there.

But the fact is, this bill is a bipartisan bill. It came out of committee with a strong vote. We know it will cover almost every American. We know it will bend the cost curve down so we will begin to save money. We know it will ban all kinds of insurance company gaming of the system, provide consumer protections for people who now have health insurance that they are generally satisfied with, and make sure those people do not lose their insurance because of preexisting conditions or discrimination.

We have work to do after being back in Ohio and the Chair back in Oregon for the next month. It is important we get back to work, after listening to our constituents and getting more input on these bills. It is important that we go back to work in September and pass health care legislation.

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

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

The legislative clerk proceeded to call the roll.

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

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

JUSTICE SOTOMAYOR

Mr. SESSIONS. Mr. President, I had the opportunity this morning to talk with Judge Sotomayor and congratulate her on her confirmation to the Supreme Court. It is an exceedingly important position. Her nomination initiated a national discussion about the role of a judge in American society. I hope it rose to the level of debate and discussion that was worthy of such a great occasion.

She is a wonderful person. She is going to give her best effort to be a great Justice on the Court. I hope and pray she will achieve that. I reached a conclusion, as did a number of my colleagues, that her statements and expressions of judicial philosophy were such that it caused concern and gave rise to a belief that her approach to judging was part of a growing idea that judges are not bound by the law and facts but are rightly able to allow their personal views to influence their decisions.

Her testimony was different, however, from what was reflected in her speeches. I am hopeful that her testimony will be the basis by which she conducts her business on the bench.

I congratulate her. I think our discussion was at a high level. It dealt with an issue that so many of us feel very deeply about; that is, that the law must be objective, that judges must show fidelity to the law as written, even if we in Congress have not written it so well and if they would like to see it differently. That is the cornerstone of the American legal system, and I am proud of it.

I received an e-mail a few days ago from Sarah Chayes who has written a book about Afghanistan. She was an NPR reporter, stayed in Afghanistan, fell in love with the country, has learned the language and works tirelessly to improve the lives of people in that country.

She told about being in the States and meeting with the relative of an individual who tried so hard in Iraq to promote law and justice. She said this lady, her relative, said what most impressed her in America was the law. She said it was not food, it was not technology, it was not wealth that we had, it was the legal system we had. It is a beautiful, wonderful thing. It is a heritage we have received. We have not earned it. We have inherited it, and we have a responsibility to make sure we pass it on in a healthy state, to those who will follow us.

So my congratulations go to Judge Sotomayor. I know her mother and

other family members are so excited this day. This was one of the shortest confirmation processes in recent memory. I know that she is pleased that it was completed before the August recess. It will allow her to move and get herself organized for the beginning of the term in October. So, again, my congratulations are to her.

I appreciate the Members of the Senate, Chairman LEAHY, for allowing a full and robust debate on this issue. I will assure my colleagues, the issue of judicial activism is not going away. The American people feel strongly that judges must operate as their judicial oath says, in accordance with the Constitution and laws of the United States—not above them. They expect them to work diligently to determine the right answer to each case before them and to find and declare that right answer, even if the law they base it on is one they personally would like to see altered.

That is the ideal of American justice, and we will be continuing to battle for that as the months and years go forward. I think it is an important issue this country will be wrestling with.

I thank the Acting President pro tempore and yield the floor.

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

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

THE DEFICIT

Mr. SESSIONS. Mr. President, before we leave for our August recess, I think it is good to maintain our watch on what is happening in the financial markets. I have reported on these matters several times this year because I think it is something we have to talk about. The reason we have to talk about it is because the United States is borrowing more money this year than any year in the history of the American Republic. It dwarfs anything we have ever done before, and it is an action that has consequences. We cannot borrow dramatically without having consequences occur, just as they do in our families. If your family goes more into debt, you are burdened with high interest rate payments that produce nothing but are monies you expend because you borrowed money. That is what interest is. It does not do you any good. It is a painful thing for no immediate benefit. The benefit comes when you borrowed it and bought something with it, but in the long run you carry that interest unless you pay the debt off in the future.

The problem this country has is that according to the President's own budget, in the next 10 years we have no plans whatsoever to pay down any debt. In fact, the debt is surging in the outyears. Growing the deficit for each annual accounting will increase in the outyears. So we are in an unsustainable rate of spending in America. We have heard those phrases, and ''unsustainable'' means just that: We can't keep it up in this fashion.

I will put this chart up that is not disputed by anybody who has been involved in the process. It represents what the Congressional Budget Office—a nonpartisan group, but in truth it is hired by the Democratic majority here in the Congress, in the Senate—has scored the President's budget and what it will mean for us in terms of debt over the next 10 years. It is a 10-year budget, and we are supposed to look out into those years.

In 2008, the total debt in America was $5.8 trillion. From the beginning of the American Republic until 2008, we had accumulated $5.8 trillion in debt. That is a lot of money; more than we needed to have been carrying as a debt. President Bush was criticized for having several deficits, one over $400 billion, and another one either at or around $400 billion. Other years were less: $100 billion, $160 billion, something like that. But he was criticized for that because it helped cause the debt to go up. But look what the Congressional Budget Office says we are going to be facing 5 years from now in 2013: a doubling of that debt to $11.8 trillion. Ten years from now it will triple to $17 trillion. The debt will increase in the out years. President Bush was rightly criticized for having added a $450 billion deficit in 1 year. We will not see in the next 10 years, according to the Congressional Budget Office, a single deficit year that low. The lowest they project is that it would be $600 billion plus. In the tenth year, out here in 2019, it is projected the deficit will be $1.1 trillion. This year, the deficit is projected to be $1.8 trillion. We will soon know. Some say it will be $2 trillion; $1 trillion, of course, is one thousand billion dollars—a lot of money. It has consequences. Where do you get this money?

Where do we get the extra $2 trillion we are spending today that we don't have? Where do we get it? Well, we go into the marketplace and we ask people to buy Treasury bills and loan us the money. It is basically a note. They give us their money and we give them a promise to pay, plus interest. If you don't have any plan to pay down those debts, and we don't—indeed, we continue to project a surge in borrowing even in the tenth year, with no recession being projected in this next 10 years, so it is a grim prospect to pay this kind of interest.

This chart deals with the interest payment. People think: Well, somehow we can borrow and it doesn't hurt us. That is not so. If you borrow, you have to pay interest on it. This country pays interest today on the debt of $5.8 trillion. We are sort of fortunate because in this economic slowdown interest rates are low, but they are not going to stay low, and that is the problem. Not only that, the size of the debt is increasing.

So in 2009, it is projected that the interest on our debt will be $170 billion. Well, the entire Federal education budget—what, $100 billion—the entire Federal highway budget prior to this stimulus package, at least, was $40 billion. So $170 billion goes out in interest to people all over the world and in the United States who have bought Treasury bills, including foreign countries such as the Arab countries who have so much of the American dollars because we buy their oil, and China, we buy their products and they have American dollars, and they have been buying our Treasury bills.

But look what happens over the 10-year window. This is according to the Congressional Budget Office—a fair, objective analysis of what we are looking at. Let's take the red numbers. This is what we would be paying out annually in interest. It goes up—by 2019, the interest we would pay at the originally projected rate of interest CBO used—to $800 billion in 1 year in interest we pay on the debt.

People are getting worried the interest rates are going to go up because we are borrowing so much money and people are going to be afraid that the dollar will be devalued, and our currency will be inflated. Therefore, they won't get as much return because they will be cheated because the dollars they get back from the United States in terms of interest aren't the same valuable dollars they were originally. The fundamental thing that is working up here in people's minds is that the interest rates could go up. If we use the Blue Chip economics forecast, the total payment in interest could be $865 billion. If it goes up higher to the rates we saw in the 1980s, it could be $1.3 trillion. That is just interest, in 1 year, that we would have to pay. Our total budget today is about $3 trillion. That would be more than a third of the budget.

I don't think the Members of this Congress understand the seriousness of this problem, because look at the bills that go through here. I am a big supporter of farm programs. I supported farm bills year after year, but I couldn't vote for the one this year. It had a 11-percent increase in discretionary spending under the agriculture bill—11 percent. You know, at 7 percent return, your money doubles in 10 years; at 11 percent, the agriculture budget will double in several years.

At a time when we are running up unprecedented debts, we have an 11-percent increase there. It is difficult for me to comprehend. I don't think we are serious about it. Now the House has put in three airplanes so Members of the Congress can take trips with them, presumably. Somebody somewhere needs to be asking: Where are we going to get this money? Every dime of it will be borrowed. The $800 billion we

passed earlier this year that was supposed to stimulate the economy, keep the unemployment rate from going up, and cause economic growth to occur, was borrowed. We didn't have that money. The first automobile clunker bill, $1 billion, was borrowed on top of that. It wasn't even paid for out of the stimulus bill. It was new billion dollars. Then the new clunker bill that passed here last night in the House, they said: Well, it was going to come out of the stimulus package and, therefore, it wouldn't add to the debt because we have already authorized this stimulus money to be spent, but that is not what the House leadership said. They promised they wouldn't reduce any of the spending that was provided for in the $800 billion stimulus package. Only 11 percent of the discretionary funds will be spent by October 1. They wouldn't take the money out of that to fund the clunker program. They promised without any equivocation that they would replenish that to borrow money. They are going to borrow that money so they don't have to reduce any of this spending in the stimulus package.

The Treasury issued a record amount of debt this past year—an unbelievable amount, actually. The Treasury Department said Wednesday it is going to sell a record $75 billion in Treasury bills just next week so we can pay all of these obligations, we have appropriated the money for. We don't have the money, so we have to borrow it. In particular, the Treasury officials need to ensure that demand from China—that is, China's purchasing of our Treasury bills—doesn't fall off. We want them to keep buying. There are several problems, however. China doesn't have as much money as they did because their sales are not going as they were, and they are using some of their surplus money to stimulate their own economy. So they are not going to have as much money to buy Treasury bills as they did, frankly. But at any rate, demand from China, the largest holder of U.S. Government debt, is shaky. We put out the Treasury bills by auction at an interest rate and people bid for them, basically, and the government has to raise the rate high enough to get people to give them the money so we can spend in Congress.

According to yesterday's Wall Street Journal, last week's auctions of fixed-rate Treasury notes saw lukewarm demand from China and other investors. They are getting worried. Chinese officials had indicated they want inflation-protected securities, especially as the U.S. economy starts to recover. Inflation-protected securities. That is the TIPS. Right now they are not paying much interest. It is pretty low interest. But if you have a TIP, inflation-protected securities, and the interest rate goes up, then you get paid more. The return on your Treasury bill goes up. It is not fixed.

''Inflation is the No. 1 worry,'' said Mark Chandler, global head of currency strategy for Brown Brothers Harriman & Company: ''This is the government saying, 'We will take that inflation risk away from you.' ''

That is what a TIP does. It says, Don't worry about inflation; if the inflation goes up, we will pay you greater interest on the Treasury bill you buy.

And the spread—the difference between the 10-year TIPS—inflation-protected securities—and the regular 10-year Treasury note has risen from near zero at the beginning of this year to about 2 percent today. That means that one can get a 2-percent better rate by buying regular Treasuries, 10-year Treasury notes, but people still want TIPS. People with money want TIPS. Why? Because they are afraid in the next 10 years we are going to have a surge of inflation and a 3.7-percent 10-year Treasury bill. Well, they would rather have a 1.7-percent TIPS than get 2 more percent on the U.S. Treasury bill.

According to yesterday's Wall Street Journal, officials from the United States and China discussed TIPS issuance in high-level talks last week. U.S. officials assured their Chinese counterparts that they remain committed to TIPS sales, according to a person with knowledge of the discussions. China has accumulated more than $2 trillion in foreign exchange reserves and has invested about $800 billion in the U.S. Treasury. Meanwhile, interest rates on regular 10-year Treasuries have increased from 2.4 percent to 3.75 percent this year, an increase of over 50-percent.

So the interest rates on the 10-year Treasury has increased over 50 percent since January. Why? Because people are not willing to give the government money at the lower 2.4 percent rate because even though we are in a recession and interest rates are very low, they know with this kind of debt, this kind of future debt that the United States is facing, we are going to have a tremendous temptation to inflate the currency. And we are going to have that pressure because one way to beat your debt, of course, is to pay it back in dollars not worth as much as the dollar the person loaned. If they loan you a dollar today, and the dollar drops 20 percent, you can pay them back with dollars worth 80 cents rather than a dollar. That is a pretty good deal, if you can get away with it.

People are smart and they see this coming. They are demanding higher interest rates now, or they won't loan us the money—like any smart businessperson would. I say to my colleagues you don't get something for nothing. There is no free lunch. You cannot run up this kind of debt without consequences for the young people of this country in the years to come. They are going to be carrying a $800 billion-a-year annual interest rate in 10 years. Most likely, this number will be higher than $800 billion a year, whereas our generation today is carrying a $170 billion a year annual interest payment. I do not believe we have to do that to help this economy come out of recession. In fact, when you talk to people who are involved in the American financial sector, the biggest worry they have is interest and the debt. For everything else, they can see a way the U.S. economy will come out of it. If we burden ourselves with more debt than we can sustain—and we are clearly heading in that direction—long-term investors are worried. They don't see this coming out right. That is why they say it is not sustainable.

I wished to share these remarks before we recess for August. I don't think it should be forgotten. We have a responsibility to see that every dollar we spend produces something of value. While it can also have a stimulative effect, it needs to produce something of value; it cannot just be thrown away. We need to look for every possible way to contain this growth in spending. It is unacceptable and it cannot continue. Somehow, some way, Congress has to get the message; and I don't think we have gotten it. I don't think we understand that millions of people are losing their jobs. People who used to have overtime are not getting it today. Many who were working full time are working part time today. Families who used to have two wage earners now only have one.

This is serious. We are going to have to recognize we cannot spend our way out of it. We cannot borrow our way to prosperity, as one Alabamian told me at a townhall meeting.

Mr. President, I yield the floor.

CONFIRMATION OF JUSTICE SONIA SOTOMAYOR

Mr. LEAHY. Mr. President, among the most gratifying aspects of the confirmation of Justice Sonia Sotomayor for me was meeting her mother Celina. Anyone who knows their story knows how much Justice Sotomayor owes to her mother. She paid tribute to her mother during her opening statement at the confirmation hearing last month when she poignantly said: ''I want to make one special note of thanks to my Mom. I am here today because of her aspirations and sacrifices for both my brother Juan and me. Mom, I love that we are sharing this together.''

One of the good things about the hearing was that Americans were able to meet Celina Sotomayor, a woman admired across America. I will never forget her own participation at that hearing. She sat just behind her daughter, nodding in agreement when her daughter spoke. She followed the questions and answers, the give-and-take. She was focused, protective and justifiably proud of her daughter.

Justice Sotomayor's story is her story too. Justice Sotomayor's triumph is her triumph too. This confirmation is the realization of the American dream that she lived and for which she worked, sacrificed and overcame adversity. She is an inspiration to us all.

CUSTOMS FACILITATION AND TRADE ENFORCEMENT REAUTHORIZATION ACT OF 2009

Mr. BAUCUS. Mr. President, Representative John Randolph, chairman of the House Ways and Means Committee in the early 1800s, said, ''We all know our duty better than we discharge it.''

U.S. Customs and Border Protection, or CBP, and Immigration and Customs Enforcement, or ICE, have two vital duties. They must protect our national security by ensuring that threats to that security do not cross our borders, and they must protect our economic security by ensuring that legitimate trade does cross our borders, smoothly and quickly. I have no doubt that CBP and ICE know these duties. But they must do a better job of discharging their trade duties.

Senator GRASSLEY and I introduced a bill that would require the agencies to do just that. The Customs Facilitation and Trade Enforcement Reauthorization Act of 2009 would direct CBP and ICE to make customs facilitation and trade enforcement a priority again, and it would provide the agencies with the tools and resources that they need to fully discharge those duties.

These agencies know that high-level officials must focus on their trade duties. The bill would help the agencies discharge those duties by creating new high-level positions at CBP devoted exclusively to trade. The bill would assign new trade facilitation and enforcement duties to the highest level official at ICE.

The agencies know that they must facilitate and expedite legitimate trade across our borders. The bill would help the agencies to discharge those duties by providing trade facilitation benefits, such as faster customs clearance, to importers with a history of complying with U.S. customs and trade laws. The bill would also require the Secretary of Homeland Security to identify and provide trade facilitation benefits to importers that provide additional security information. The bill would provide funding for automated programs that would help CBP process imports more quickly.

The agencies know that they must enforce U.S. trade, intellectual property, and health and safety laws at our borders. The bill would help the agencies to discharge those duties by giving CBP new tools to identify goods that are most likely to violate these laws. It would give CBP the means to prevent those goods from crossing our borders. It would require ICE to do more to prevent the importation of goods made with forced, convict, or indentured labor.

The agencies know that they must listen to Congress and the business community when taking significant actions that affect America's competitiveness. The bill would help the agencies to discharge that duty by requiring CBP to engage in robust consultation before taking such steps.

The agencies know that they must serve rural border areas, such as those in my home State of Montana. The bill would help the agencies to discharge that duty by creating a pilot program to establish 24-hour ports along these border areas, ensuring that legitimate trade can flow quickly through these areas.

So let's come together to reauthorize CBP and ICE. Let's give these agencies the tools and resources they need to facilitate and enforce international trade. And let's help CBP and ICE to discharge these duties that are so essential to our economic security.

EXPAND BUILDING ENERGY EFFICIENCY ACT OF 2009

Ms. SNOWE. Mr. President, I rise to speak about legislation that I introduced, the Expanding Building Efficiency Incentives Act of 2009, which would expand the tax incentives for building and put our country on course to reduce energy consumption in a sector that currently consumes 40 percent of our total energy. I am pleased to have worked with Senator FEINSTEIN and BINGAMAN, two longtime leaders on energy efficiency, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

One inexcusable legacy of this housing crisis is that the vast majority of homes constructed over the last 10 years during the housing boon have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions. Last week McKinsey and Company in a report, ''Unlocking Energy Efficiency in the US Economy,'' concluded that a major investment in energy efficiency could save $1.2 trillion and cut consumption 23 percent by 2020. This legislation serves as a cornerstone to realizing these opportunities.

The Expanding Building Efficiency Incentives Act builds on current tax incentives that have worked to move the market toward energy efficiency. While the marginal costs of constructing an energy-efficient building may be higher than an inefficient building, the long-term energy savings have environmental and energy dividends, as well as ultimate cost savings. These tax incentives provide an incentive to correct this market failure and obtain these long-term benefits.

Specifically, the bill includes an extension of the current energy-efficient new homes tax credit for 3 years, which requires new homes to be 50 percent better than current code with respect to heating and cooling. In addition, this bill will create a new tier for a $5,000 tax credit if a building consumes 50 percent less total energy than a comparable building. The current tax credit system for new homes has been very successful. According to the Residential Energy Services Network, 4.6 percent of all new homes met these rigorous standards in 2008, which adds up to nearly 22,000 homes being at the cutting edge of energy efficiency. This tax credit is working and not only should we extend this tax credit, but we must build on this to encompass additional energy consumption in a new home.

In addition, the bill would provide a $500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a $200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy-efficient commercial buildings by increasing the deduction from $1.80 cents per square foot to $3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to $2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to $3.00 per square foot today with partial compliance increased to $1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

Earlier this year, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world, and I look forward to working with my colleagues to improve our ranking and increase our country's energy efficiency.

CLEANER, SECURE, AND AFFORDABLE THERMAL ENERGY ACT

Ms. SNOWE. Mr. President, I rise to speak about the Cleaner, Secure, and Affordable Thermal Energy Act, which I introduced with Senator BINGAMAN. This bill will add diversity to the fuel usage of Americans who are forced to use home heating oil, a heating source that has gone through wild price swings and last year reached historic prices. While I strongly believe that we must invest in weatherization and energy efficiency, I also believe that we must create diversity for thermal energy.

In my home State of Maine, roughly 80 percent of the population utilize heating oil to keep warm in the winter. In New England, 40 percent of homes use heating oil. As a result, on average nearly 4.7 billion gallons of heating oil are consumed by New England. This is not only an enormous cost to families across the region, but it creates massive greenhouse gas emissions and increases our country's demand of foreign oil. This is not merely a regional issue, this is a national issue and it should be a priority of Congress to reduce heating oil use in New England.

This bill builds on the current credits for nonbusiness energy property to provide an additional credit for conversion of homes using home heating oil to natural gas or biomass. Specifically, the bill provides a tax credit of $3,500 for natural gas conversion and $4,000 for biomass conversion. While natural gas is not available throughout the United States and is not widely available in Maine, I am hopeful that these incentives will provide an additional incentive to expand usage in regions that have access to natural gas supplies.

In regions that the rocky geology does not allow natural gas to be utilized, the bill includes a tax credit for biomass for thermal energy, such as wood pellets. Just this past July, International WoodFuels announced plans to construct a 100,000 ton per year pellet plant in Burnham, ME. This is from wood product that is harvested in Maine and can be used to replace home heating oil in the State. While I strongly believe that we must carefully develop policies to ensure that the expanded use of wood pellets will undermine existing forest industries, I strongly believe that we must encourage additional diversity of our home heating oil energy sources and wood pellets provide a viable pathway to energy diversity for the State of Maine.

I strongly believe that reducing the current consumption of home heating oil in the State of Maine, New England, and the country should be a major priority as we move forward with overhauling our energy policy, and I look forward to working with my colleagues to pass the Cleaner, Secure, and Affordable Thermal Energy Act into law.

COMMENDING SENATOR NORM COLEMAN

Ms. MURKOWSKI. Mr. President, I honor and bid farewell to my friend and our colleague, Senator Norm Coleman of Minnesota. Norm and I served together for 6 years in the Senate and on the Senate Foreign Relations Committee. He also served on the Agriculture, Aging, Homeland Security, and Small Business Committees. He has a legislative record to be proud of.

As our colleagues know, I have long enjoyed my work with Native people. Norm, throughout his tenure, was a steadfast friend of American Indian, Alaska Native, and Native Hawaiian people and a strong advocate for the interests of the tribes in his home State of Minnesota. His voice will be missed in the U.S. Senate on these issues.

As a member of the Committee on Homeland Security and Governmental Affairs Norm pushed for drastic reforms in our Nation's emergency response and recovery capabilities in the wake of the failed response to Hurricane Katrina. He was diligent and steadfast in his desire to protect our country and deeply engaged in efforts to increase protections for our Nation's critical infrastructure.

I will remember Norm as one who had a love and appreciation for my State of Alaska. On several occasions he enjoyed the beauty of Alaska while seeking his prized king salmon on the Kenai River. Norm further extended his Alaska ties by hiring Jennifer Mies Lowe, who is married to my former chief of staff, George Lowe. Jennifer served Senator Stevens for many years before moving to Senator Coleman's office as his chief of staff.

Norm has a long record of public service fighting for Minnesotans. He served as mayor of St. Paul before being called by the people of Minnesota to come to the U.S. Senate. I expect that we have not heard the last of him.

In closing I would like to wish Norm, his wife Laurie, and children Jacob and Sarah the very best. Norm, thank you for your service to the Nation, the Senate, and Minnesota. I know Norm and his strong sense of service to his country, and while I will miss him in the Senate, I look forward to his next opportunity to serve.

NATURAL GAS IN A CLEAN ENERGY ECONOMY

Mr. UDALL of Colorado. Mr. President, I wish to discuss why we need a clean energy economy and how natural gas will be a critical component of our future energy mix.

We need legislation to move forward, to the President's desk, this year. To compete in a 21st century global economy, the United States must take immediate action to transition to a clean energy market, one that allows us to take advantage of the many different clean energy sources that our country has to offer.

Some have asked why we need to act on clean energy legislation.

Several of my colleagues this week have eloquently discussed the impacts of carbon pollution. In the West, we are already seeing indications of climate change through warmer winters and drier summers. This is a global challenge that we must address and not ignore. But, irrespective of the impacts of carbon pollution to our communities and environment, clean energy legislation really comes down to two things—our economic and national security.

Clean energy legislation will create millions of new jobs here at home and provide the basis for America's 21st century economy. Clean energy economy legislation will spur innovation in and accelerate the shift to clean and domestic energy sources. It will create a new industrial sector employing millions of Americans in the research, development, manufacture, sale, installation, and servicing of new energy technologies. With the U.S. leading the way, we will sell our new technologies to other countries throughout the world.

Clean energy legislation will also help strengthen our national security. The most obvious reason, of course, is that switching to clean, domestic sources of energy will reduce our dependence on foreign oil by shifting America toward cheaper, cleaner alternative energy sources like natural gas and wind power. Our current economy unfortunately depends on the importation of foreign oil from nations that do not have our best interests at heart, which creates threats to America's national security and puts our troops in harm's way.

Where does this leave us?

We need to jump-start our clean energy economy, and that means we need to invest in the wide range of energy sources that are available now, as well as research and development of future energy sources.

This is not about a silver bullet answer to our energy problems: it is, rather, like silver buckshot.

On the ground, that means we should encourage energy development of new renewable energy sources, find cleaner ways to use traditional energy sources like coal and oil, and expand our use of clean, mature technologies like nuclear and natural gas.

Natural gas, in particular, often does not get the attention that it deserves among our diverse portfolio of clean energy sources.

Natural gas will be the bridge between today's economy and our clean energy future.

It is the cleanest of the fossil fuels and has the lowest greenhouse gas emissions per unit of energy, emitting about half of the CO_2 of coal when burned for electricity generation.

Furthermore, the technology is already being used by utilities across the country. Let me emphasize again—this is mature technology that is already in use across the country to power our homes and businesses.

In fact, natural gas accounts for 24 percent of the energy consumption in this country and approximately 98 percent of U.S. natural gas consumption originates right here in North America, principally from the United States and Canada.

Using natural gas means that we do not have to depend on foreign governments determining the cost of our energy or whether or not we even have access to it. And increasing natural gas production and use means that we are creating jobs and supporting families here at home.

Natural gas is an abundant resource across our country.

In recent years, natural gas production from conventional resources has continued to decline, but production from unconventional resources such as coal beds, tight gas sands, and particularly from natural gas shales has increased.

These are in regions—such as the Northeast—that are not traditionally thought of as gas-producing States. In fact, expanded drilling in tight gas sands and gas shales helped increase total U.S. gas production by about 9 percent in 2008 after a decade of its being roughly constant.

We also have natural gas reserves, particularly off our coasts, that have yet to be fully explored.

Now, let me be clear in that I do not support drilling for gas anywhere and everywhere. I believe certain areas, both on and offshore, should be placed off limits to development.

But we also need to take advantage of this domestic resource and develop some of these resources in an environmentally friendly way. That is why, during consideration of the clean energy bill in the Energy and Natural Resources Committee, I supported Senator DORGAN's efforts to open up the Eastern Gulf of Mexico to development.

Between recent discoveries of new domestic natural gas reserves and untapped reserves offshore, natural gas can continue to be a vital energy source for our country. The latest estimates indicate that we have enough reserves to sustain our current consumption rate for almost 100 years—and that is without new technology development or new reserve discoveries.

It is also important to understand how natural gas interacts with other energy sources, particularly renewable energy, like wind and solar. Many here in the Senate know that I am a strong proponent of a national renewable electricity standard, or RES. Colorado already has a State RES and it has been very successful in both increasing our use of renewable energy sources and bringing new jobs to our State. However, renewable energy sources alone will not be enough to fulfill our country's energy needs, especially in the short term, and electricity powered by natural gas will play a critical role in adjusting to the variability of renewable energy generation.

We can take these steps to decrease our carbon emissions and promote our domestic energy sources without increased energy costs for consumers. New natural gas combined-cycle plants are competitive with new coal plants. Natural gas plants have lower capital costs and shorter construction times than coal-fired powerplants. For example, the National Academies of Sciences recently released a report ''America's Energy Future: Technology and Transformation'' as part of a comprehensive look at our energy policy. The report found that, at a price of $6 per million Btu, natural gas plants have the lowest lifetime cost of electricity of comparable energy source.

While there has been concern in recent years over price fluctuation in the natural gas market, the Energy Information Administration projects that prices will range from $6 to $9 per million Btu or lower for natural gas for decades.

Yet natural gas is not just for producing electricity. Clean natural gas is already being used as an alternative fuel for vehicles. Developing a stronger and wider market for natural gas vehicles will reduce our dependency on foreign oil, create jobs, and benefit the environment.

As of 2006, there were about 116,000 compressed natural gas vehicles and about 3,000 liquefied natural gas vehicles in the United States. About two-thirds of these natural gas vehicles are passenger vehicles.

The benefits of creating a natural gas fuel system akin to the current petroleum system would be immediate. Average consumers would save about $800 in fuel costs by switching to natural gas. And, again, not only is natural gas cheaper for powering vehicles but it would also emit fewer greenhouse gases than gasoline vehicles and natural gas could be produced domestically.

These facts seem almost too good to be true, but they are just that: facts. What we need now is to invest in natural gas and support creating a viable natural gas vehicle industry.

So natural gas—a clean, domestic fuel source that powers mature technology—is already a force in our electricity market and is a growing factor in our transportation system. Yet the current—the bill that the House passed does not include appropriate encouragement for this energy source.

As I work with my colleagues here to pass clean energy legislation this year, I will continue to push for incentives for natural gas powered electricity and clean natural gas vehicles. America—and Colorado—can become the world leader in clean energy, exporting our expertise, intellectual property, and products worldwide, just as we have done repeatedly throughout our history. With our budding renewable energy industry and strong support for traditional energy sources, Colorado has a tremendous opportunity to lead the clean energy revolution, and I do not want us to miss it. But that means we must take action now and that is why we need to get clean energy legislation passed this year.

ADDITIONAL STATEMENTS

REMEMBERING THOMAS MAROVICH, JR.

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of Thomas M. Marovich, Jr. This brave man lost his life while working to protect Californians from a forest fire.

On July 21, 2009, Thomas Marovich died during a rappel proficiency training exercise while he was assigned as an apprentice with the Chester Helitack Crew fighting the Backbone Fire in Humboldt County. He was 20 years old.

Those who knew Thomas recall that, since childhood, his dream was to become a firefighter. When he was a student at James Logan High School in Union City, he was honored as Student of the Year in the regional fire technology program. Shortly thereafter, he began his firefighting service as a member of the Cadet Program for the Fremont Fire Department at the age of 17 and became an emergency medical technician, EMT, by 18. He was hired on as a firefighter for the Modoc National Forest in the Big Valley Ranger District in Adin, CA, after working as a volunteer while completing basic fire training. In 2008, after two fire seasons, he was hired as a Wildland firefighter apprentice to train for fire management. Thomas is survived by his parents, sister, and three grandparents.

Thomas Marovich, like all those who fight fires across California, put his life on the line to protect our communities. My heart goes out to his family and loved ones and my thoughts and prayers are with them. We are forever indebted to him for his courage, service, and sacrifice.•

COMMENDING WOMEN AIRFORCE SERVICE PILOTS

• Mr. CASEY. Mr. President, today I wish to honor the members of the Women Airforce Service Pilots, WASP, hailing from the Commonwealth of Pennsylvania who have recently received our Nation's highest civilian award—the Congressional Gold Medal. Joan Frost, Julia Jordan, Ruth Kunkle, Eleanor Lawry, Kristin Lent, Barbara Posey, Florence Reynolds, and Lillian Yonally exemplify hard work, courage, and commitment to their country.

The WASP were the first female pilots in America's Armed Forces. They were stationed at 120 Army air bases across America, from where they flew approximately 60 million miles in less than 2 years and in a variety of aircraft. Over 25,000 women applied to the program, a select 1,800 went through basic training, and 1,074 women graduated.

The contributions of these brave women to the success of the United States in WW II cannot be minimized, and I am truly proud that several of these extraordinary women called Pennsylvania home. To each of these women, I would like to say thank you for your contribution to aviation. By going against convention, you broke important barriers and are the reason why female pilots fly in every type of aircraft and mission, including combat sorties, today.

I am sure that each time a young person sees a black-and-white photo of a young smiling female pilot leaning out the window of her B–26 Marauder,

she or he is inspired with a sense of adventure and a desire to discover the joy of flying that the WASP sought and achieved. Therefore, I again congratulate Pennsylvania's eight WASP and WASP nationwide. I wish you all the best as you continue to share your patriotism and courage with your family, friends, and communities.●

COMMENDING WISCONSIN NATIONAL GUARD UNIT

● Mr. KOHL. Mr. President, I proudly rise today to recognize the achievements of the members of 1st Battalion, 128th Infantry, part of Wisconsin's 32nd Infantry Brigade, for its selection as the top battalion in the Army National Guard of the United States. Mr. President, 1st Battalion, 128th Infantry has been selected as the winner of the Walter T. Kerwin Jr. Award for Readiness and Training for 2009. The award is given annually to the Army National Guard unit found to have the highest deployment readiness in the Nation, and I am pleased that the men and women of this Eau Claire-based unit were found to have standards of training and maintenance that exceeded the standards for deployment.

The U.S. Army has selected 2009 to be the ''Year of the NCO'' to pay tribute to the day-to-day leadership qualities of the noncommissioned officers charged with executing the training and maintenance that make their units function. In the spirit of the ''Year of the NCO,'' I would like to pay a special tribute to the NCOs of 1st Battalion, 128th Infantry, as their leadership helped make it possible for the unit to achieve the standards that earned them this award.

I had the honor of attending the February send-off ceremony prior to the unit's deployment to Iraq. I consider myself privileged to have attended the ceremony where the State of Wisconsin and the soldiers' families paid tribute to the State's largest National Guard deployment since World War II. The soldiers of 1st Battalion, 128th Infantry spent nearly years training for their mission, and the high standards established during that preparation are now nationally recognized. I applaud the service of the members of the brigade, and I wish them success in their mission to help stabilize Iraq and look forward to their return home next year.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of August 5, 2009, the Acting President pro tempore (Mr. REID) reported that he had signed the following enrolled bills and joint resolutions:

H.R. 774. An act to designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building''.

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1271. An act to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building''.

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1397. An act to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''.

H.R. 2090. An act to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''.

H.R. 2162. An act to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station''.

H.R. 2325. An act to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office''.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building''.

H.R. 2470. An act to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''.

H.R. 2938. An act to extend the deadline for commencement of construction of a hydroelectric project.

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

H.J. Res. 44. Joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

MEASURES REFERRED

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

H.R. 1035. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2093. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''; to the Committee on Environment and Public Works.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 7, 2009, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

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. REED:

S. 1646. A bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs; to the Committee on Finance.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. KERRY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Mr. BEGICH, Mr. BURRIS, and Mr. FRANKEN):

S. 1647. A bill to provide for additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 1648. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. GILLIBRAND (for herself, Mr. CARDIN, Ms. COLLINS, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. LUGAR, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BEGICH):

S. Res. 251. A resolution expressing the sense of the Senate that the Government of Afghanistan, with the support of the international community , should fulfill its obligations to ensure that women fully participate as candidates and voters in the August 20, 2009, presidential and provincial council elections in Afghanistan; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 252. A resolution authorizing the taking of a photograph in the Chamber in the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 245

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 435

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

S. 588

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 588, a bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 690, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 694

At the request of Mr. SPECTER, his name was added as a cosponsor 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. 818

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 818, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 883

At the request of Mr. THUNE, his name was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1002

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1051

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1051, a bill to establish the Centennial Historic District in the Commonwealth of Pennsylvania.

S. 1052

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1282

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1282, a bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies.

S. 1401

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1422

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1516

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1516, a bill to secure the Federal voting rights of persons who have been released from incarceration.

S. 1569

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1569, a bill to expand our Nation's Advanced Practice Registered Nurse workforce.

S. 1611

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1634

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1634, a bill to amend titles XVIII and XIX of the Social Security Act to protect and improve the benefits provided to dual eligible individuals under the Medicare and Medicaid programs.

S.J. RES. 16

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

S. RES. 247

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 247, a resolution designating September 26, 2009, as ''National Estuaries Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 1646. A bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Keep Americans Working Act, legislation to strengthen and expand work share programs to keep Americans working and provide employers with an alternative to layoffs.

This legislation allows employers to reduce the hours of their workers for some period of time and for the workers to receive proportionate unemployment benefits for those reduced hours to lessen the impact on them and their families.

While 17 States, including Rhode Island, are using their resources to provide work share, these programs remain largely underutilized. Indeed, work share is simply not available in ⅔ of States.

In Rhode Island, the number of employees participating in the program has more than tripled this past year to 8,000 workers, in comparison to the year prior. It has also been highly successful. For instance, I recently visited Hope Global in Cumberland, Rhode Island, which has participated in Rhode Island's WorkShare program. At this company, I listened to an employee who worked there with her husband, and they benefitted from this program. She said, point blank: Without it, we would have lost our health care and we would have lost our home.

Other states with work share programs have also experienced an extraordinary increase in participation.

But given Rhode Island's 12.4 percent unemployment rate—the second highest in the country—we can stem even more job loss with this legislation. Specifically, the Keep Americans Working Act provides states with temporary federal financing for 100 percent of work share benefits paid to workers for up to 26 weeks. Employers have to certify that maintenance of health and retirement benefits is not affected by participation in the program. This financing program is available for 2 years.

It also includes important limitations to ensure that taxpayer dollars are provided only when appropriate safeguards are in place. To hold employers accountable, states can assess penalties on employers that break the rules, including those who do not act in good faith to retain participating employees. In addition, to aid States in this effort, the Department of Labor would establish an oversight and monitoring process for state agencies to ensure that participating employers comply with the terms of the written plan approved by the state agency.

Given that State labor agencies are already doing more with less, this legislation also provides for administrative funding, and for those States that are trying to get work share programs off the ground, it provides start-up grants.

It is a win-win for all.

First, work share helps speed economic recovery. Economist Mark Zandi estimates that temporary financing of work share offers a very high ''bang for the buck'' of $1.69. That is, every $1 devoted to finance State work share programs results in $1.69 in real GDP.

Secondly, work share allows businesses to retain skilled workers, temporarily cut costs, and maintain employee morale.

Thirdly, it keeps people working with their health insurance and retirement benefits. This means parents can continue to pay their mortgages and their bills and provide for their families.

This legislation will help stem the tide of joblessness, providing workers, businesses, and communities with the resources to stay afloat while we work our way through these tough economic times.

I urge my colleagues to join me in supporting this important legislation.

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

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

S. 1646

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 ''Keep Americans Working Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

SEC. 3. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

''(1) the participation of an employer is voluntary;

''(2) an employer reduces the number of hours worked by employees through certifying that such reductions are in lieu of temporary layoffs;

''(3) such employees whose workweeks have been reduced by at least 10 percent are eligible for unemployment compensation;

''(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would be payable to the employee if such employee were totally unemployed;

''(5) such employees are not expected to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek;

''(6) eligible employees may participate in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency;

''(7) beginning on the date which is 2 years after the date of enactment of this subsection, the State agency shall require an employer to certify that continuation of health benefits and retirement benefits under a defined benefit pension plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974)) is not affected by participation in the program;

''(8) the State agency shall require an employer (or an employer's association which is party to a collective bargaining agreement) to submit a written plan describing the manner in which the requirements of this subsection will be implemented and containing such other information as the Secretary of Labor determines is appropriate;

''(9) in the case of employees represented by a union, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the National Labor Relations Act; and

''(10) the program meets such other requirements as the Secretary of Labor determines appropriate.''.

(b) ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.—

(1) ASSISTANCE AND GUIDANCE.—

(A) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs, as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by subsection (a)), the Secretary of Labor (in this section referred to as the ''Secretary'') shall—

(i) develop model legislative language which may be used by States in developing and enacting short-time compensation programs and shall periodically review and revise such model legislative language;

(ii) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(iii) establish biannual reporting requirements for States, including number of averted layoffs, number of participating companies and workers, and retention of employees following participation; and

(iv) award start-up grants to State agencies under subparagraph (B).

(B) GRANTS.—

(i) IN GENERAL.—The Secretary shall award start-up grants to State agencies that apply not later than September 30, 2010, in States that enact short-time compensation programs after the date of enactment of this Act for the purpose of creating such programs. The amount of such grants shall be awarded depending on the costs of implementing such programs.

(ii) ELIGIBILITY.—In order to receive a grant under clause (i) a State agency shall meet requirements established by the Secretary, including any reporting requirements under clause (iii). Each State agency shall be eligible to receive not more than one such grant.

(iii) REPORTING.—The Secretary may establish reporting requirements for State agencies receiving a grant under clause (i) in order to provide oversight of grant funds used by States for the creation of short-time compensation programs.

(iv) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies as necessary for the period of fiscal years 2010 and 2011 to carry out this subparagraph.

(2) TIMEFRAME.—The initial model legislative language referred to in paragraph (1)(A) shall be developed not later than 60 days after the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress and to the President a report or reports on the implementation of this section. Such report or reports shall include—

(A) a study of short-time compensation programs;

(B) an analysis of the significant impediments to State enactment and creation of such programs; and

(C) such recommendations as the Secretary determines appropriate.

(2) SUBSEQUENT REPORTS.—After the submission of the report under paragraph (1), the Secretary may submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(3) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, $1,500,000 to carry out this subsection, to remain available without fiscal year limitation.

(d) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v));''.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-term compensation) and inserting the following new paragraph:

''(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v));'', and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking ''the payment of short-time compensation under a plan approved by the Secretary of Labor'' and inserting ''the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)''.

(3) REPEAL.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 4. TEMPORARY FINANCING OF CERTAIN SHORT-TIME COMPENSATION PROGRAMS.

(a) PAYMENTS TO STATES WITH CERTIFIED PROGRAMS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make payments to any State unemployment trust fund to be used for the payment of unemployment compensation if the Secretary approves an application for certification submitted under paragraph (3) for such State to operate a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986 (as added by section 3(a))) which requires the maintenance of health and retirement employee benefits as described in paragraph (7) of such section 3306(v), notwithstanding the otherwise effective date of such requirement.

(2) FULL REIMBURSEMENT.—Subject to subsection (d), the payment to a State under paragraph (1) shall be an amount equal to 100 percent of the total amount of benefits paid to individuals by the State pursuant to the short-time compensation program during the period—

(A) beginning on the date a certification is issued by the Secretary with respect to such program; and

(B) ending on September 30, 2011.

(3) CERTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—Any State seeking full reimbursement under this subsection shall submit an application for certification at such time, in such manner, and complete with such information as the Secretary may require (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (7) of such section 3306(v). The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of such paragraph (7).

(B) FINDINGS.—If the Secretary finds that the short-time compensation program operated by the State meets the requirements of such paragraph (7), the Secretary shall certify such State's short-time compensation program thereby making such State eligible for full reimbursement under this subsection.

(b) TIMING OF APPLICATION SUBMITTALS.—No application under subsection (a)(3) may be considered if submitted before the date of enactment of this Act or after the latest date necessary (as specified by the Secretary) to ensure that all payments under this section are made before September 30, 2011.

(c) TERMS OF PAYMENTS.—Payments made to a State under subsection (a)(1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(d) LIMITATIONS.—

(1) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program that are in excess of 26 weeks of benefits.

(2) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State pursuant to a short-time compensation program if such individual is employed by an employer—

(A) whose workforce during the 3 months preceding the date of the submission of the employer's short-time compensation plan has been reduced by temporary layoffs of more than 20 percent;

(B) on a seasonal, temporary, or intermittent basis; or

(C) engaged in a labor dispute.

(3) PROGRAM PAYMENT LIMITATION.—In making any payments to a State under this section pursuant to a short-time compensation program, the Secretary may limit the frequency of employer participation in such program.

(e) CHARGING RULE.—Under a short-time compensation program reimbursed under this section, a State may require short-time compensation benefits paid to an individual to be charged to a participating employer regardless of the base period charging rule.

(f) RETENTION REQUIREMENT.—

(1) IN GENERAL.—A participating employer under this section is required to comply with the terms of the written plan approved by the State agency and act in good faith to retain participating employees, and the State shall, in the event of any violation, require such employer to repay to the State a sum based on the amount expended by the State under the program as a result of that violation.

(2) OVERSIGHT AND MONITORING.—The Secretary shall establish an oversight and monitoring process by regulation by which State agencies will ensure that participating employers comply with the requirements of paragraph (1).

(3) PENALTY REMITTANCE.—In the case of any State which receives reimbursement under this section, if such State determines that a violation of paragraph (1) has occurred, the State shall transfer an appropriate amount to the United States of the repayment the State required of the employer pursuant to such paragraph.

(g) FUNDING.—There are appropriated, from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Secretary, such sums as the Secretary certifies are necessary to carry out this section (including to reimburse any additional administrative expenses incurred by the States in operating such short-time compensation programs).

(h) DEFINITION OF STATE.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. KERRY, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Mr. BEGICH, Mr. BURRIS, and Mr. FRANKEN):

S. 1647. A bill to provide for additional emergency unemployment compensation, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Assistance for Unemployed Workers Extension Act, legislation to extend unemployment insurance benefits so people can pay their bills while they look for work. These benefits are set to expire at the end of this year. I am joined in introducing this critical legislation by Senators DURBIN, SCHUMER, BOXER, LAUTENBERG, LEVIN, STABENOW, WHITEHOUSE, KERRY, MENENDEZ, CARDIN, BROWN, BEGICH, BURRIS, and FRANKEN.

Last fall, I authored the law that provided additional weeks of unemployment insurance for individuals exhausting their benefits. Among other provisions to help stimulate the economy, create jobs, and help the unemployed, the American Recovery and Reinvestment Act extended the termination dates of these unemployment benefits.

Yet, as jobs have become scarcer, we need to do more. My legislation will continue several current-law unemployment compensation programs through 2010.

In addition, it also provides help to those who are getting stuck on unemployment for long periods. Indeed, there is only roughly one job opening for every five job seekers.

The Assistance for Unemployed Workers Extension Act provides 13 additional weeks of unemployment insurance for states like Rhode Island, South Carolina, Oregon, California, Ohio, Michigan, and Georgia as well as

other states which have an unemployment rate at or above 8.5 percent.

Without this legislation, over half a million workers are expected to exhaust their benefits by the end of September, and another 1.5 million are estimated to run out of coverage by the end of the year. This is an extraordinary number of Americans that will face life without a paycheck or an unemployment check during the worst economy since the Great Depression.

While all states are suffering during these very difficult times, my own State of Rhode Island has been hit especially hard, saddled with the second highest unemployment rate and a recession that hit earlier than in any other State.

More than 1,500 Rhode Islanders have exhausted their unemployment insurance benefits this year. By November, another 3,300 unemployed Rhode Islanders will also exhaust their benefits. This is about 150 people each week.

Providing basic support for those who are out-of-work through no fault of their own assures Americans can provide for their families and keep a roof over their heads, stemming the tide of foreclosures and the deterioration of neighborhoods.

As has been the case with past extensions, I look forward to working on a bipartisan basis to pass this legislation. It is critical that we provide help to the growing ranks of the unemployed.

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. 1647

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 ''Assistance for Unemployed Workers Extension Act''.

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 122 Stat. 5015) and section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 436), is amended—

(1) by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2010'';

(2) in the heading for subsection (b)(2), by striking ''DECEMBER 31, 2009'' and inserting ''DECEMBER 31, 2010''; and

(3) in subsection (b)(3), by striking ''May 31, 2010'' and inserting ''May 31, 2011''.

(b) FINANCING PROVISIONS.—Section 4004(e)(1) of such Act, as added by section 2001(b) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 26 U.S.C. 3304 note), is amended by inserting ''and section 2(a) of the Assistance for Unemployed Workers Extension Act'' after ''Act''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2008.

SEC. 3. EXTENSION OF INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) IN GENERAL.—Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 438) is amended—

(1) in paragraph (1)(B), by striking ''January 1, 2010'' and inserting ''January 1, 2011'';

(2) in the heading for paragraph (2), by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''; and

(3) in paragraph (3), by striking ''June 30, 2010'' and inserting ''June 30, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

SEC. 4. THIRD-TIER BENEFITS.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 122 Stat. 5014), is amended by adding at the end the following new subsection:

''(d) THIRD TIER OF BENEFITS.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (in this subsection referred to as 'additional emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (in this subsection referred to as 'further additional emergency unemployment compensation') equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if section 203(d) of such Act—

''(i) were applied by substituting '6' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

''(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 4007(b)(2) of such Act, as amended by section 3, is amended—

(1) by striking ''then section 4002(c)'' and inserting ''then subsections (c) and (d) of section 4002''; and

(2) by striking ''paragraph (2) of such section)'' and inserting ''paragraph (2) of such subsection (c) or (d) (as the case may be))''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2008.

(2) ADDITIONAL BENEFITS.—In applying the amendments made by this section, any additional emergency unemployment compensation made payable by such amendment (which would not otherwise have been payable if such amendment had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

SEC. 5. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 26 U.S.C. 3304 note) is amended—

(1) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''; and

(2) in subsection (c), by striking ''June 1, 2010'' and inserting ''June 1, 2011''.

(b) EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note), as amended by section 2005(d) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 26 U.S.C. 3304 note), is amended by striking ''May 30, 2010'' and inserting ''May 30, 2011''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

(2) FIRST WEEK.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008.

SEC. 6. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 445), is amended—

(1) in clause (iii)—

(A) by striking ''June 30, 2009'' and inserting ''June 30, 2010'';

(B) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by adding at the end of clause (iv) the following: ''In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.''.

(b) ADMINISTRATIVE EXPENSES.—Section 2006(b) of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 445) is amended by adding at the end the following: ''In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $807,000 to cover the administrative expenses associated with the payment of additional

extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Assistance for Unemployed Workers and Struggling Families Act.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 1648. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, I am pleased to join with my partner in reform, the senior Senator from Arizona, to introduce the Federal Election Administration Act of 2009. Americans naturally expect that elections in this country will be honest, fair, and above all, lawful. That is the purpose of the Federal Election Commission, yet the FEC's willingness to enforce the law has gone from bad to worse. Now more than ever, the health of our democracy depends on whether Congress will take decisive action to fix this unpardonably broken agency.

Senator MCCAIN and I originally introduced this bill in 2003, after giving the FEC a fair chance to implement the Bipartisan Campaign Reform Act, or BCRA. Despite our very best efforts and those of our House sponsors, Representatives SHAYS and MEEHAN, the FEC opened new loopholes rather than trying to faithfully discern the intent of the law. It acted as an unelected legislature, substituting its policy judgments for those of Congress.

This is not my personal judgment. This is the judgment of the United States Court of Appeals for the D.C. Circuit, which has struck down over twenty of the FEC's implementing regulations as arbitrary and capricious or directly contrary to the will of Congress. In its most recent opinion in 2008, the court was merciless in its criticism of the FEC. It said some of the FEC's arguments were ''absurd'', or ''fl[y] in the face of common sense''; or ''disregard[] everything Congress, the Supreme Court, and this court have said about campaign finance regulation''; or ''ignore[] both history and human nature.'' It said that one regulation ''provides a clear roadmap'' for using soft money in connection with federal elections, ''directly frustrating BCRA's purpose.'' It said that the rule ''would lead to the exact perception and possibility of corruption Congress sought to stamp out in BCRA.'' This is not language that the American people should ever hear from a court about a law enforcement agency.

The situation has only gotten worse. Earlier this year, the FEC blew a hole through the Honest Leadership and Open Government Act of 2007, issuing a regulation that allows lobbyists to hide the bundling of campaign contributions that the law was designed to make public. The FEC disregarded clear and deliberate statements of congressional intent, not only from me but from then-Senator Barack Obama.

Those laws that the FEC cannot regulate out of existence, it smothers with inaction. During the first six months of 2008, the FEC was effectively closed for business because President Bush insisted on standing behind a nominee, Hans Von Spakovsky, whom the Senate would not confirm. We were in the middle of a presidential election year, with no enforcement of federal election law. That deadlock was broken when Mr. Von Spakovsky's nomination was finally withdrawn and four new Commissioners and one holdover Commissioner were confirmed in July 2008.

But the cure turned out to be worse than the disease. In the words of The Washington Post: ''What's worse than a federal agency that lacks the quorum of commissioners necessary to act on a matter? Answer: An agency that has a quorum in place but is paralyzed from acting anyway because it is deadlocked along party lines.''

The whole point of having six commissioners, three Democrats and three Republicans, was to protect against partisan enforcement of the election laws. But over the past year we've seen election laws enforced against neither party. In well over a dozen cases, whether the likely lawbreaker was linked to George Soros or Mitt Romney, a 3-to-3 deadlock has prevented the FEC professional staff from doing their job. Even admitted offenders have been let off the hook: On at least two occasions, the FEC declined to collect fines that election law violators had already agreed to pay. That's like a district attorney tearing up a criminal's plea bargain.

It gives me no pleasure to say this, but enough is enough. The current structure of the FEC cannot meet the challenges of enforcing our election laws in the 21st century. In this bill, we replace the FEC with a new agency, the Federal Election Administration. The FEA will be helmed by three members instead of six, so that there is always a tiebreaker and we stop seeing perpetual deadlock. The Chair will have a ten-year term to encourage independence. The other two members will have staggered six-year terms. Our hope is that this new agency will not be the captive of the political parties, but instead, led by a strong and independent Chair, will be the trustworthy law enforcement agency that the American people want to see.

To that end, we have followed the model of more effective regulatory agencies such as the EPA, the NLRB, and the SEC. The FEA will have a corps of Administrative Law Judges to adjudicate complaints that the Administration's professional staff will bring. The new agency will have the power to determine violations of our election laws and to assess penalties subject, of course, to judicial review.

Americans want our democratically enacted laws to be enforced, as a matter of public good and public trust. If the EPA doesn't enforce pollution laws, our drinking water gets poisoned. If the SEC doesn't enforce the securities laws, our economy gets poisoned. If the FEC does not enforce election laws, our democracy gets poisoned.

The new Federal Election Administration will ensure that our democracy remains healthy, strong, and fair. I want to thank my friend Senator MCCAIN for all of his work on campaign finance and other reform issues for well over a decade, and I look forward to working closely with him again to pass this bill.

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. 1648

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 ''Federal Election Administration 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—FEDERAL ELECTION ADMINISTRATION

Sec. 101. Establishment of the Federal Election Administration.
Sec. 102. Executive schedule positions.
Sec. 103. GAO examination of enforcement of campaign finance laws by the Department of Justice.
Sec. 104. GAO study and report on appropriate funding levels.
Sec. 105. Conforming amendments.
Sec. 106. Authorization of appropriations.

TITLE II—TRANSITION PROVISIONS

Sec. 201. Transfer of functions of Federal Election Commission.
Sec. 202. Transfer of property, records, and personnel.
Sec. 203. Repeals.
Sec. 204. Conforming amendments.
Sec. 205. Effective date.

TITLE I—FEDERAL ELECTION ADMINISTRATION

SEC. 101. ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle B—Administrative Provisions

''CHAPTER 1—ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION

''SEC. 351. ESTABLISHMENT OF THE FEDERAL ELECTION ADMINISTRATION.

''(a) IN GENERAL.—There is established the Federal Election Administration (in this Act referred to as the 'Administration').

''(b) INDEPENDENT ESTABLISHMENT.—The Administration shall be an independent establishment (as defined in section 104 of title 5, United States Code).

''(c) PURPOSE.—The Administration shall administer, seek to obtain compliance with, enforce, and formulate policy in a manner that is consistent with the language and intent of Congress with respect to the following statutes:

''(1) This Act.

''(2) The Presidential Election Campaign Fund Act under chapter 95 of the Internal Revenue Code of 1986.

''(3) The Presidential Primary Matching Payment Account Act under chapter 96 of the Internal Revenue Code of 1986.

''(d) EXCLUSIVE CIVIL JURISDICTION.—The Administration shall have exclusive jurisdiction with respect to the civil enforcement of the statutes identified in subsection (c).

''(e) VOTING REQUIREMENT.—All decisions of the Administration with respect to the exercise of its duties and powers under this Act, except those expressly reserved for decision by the Chair, shall be made by a majority vote of its members.

''(f) MEETINGS AND QUORUM.—

''(1) MEETINGS.—The Administration shall meet—

''(A) at least once each month; and

''(B) at the call of the Chair.

''(2) QUORUM.—A majority of the members of the Administration shall constitute a quorum.

''(g) SEAL.—The Administration shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Federal Election Administration, shall be kept and used to verify official documents, under such rules and regulations as the Administration may prescribe. Judicial notice shall be taken of the seal.

''(h) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia, but the Administration may meet or exercise any of its powers anywhere in the United States.

''SEC. 352. COMPOSITION OF THE FEDERAL ELECTION ADMINISTRATION.

''(a) IN GENERAL.—The Administration shall be composed of 3 members, 1 of whom shall serve as the Chair of the Administration. No member of the Administration shall—

''(1) be affiliated with the same political party as any other member of the Administration while serving as a member of the Administration; or

''(2) have been affiliated with the same political party as any other member of the Administration at any time during the 5-year period ending on the date on which such individual is nominated to be a member of the Administration.

''(b) APPOINTMENT.—

''(1) IN GENERAL.—Each member of the Administration shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) CHAIR.—The President shall, at the time of nomination of the first 3 members of the Administration, designate 1 of the 3 to serve as the Chair. Any individual appointed to succeed, or to fill the unexpired term of, that member (or any member succeeding that member) shall serve as the Chair.

''(3) QUALIFICATIONS.—

''(A) An individual who is appointed under paragraph (1) shall—

''(i) possess demonstrated integrity, independence, and public credibility; and

''(ii) shall have not less than 5 years professional experience in law enforcement, including such experience gained—

''(I) in service as a member of the judiciary;

''(II) as a member or an employee of a Federal, State, or local campaign finance or ethics enforcement agency; or

''(III) as a law enforcement official in a Federal or State enforcement agency or office.

''(B) An individual may not be appointed under paragraph (1) if—

''(i) such individual is serving or has served as a member of the Federal Election Commission subject to a term limit; or

''(ii) at any time during the 4-year period ending on the date of the nomination of such individual, the individual was—

''(I) a candidate, an employee of a candidate, or an attorney for a candidate;

''(II) an elected officeholder, an employee of an elected officeholder, or an attorney for an elected officeholder;

''(III) an officer or employee of a political party or an attorney for a political party; or

''(IV) employed in a position in the executive branch of the Government of a confidential or policy-determining character under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

''(c) TERM OF OFFICE.—

''(1) IN GENERAL.—

''(A) CHAIR.—The Chair of the Administration shall be appointed for a term of 10 years.

''(B) OTHER MEMBERS.—Subject to subparagraph (C), the 2 members of the Administration other than the Chair shall be appointed for a term of 6 years.

''(C) INITIAL APPOINTMENTS.—Of the members initially appointed under subparagraph (B), 1 member shall be appointed for a term of 3 years.

''(2) LIMITATION TO ONE TERM.—A member of the Administration may only serve 1 term, except that—

''(A) the individual appointed under subparagraph (B) of paragraph (1) who is appointed for the term described in subparagraph (C) of such paragraph may be appointed to a 6-year term in addition to the term described in such subparagraph; and

''(B) an individual appointed under paragraph (4) to fill the remainder of an unexpired term that has less than ½ of the term remaining may be appointed to serve another term.

''(3) EXPIRED TERMS.—An individual may continue to serve as a member of the Administration after the expiration of such individual's term until the earlier of—

''(A) the date on which such individual's successor has taken office; or

''(B) 1 year following the date on which the term of such member expired.

''(4) VACANCIES.—An individual appointed upon a vacancy occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed only for the unexpired term of the predecessor. Such vacancy shall be filled in the same manner as the original appointment.

''(5) OTHER ACTIVITIES.—An individual may not engage in any other business, vocation, or employment while serving as a member of the Administration.

''(d) REMOVAL.—A member of the Administration may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

''SEC. 353. STAFF DIRECTOR.

''(a) IN GENERAL.—There shall be in the Administration a staff director.

''(b) RESPONSIBILITIES.—The staff director—

''(1) shall assist the Administration in its administration and operations;

''(2) shall perform such responsibilities as the Administration shall prescribe; and

''(3) may, with the approval of the Chair—

''(A) appoint and fix the pay of such additional personnel as the staff director considers appropriate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

''(B) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).

''(c) APPOINTMENT.—The staff director shall be appointed by the Chair, after consultation with the other members of the Administration.

''(d) OTHER ACTIVITIES.—An individual may not engage in any other business, vocation, or employment while serving as the staff director.

''SEC. 354. GENERAL COUNSEL.

''(a) IN GENERAL.—There shall be in the Administration a general counsel.

''(b) RESPONSIBILITIES.—The general counsel shall—

''(1) serve as the chief legal officer of the Administration;

''(2) provide legal assistance to the Administration concerning its programs and policies;

''(3) advise and assist the Administration in carrying out its responsibilities under section 361; and

''(4) represent the Administration in any proceeding in court or before an administrative law judge.

''(c) APPOINTMENT.—The general counsel shall be appointed by the Chair, subject to approval by majority vote of the members of the Administration.

''SEC. 355. INSPECTOR GENERAL.

''There shall be in the Administration an inspector general. The inspector general and the office of inspector general shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

''CHAPTER 2—OPERATION OF THE FEDERAL ELECTION ADMINISTRATION

''SEC. 361. POWERS OF THE CHAIR AND ADMINISTRATION.

''(a) CHAIR.—

''(1) IN GENERAL.—The Chair shall be the chief administrative officer of the Administration with the authority to administer the Administration and shall, after consultation with the other 2 members of the Administration, have the power to appoint or remove the staff director and to establish the budget of the Administration.

''(2) OTHER POWERS.—The Chair has the power—

''(A) to the fullest extent practicable, to request the assistance of other agencies and departments of the United States, including the personnel and facilities of such agencies and departments and the heads of such agencies and departments may make available to the Chair such personnel, facilities, and other assistance, with or without reimbursement;

''(B) to appoint, assign, remove, and compensate administrative law judges in accordance with title 5, United States Code;

''(C) to require, by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Chair may prescribe;

''(D) to administer oaths or affirmations;

''(E) to issue and enforce subpoenas in accordance with section 364;

''(F) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Chair and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under subparagraph (E);

''(G) to pay witnesses fees and mileage in accordance with section 364(d); and

''(H) to make independent budget requests to Congress in accordance with section 362.

''(b) ADMINISTRATION.—The Administration shall have the power—

''(1) to initiate, defend, or appeal, through the general counsel, any civil action in the name of the Administration to enforce the provisions of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

''(2) to assess civil penalties for violations of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

''(3) to issue cease-and-desist orders to prevent violations of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

''(4) to establish procedures and schedules for agency adjudication that ensure timely enforcement of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986;

''(5) to render advisory opinions under section 363;

''(6) to develop prescribed forms, and to make, amend, and repeal rules, pursuant to section 365;

''(7) to establish procedures for alternative dispute resolution of violations of this Act or of chapters 95 or 96 of the Internal Revenue Code of 1986;

''(8) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities; and

''(9) to transmit to the President and to Congress not later than June 1 of each year, a report which states in detail the activities of the Administration in carrying out its duties under this Act, and which includes any recommendations for any legislative or other action the Administration considers appropriate.

''SEC. 362. INDEPENDENT BUDGET REQUESTS AND LEGISLATIVE PROPOSALS.

''(a) EXEMPTION FROM OMB OVERSIGHT.—Whenever the Chair submits any budget estimate or request to the President or the Office of Management and Budget, the Chair shall concurrently transmit a copy of such estimate or request to Congress.

''(b) AUTHORITY TO MAKE INDEPENDENT LEGISLATIVE RECOMMENDATIONS.—Whenever the Administration submits any legislative recommendation, testimony, or comments on legislation requested by Congress or by any Member of Congress, to the President or the Office of Management and Budget, the Administration shall concurrently transmit a copy thereof to Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Administration to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to Congress.

''SEC. 363. ADVISORY OPINIONS.

''(a) REQUESTS FOR ADVISORY OPINIONS.—

''(1) IN GENERAL.—Not later than 60 days after the Administration receives from a person a complete written request concerning the application of this Act, chapter 95 or 96 of the Internal Revenue Code of 1986, or a rule or regulation prescribed by the Administration, with respect to a specific transaction or activity by the person, the Administration shall render a written advisory opinion relating to such transaction or activity to the person.

''(2) REQUESTS BY CANDIDATES.—If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Administration shall render a written advisory opinion relating to such request not later than 20 days after the Administration receives a complete written request.

''(b) RULEMAKING REQUIRED.—Any rule of law which is not stated in this Act or in chapter 95 or 96 of the Internal Revenue Code of 1986 may be initially proposed by the Administration only as a rule or regulation pursuant to procedures established in section 365. No opinion of an advisory nature may be issued by the Administration or any other officer or employee of the Administration except in accordance with the provisions of this section.

''(c) RELIANCE ON ADVISORY OPINIONS.—

''(1) IN GENERAL.—Any advisory opinion rendered by the Administration under subsection (a) may be relied upon by—

''(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

''(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

''(2) PROTECTION FROM LIABILITY.—Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or 96 of the Internal Revenue Code of 1986.

''(d) PUBLICATION OF REQUESTS.—The Administration shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Administration shall accept written comments submitted by any interested party within the 10-day period following the date on which the request is made public.

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any person adversely affected by an advisory opinion rendered by the Administration may obtain judicial review of such advisory opinion by filing a petition in the United States Court of Appeals for the District of Columbia Circuit.

''(2) SCOPE OF REVIEW.—For purposes of conducting the judicial review described in paragraph (1), the provisions of section 706 of title 5, United States Code, shall apply.

''SEC. 364. ISSUANCE AND ENFORCEMENT OF SUBPOENAS.

''(a) ISSUANCE BY THE CHAIR.—If the Administration is conducting an investigation pursuant to section 371 or 372, the Chair shall, on behalf of the Administration, have the power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of the Administration's duties.

''(b) ISSUANCE BY AN ADMINISTRATIVE LAW JUDGE.—Any administrative law judge presiding over an enforcement action pursuant to section 373 shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the administrative law judge's duties.

''(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

''(1) ISSUANCE.—Subpoenas issued under subsection (a) or (b) shall bear the signature of the Chair or an administrative law judge, respectively, and shall be served by any person or class of persons designated by the Chair or administrative law judge for that purpose.

''(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) or (b), the Federal district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

''(d) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Administration. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Administration.

''(e) JURISDICTION.—Subpoenas for witnesses who are required to attend a Federal district court may run into any other district.

''SEC. 365. RULEMAKING AUTHORITY.

''(a) IN GENERAL.—The Administration may, pursuant to the provisions of chapter 5 of title 5, United States Code, prescribe such rules and regulations as the Administration deems necessary to carry out the provisions of this Act and chapters 95 and 96 of the Internal Revenue Code of 1986, including the authority to promulgate rules of practice and procedure for agency adjudications.

''(b) AUTHORITY TO PROMULGATE INDEPENDENT REGULATIONS.—Whenever the Administration promulgates any regulation, it shall not be required to submit such regulation for review or approval to the President or the Office of Management and Budget.

''(c) CONDUCT OF ACTIVITIES.—The Administration shall prepare written rules for the conduct of its activities, including procedures for the conduct of enforcement actions under sections 371, 372, and 373.

''(d) FORMS.—

''(1) IN GENERAL.—The Administration shall prescribe forms necessary to implement this Act and chapters 95 and 96 of the Internal Revenue Code of 1986.

''(2) PUBLIC PROTECTION.—Any forms prescribed by the Administration under paragraph (1), and any information-gathering activities of the Administration under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

''(e) RELIANCE UPON RULES AND REGULATIONS.—Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Administration in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or 96 of the Internal Revenue Code of 1986.

''(f) CONSULTATION WITH IRS.—In prescribing rules, regulations, and forms under this section, the Administration and the Secretary of the Treasury shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Administration shall report to Congress annually on the steps it has taken to comply with this subsection.

''(g) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any person adversely affected by a rule, regulation, or form promulgated by the Administration may obtain judicial review of such rule, regulation, or form by filing a petition in the United States Court of Appeals for the District of Columbia Circuit.

''(2) SCOPE OF REVIEW.—For purposes of conducting the judicial review described in paragraph (1), the provisions of section 706 of title 5, United States Code, shall apply.

''(h) RULE AND REGULATION DEFINED.—In this Act, the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

''SEC. 366. LITIGATION AUTHORITY.

''(a) IN GENERAL.—Notwithstanding sections 516 and 518 of title 28, United States Code, and section 3106 of title 5, United States Code, the Administration is authorized to bring, appear in, defend against, and appeal any action instituted under this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, in any court either—

''(1) by attorneys employed by the Administration; or

''(2) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

''(b) COMPENSATION OF APPOINTED COUNSEL.—The compensation of counsel appointed on a temporary basis under subsection (a)(2) shall be paid out of any funds otherwise available to pay the compensation of employees of the Administration.

''(c) INDEPENDENCE FROM ATTORNEY GENERAL.—In pursuing an action under this section, the Administration may act independently of the Attorney General.

''SEC. 367. AVAILABILITY OF REPORTS.

''(a) IN GENERAL.—The Administration shall—

''(1) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

''(2) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

''(3) within 48 hours after the time of the receipt by the Administration of reports and statements filed with the Administration, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee;

''(4) keep such designations, reports, and statements for a period of 10 years from the date of receipt and maintain computerized records of such designations, reports, and statements thereafter;

''(5)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, publish the index at regular intervals, and make the index available for purchase directly or by mail;

''(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multicandidate committees, including in such index a list of multicandidate committees; and

''(C) compile and maintain a list of multicandidate committees, which shall be revised and made available monthly;

''(6) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act; and

''(7) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections.

''(b) PSEUDONYMS.—For purposes of subsection (a)(3), a political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, but only if such committee attaches a list of such pseudonyms to the appropriate report. The Administration shall exclude these lists from the public record.

''(c) CONTRACTS.—The Administration may enter into contracts for the purpose of performing the duties described in subsection (a).

''(d) AVAILABILITY OF REPORTS.—Reports or other information described in subsection (a) shall be available to the public, except that—

''(1) copies shall be made available without cost, upon request, to agencies and branches of the Federal Government; and

''(2) information made available as a result of the application of paragraph (7) of such subsection shall be made available to the public only upon the payment of the cost thereof.

''SEC. 368. AUDITS AND FIELD EXAMINATIONS.

''(a) IN GENERAL.—The Administration may, in accordance with the provisions of this section, conduct audits and field investigations of any political committee required to file a report under section 304.

''(b) PRIORITY.—All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be given priority.

''(c) AUDITS AND FIELD EXAMINATIONS WHERE THRESHOLDS NOT MET.—

''(1) INTERNAL REVIEW.—The Administration shall conduct an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Administration.

''(2) AUDITS AND FIELD EXAMINATIONS.—The Administration may vote to conduct an audit and field investigation of any committee which it determines under paragraph (1) does not meet the threshold requirements established by the Administration. Such audits shall be commenced within 30 days of such vote, except that any audit under the provisions of this subsection of an authorized committee of a candidate shall be commenced within 6 months of the election for which such committee is authorized.

''(d) RANDOM AUDITS.—

''(1) IN GENERAL.—In addition to any audits conducted under subsection (c), the Administration may, subject to paragraph (2), conduct audits of any committee selected at random to ensure compliance with this Act. The selection of any committee under this paragraph shall be based on standards and procedures adopted by the Administration, except that in any calendar year such audits may be initiated against no more than 3 percent of all authorized candidate campaign committees.

''(2) APPLICABLE RULES.—

''(A) IN GENERAL.—If the Administration selects a committee for audit under paragraph (1), the Administration shall promptly notify the committee of the selection and commence the audit within 30 days of the selection.

''(B) SPECIAL RULES FOR AUTHORIZED COMMITTEES.—If the committee selected under paragraph (1) is an authorized committee of a candidate, the audit—

''(i) shall be commenced and actively undertaken within 6 months of the election for which the committee is authorized; and

''(ii) may examine compliance with this Act only with respect to that election.

''(3) EXCEPTION.—This subsection shall not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.

''SEC. 369. CONGRESSIONAL OVERSIGHT.

''Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of Congress or any committee of Congress with respect to elections for Federal office.

''CHAPTER 3—ENFORCEMENT

''SEC. 371. INITIATION OF ENFORCEMENT ACTIONS BY ADMINISTRATION.

''(a) IN GENERAL.—The Administration may initiate a civil enforcement action under section 373 if, after conducting an investigation, the Administration finds reasonable grounds to believe that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 has occurred or is about to occur.

''(b) BASIS FOR FINDINGS.—The Administration may make a finding under subsection (a) based on any information available to the Administration, including the filing of a complaint under section 372.

''(c) NOTICE AND OPPORTUNITY TO DEMONSTRATE NO VIOLATION.—Prior to initiating an enforcement action under subsection (a), the Administration shall give any person under investigation notice and the opportunity to demonstrate that there are no reasonable grounds to believe a violation has occurred or is about to occur, but the Administration's decision on such matter shall not be subject to judicial review.

''SEC. 372. COMPLAINT TO INITIATE ENFORCEMENT ACTION.

''(a) FILING OF COMPLAINT.—

''(1) IN GENERAL.—Any person may file a complaint with the Administration alleging a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986.

''(2) TECHNICAL REQUIREMENTS.—A complaint filed under paragraph (1) shall be—

''(A) in writing, signed, and sworn to by the person filing such complaint;

''(B) notarized; and

''(C) made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code.

''(3) ACTION BY THE ADMINISTRATION.—Subject to paragraph (4), based on the allegations in a complaint filed under paragraph (1), and such investigations the Administration deems necessary and appropriate, the Administration may—

''(A) initiate a civil enforcement action under section 373 if the Administration finds reasonable grounds to believe a violation has occurred or is about to occur; or

''(B) dismiss the complaint.

''(4) PROHIBITION OF ANONYMOUS COMPLAINTS.—The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Administration.

''(5) RECOVERY OF COSTS.—Any person who has filed a complaint under paragraph (1) shall be entitled to recover from the Administration up to $1,000 of the costs incurred in preparing and filing the complaint if, based on the complaint, the Administration—

''(A) makes a finding under section 373(a) that a person has violated (or is about to violate) the Act; or

''(B) enters into a conciliation agreement with a person under section 373(c).

''(b) NOTICE AND OPPORTUNITY TO DEMONSTRATE NO VIOLATION.—Prior to initiating an enforcement action under subsection (a)(3)(A), the Administration shall give any person named in a complaint notice and an opportunity to demonstrate that there are no reasonable grounds to believe a violation described in such subsection has occurred or is about to occur, but the Administration's determination under subsection (a)(3) shall not be subject to judicial review in an action brought by such person.

''(c) FAILURE BY THE ADMINISTRATION TO TAKE TIMELY ACTION.—

''(1) IN GENERAL.—If the Administration—

''(A) dismisses a complaint filed under subsection (a); or

''(B) fails to initiate a civil enforcement action under section 373 within 180 days of the filing of such a complaint, the person filing the complaint under subsection (a) may seek judicial review of the Administration's dismissal, or failure to act, in Federal district court in the District of Columbia or in the district in which such person resides.

''(2) SCOPE OF REVIEW.—The court shall review the Administration's dismissal of the

complaint or failure to act in accordance with the provisions of section 706 of title 5, United States Code.

''(3) COURT ORDERS.—The court may order the Administration to initiate an enforcement action or to conduct a further investigation of the complaint within a time set by the court.

"SEC. 373. CIVIL ENFORCEMENT ACTIONS.

''(a) IN GENERAL.—The Administration shall have the authority to impose a civil monetary penalty under section 375, issue a cease-and-desist order under section 376, or do both, if the Administration finds, by an order made on the record after notice and an opportunity for hearing before an administrative law judge pursuant to subchapter II of chapter 5 of title 5, United States Code, that a person has violated (or, in the case of a cease-and-desist order, has violated or is about to violate) this Act or chapter 95 or 96 of the Internal Revenue Code of 1986. The general counsel shall represent the Administration in any proceeding before an administrative law judge.

''(b) NOTICE AND REQUEST FOR HEARING.—

''(1) NOTICE.—If the Administration finds under section 371 or 372 that there are reasonable grounds to believe a violation has occurred or is about to occur, the Administration shall serve written notice of the charges on each respondent, and shall conduct such further investigation as the Administration deems necessary and appropriate.

''(2) REQUEST FOR HEARING.—Each respondent shall have an opportunity to request, prior to the date that is 30 days after the date on which the notice is received, a hearing on the charges before an administrative law judge.

''(3) EFFECT OF FAILURE TO REQUEST A HEARING.—If no hearing is requested, the Administration shall make a finding on the charges, and shall issue whatever relief the Administration deems appropriate under sections 375 and 376.

''(c) CONCILIATION.—

''(1) PROCEDURES FOR ENTERING INTO CONCILIATION AGREEMENTS.—

''(A) IN GENERAL.—If the respondent requests a hearing under subsection (b)(2), the Administration shall attempt, for a period that does not exceed 60 days (or 15 days if the hearing is requested within 60 days of an election), to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the respondent. In the case of a hearing that is requested at a time other than within 60 days of an election, the period for conciliation shall not be less than 30 days unless an agreement is reached before then.

''(B) INCLUSION OF CIVIL MONETARY PENALTIES.—A conciliation agreement may include a requirement that the person involved in such conciliation shall pay a civil monetary penalty that does not exceed the amounts set forth in subsection (a) of section 375 or, in the case of a knowing and willful violation, the amounts set forth in subsection (b) of such section. The conciliation agreement may also include the requirement that the person involved consent to the terms of a cease-and-desist order, as provided in section 376.

''(C) REPRESENTATION BY GENERAL COUNSEL.—The general counsel shall represent the Administration in any negotiations for a conciliation agreement and any such conciliation agreement shall be subject to the approval of the Administration.

''(D) BAR TO FURTHER ACTION.—A conciliation agreement, unless violated, is a complete bar to any further action by the Administration.

''(2) CONFIDENTIALITY.—No action by the Administration or any other person, and no information derived in connection with any conciliation attempt by the Administration may be made public by the Administration, without the written consent of the respondent, except that if a conciliation agreement is agreed upon and signed by the Administration and the respondent, the Administration shall make such agreement public.

''(3) VIOLATION OF CONCILIATION AGREEMENT.—In any case in which a person has entered into a conciliation agreement with the Administration under paragraph (1), the Administration may institute a civil action for relief if the Administration believes the person has violated any provision of such conciliation agreement. Such civil action shall be brought in the Federal district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia. Such court shall have jurisdiction to issue any relief appropriate under sections 375 and 376. For the Administration to obtain relief in any such action, the Administration need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

''(d) HEARING.—At the request of any respondent, a hearing on the charges served under subsection (b)(1) shall be conducted before an administrative law judge, who shall make such findings of fact and conclusions of law as the administrative law judge deems appropriate. The administrative law judge shall also have the authority to impose a civil monetary penalty on the respondent, issue a cease-and-desist order, or both. The decision of the administrative law judge shall constitute final agency action unless an appeal is taken under subsection (e).

''(e) APPEAL TO ADMINISTRATION.—

''(1) RIGHT TO APPEAL.—The general counsel and each respondent shall each have a right to appeal to the Administration from any final determination made by an administrative law judge.

''(2) REVIEW OF ALJ DETERMINATIONS.—In the event of an appeal under paragraph (1), the Administration shall review the determination of the administrative law judge to determine whether—

''(A) a finding of material fact is not supported by substantial evidence;

''(B) a conclusion of law is erroneous;

''(C) the determination of the administrative law judge is contrary to law or to the duly promulgated rules or decisions of the Administration;

''(D) a prejudicial error of procedure was committed; or

''(E) the decision or the relief ordered is otherwise arbitrary, capricious, or an abuse of discretion.

''(3) FINAL AGENCY ACTION.—The decision of the Administration shall constitute final agency action.

''(f) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any party aggrieved by a final agency action and who has exhausted all administrative remedies, including requesting a hearing before an administrative law judge and appealing an adverse decision of an administrative law judge to the Administration, may obtain judicial review of such action in the United States Court of Appeals for any circuit wherein such person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit.

''(2) SCOPE OF REVIEW.—For purposes of conducting the judicial review described in paragraph (1), the provisions of section 706 of title 5, United States Code, shall apply.

''(3) PETITION FOR JUDICIAL REVIEW.—To obtain judicial review under paragraph (1), an aggrieved party described in such paragraph shall file a petition with the court during the 30-day period beginning on the date on which the order was issued. A copy of such petition shall be transmitted forthwith by the clerk of the court to the Administration, and thereupon the Administration shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.

"SEC. 374. NOTIFICATION OF NONFILERS.

''(a) NOTIFICATION.—Before taking any action under section 373 against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Administration shall notify the person of such failure to file the required reports.

''(b) OPPORTUNITY FOR RESPONSE.—If a satisfactory response is not received within 4 business days after the date of notification, the Administration shall, pursuant to section 367(a)(6), publish before the election the name of the person and the report or reports such person has failed to file.

"SEC. 375. CIVIL MONETARY PENALTIES.

''(a) IN GENERAL.—Any person who violates this Act, or chapter 95 or 96 of the Internal Revenue Code of 1986, shall be liable to the United States for a civil monetary penalty for each violation which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation. Such penalty shall be imposed by the Administration pursuant to section 373.

''(b) KNOWING AND WILLFUL VIOLATIONS.—Any person who commits a knowing and willful violation of this Act, or of chapter 95 or 96 of the Internal Revenue Code of 1986, shall be liable to the United States for a civil monetary penalty for each violation which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation). Such penalty shall be imposed by the Administration pursuant to section 373.

''(c) DETERMINATION OF CIVIL MONETARY PENALTY.—In determining the amount of a civil monetary penalty under this section with respect to a violation described in this section, the Administration or an administrative law judge shall take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, any prior violation, the degree of culpability, and such other matters as justice may require.

''(d) REFERRAL TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the Administration determines that a knowing and willful violation of this Act which is subject to section 379, or a knowing and willful violation of chapter 95 or 96 of the Internal Revenue Code of 1986, has occurred or is about to occur, the Administration may refer such apparent violation to the Attorney General without regard to any limitations set forth under section 373.

''(2) REPORTING BY THE ATTORNEY GENERAL.—Whenever the Administration refers an apparent violation to the Attorney General, the Attorney General shall report to the Administration any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Administration refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

"SEC. 376. CEASE-AND-DESIST ORDERS.

''(a) IN GENERAL.—If the Administration finds, after notice and opportunity for hearing under section 373, that any person is violating, has violated, or is about to violate any provision of this Act, or chapter 95 or 96 of the Internal Revenue Code of 1986, or any rule or regulation thereunder, the Administration may publish any findings and enter an order requiring such person, or any other person that is, was, or would be a cause of the violation due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply (or to take steps to effect compliance) with such provision, rule, or regulation, upon such terms and conditions and within such time as the Administration may specify in such order.

''(b) TEMPORARY ORDER.—Whenever the Administration determines that an alleged violation or threatened violation specified in the notice initiating a civil enforcement action under section 373, or the continuation thereof, is likely to result in violation of this Act, or of chapter 95 or 96 of the Internal Revenue Code of 1986, and substantial harm to the public interest, the Administration may apply to the Federal district court for the district in which the respondent resides or has its principal place of business, in which the alleged or threatened violation occurred or is about to occur, or for the District of Columbia, for a temporary restraining order or a preliminary injunction requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation. The Administration may apply for such order without regard to any limitation under section 373.

"SEC. 377. COLLECTION.

''If any person fails to pay an assessment of a civil penalty—

''(1) after the order making the assessment has become a final order and such person has not timely filed a petition for judicial review of the order in accordance with section 373(f)(3) or if the order of the Administration is upheld after judicial review; or

''(2) after a court in an action brought under section 373(c)(3) has entered a final judgment no longer subject to appeal in favor of the Administration, the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in section 373(f)(3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"SEC. 378. CONFIDENTIALITY.

''(a) PRIOR TO A FINDING OF REASONABLE GROUNDS.—Any proceedings conducted by the Administration prior to a finding that there are reasonable grounds to believe a violation of the law has occurred or is about to occur, including any investigation pursuant to section 371 or pursuant to a complaint filed under section 372, shall be confidential and none of the Administration's records concerning the complaint shall be made public, except that the person filing a complaint pursuant to section 372 is permitted to make such complaint public.

''(b) AFTER A FINDING OF REASONABLE GROUNDS.—Except as provided in subsection (d), if the Administration makes a finding pursuant to section 371 or 372 that there are reasonable grounds to believe that a violation of law has occurred or is about to occur—

''(1) the finding of the Administration as well as any complaint filed under section 372, any notice of charges, and any answer or similar documents filed with the Administration shall be made public; and

''(2) all proceedings conducted before an administrative law judge under section 373, and all documents used during such proceedings, shall be made public.

''(c) AFTER DISMISSAL OF A COMPLAINT OR CONCLUSION OF PROCEEDINGS FOLLOWING A FINDING OF REASONABLE GROUNDS.—Subject to subsection (d), following the Administration's dismissal of a complaint filed under section 372 or the termination of proceedings following a finding of reasonable grounds under section 371 or 372, the Administration shall, not later than the date that is 30 days after such dismissal or termination, make public—

''(1) the complaint, any notice of charges, and any answer or similar documents filed with the Administration (unless such information has already been made public under subsection (b)(1));

''(2) any order setting forth the Administration's final action on the complaint;

''(3) any findings made by the Administration in relation to the action; and

''(4) all documentary materials and testimony constituting the record on which the Administration relied in taking its actions.

Subject to subsection (d), the affirmative disclosure requirement of this subsection is without prejudice to the right of any person to request and obtain records relating to an investigation under section 552 of title 5, United States Code.

''(d) CONFIDENTIALITY OF RECORDS AND PROCEEDINGS OTHERWISE SUBJECT TO DISCLOSURE.—

''(1) IN GENERAL.—The Administration shall issue regulations providing for the protection of information the disclosure of which under subsection (b) or (c) would impair any person's constitutionally protected right of privacy, freedom of speech, or freedom of association. The Administration shall also issue regulations addressing the application of exemptions from disclosure contained in section 552 of title 5, United States Code, to records comprising the Administration's investigative files. Such regulations shall consider the need to protect any person's constitutionally protected rights to privacy, freedom of speech, and freedom of association, as well as the need to make information about the Administration's activities and decisions widely accessible to the public.

''(2) PETITION TO MAINTAIN CONFIDENTIALITY.—

''(A) IN GENERAL.—Any person who would be adversely affected by any disclosure of information about the person made pursuant to subsection (b) or (c), or by the conduct in public of a hearing or other proceeding conducted pursuant to section 373, shall have the right to petition the Administration to maintain the confidentiality of such information or such proceeding on the ground that such information falls within the scope of any exemption from disclosure contained in section 552 of title 5, United States Code, or is prohibited from disclosure under the Administration's regulations, the Constitution, or any other provision of law. Upon the receipt of such petition, the Administration shall make a prompt determination whether the information should be kept confidential, and shall withhold such information from disclosure pending this determination. The Administration shall notify the petitioner in writing of the determination.

''(B) REGULATIONS.—The Administration shall prescribe regulations governing the consideration of petitions under this paragraph. Such regulations shall provide for public notice of the pendancy of any petition filed under subparagraph (A) and the right of any interested party to respond to or comment on such petition.

''(e) PENALTIES.—Any member or employee of the Administration, or any other person, who violates the provisions of this section shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of this section shall be fined not more than $5,000.

"SEC. 379. CRIMINAL PENALTIES.

''(a) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully commits a violation of any provision of this Act that involves the making, receiving, or reporting of any contribution, donation, or expenditure—

''(1) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

''(2) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

''(b) CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS.—In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in subsection (a) shall apply to each violation involving an amount aggregating $250 or more during a calendar year. Such a violation of section 316(b)(3) may incorporate a violation of section 317(a), 320, or 321.

''(c) FRAUDULENT MISREPRESENTATION OF CAMPAIGN AUTHORITY.—In the case of a knowing and willful violation of section 322, the penalties set forth in subsection (a) shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

''(d) PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER.—Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than $10,000 during a calendar year shall be—

''(1) imprisoned for not more than 2 years if the amount is less than $25,000 and subject to imprisonment under subsection (a) if the amount is $25,000 or more;

''(2) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

''(A) $50,000; or

''(B) 1,000 percent of the amount involved in the violation; or

''(3) both imprisoned as provided under paragraph (1) and fined as provided under paragraph (2).

''(e) EFFECT OF CONCILIATION AGREEMENTS.—

''(1) EVIDENCE OF LACK OF KNOWLEDGE AND INTENT.—In any criminal action brought for a violation of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Administration under section 373(c)(1) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

''(2) CONSIDERATION BY COURTS.—In any criminal action brought for a violation of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, the court before which such action is brought

shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

''(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Administration under section 373(c)(1);

''(B) the conciliation agreement is in effect; and

''(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

''SEC. 380. PERIOD OF LIMITATIONS.

''No person shall be prosecuted, tried, or punished for any violation of this Act, unless the indictment is found or the information is instituted within 5 years after the date of the violation.

''SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

''For each fiscal year, there are authorized to be appropriated to the Administration such sums as may be necessary for the purpose of carrying out its functions under this Act and under chapters 95 and 96 of the Internal Revenue Code of 1986.''.

SEC. 102. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Chair, Federal Election Administration.''.

(b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Members (other than the Chair), Federal Election Administration.

''Staff Director, Federal Election Administration.

''Inspector General, Federal Election Administration.''.

(c) EXECUTIVE SCHEDULE LEVEL V POSITION.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''General Counsel, Federal Election Administration.''.

SEC. 103. GAO EXAMINATION OF ENFORCEMENT OF CAMPAIGN FINANCE LAWS BY THE DEPARTMENT OF JUSTICE.

(a) EXAMINATION.—The Comptroller General of the United States shall conduct a thorough examination of the enforcement of the criminal provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and chapters 95 and 96 of the Internal Revenue Code of 1986 by the Attorney General.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Attorney General and Congress a report on the examination conducted under subsection (a) together with recommendations on how the Attorney General may improve the enforcement of the criminal provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and chapters 95 and 96 of the Internal Revenue Code of 1986, including recommendations on the resources that the Attorney General would require to effectively enforce such criminal provisions.

SEC. 104. GAO STUDY AND REPORT ON APPROPRIATE FUNDING LEVELS.

(a) STUDY.—The Comptroller General of the United States shall conduct an ongoing study on the level of funding that constitutes an adequate level of resources for the Federal Election Administration to competently execute the responsibilities imposed on the Administration by this Act.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Comptroller General shall submit to the Director of the Office of Management and Budget and Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Comptroller General determines to be appropriate.

SEC. 105. CONFORMING AMENDMENTS.

(a) INDEPENDENT AGENCY.—Section 104 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) the Federal Election Administration.''.

(b) COVERAGE UNDER INSPECTOR GENERAL ACT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''.

(c) COVERAGE OF PERSONNEL UNDER HATCH ACT.—Section 7323(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''; and

(2) in paragraph (2)(B)(i)(I), by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''.

(d) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''.

(e) SUBTITLE A.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting before section 301 the following:

''Subtitle A—General Provisions''.

TITLE II—TRANSITION PROVISIONS

SEC. 201. TRANSFER OF FUNCTIONS OF FEDERAL ELECTION COMMISSION.

There are transferred to the Federal Election Administration established under section 351 of the Federal Election Campaign Act of 1971 (as added by section 101) all functions that the Federal Election Commission exercised before the date described in section 205(a).

SEC. 202. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this title are transferred to the Federal Election Administration.

(b) PERSONNEL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this title are transferred to the Federal Election Administration.

SEC. 203. REPEALS.

The following provisions of the Federal Election Campaign Act of 1971 are repealed:

(1) Section 306 (2 U.S.C. 437c).

(2) Section 307 (2 U.S.C. 437d).

(3) Section 308 (2 U.S.C. 437f).

(4) Section 309 (2 U.S.C. 437g).

(5) Section 310 (2 U.S.C. 437h).

(6) Section 311 (2 U.S.C. 438).

(7) Section 314 (2 U.S.C. 439c).

(8) Section 406 (2 U.S.C. 455).

SEC. 204. CONFORMING AMENDMENTS.

(a) Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 301, by striking paragraph (10) and inserting the following:

''(10) The term 'Administration' means the Federal Election Administration.'';

(2) by striking ''Federal Election Commission'' and inserting ''Administration'' each place it appears; and

(3) by striking ''Commission'' and inserting ''Administration'' each place it appears.

(b) Section 3502(1)(B) of title 44, United States Code, is amended by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''.

(c) Section 207(j)(7)(B)(i) of title 18, United States Code, is amended by striking ''the Federal Election Commission by a former officer or employee of the Federal Election Commission'' and inserting ''the Federal Election Administration by a former officer or employee of the Federal Election Commission or the Federal Election Administration''.

(d) Section 103 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (e), by striking ''the Federal Election Commission'' and inserting ''the Federal Election Administration''; and

(2) in subsection (k), by striking ''the Federal Election Commission'' and inserting ''the Federal Election Administration''.

(e)(1) Section 9002(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) The term 'Administration' means the Federal Election Administration established under section 351 of the Federal Election Campaign Act of 1971.''.

(2) Chapter 95 of the Internal Revenue Code of 1986 is amended by striking ''Commission'' and inserting ''Administration'' each place it appears.

(f)(1) Section 9032(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) The term 'Administration' means the Federal Election Administration established under section 351 of the Federal Election Campaign Act of 1971.''.

(2) Chapter 96 of the Internal Revenue Code of 1986 is amended by striking ''Commission'' and inserting ''Administration'' each place it appears.

(g) Section 3(c) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''; and

(B) by striking ''Commission'' and inserting ''Administration''; and

(2) in paragraph (2), by striking ''Federal Election Commission'' and inserting ''Federal Election Administration''.

(h) Section 6(9) of the Lobbying Disclosure Act 1995 (2 U.S.C. 1605(9)) is amended by striking ''the Federal Election Commission'' and inserting ''the Federal Election Administration''.

SEC. 205. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) TERMINATION OF THE FEDERAL ELECTION COMMISSION.—Notwithstanding any other provision of, or amendment made by, this Act, the members of the Federal Election Commission shall be removed from office on the date described in subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 251—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF AFGHANISTAN, WITH THE SUPPORT OF THE INTERNATIONAL COMMUNITY, SHOULD FULFILL ITS OBLIGATIONS TO ENSURE THAT WOMEN FULLY PARTICIPATE AS CANDIDATES AND VOTERS IN THE AUGUST 20, 2009, PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS IN AFGHANISTAN

Mrs. GILLIBRAND (for herself, Mr. CARDIN, Ms. COLLINS, Mr. KERRY, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. LUGAR, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 251

Whereas women in Afghanistan play a critical role in establishing accountable governance, fostering economic development, and securing peace in Afghanistan;

Whereas many women in Afghanistan face rising insecurity and consequent physical and verbal violence in seeking political office and exercising their constitutional right to vote;

Whereas the Afghan Independent Electoral Commission has made efforts to consult with domestic and international organizations advocating for full inclusion of all people in Afghanistan in the elections, and has called on the donor community to assist its efforts to open and staff all appropriate polling places throughout Afghanistan; and

Whereas women's rights activists and civil society representatives from throughout Afghanistan gathered on June 25, 2009, and decided to launch the Five Million Afghan Women Campaign, a campaign of 5,000,000 women of Afghanistan to support eligible women's political participation in order to ensure the rule of law and gender equality: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the brave women and women-led organizations of Afghanistan on the launch of the Five Million Afghan Women Campaign;

(2) urges the Government of Afghanistan to ensure that sufficient staffing is in place in women's polling stations, including security staff and equipment and appropriate polling place personnel;

(3) urges the Government of Afghanistan and the religious, community, and cultural leaders of Afghanistan to make every effort to encourage eligible women to participate in the August 20, 2009, elections;

(4) urges the Government of Afghanistan to fully include women in formal committees and bodies charged with election security and related processes;

(5) urges the Government of Afghanistan and the Independent Electoral Commission to continue to consult with the Afghan Ministry of Women's Affairs, the Afghan Independent Human Rights Commission, and women-led nongovernmental organizations regarding women's participation in the elections, in order to guarantee a free and fair election process, including providing equal access for women candidates to media outlets as well as ensuring adequate security and transportation for women voters on election day;

(6) encourages the Secretary of State, including through the United States Agency for International Development, to continue to mobilize funding and resources of the United States for programs throughout Afghanistan to raise the awareness of women in Afghanistan regarding governance, increase women's political participation in the August 20, 2009, and future elections, and support such women's ability to exercise their rights as citizens; and

(7) urges the new Government of Afghanistan elected on August 20, 2009, to employ and engage women in meaningful roles and positions in such new government.

SENATE RESOLUTION 252—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER IN THE UNITED STATES SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 252

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, September 22, 2009, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 241.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 241) designating the period beginning on September 13, 2009, and ending on September 19, 2009, as ''National Polycystic Kidney Disease Awareness Week,'' and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and the impact polycystic kidney disease has on patients and future generations of their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas polycystic kidney disease, known as ''PKD'', is 1 of the most prevalent life-threatening genetic diseases in the United States;

Whereas polycystic kidney disease is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, affecting equally people of all ages, races, sexes, nationalities, geographic locations, and income levels;

Whereas there are 2 hereditary forms of polycystic kidney disease, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 people worldwide, including 600,000 patients with polycystic kidney disease in the United States, according to prevalence estimates by the National Institutes of Health;

Whereas in families in which 1 or both parents have ADPKD there is a 50-percent chance that the parents will pass the disease to their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and frequently leads to early death;

Whereas in families in which both parents carry ARPKD there is a 25-percent chance that the parents will pass the disease to their children;

Whereas, in addition to patients directly affected by polycystic kidney disease, countless additional friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens of polycystic kidney disease;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading cause of kidney failure resulting from a genetic disease, and 1 of the 4 leading causes of kidney failure in the United States;

Whereas the vast majority of patients with polycystic kidney disease have kidney failure at the age of 53, on average, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the baby boomers, continues to age;

Whereas end-stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to the cost with an estimated $2,000,000,000 budgeted annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas polycystic kidney disease instills in patients a fear of an unknown future with a life-threatening genetic disease, and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to fail to recognize the presence of the disease, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid more severe complications when kidney failure occurs;

Whereas people suffering from chronic, life-threatening diseases, such as polycystic kidney disease, are more frequently predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and premature death that people with polycystic kidney disease may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas polycystic kidney disease is an example of how collaboration, technological

innovation, scientific momentum, and public-private partnerships can—

(1) generate therapeutic interventions that directly benefit the people suffering from polycystic kidney disease;

(2) save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies; and

(3) allow several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease, and the 3 primary protein products of the genes, and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held during the third week of September, making that week an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on September 13, 2009, and ending on September 19, 2009, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups—

(A) to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities;

(B) to promote public awareness of polycystic kidney disease; and

(C) to foster understanding of the impact of the disease on patients and their families.

AFGHANISTAN'S UPCOMING ELECTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 251.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 251) expressing the sense of the Senate that the Government of Afghanistan, with the support of the international community, should fulfill its obligations to ensure that women fully participate as candidates and voters in the August 20, 2009, presidential and provincial council elections in Afghanistan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas women in Afghanistan play a critical role in establishing accountable governance, fostering economic development, and securing peace in Afghanistan;

Whereas many women in Afghanistan face rising insecurity and consequent physical and verbal violence in seeking political office and exercising their constitutional right to vote;

Whereas the Afghan Independent Electoral Commission has made efforts to consult with domestic and international organizations advocating for full inclusion of all people in Afghanistan in the elections, and has called on the donor community to assist its efforts to open and staff all appropriate polling places throughout Afghanistan; and

Whereas women's rights activists and civil society representatives from throughout Afghanistan gathered on June 25, 2009, and decided to launch the Five Million Afghan Women Campaign, a campaign of 5,000,000 women of Afghanistan to support eligible women's political participation in order to ensure the rule of law and gender equality: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the brave women and women-led organizations of Afghanistan on the launch of the Five Million Afghan Women Campaign;

(2) urges the Government of Afghanistan to ensure that sufficient staffing is in place in women's polling stations, including security staff and equipment and appropriate polling place personnel;

(3) urges the Government of Afghanistan and the religious, community, and cultural leaders of Afghanistan to make every effort to encourage eligible women to participate in the August 20, 2009, elections;

(4) urges the Government of Afghanistan to fully include women in formal committees and bodies charged with election security and related processes;

(5) urges the Government of Afghanistan and the Independent Electoral Commission to continue to consult with the Afghan Ministry of Women's Affairs, the Afghan Independent Human Rights Commission, and women-led nongovernmental organizations regarding women's participation in the elections, in order to guarantee a free and fair election process, including providing equal access for women candidates to media outlets as well as ensuring adequate security and transportation for women voters on election day;

(6) encourages the Secretary of State, including through the United States Agency for International Development, to continue to mobilize funding and resources of the United States for programs throughout Afghanistan to raise the awareness of women in Afghanistan regarding governance, increase women's political participation in the August 20, 2009, and future elections, and support such women's ability to exercise their rights as citizens; and

(7) urges the new Government of Afghanistan elected on August 20, 2009, to employ and engage women in meaningful roles and positions in such new government.

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 252.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 252) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 252) was agreed to, as follows:

S. RES. 252

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, September 22, 2009, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, as amended by Public Law 110–315, appoints the following individuals to the Advisory Committee on Student Financial Assistance: Sharon Wurm of Nevada and John McNamara of Illinois.

AUTHORITY TO REPORT LEGISLATIVE AND EXECUTIVE MATTERS

Mr. REID. Mr. President, I ask unanimous consent that not withstanding the Senate's recess, committees be authorized to report legislative and executive matters on Wednesday, September 2, from 12 noon to 2 p.m.

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

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, 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 action of the two Houses, or by order of the Senate.

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

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that we proceed to executive session.

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

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar Nos. 161, 266, 268, 209, 263, 281, 283, 368, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 407, 408, 409, 410, 411, 412, 413, and 414 and all nominations on the Secretary's desk at NOAA; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating thereto be printed in the RECORD; and that 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 STATE

Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

DEPARTMENT OF DEFENSE

Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army.

ENVIRONMENTAL PROTECTION AGENCY

Colin Scott Cole Fulton, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Philip L. Verveer, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U.S. Coordinator for International Communications and Information Policy.

Maria Otero, of the District of Columbia, to be an Under Secretary of State (Democracy and Global Affairs).

ENVIRONMENTAL PROTECTION AGENCY

Craig E. Hooks, of Kansas, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Carlos Pascual, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

DEPARTMENT OF THE INTERIOR

Wilma A. Lewis, of the Virgin Islands, to be an Assistant Secretary of the Interior.

Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Francis S. Collins, of Maryland, to be Director of the National Institutes of Health.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

James A. Leach, of Iowa, to be Chairperson of the National Endowment for the Humanities for a term of four years.

Rocco Landesman, of New York, to be Chairperson of the National Endowment for the Arts for a term of four years.

DEPARTMENT OF LABOR

Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

DEPARTMENT OF STATE

Ertharin Cousin, of Illinois, for the rank of Ambassador during her tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Kerri-Ann Jones, of Maine, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

David Killion, of the District of Columbia, for the rank of Ambassador during his tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

PEACE CORPS

Aaron S. Williams, of Virginia, to be Director of the Peace Corps.

DEPARTMENT OF STATE

Michael Anthony Battle, Sr., of Georgia, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Martha Larzelere Campbell, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

John R. Bass, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

James B. Foley, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Kenneth E. Gross, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Teddy Bernard Taylor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary Plenipotentiary of the United States of America to the Republic of Vanuatu.

John Victor Roos, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Judith Gail Garber, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

James Knight, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Karen Kornbluh, of New York, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Bruce J. Oreck, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Jon M. Huntsman, Jr., of Utah, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Douglas W. Kmiec, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Jonathan S. Addleton, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Matthew Winthrop Barzun, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

William Carlton Eacho, III, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Philip D. Murphy, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

DEPARTMENT OF ENERGY

James J. Markowsky, of Massachusetts, to be an Assistant Secretary of Energy (Fossil Energy).

Warren F. Miller, Jr., of New Mexico, to be an Assistant Secretary of Energy (Nuclear Energy).

DEPARTMENT OF TRANSPORTATION

Susan L. Kurland, of Illinois, to be an Assistant Secretary of Transportation.

Christopher P. Bertram, of the District of Columbia, to be an Assistant Secretary of Transportation.

DEPARTMENT OF COMMERCE

Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce.

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.

CORPORATION FOR PUBLIC BROADCASTING

Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014.

DEPARTMENT OF TRANSPORTATION

Daniel R. Elliott, III of Ohio, to be a Member of the Surface Transportation Board for a term expiring December 31, 2013.

CONSUMER PRODUCT SAFETY COMMISSION

Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2007.

Anne M. Northup, of Kentucky, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2004.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN846 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (22) beginning DENISE J. GRUCCIO, and ending SARA A. SLAUGHTER, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2009.

NOMINATION OF FRANCIS COLLINS

Mr. CARDIN. Mr. President, few people have had as significant an impact on the scientific world over the past two decades as Dr. Francis Collins, President Obama's nominee to head the National Institutes of Health. As director of the National Human Genome Research Institute from 1993 to 2008, Dr. Collins has led the way in medical innovation.

As his most renowned accomplishment at NHGRI, Dr. Collins achieved unparalleled success leading the revolutionary Human Genome Project. Established in 1990, the Project's goal was to map out the thousands of genes that make up the human genome in order to better understand the genetic makeup of humans and to ultimately reveal the cures for our most challenging diseases. In 2003, the Human Genome Project, under the guidance of Dr. Collins, released its completed version of the entire human genome, an unprecedented achievement. Dr. Collins' work has led to some ground-breaking medical discoveries, including the identification of genetic variants associated with type 2 diabetes and the genes responsible for cystic fibrosis, neurofibromatosis, Huntington's disease and Hutchinson-Gilford progeria syndrome. To allow this data to be used as effectively as possible, Dr. Collins has ensured that all of the data obtained by the Human Genome Project be made available to the entire scientific community without restrictions on access or use.

Among other prestigious honors, Dr. Collins has been elected to the Institute of Medicine and the National Academy of Sciences, two of the most influential medical organizations in the world. In addition, on November 5, 2007, Collins received the Presidential Medal of Freedom, the nation's highest civil award, for his remarkable contributions to the field of genetic research.

Not only has Dr. Collins proven himself to be a brilliant and revolutionary scientist, but he is also a remarkably effective leader. Perhaps the greatest evidence of this quality is displayed by his ability to finish the human genome sequence both ahead of schedule and under budget. It is clear why President Obama selected him to lead this important agency.

Last week, I met with Dr. Collins to discuss his vision for the future of NIH. He is my constituent, as are many of the scientists who work at the Rockville campus, and the academic institutions and businesses that thrive due in no small part to NIH grants and other extramural programs. I am extremely proud to represent all of them.

During our meeting, I raised serious concerns about recent actions of NIH leadership with regard to two grant programs, the Small Business Innovation Research program and the Small Technology Transfer Program. Federal law requires departments that award more than $100 million in extramural grants annually to devote a total of 2.8 percent to small businesses to foster innovation. These programs are catalysts for job creation and job growth, and a recent study found that 25 percent of all new product innovations were brought to market by SBIR grantees. But a provision—encouraged by NIH—was inserted during conference into the American Recovery and Reinvestment Act, with no notice to the Small Business and Entrepreneurship Committee, where I serve, although we have jurisdiction over these programs. That provision excluded the NIH funds in ARRA from the SBIR and STTR requirements, effectively denying small businesses $230 million in research grant opportunities. Its origins are still unknown.

The effect on small businesses has been devastating, leading some biotechnology firms in my State to lay off employees or close due to lack of funding. In June, I chaired a field hearing about this issue in Rockville, and although the hearing location was minutes away from the NIH campus, the agency did not send a witness. NIH staff promised to submit testimony, but it was faxed to us 2 hours after the hearing had ended. In addition, during the hearing, we received testimony citing a history of perceived bias among NIH review panels against SBIR applications.I raised these concerns with Dr. Collins, and we had a frank and open discussion. Dr. Collins spoke of his high regard for the SBIR program and noted that he could not have completed the Human Genome Project in such a timely and cost-efficient manner absent the involvement of small biotechnology companies. He has promised to work with me and other members of the Committee to ensure that NIH participation in SBIR and STTR proceeds according to congressional intent. I am encouraged by his support for these programs, and I believe that the Small Business Committee, will have a much improved working relationship with NIH going forward. I left that meeting with confidence in Dr. Collins' ability to lead this essential agency very effectively.

Going forward, Dr. Collins faces numerous challenges, implementing the new policy on federally funded stem cell research, moving forward on promising cancer research, and developing strategies to combat the global AIDS epidemic, among others. These challenges require a visionary leader with the level of expertise and management experience that Dr. Collins possesses.

I am pleased to express my support for the nomination of Dr. Francis Collins to be the next Director of the National Institutes of Health, and I look forward to working with him in the years to come.

Mr. DODD. Mr. President, I ask unanimous consent to have the attached letter of support from the March of Dimes for the nomination of Francis Collins to be Director of the National Institutes of Health be printed in the RECORD.

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

MARCH OF DIMES FOUNDATION,
OFFICE OF GOVERNMENTAL AFFAIRS,
Washington, DC, August 5, 2009.

Hon. EDWARD KENNEDY,
Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the 3 million volunteers and 1,400 staff at the March of Dimes Foundation I am writing to highlight Francis Collins's, MD PhD exceptional contributions to biomedical research and to acquaint Congress with Dr. Collins' long standing relationship with the Foundation. This letter is submitted for inclusion in the CONGRESSIONAL RECORD.

The Foundation's investments in biomedical research are a cornerstone of the March of Dimes mission. March of Dimes programs fund several different types of research, all aimed at preventing birth defects and infant mortality and securing reproductive health. These programs and projects include basic research into life processes, such as genetics and development; clinical research applied to prevention and treatment of specific birth defects and prematurity; the study of environmental hazards; and research in social and behavioral sciences relevant to our mission. In 1985, the March of Dimes recognized Dr. Collins's promising talent, naming him a Basil O'Connor Research Scholar and awarding him a grant the Foundation reserves for young investigators at the start of their independent careers. This award marked the beginning of a long and productive relationship with Dr. Collins.

Throughout his career, Dr. Collins has focused on advancing scientific knowledge that has laid the foundation for identifying and treating genetic disorders. For example, Dr. Collins was instrumental in the discovery of the gene responsible for cystic fibrosis, thereby providing the opportunity to design interventions for managing this complex birth defect and accelerating the search for its amelioration and potential cure. As Director of the National Human Genome Research Institute, Dr. Collins oversaw the sequencing and mapping of the human genome, a major contribution to scientific research and one that has already led to the development of strategies for preventing and treating various birth defects and hereditary diseases.

The March of Dimes continues to invest in intellectually gifted young investigators because it is they who hold the greatest promise for progress in research and science. All of us at the Foundation look forward to the forthcoming confirmation and to working with you and Dr. Collins to improve the health of women and children here and around the world.

Sincerely,

DR. JENNIFER L. HOWSE,
President.

NOMINATION OF JON HUNTSMAN, JR.

Mr. HATCH. Mr. President, I rise today to support the nomination of the Honorable Jon Huntsman, Jr., to be the U.S. Ambassador to China.

I think it goes without saying that Governor Huntsman is a man of integrity whose service to the State of Utah has been of great worth. Indeed, what Utah stands to lose from this nomination is exactly what the United States and China stand to gain: a seasoned diplomat, an excellent manager, a qualified politician, and a man who wants the very best for the country he loves and has served for more than 20 years.

It takes great courage for a Republican Governor of one of the reddest, most conservative States in the Nation to accept an invitation to serve under a Democratic President; yet this is the same courage Governor Huntsman has displayed throughout his career. From his time as a staff assistant in the Reagan administration to his work in the trenches at the Commerce Department, Jon Huntsman, Jr., has proved to be an innovative leader, a progressive thinker, and someone who comes to this position at a time when the United States needs an Ambassador to China who will strive to forge the kind of relationships we need to move forward in the globally connected world of the 21st century.

As the Ambassador to China, the challenges before Governor Huntsman will neither be easy nor few. Our relations with other nations are the foundation of peace and stability on the planet. And when Richard Nixon reached out and brought China back into the international system in 1972, a huge structural imbalance in the global system was redressed.

The United States and China are very different countries with vastly different experiences and, based on our very different government structures, very different values. Yet, as we know, our countries have developed complex and mutually beneficial relations. We also know that our nations have great potential for beneficial relations, but, as anyone who studies history and geopolitics knows, we have the potential to clash as China grows and expands its influence. That is why it is important for us today to continue what Richard Nixon started: a world where our countries can exist in peace.

In my years in the Senate, I have seen a huge change in our country's relationship with China. When I came here, President Carter was just finalizing the Nixon initiative, and I led the move to pass the Taiwan Relations Act, which allowed for the United States to continue a supportive relationship with Taiwan even though we had withdrawn our diplomatic recognition. I have seen China evolve from a Maoist totalitarian system to a communist police state that has allowed many personal freedoms and a historic transformation of the economy using capitalist principles. This is a relationship that must be handled by experienced China hands and professionals.

That is why I find it gratifying that President Obama has chosen to go with someone of great experience and ability—Governor Huntsman. I also find it noteworthy that the Governor has been here twice before—first when he was unanimously confirmed by the Senate as a U.S. Ambassador to the Chinese nation of Singapore under President George H.W. Bush, and then as a Deputy U.S. Trade Representative under President George W. Bush. Now, in his third appearance before the Senate as a nominee, he has answered the President's call to serve as Ambassador to China and leaves his post in Utah where, I might add, he was reelected to a second term as Governor with more than 70 percent of the vote. This speaks volumes about Governor Huntsman's ability to cross bridges, conquer divides, and put aside partisan politics when doing what he believes to be best for his family, our State, and our country.

It is no secret that under Governor Huntsman's stewardship, Utah has been named the best-managed State by the Pew Research Center. Building on the excellent work of our State legislature, the Governor has helped lead our State in economic development initiatives and incentive programs that have shaped Utah into one of the most dynamic States in the Nation.

In short, I cannot think of a more qualified nominee for Ambassador to China than Governor Huntsman. He is fluent in Mandarin Chinese, a skill that is vitally important in this day and age. Indeed, the Governor has been to China on numerous occasions and even learned Chinese while serving a mission in Taiwan for The Church of Jesus Christ of Latter-day Saints. It is in that light that I have no doubt the Chinese will have to respect his affection for Taiwan as much as they respect his linguistic ability.

Moreover, while the Governor will not be making policy, he will be known to the Chinese as a Republican. They will see him as an independent thinker, while always being loyal to the administration he serves.

Finally, China is a country that admires the businessman and the trader, and they are a country that knows that business and trade with the United States is the key for their sustained success. These are values and experience the Governor knows, understands and has practiced during his varied and impressive career in public service and private business. His years in international business have exposed him to the universe of China experts—people such as my good friend John Kamm, the preeminent advocate of human rights in China. It is my hope that he will keep the Embassy door open to these experts from around the world, and I am sure that he will.

Again, I commend President Obama for selecting Governor Huntsman for this important post, even though Utah will lose a great leader as a result. However, Governor Huntsman has left the State in good hands and we all look forward to working with Lt. Gov. Gary Herbert in his new role as Governor of the great State of Utah.

In closing, I believe I speak for all Utahns when I say Governor Huntsman will be missed, but we all know he is the appropriate person for this job. Moreover, his selection could not come at a more appropriate time. Indeed, this is a time when a man like Governor Huntsman is needed on the world stage.

I congratulate Governor Huntsman on his nomination. I applaud his beautiful wife Mary Kaye and her decision to continue to share his time and talents with the world. And I know his wonderful family will be blessed by his contribution to our country in this position.

Mr. REID. Mr. President, I ask now that we proceed to Calendar Nos. 217, 218, 219, 259, 260, 310, 311, 313 and that the nominations be confirmed en bloc, and the motions to reconsider be laid on the table en bloc, and no further motions be in order and any statements relating to these matters be printed 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 JUSTICE

Tristram J. Coffin, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Joyce White Vance, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Preet Bharara, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

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.

EXECUTIVE OFFICE OF THE PRESIDENT

A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy.

DEPARTMENT OF HOMELAND SECURITY

Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

DEPARTMENT OF JUSTICE

Cranston J. Mitchell, of Virginia, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment)

NOMINATION OF ALEJANDRO MAYORKAS

Mrs. FEINSTEIN. Mr. President, I want to take a few minutes today to speak about Mr. Mayorkas' record and what I believe he will bring to the Department of Homeland Security as Director of U.S. Citizenship and Immigration Services. I have known Mr. Mayorkas for many years and am proud to have recommended him to President Clinton for the position of U.S. attorney for the Central District of California.

As U.S. attorney, Mr. Mayorkas developed an innovative program to address violent crime by targeting criminals' possession of firearms, prosecuting street gangs, and at the same

time developing afterschool programs to help at-risk youth discover and realize their potential.

Mr. Mayorkas has also worked directly on dozens of cases and overseen hundreds of attorneys relating to immigration during his tenure as a U.S. attorney. These cases included the prosecution of individuals and rings producing false immigration documents, illegal reentry cases, and alien smuggling conspiracies, among others.

For example, in 1999, at the very beginning of his career as U.S. attorney, Mr. Mayorkas prosecuted the ringleader of an Iranian visa forgery operation connected to terrorism. Bahram Tabatabai pleaded guilty to providing material assistance with immigration papers to members of the People's Mujahadeen, a group that the State Department considers a terrorist group. Tabatabai helped overseas foreign nationals obtain fake birth certificates and records to apply for benefits and created false persecution stories for Iranians in the United States to apply for asylum.

Mr. Mayorkas also prosecuted Jesse Gardona who at the time was a 15-year veteran of INS—for his role in moving 10 undocumented immigrants from an INS detention facility to an East Los Angeles drop house and demanding as much as $1,800 in ransom from their relatives.

The mission of Citizenship and Immigration Services is to establish immigration services, policies, and priorities to preserve America's legacy as a nation of immigrants while ensuring that no one is admitted who is a threat to public safety. Mr. Mayorkas has a record of working to secure our Nation's criminal and immigration laws in the face of increasing gang and border violence—and as travel documents have become less secure, to work to ensure that fraud is no longer prevalent in our immigration system.

I am confident that under Mr. Mayorkas' leadership, this administration will work to preserve and increase the integrity of our immigration laws by decreasing fraud and bringing accountability to our immigration system.

It is also my belief that Mr. Mayorkas has the vision to lead Citizenship and Immigration Services in the other half of its mission—to preserve the role of America as a compassionate Nation that treats families and children at our shores humanely and with an eye toward the potential they bring to our Nation. In 1960, Mr. Mayorkas and his family fled Cuba and came to the United States as refugees. Since then, he has lived the American dream and has done so by working on behalf of the American people.

Mr. President, with the nomination of Mr. Mayorkas the administration has taken a significant step toward rebuilding public confidence in the secure, fair, and effective administration of our Nation's immigration laws. I urge my colleagues to confirm Mr. Mayorkas today so that DHS will have the leadership in place to get to work on behalf of the American people.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar Nos. 415 and 418 and that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, no further motions be in order, and any statements relating to the nominations be printed in the RECORD and President Obama 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

David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, vice Jonathan W. Dudas, resigned.

DEPARTMENT OF JUSTICE

David Edward Demag, of Vermont, to be United States Marshal for the District of Vermont for the term of four years, vice John R. Edwards.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I now ask unanimous consent the Banking Committee be discharged from further consideration of PN–499 and that the Senate then proceed to the consideration of the nomination; that the nomination be confirmed and the motions to reconsider be laid on the table en bloc, and no further motions be in order, any statements relating to the nomination be printed in the RECORD, and that President Obama be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

NATIONAL CREDIT UNION ADMINISTRATION

Deborah Matz, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2015.

Mr. REID. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from PN–647; that the Senate proceed to the nomination; that the nomination be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order and the President be immediately notified of the Senate's action; and that any statements be printed in the RECORD.

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

The nomination considered and confirmed is as follows:

VETERANS AFFAIRS

Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs).

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from PN–823 and that the Senate then proceed to the nomination; that the nomination be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action and any statements be printed in the RECORD.

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

The nomination considered and confirmed is as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Kelvin James Cochran, of Louisiana, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged en bloc of PN–819, PN–528, and PN–529; that the Senate proceed en bloc to the nominations; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action and any statements be printed in the RECORD.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOMELAND SECURITY

Alexander G. Garza, of Missouri, to be Assistant Secretary of Homeland Security and Chief Medical Officer, Department of Homeland Security.

FEDERAL LABOR RELATIONS AUTHORITY

Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

Ernest W. Dubester, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2012.

EXECUTIVE SESSION

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 167, the nomination of Cass Sunstein to be the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

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

The clerk will report the nomination.

The bill clerk read the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Harry Reid, Joseph I. Lieberman, Mark Udall, Patrick J. Leahy, Daniel K. Akaka, Richard Durbin, Sherrod Brown, Patty Murray, Jeanne Shaheen, John F. Kerry, Robert Menendez, Jack Reed, Mark Begich, Tom Harkin, Sheldon Whitehouse, Ron Wyden, Kirsten E. Gillibrand.

Mr. REID. Mr. President, I ask unanimous consent that the pro forma session on Monday, August 10, not count as the intervening day and that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

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

JACQUES PURVIS

Mr. REID. Mr. President, I have had the good fortune of having people to work with me and with us, and one of my prizes over these years has been a young man by the name of Jacques Purvis who has worked on my personal staff. He is, of course, an integral part of the cloakroom. We see him here every day. He helps send to me every day on my e-mail account what is taking place each day. I read faithfully what is taking place because I am not here all the time on the Senate floor. He is bright, hardworking, and so nice. He is going to be leaving the Senate to go to the London School of Economics for an advanced degree. I have tried to talk him out of it, but not really, because he has various goals in mind. He is going to complete his studies in London, come back and go to law school. I hope after that time he will consider coming back and working in the Senate. We will all miss him. He is a wonderful young man, and I consider him a friend.

ORDERS FOR MONDAY, AUGUST 10, 2009, AND TUESDAY, SEPTEMBER 8, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, August 10, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn under the provisions of H. Con. Res. 172 until 2 p.m. on Tuesday, September 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of S. 1023, the Travel Promotion Act, with the time equally divided and controlled until 5:30 p.m. between the two leaders or their designees.

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

PROGRAM

Mr. REID. Under a previous order, at approximately 5:30 p.m., the Senate will proceed to a cloture vote on the Dorgan amendment to the travel promotion legislation.

ADJOURNMENT UNTIL MONDAY, AUGUST 10, 2009, AT 1 P.M.

Mr. REID. That being the case, if there is no further business to come before the Senate today, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 12:16 p.m., adjourned until Monday, August 10, 2009, at 1 p.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

BARRY B. WHITE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

DISCHARGED NOMINATIONS

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

DEBORAH MATZ, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2015.

The Senate Committee on Veterans' Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS).

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

JULIA AKINS CLARK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012.

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, August 7, 2009:

DEPARTMENT OF STATE

JEFFREY D. FELTMAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

DEPARTMENT OF DEFENSE

JO-ELLEN DARCY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

ENVIRONMENTAL PROTECTION AGENCY

COLIN SCOTT COLE FULTON, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF STATE

PHILIP L. VERVEER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY IN THE BUREAU OF ECONOMIC, ENERGY, AND BUSINESS AFFAIRS AND U.S. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (DEMOCRACY AND GLOBAL AFFAIRS).

ENVIRONMENTAL PROTECTION AGENCY

CRAIG E. HOOKS, OF KANSAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF STATE

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE VIRGIN ISLANDS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

ROBERT V. ABBEY, OF NEVADA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FRANCIS S. COLLINS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES A. LEACH, OF IOWA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

ROCCO LANDESMAN, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

DEPARTMENT OF LABOR

RAYMOND M. JEFFERSON, OF HAWAII, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

DEPARTMENT OF STATE

ERTHARIN COUSIN, OF ILLINOIS, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

KERRI-ANN JONES, OF MAINE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

PEACE CORPS

AARON S. WILLIAMS, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS.

DEPARTMENT OF STATE

MICHAEL ANTHONY BATTLE, SR., OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

MARTHA LARZELERE CAMPBELL, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

JOHN R. BASS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR,

TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

KENNETH E. GROSS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

TEDDY BERNARD TAYLOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

JOHN VICTOR ROOS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

JUDITH GAIL GARBER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

JAMES KNIGHT, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

KAREN KORNBLUH, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

BRUCE J. ORECK, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

JON M. HUNTSMAN, JR., OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

DOUGLAS W. KMIEC, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JONATHAN S. ADDLETON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

MATTHEW WINTHROP BARZUN, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

WILLIAM CARLTON EACHO, III, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

PHILIP D. MURPHY, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

DEPARTMENT OF ENERGY

JAMES J. MARKOWSKY, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

WARREN F. MILLER, JR., OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY).

DEPARTMENT OF TRANSPORTATION

SUSAN L. KURLAND, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

CHRISTOPHER P. BERTRAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF COMMERCE

DENNIS F. HIGHTOWER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF COMMERCE.

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.

CORPORATION FOR PUBLIC BROADCASTING

PATRICIA D. CAHILL, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014.

DEPARTMENT OF TRANSPORTATION

DANIEL R. ELLIOTT, III, OF OHIO, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2013.

CONSUMER PRODUCT SAFETY COMMISSION

ROBERT S. ADLER, OF NORTH CAROLINA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2007.

ANNE M. NORTHUP, OF KENTUCKY, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOMELAND SECURITY

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF VETERANS AFFAIRS

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS).

FEDERAL LABOR RELATIONS AUTHORITY

JULIA AKINS CLARK, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012.

NATIONAL CREDIT UNION ADMINISTRATION

DEBORAH MATZ, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2015.

DEPARTMENT OF JUSTICE

TRISTRAM J. COFFIN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

JOYCE WHITE VANCE, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

PREET BHARARA, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

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.

EXECUTIVE OFFICE OF THE PRESIDENT

A. THOMAS MCLELLAN, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

DEPARTMENT OF HOMELAND SECURITY

ALEJANDRO N. MAYORKAS, OF CALIFORNIA, TO BE DIRECTOR OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

CRANSTON J. MITCHELL, OF VIRGINIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

DEPARTMENT OF COMMERCE

DAVID J. KAPPOS, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

DEPARTMENT OF JUSTICE

DAVID EDWARD DEMAG, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH DENISE J. GRUCCIO AND ENDING WITH SARA A. SLAUGHTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 31, 2009.