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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Eternal God, we turn to You this morning aware of our insufficiency. We are but burning candles lashed by winds that mock our boasting pride. Remind us that human efforts and ingenuity are powerless without You. You alone, O Lord, deserve honor and praise, for power, glory, and victory belong to You.

Infuse our lawmakers with Your might. Be for them as the shadow of a great rock in a weary land. Give them some wisdom, Lord, that their labors will enable America to stand with freedom's lamp aloft as a beacon of hope for our world. As our Senators tackle today's tasks, make them conscious of their great heritage of liberty and justice for all. May no weapon that is formed be able to defeat this land we love. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 today, with the time equally divided between the two leaders or their designees. This period of morning business will give Senators an opportunity to pay tribute to our colleague, the late Senator Ted Kennedy.

Following morning business, the Senate will proceed to executive session and resume debate on the nomination of Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget.

Yesterday, cloture was invoked on the nomination. Senators will be notified when the vote on confirmation of the nomination is scheduled.

As a reminder to Senators, at 2:45 p.m. today, Senator-designate GEORGE LEMIEUX will be sworn in as a Senator from the State of Florida, replacing Mel Martinez.

Following disposition of the Sunstein nomination—and I have had conversations with floor staff, both Democratic and Republican, to see if we can move forward on an appropriations bill. Senator MCCONNELL and I have talked about trying to get as many done as we can. We have four done, and we have eight to go.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. REID. ''A freshmen Senator should be seen, not heard; should learn, and not teach.''

Mr. President, that is a quote from Senator Ted Kennedy. These are the very first words he spoke on the floor of this Chamber. He was hesitant to rise and speak that April day when he said those words. He had been a Senator for less than 18 months. The country was still reeling from President Kennedy's death just months before.

But the question before the Senate was the Civil Rights Act of 1964, and Senator Kennedy knew he could hold his tongue no longer.

He rose to speak because he loved his country. He waited as long as he did to give that maiden speech because he loved this institution. In that speech, he said a Senator of his stature at the time should be seen and not heard. But 45 years later, we can still hear his great booming voice. He said young Senators should learn and not teach. But who can list all we learned from his leadership?

It was a thrill to work with Ted Kennedy personally. He was a friend, the model of public service, and an American icon. He was a patriarch of both the Kennedy family and the Senate family. Together, we mourn his loss.

At so many difficult times in their family's history, the Kennedys have turned to their Uncle Teddy for comfort. At so many critical times in our country's history, America has turned to Ted Kennedy for the same.

We can all remember how he walked solemnly with the grieving First Lady at Arlington National Cemetery. We can remember how his deep love for his brother helped him somehow summon the strength to deliver a defining eulogy in New York. We can all remember how, as patriarch, he memorialized his nephew off the shores of Massachusetts.

For decades, Ted Kennedy was a rock to his family. The impact he has etched

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

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into our history will long endure. It is now left to us to remember the man who helped remember the lives of so many others. He was a very famous man. If you take the subway, people would always come up to Senator Kennedy. I would joke with him, ''Ted, are they coming for me or for you?'' It was obvious whom they were coming for. It was a joke.

Ted was so good. When he thought you did something well, he would drop you a note or give you a call. It meant a lot to me that he would take the time to do that. I have come to learn since his death that he did that for so many people. You didn't have to be a Senator. He would do that for anybody whom he thought deserved a pat on the back. It is up to us to celebrate a Senator who helped so many live better lives.

I have long been a devotee of the Kennedys and an admirer of their service to our Nation. As a student at Utah State University, I founded the first Young Democrats Club—in that bastion of Republicanism. I worked for President Kennedy's election in 1960.

A week before President Kennedy took the oath of office and implored us to ask what we can do for our country, John Kennedy sent me a personal letter of thanks. He had won the election, but he had not yet been inaugurated.

That letter still hangs at the doorway of my Capitol office, just a few feet off the Senate floor, where the three youngest Kennedy brothers ably served. That letter he sent me was for the work I did out West for that campaign.

Many times, Ted would come to my office, and he would stop and look at that letter. He would always say, ''That's his signature,'' indicating that some staff hadn't signed it or some machine hadn't signed it. He was proud that his brother had done what he learned from his brother to do—send these very meaningful letters. He was proud of his brother. He was proud of his own work in the Western States during the 1960 race and proud that I kept that memento in such a prominent place.

President-elect Kennedy's letter was short, but it overflowed with optimism. He wrote to me that the incoming era would allow us to ''make our country an even better place for our citizens to live, as well as to strengthen our country's position of leadership in the world.'' Think how I felt getting that letter. I was still a student.

Ted Kennedy shared the dream his brother had, and he never stopped working to realize it.

Ted Kennedy's legacy stands with the greatest, the most devoted, the most patriotic men and women to ever serve in these Halls. Because of Ted Kennedy, more young children could afford to become healthy. Because of Ted Kennedy, more young adults could afford to become college students. Because of Ted Kennedy, more of our oldest and poorest citizens could get the care they need to live longer, fuller lives. Because of Ted Kennedy, more minorities, women, and immigrants could realize the rights our founding documents promised them. Because of him, more Americans could be proud of their country.

Ted Kennedy came from a family of great wealth and status. He didn't need to work hard for himself. So he chose a life of working hard for others. When he was admitted to the Massachusetts bar in 1959, the application asked him to state his main ambition. Ted Kennedy answered: ''The public service of this State.''

To quote one of his favorite poems—the Robert Frost verses that now rest on his desk on the Senate floor—that has made all the difference.

Ted Kennedy's America was one in which all could pursue justice, enjoy equality, and know freedom. That is Ted Kennedy.

Ted's life was driven by his love of a family who loved him and his belief in a country that believed in him. Ted's dream was the one for which the Founding Fathers fought and which his brothers sought to realize.

The liberal lion's mighty roar may now fall silent, but his dream shall never die. One of his older brothers was killed in World War II. He was a pilot going into a mission, and he recognized going into it he would probably never come back. His other brother—the President—was assassinated. His other brother, as a Senator running for President, was assassinated.

Again, Senator Kennedy's dream shall never die.

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

Mr. MCCONNELL. Mr. President, I, too, would like to speak of our departed colleague, Ted Kennedy, whose passing last month focused the attention of the Nation and whose extraordinary life has been memorialized over these past weeks in so many poignant stories and heartfelt expressions of gratitude and grief.

Today, the Senate also grieves—not only because he was a friend but because the Senate was so much a part of who he was and because he became so much a part of the Senate.

The simplest measure is sheer longevity. At the time of his death, Ted could call himself the third longest-serving Senator in history, having served almost one-fifth of the time the Senate itself has existed. Or consider this: When I was an intern here in the sixties, Ted was already a well-known Senator. When I was elected to the Senate nearly a quarter of a century ago, Ted had already been here for nearly a quarter of a century. He served with 10 Presidents or nearly 1 out of every 4 of them.

No one could have predicted that kind of run for Ted on the day he became a Senator back on November 7, 1962—no one, that is, except maybe Ted. Ted had signaled what his legacy might be as far back as 1965, when he spoke of setting a record for longevity. Mike Mansfield saw a glimpse of it, too, a few years later. When somebody mentioned Ted as a possible Presidential candidate, Mansfield responded:

> He's in no hurry. He's young. He likes the Senate. Of all the Kennedys, he is the only one who was and is a real Senate man.

As it turned out, Mansfield was right. But Ted knew even then that his legacy as a lawmaker would not come about just by sitting at his desk; he would have to build it. And over the course of the next 47 years, that is exactly what he did, slowly, patiently, doggedly, making his mark as much in tedious committee hearings as on the stump, as much in the details of legislation as in its broader themes.

Ted's last name ensured he was already one of the stars of American politics even before he became a Senator. To this day, he is still the only man or woman in U.S. history to be elected to the Senate while one of his relatives sat in the White House. But to those who thought Ted, even if elected, would avoid the rigors of public life, he became a living rebuke. In short, he became a Senator.

He surprised the skeptics, first of all, with his friendliness and his wit. When he made his national political debut in 1962 on ''Meet the Press,'' a questioner asked him if maybe there were already too many Kennedys. His response: ''You should have talked to my mother and father . . . ''

Russell Long was an early admirer. In what has to go down as one of the falsest first impressions in modern politics, Long spoke approvingly of the new Senator from Massachusetts as ''a quiet . . . sort of fellow.''

Ted got along with everybody. The earliest memories family members have are of Ted laughing and making other people laugh. His secret weapon then, and years later, as CHRIS DODD rightly pointed out at one of the memorial services, was simply this: People liked him, so much so that he could call people such as Jim Eastland, somebody with whom he had absolutely nothing in common, a friend.

Ted had learned early on that he could be more effective through alliances and relationships than by hollering and carrying on. We all know he did a fair amount of that as well. He provided some of the best theater the Senate has ever known. But once he left the Chamber, he turned that off. He sought out allies wherever he could find them—Strom Thurmond, Dan Quayle, ORRIN HATCH, JOHN MCCAIN, and even George W. Bush—and he earned their cooperation by keeping his word and through thousands of small acts of kindness. Senator MCCAIN has recounted the birthday bash Ted threw 10 years ago for his son Jimmy's 11th birthday. Senator BARRASSO remembers the kindness Ted showed him as a new Senator. And Senator BARRASSO's family will long remember how much time Senator Kennedy spent

sharing stories with them at the reception after the swearing in and that he was one of the last ones to leave.

Like so many others, I have known Ted's graciousness firsthand. Anyone who watches C–SPAN2 could see Ted railing at the top of his lungs against my position on this policy or that policy. What they didn't see was the magnificent show he put on a few years ago in Kentucky at my invitation for students at the University of Louisville or the framed photo he gave me that day of my political role model, John Sherman Cooper. I interned for Cooper as a young man. Ted knew that, and he knew Cooper was a good friend and neighbor of his brother Jack's.

Ted's gregariousness was legendary, but his passion and intensity as a lawmaker would also reach near-mythic proportions in his own lifetime. Even those of us who saw the same problems but different solutions on issue after issue, even we could not help but admire the focus and the fight Ted brought to every debate in which he played a part. Over the years, we came to see what he was doing in the Senate.

When it came to Ted's future, everyone was always looking at it through the prism of the Presidency. They should have focused on this Chamber instead. It was here that he slowly built the kind of influence and voice for a national constituency that was common for Senators in the 19th century but extremely rare in the 20th.

He became a fiery spokesman for liberals everywhere. Ted and I would have had a hard time agreeing on the color of the carpet when we were in the Chamber together. Yet despite his public image as a liberal firebrand, he was fascinated by the hard work of creating consensus and jumped into that work, even toward the end, with the enthusiasm of a young staffer. Ted's high school teammates recall that he never walked to the huddle; he always ran. Anyone who ever sat across from Ted at a conference table believed it.

Ted realized Senators could do an awful lot once they got past the magnetic pull Pennsylvania Avenue has on so many Senators. His brother Jack once said that as a Senator, he thought the President had all the influence, but it wasn't until he was President that he realized how much influence Senators had. It was a similar insight that led Ted to tell a group of Boston Globe reporters in 1981 that for him, the Senate was fulfilling, satisfying, challenging, and that he could certainly spend his life here, which, of course, he did. Then, when it was winding down, he saw what he had done as a Senator and what the Senate had done for him. He wanted others to see it too, so he set about to establish the Edward M. Kennedy Institute for the United States Senate, a place that would focus on this institution the way Presidential libraries focus on Presidents.

The Founders, of course, envisioned the legislative and executive branches as carrying equal weight. Article I is about Congress, after all, not the Presidency. His life and legacy help restore that vision of a legislative counterweight of equal weight. That is an important institutional contribution every Senator can appreciate. It is something he did through hard work, tenacity, and sheer will. It was not the legacy most expected, but it is the legacy he wrought, and in the end he could call it his own.

Toward the end of his life, one of the great lawmakers of the 19th century, Henry Clay, was asked to speak to the Kentucky General Assembly. Thanks to Clay's efforts, the Compromise of 1850 had just been reached, and Clay had become a national hero through a job he had spent most of his career trying to escape. His speech received national coverage, and, according to one biographer, all acknowledged his privileged station as an elder statesman.

For years, Clay had wanted nothing more than to be President of the United States. But now, after this last great legislative victory, something else came into view. Clay told the assembled crowd that day that in the course of months and months of intense negotiations leading up to the Great Compromise, he had consulted with Democrats just as much as he had with members of his own party and found in them just as much patriotism and honor as he had found with the Whigs. The whole experience had moved Clay away from party rivalry, he said, and toward a new goal. ''I want no office, no station in the gift of man,'' he said, ''[except] a warm place in your hearts.''

Every man has his own story. Ted Kennedy never moved away from party rivalry. He was a fierce partisan to the end. But over the years, he reminded the world of the great potential of this institution and even came to embody it. We will never forget the way he filled the Chamber with that booming voice, waving his glasses at his side, jabbing his fingers at the air, or the many times we saw him playing outside with his dogs. How many times did we spot him coming through the doorway or onto an elevator, his hair white as the surf, and think: Here comes history itself.

As the youngest child in one of the most influential political families in U.S. history, Ted Kennedy had enormous shoes to fill. Yet in nearly 50 years of service as a young Senator, a candidate for President, a legislative force, and an elder statesman, it is hard to argue that he didn't fill those shoes in a part he wrote all by himself.

It is hard to imagine the Senate without Ted thundering on the floor. It will be harder still, I am sure, for the Kennedy family to think of a future without him. You could say all these things and more about the late Senator from Massachusetts, and you could also say this: Edward Moore Kennedy will always have a warm place in our hearts.

Mr. President, I yield the floor.

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 for the transaction of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I might use.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. KERRY. Mr. President, I thank Majority Leader REID and Minority Leader MCCONNELL for the time they have set aside for us today to remember Ted Kennedy, our beloved colleague, my senior Senator for nearly a quarter of a century, a friend, a man I met first and who had great influence on me in politics back in 1962 when, as a young, about-to-be college student, I had the privilege of working as a volunteer in his first campaign for the Senate.

It is difficult to look at his desk now cloaked in the velvet and the roses, a desk from which he championed so many important causes, a desk from which he regaled us, educated us, and befriended us for so many years, and even more difficult for us to think of this Chamber, our Nation's Capital, or our country without him.

On many occasions in the Senate, he was the indispensable man. On every occasion in this Chamber and out, he was a man whose heart was as big as heaven, whose optimism could overwhelm any doubter, and whose joy for life was a wonderfully contagious and completely irresistible thing.

Ted loved poetry, and though the verse was ancient, the poet could have had Ted in mind when he wrote:

> One must wait until the evening to see how splendid the day has been.

Our day with Ted Kennedy was, indeed, splendid, its impact immeasurable. Just think for a moment what a different country we lived in before Ted Kennedy came to the Senate in 1962 and what a more perfect Union we live in for the 47 years he served here. Before Ted Kennedy had a voice in the Senate and a vote in the Senate, there was no Civil Rights Act, no Voting Rights Act, no Medicare, no Medicaid, no vote for 18-year-olds, no Martin Luther King, Jr., holiday, no Meals on Wheels, no equal funding for women's collegiate sports, no State health insurance program, no Family Medical Leave Act, no AmeriCorps, no National Service Act. All of these are literally just a part of Ted's legislative legacy.

It is why the Boston Globe once wrote that in actual measurable impact on the lives of tens of millions of working families, the elderly, and the needy, Ted belongs in the same sentence with Franklin Roosevelt.

Ted's season of service spanned the administrations, as we heard from the minority leader, of 10 Presidents. He served with more than 350 Senators, including those for whom our principal office buildings are named: Richard Russell, Everett Dirksen, and Philip Hart. He cast more than 16,000 votes. He wrote more than 2,500 bills. He had an important hand in shaping almost every single important law that affects our lives today. He helped create nearly every major social program in the last 40 years. He was the Senate's seminal voice for civil rights, women's rights, human rights, and the rights of workers. He stood against judges who would turn back the clock on constitutional freedoms. He pointed America away from war, first in Vietnam and last in Iraq. And for three decades, including the last days, he labored with all his might to make health care a right for all Americans.

Through it all, even as he battled, he showed us how to be a good colleague, always loyal, always caring, always lively. His adversaries were never his enemies. And his friends—his friends—always came first.

In my office there is a photograph of the two of us on day one—1985—my first day in the Senate. Ted signed it: As Humphrey Bogart would have said: This is the beginning of a beautiful friendship. For almost 25 years it was a beautiful friendship, as I worked at his side learning from the best. And, yes, like any colleague in the Senate, there were moments when we had a difference on one issue or another, but we always found a way to move forward in friendship and in our efforts to represent the State.

Teddy was the best natural teacher anyone in politics could ask for. I may not always have been the best student, but he never stopped dispensing the lessons. I came to the Senate out of an activist grassroots political base, where the coin of the realm was issues and policy positions. Activists are sometimes, as I learned, so issue focused and intent that they can inadvertently look past the personal touch or the emotional connection for fear that it somehow distracts from the agenda. But Teddy, through his actions, showed us how essential all of those other elements of political life are.

Yes, Tip O'Neill taught a generation of Massachusetts politicians that all politics is local. It was Teddy who went beyond that and taught us that all politics is personal. All of us knew the kindness of Ted Kennedy at one time or another, Mr. President.

During my first term in the Senate, I came down with pneumonia. I was then single and tired and Ted deemed me not to be getting the care I ought to get. So the next thing I knew, he literally instructed me to depart for Florida to stay in the Kennedy home in Palm Beach and be cared for until I got well. Indeed, I did exactly that.

He also showed up at my house the evening of Inauguration Day of 2005, and together with CHRIS DODD we shared laughter and stories from the campaign trail. We were loud enough and had enough fun that someone might have wondered if we were somehow mistaken and thought we had won. He understood the moment. He knew the best tonic was laughter and friendship. Many times that is all he needed to do, just be there. You couldn't help but feel better with him around.

All of us who served with him were privileged to share Ted's incredible love of life and laughter. In the cloakroom, sometimes the roars of laughter were so great they could be heard out on the Senate floor. Once I remember Ted was holding forth—I will not share the topic—and the Presiding Officer pounded the gavel and demanded, ''There will be order in the Senate and in the cloakroom.'' It was the first time I ever heard that call for order.

His pranks were also works of art and usually brilliantly calculated. One night after a long series of Thursday night votes that had pushed Senators past the time to catch commercial flights home to the Northeast, Senator FRANK LAUTENBERG had arranged for a private charter for himself in order to get up to Massachusetts. It turned out a number of Senators needed to travel in that direction, and when FRANK learned of it, he kindly offered Senator Claiborne Pell, Ted, and myself a ride with him. There was no discussion of sharing the cost. Everyone thought FRANK was being very generous.

But the next week, when we were reassembled on the floor of the Senate, official looking envelopes were delivered to each of us under FRANK LAUTENBERG's signature with exorbitant expenses charged for this flight. Senator Pell roared down the aisle, came up to me sputtering about this minor little aircraft and how could it possibly cost so much money. Senator LAUTENBERG was red faced, protesting he knew nothing about it, when out of the corner of my eye I spotted Ted Kennedy up there by his desk with this big Cheshire cat grin starting to split a gut, so pleased with himself. The mystery was solved. Ted had managed to secure a few sheets of Lautenberg stationery, and he sent false bills to each of us.

He once told me his earliest recollections were of pillow fights with his brother Jack and, in the years following, sailing with Jack. At the end of the day Ted's job was the long and tedious task of folding and packing the sails away. In politics and in the great progressive battles that were his life's work, Ted never packed his sails away. Were he here today, he would exhort us to sail into the wind, as he did so many times. There is still so much to do, so much that he wanted to do, and so much that he would want us to do now, not in his name but in his spirit.

When Ted was 12 years old, he spent hours with his brother Jack taking turns reading the epic Civil War poem ''John Brown's Body,'' by Steven Vincent Benet. It is book length and filled with great and terrible scenes of battle and heartbreaking vignettes of loss and privation and home. It surprises me to read it now and find so much in it that in fact reminds me of Ted. Benet wrote:

> Sometimes there comes a crack in time itself. Sometimes the earth is torn by something blind. Sometimes an image that has stood so long it seems implanted on the polar star is moved against an unfathomed force that suddenly will not have it anymore. Call it the mores, call it God or Fate, call it Mansoul or economic law, that force exists and moves. And when it moves it will imploy a hard and actual stone to batter into bits an actual wall and change the actual scheme of things.

Ted Kennedy was such a stone who actually changed the scheme of things on so many issues for so many people. Over the years, I have received hundreds of handwritten notes from Ted—some funny, some touching, all of them treasures.

Just before Thanksgiving Ted sent me a note that he would be spending the holiday with his beloved sailboat, the Maya. He added: If you are out on the sound, look for the Maya. She will be there. Indeed, I will never sail the sound again without thinking of the Maya and her big hard skipper.

There is an anonymous quote that I once read, which because of Ted's faith—which was grounded and deeply important to him—I think it describes how we should think of his departure from the Senate. It says:

> I am standing upon the seashore. A ship at my side spreads her white sails to the morning breeze and starts for the blue ocean. She is an object of beauty and strength. I stand and watch her until at length she hangs like a speck of white cloud just where the sea and sky come down to mingle with each other. Then, someone at my side says; ''There, she is gone!'' ''Gone where?'' Gone from my sight. That is all. She is just as large in mast and hull and spar as she was when she left my side and she is just as able to bear her load of living freight to her destined port. Her diminished size is in me, not in her. And just at the moment when someone at my side says, ''There, she is gone!'' There are other eyes watching her coming, and other voices ready to take up the glad shout; ''Here she comes!'' And that is dying.

That is the way Ted Kennedy will live in the Senate—his spirit, his words, and the fight that still comes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, let me thank my colleague from Massachusetts for his eloquent statement which I have had the privilege to hear. Let me make a short statement myself about my friend and colleague, Ted Kennedy.

I came to the Senate in January of 1983, and my first real opportunity to work with Ted came in the Armed

Services Committee at the beginning of that service. Although he had already been in the Senate for 20 years, he had chosen that year to go on the Armed Services Committee. Since we were both going on that year, in 1983, we were considered the two freshmen committee members. Ted and I were able to work together on the Armed Services Committee for many years.

He has been described as a visionary leader, a great orator, the keeper of the faith for the liberal wing of the Democratic Party. All of those descriptions, of course, are true. But the Ted Kennedy I came to know and with whom I had the great opportunity to work was a passionate, committed advocate and was the workhorse of the Senate. Frankly, Ted Kennedy set a very high standard for himself in the effort that he made on each and every issue that came up for debate. He set a high standard for the homework he did in preparation for that debate. All of us who served with him found ourselves trying to meet a similar standard. The result was that he raised the level of performance for those of us who served with him by the example he set.

In addition to serving with Ted Kennedy on the Armed Services Committee for many years, in May of 1990, following the death of Senator Matsunaga, I had the good fortune to be assigned to what was then called the Labor and Human Resources Committee—Ted's committee. As chairman, Ted gave a whole new meaning to the word ''proactive'' in that committee. The volume of useful legislation he was able to move forward through the committee was truly impressive. A major key to his success was the way he found to underscore for all members the importance of what the committee was working on. As chairman, he rightly saw it as his job to put together the agenda and the priorities for the committee's work. But before doing that he would sit down with the rest of us over dinner at his house to get our views on what those priorities needed to be. The serious approach he took to the committee's work inspired those of us who served there to elevate the importance of that work in our own minds as well.

During the course of our work in the Senate, each of us gets the opportunity to interact with many colleagues, to form judgments about those colleagues. During my 27 years I have served with many capable and dedicated public servants who deserve recognition and praise. But it is clear to me none of us exceeds Ted Kennedy in our passion or commitment for accomplishing the work we have been sent to do.

Hendrick Hertzberg wrote a short piece in the New Yorker last week that captures well the Ted Kennedy with whom I was privileged to know and serve. Mr. Hertzberg wrote:

The second half of his 47-year senatorial career was a wonder of focused, patient, unwavering service to a practical liberalism that emphasized concrete improvements in the lives of the poor, the old, the disabled, children, the uninsured, the undocumented, the medically or educationally disadvantaged.

That phrase—focused, patient, unwavering service—is a good description of the Ted Kennedy I knew as my chairman and my friend, and I will miss him very much.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I also want to rise this morning to share some brief thoughts about our colleague from Massachusetts. I want to commend JOHN KERRY and JEFF BINGAMAN for their comments capturing the good qualities of the Senator from Massachusetts.

This is a hall noted for a robust amount of noise, and it seems quiet today because Teddy is not here. So we gather to share a few thoughts.

Mr. President, I ask unanimous consent to have printed in the RECORD some remarks I made at the memorial service for Senator Kennedy at the John F. Kennedy Library.

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

WHAT A GOLDEN FRIEND I HAD

By Sen. Chris Dodd

Tonight, we gather to celebrate the incredible American story of a man who made so many other American stories possible, my friend Teddy Kennedy.

Unlike his beloved brothers, his sister Kathleen, and his nephews, Teddy was granted the gift of time—he lived, as the Irish poet suggested, not just to comb gray hair, but white hair.

And if you look at what he achieved in his 77 years, it seems, at times, as if he lived for centuries.

Generations of historians will, of course, chronicle his prolific efforts on behalf of others. I will leave that to them.

Tonight, I just want to share some thoughts about my friend.

And what a friend he has been—a friend of unbridled empathy, optimism, and full-throated joy.

Examples of that friendship are legion.

I remember, many years ago, a close friend of mine passed away. Teddy didn't know him.

I was asked to say a few words at the funeral.

As long as I live, I will never forget that, as I stood at the pulpit and looked out over the gathering, there was Teddy, sitting in the back of the church.

He obviously wasn't there for my friend. He was there for me, at my time of loss.

That was what it was like to have Teddy in your corner.

When our daughters Grace and Christina were born, first call I received was from Teddy.

When I lost the Iowa caucuses last year, not that anyone thought I was going to win, first call I received was from Teddy and Vicki.

When my sister passed away last month, first call I received was from Teddy, even though he was well into the final summer of his own life.

And two weeks ago, as I was coming out of surgery, I got a call from Teddy, his unique voice as loud and booming as ever. ''Well,'' he roared, ''Between going through prostate cancer surgery and doing town hall meetings, you made the right choice!''

And though he was dying, and I was hurting, he had me howling with laughter in the recovery room as he made a few choice comments, I cannot repeat this evening, about catheters.

As we all know, Teddy had a ferocious sense of humor.

In 1994, he was in the political fight of his life against Mitt Romney.

Before the first debate, held in Boston's historic Faneuil Hall, I was with Teddy and Vicki and his team and, along with everyone else, offering him advice.

''Teddy,'' I cautioned, ''We Irish always talk too fast. Even if you know the answer to a question, you have to pause, slow down, and at the very least appear thoughtful.''

Out he went, and, of course, the first question was something like this: ''Senator, you've served the Commonwealth of Massachusetts for nearly 35 years in the United States Senate. Explain, then, why this race is so close.''

Teddy paused. And paused. And paused. Five seconds. Ten seconds.

Finally, after what seemed like an eternity, he answered.

After the debate, I said, ''Good Lord, Teddy, I didn't mean pause that long after the first question! What were you thinking about?''

He looked at me and replied, ''I was thinking—that's a damn good question! Why is this race so close?''

In these last months of his life, I have so treasured our conversations.

At 6:30 in the morning of July 16th, the morning after his Senate health care committee finished five weeks of exhausting work on the bill he had written, and that I believe will be the greatest of his many legacies, my phone rang.

There was Teddy, beyond ecstatic that we had finished our work, and that his committee had been the first to report a bill.

Always the competitor.

Teddy was never maudlin or self-pitying about his illness, but he was always fully aware of what was happening.

Over the last year or so, Teddy got to enjoy what is, of course, every Irishman's dream—and that is to attend your own eulogies. That's why we call the obituary page the Irish sports page.

And I know he enjoyed a uniquely Celtic kick out of hearing people who abhorred his politics say incredibly nice things about him.

Volumes, of course, will be published by those attempting to unlock the mystery of why Teddy was such an effective legislator.

Was it his knowledge of parliamentary procedure? His political instincts? His passionate oratory? His staff?

Please let me save the pundits and political scientists some time—and all of you some money—and tell you what Teddy's secret was: People liked him.

Now, he always had a great staff, and great ideas, but that only counts for so much in the United States Senate, if you lack the respect and admiration of your colleagues.

And Teddy earned that respect.

He arrived in Washington as the 30–year-old brother of a sitting president and the attorney general of the United States.

Many people drew their conclusions about him before he spoke his first words in the Senate.

And over the years, he became a target of partisans who caricatured him as a dangerous liberal.

Now, liberal he was, and very proud of it.

But once you got to know him, as his Senate colleagues did, you quickly learned he was no caricature.

He was a warm, passionate, thoughtful, tremendously funny man who loved his country, and loved the United States Senate.

If you ever needed to find Teddy in the Senate chamber, all you had to do was to listen for that distinctive thunderclap of a laugh, echoing across that hallowed hall as he charmed his colleagues.

He served in the Senate, as you all know, for almost a half-century alongside liberals and conservatives, Democrats and Republicans, and he befriended them all with equal gusto.

It's great, of course, to see his friends Senators Orrin Hatch and John McCain here.

It is to their credit that they so often supported Teddy's efforts.

And, I say in some jest, it is to Teddy's great credit that he so rarely supported theirs.

But Teddy's personal friendships with Orrin and John, and so many others, weren't simply the polite working relationships that make politics possible.

They are the real and lasting bonds that make the United States Senate work.

That's what made Teddy one of our greatest Senators ever.

Some people born with a famous name live off of it. Others enrich theirs. Teddy enriched his.

And, as we begin the task of summing up all that he has done for his country, perhaps we can begin by acknowledging this:

John Fitzgerald Kennedy, inspired our America; Robert Kennedy, challenged our America; and our Teddy, changed our America.

Nearly every important law passed in the last half century bears his mark, and a great many of them bear his name.

Teddy was defined by his love of our country, his passion for public service, his abiding faith, and his family.

His much-adored Vicki, his children Kara, Teddy, and Patrick, his step-children Caroline and Curran, his grandchildren, nieces and nephews—all of you need to know, you brought him unbounded joy and pleasure.

Teddy was a man who lived for others.

He was a champion for countless people who otherwise might not have had one, and he never quit on them, never gave up on the belief that we could make tomorrow a better day. Never.

Last August in Denver, one year to the day before his passing, Teddy spoke at our national convention.

His gait was shaky, but his blue eyes were clear, and his unmistakable voice rang with strength.

As he passed the torch to another young president, Teddy said: ''The work begins anew. The hope rises again. And the dream lives on.''

He spoke of the great fight of his life—ensuring that every American, regardless of their economic status, is guaranteed the right to decent health care.

We are all so saddened that he did not live to see that won.

But in a few short days, we will return to our work in Teddy's Senate.

The blistering days of August will be replaced, I pray, by the cooler days of September.

And we will prevail in the way Teddy won so many victories for our country: by listening to each other; by respecting each other and the seriousness of the institution to which we belong, and where Teddy earned an immortal place in American history.

As he so eloquently eulogized his brother Bobby 40 years ago, Teddy doesn't need to be enlarged in death beyond what he was in life.

We will remember him for the largeness of his spirit, the depth of his compassion, his persistence in the face of adversity, and the breadth of his achievement.

We will remember him as a man who understood better than most that America is a place of incredible opportunity, hope, and redemption.

He labored tirelessly to make those dreams a reality for everyone.

Those dreams, the ones he spoke of throughout his life, live on like the eternal flame that marks President Kennedy's grave, the flame that Teddy and Bobby lit 46 years ago.

And in all the years I knew and loved him, that eternal flame has never failed to burn brightly in Teddy's eyes.

Now, as he re-joins his brothers on that hillside in Arlington, may the light from that flame continue to illuminate our path forward.

And with the work of our own hands, and the help of Almighty God, inspired by Teddy's example, may we lift up this great country that my friend Teddy loved so much.

Mr. DODD. I was very honored to be asked by Mrs. Kennedy and her family to share some thoughts that evening, and I was proud to do so.

I commend my colleague from Rhode Island, PATRICK KENNEDY, for his comments at his father's funeral, and Teddy's son Edward Kennedy, as well, who made wonderful comments about their father at that funeral service.

A few short thoughts this morning, and a proposal I wish to make to our colleagues as we recognize the contribution of Senator Kennedy. When we consider how to pay tribute to our colleagues, we often try to devise monuments, to celebrate the work of those who served here and made a significant contribution to our country. It is not an easy task. I have tried to think about what would be an appropriate way to celebrate, in some concrete way, the work of Ted Kennedy. He certainly has been, as our colleagues and others have pointed out over these last couple of weeks, one of the greatest Members to ever serve in this body.

I had the distinction and honor of serving as the chairman of the Rules Committee a few years ago. I was asked to complete some of the ovals in the reception room. For those who have not been to Washington, or to the Capitol, there is a room a few feet from where I am speaking here this morning called the reception room. It was designed by the great artist, Brumidi, and he intended that work to celebrate the work of the Senate.

In the mid-1950s, John Fitzgerald Kennedy, then a freshman Senator from Massachusetts, was asked by the leadership of this body to form a committee to identify the five most significant Senators who had served up until the 1950s. Then-Senator John Kennedy of Massachusetts went to work, reviewing the contributions of the people who served in this body since the founding of our Republic in 1789. He concluded there were five Members who deserved recognition. The first three were the obvious ones: Clay, Calhoun, and Webster. The last two, Senator LaFollette of Wisconsin and Senator Taft of Ohio, were more controversial, but were accepted as fine contributions to that room that celebrates those who have contributed the most to this body and our country.

I was asked a couple of years ago to help add a couple more names to that honor roll of renowned Members of this body. We concluded that Senator Vandenberg, who made such a contribution to the post-World War II foreign policy of our Nation, along with Senator Wagner of New York, who back in the 1920s and 1930s and 1940s was the author of much of the social legislation that we celebrate in this country today, were fine additions to those who had already been recognized in this reception room just off the floor of the Senate.

One day it will be appropriate to add our colleague and friend from Massachusetts, who deserves to be in that hall of celebrated heroes, having made a significant contribution to this institution and to the people of our country.

But there are other ways to celebrate him as well. I suspect that Senator Kennedy, if he had a chance to weigh in on how he would like to be recognized and remembered, might choose other means.

There are very few issues over the last half century on which Senator Kennedy did not leave his mark, and a good many of the most significant pieces of legislation that passed this Senate in his time not only bear his mark but bear his name as the author. That, in a sense, is a monument, one with a meaning far broader than anything we might inscribe on any wall.

Across America there are people who might have lacked for an advocate had Ted Kennedy not stood up for them, people who can now stand up for themselves with dignity and hope and a chance to make it in America because they had a friend by the name of Edward Moore Kennedy.

These Americans are also a monument that I think Senator Kennedy might say is fitting enough—that there are people today doing better, living more secure lives, growing up with a sense of confidence and optimism about their future and the future of our country because of his contribution. That in itself is a great monument.

Perhaps we could consider the flood of tributes that have come from across the aisle as well as across the globe, from those who shared in his crusade for social justice and those who spent their careers opposing him, and those who never enjoyed the privilege of working alongside him. All understood how important Senator Kennedy was, not only to this Nation but to millions of people around the globe who today lead better lives because he stood up for them even though they were not citizens of our own country.

He understood that the Founders of our Republic, when they talk about inalienable rights, were not limiting those rights in our minds to those who happen to enjoy the privilege of being citizens of our country but knew that they were God-given rights that every human being is endowed with upon

birth, regardless of where they live. Ted Kennedy understood that intuitively, deeply, and passionately. That in itself, I suppose, could be a great tribute, knowing there are people whom he never met, never even knew what he looked like, who lead better lives today because of his contribution.

Then perhaps we might consider these tributes offered by our colleagues here and others, the literally thousands who lined up in those long hours to pay tribute to their Senator from Massachusetts at the John F. Kennedy Library, the more than 50,000 people in Massachusetts who had known and respected, elected and reelected and reelected and reelected, over and over again, their Senator. They appreciated him immensely for the work he did for them and their Commonwealth for almost 50 years. In itself that is a great tribute. It would be enough, I think, for many of us, being recognized by the people of your State for having fought on their behalf.

Teddy's monument can be found in his talented and wonderful family as well. JOE BIDEN talked about this in the memorial service in the John Kennedy Library. When you consider this remarkable family of Senator Kennedy and those of his brothers, their children, their nieces and nephews, it is a source of inspiration when you think of what each of them has done, the contributions they have made.

A few short weeks prior to Teddy's passing, he lost his sister Eunice, who was a wonderful friend of mine over many years. She did remarkable things as an individual. To think, millions of people who suffer from mental disabilities enjoy a greater respect today because of one individual, Eunice Kennedy Shriver. Teddy's brother Joe lost his life in World War II, defending our country and fighting for freedom. His sister Jean has done a remarkable job with the very special arts in her contribution to the country. And then look at his wonderful wife Vicki, who was such an incredible source of strength and inspiration for him during their life together and particularly over the last 15 months. There is no doubt in my mind Teddy lived as long as he did with brain cancer because Vicki was at his side and took such nurturing care of him and has done a remarkable job providing all of us the opportunity to celebrate his life as we all wished to do.

His children, grandchildren, nieces, nephews all are following Teddy's example by making a difference in this country. His son PATRICK I mentioned already, serves in the other body. His son Teddy is a great friend of mine, lives in Connecticut and is making a significant contribution as citizen of our State. He holds no office, doesn't have any title. He and his wife make a wonderful difference on many issues in our State every single day, and his daughter Kara, for whom he has such great affection, has also made her contributions as well. That in itself can be a monument. How many would say if your children and family do well and stand up and make a difference in the lives of other people, what better tribute; what higher form of compliment could you have, or form of flattery, than to know that your children, your family, your nieces or nephews, your sisters and brothers are out making a difference in the lives of others?

In a way, it is hard to decide what is an appropriate way to celebrate the life of someone who filled the room on so many occasions, not only with his booming voice—as we all are familiar with here, particularly the staff of the Senate who would, many times, be the only ones in this room as Ted Kennedy would be pounding that podium back in that corner, expressing his passionate views about some great cause of the country. But we remember also his determination that this country live up to its expectations, that it become the more perfect union that our Founders described more than two centuries ago.

Today, I wish to make a suggestion to my colleagues. I talked to the leadership about it and to the Republican leadership as well. Never before in the history of this country have three brothers served in this Chamber: Jack Kennedy, Robert Kennedy and, of course, Teddy Kennedy. That has never happened before in the history of our Nation. One of the rooms that has been of similarly historic significance to our Nation is the caucus room in the Russell Office Building. It has been the site of remarkable hearings and meetings. Since its building almost a century ago, that room has been very important. The hearings on the Titanic were held in that room; the Watergate hearings, going back years ago, were held in that room. It is there that we have commemorated tragedies. We have met to celebrate triumphs in that room. We have gathered as Members with our spouses from time to time to share some quiet moments with each other as we reflected on our responsibilities here as Senators. We have held some of the greatest debates that have ever occurred in that room. It is there that Senator Kennedy's Health Committee, in which I was privileged to act as sort of a fill-in for him over the last number of months, held 5 weeks of hearings and debate and markup of a bill that concluded in the adoption of the health care reform legislation that he authored.

It is in that room that Senator Kennedy's brothers each announced their candidacies for the Presidency of the United States. Both Jack Kennedy and Robert Kennedy, in that very room, announced that they intended to seek that office. And it is there that I propose we affix the Kennedy name, not just as a monument to the things these three brothers did as Senators and as colleagues of ours here, but in the spirit of compassion and compromise, the fierce advocacy and tender friendship that Teddy and his brothers brought to this body.

This was Teddy's wish and desire. I asked him what could we do to recognize him, and he said, I would like to have you recognize my brothers as well for their contribution.

Ted Kennedy believed in impassioned debate. He believed in pounding that podium when it was appropriate. But he also believed that at the end of the day we best serve the people of our great Nation when we respect each other and work together in common cause to solve the problems of our day. Whatever history is made in the caucus room of the Russell Senate Office Building in the next century, I would like to believe it will be guided by that spirit of respect and good humor that Teddy Kennedy brought to this institution for almost a half century. Thus, may the Kennedy Caucus Room stand as one monument to the contribution of a family what has made such a difference to our country. They devoted their considerable talents and energy and their lives to serving our Nation that they loved and that loved them back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise along with my colleague to pay tribute to an extraordinary American, probably the greatest Senator to serve in this body. I think time will confirm that as we go forward. I particularly want to express my deepest sympathy to Vicki and Kara and PATRICK and Ted Jr. I have had the privilege now of serving with Senator Ted Kennedy but also with Congressman PATRICK KENNEDY, and both of these gentlemen have demonstrated zeal for public service and commitment and passion to help people that has been emblematic of the Kennedy family.

I particularly am proud of PATRICK, his words at his father's funeral. His continued dedication to the people of Rhode Island is not only commendable but inspiring to me and to all of us.

Like so many of my generation, I grew up with the Kennedy family. In 1960, John Kennedy carried the banner of the Democratic Party as the Presidential candidate. He won, but, as we understood then and now, we got the whole family, not just President John Kennedy, and it was a remarkable family—his brother Robert, the Attorney General and later the U.S. Senator from New York, and then, of course, Ted Kennedy.

His contribution to the country and to the world is probably unmatchable as we go forward in every area: health care, which was his particular passion and on which President Obama spoke so movingly last evening about his commitment to moving forward in this Congress and finally achieving a dream that has alluded our country for years and years and years; his work with his son PATRICK on mental health parity, which is so important.

On education, I had the privilege of serving with him on the Education

Committee and as a Member of the House to collaborate with him on education bills, and every major education initiative in this country bears his stamp, his input, his inspiration. He worked very closely with my predecessor, Senator Claiborne Pell, for the creation of the Pell grants and for so many other initiatives in education. He not only worked with Senator Pell, they developed a very deep and abiding friendship.

One of the impressive things about Ted Kennedy is that the public persona was impressive, the private persona was equally impressive and extraordinarily endearing. He was someone who had a great sense of camaraderie and friendship and good humor.

I can recall being invited to join Senator Kennedy at the Pells' home in Newport after Senator Pell retired. Every year, unannounced, without any fanfare, Senator Kennedy would sail his boat up into Newport and insist on taking Senator Pell out for a cruise, and then they would all retire to the Pell home for a delightful supper. I was privileged to be there on a couple of occasions.

Toward the end of his life, Senator Pell had difficulty moving around, but Senator Kennedy would insist on coming every summer. The last outing, we literally had to carry Senator Pell aboard. Senator Pell at that time was not communicating as effectively as he was previously, but he didn't have to because Senator Kennedy could take both parts of the conversation—in fact, he could take multiple parts of the conversation. There was never a lost word or a dull moment. It was a great opportunity to see an extraordinary statesman but an extraordinary gentleman at the same time.

He said famously about his brothers that they lived to see the American dream become reality, and he said famously that the dream lives on. But he also, more than dreaming, tried to give substance, shape, and texture to that dream, effectively to try to ensure that opportunity was available to every American family, that they could use their talent to build their family and to secure their future and to contribute to a better America. That was why he led on health care, because without adequate health care, you cannot realize your talents, your potential, and you cannot contribute as much to this great country. He led on education because it is the great engine that pulls this Nation forward and individually gives people an opportunity to move up and to help their families move forward.

On civil rights, he was a strong advocate. In fact, I think it is fair to say that his first major speech was in favor of the 1964 Civil Rights Act because he understood that the talent of America was not restricted to any group and that to meet the challenges of this Nation and this world, we need the contribution and the participation of every American, regardless of race, regardless of gender.

He also was someone who understood that for the working men and women of this country, they needed help, they needed to share in the bounty of this country. What we have seen over the last decade has been growth, up until the crisis of last September, but that growth was not shared fairly or evenly, executives getting huge salaries and bonuses and working men and women were barely keeping up. In order to have a strong, prosperous economy, we need a strong, prosperous middle class. His work in terms of education and health care and labor—all of that had a purpose not only of helping individuals but, wisely, trying to establish an environment for economic growth that we all could share.

He also served on the defense committee with me. And he was very perceptive. He had spent many years viewing the world, and his understanding of not only the military but the forces, economic and cultural, that shape our interaction with other countries was profound in its insights. He was, very clearly, opposed to the operation in Iraq because he understood that it was a strategic deviation from the real task, which continues in Afghanistan, to root out al-Qaida, to stabilize the region, the most volatile region in the country. That is just one example of his insight into the international arena.

There is a story, and it is attributed to either his brother John or to Senator Kennedy, but I think it might be apropos for both. It might be slightly apocryphal, but either John or Ted, according to the story, was standing outside a factory and a worker came up and said: They tell me you have never worked a day in your life.

And Kennedy was taken aback.

Then shortly, the worker said: Don't worry, you haven't missed anything.

A family of great privilege, of great opportunity, in fact worked every day of their lives, and particularly Ted Kennedy, hard, relentlessly to ensure that person coming out of the factory had a chance.

Finally, what I sensed when I was at the funeral service, which was extraordinarily moving and inspirational, the outpouring of affection and regard for Senator Kennedy, not by the dignitaries who assembled but by ordinary citizens of Massachusetts and here lining the route to Arlington, bespeaks a connection and a validation by the American people of an individual who had trials and tribulations but rose above it in constant service to the country, in constant service to the people who do not have a voice, and constant service to those who need a chance to help themselves, to help their family, and to make the Nation a better place. It reminded me of words spoken about Franklin Delano Roosevelt. His cortege was moving through Washington, DC, and a man was visibly shaken and weeping.

A reporter went up to him and said: You know, you are so upset, did you know the President?

He said: No, I did not know him, but he knew me.

Ted Kennedy knew us all. He knew our strengths, he knew our weaknesses, he knew that this government could make a difference, a positive difference in the lives of people. He had shared the same difficulties and challenges we face: children stricken with cancer, the loss of his brothers and one of his sisters in an airplane crash, the human reality.

And because he knew us, he never stopped working for us.

His legacy is extraordinary. It will inspire and sustain us as we go forward. His loss, not just to his family, which is considerable, but for all of us, is balanced by how much he made us better, more attuned to the challenge of serving America and leading the world. We will miss him. But our task now is to take up his work, to continue his effort. That is the greatest tribute we can pay. Let us begin with this debate on health care.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to add my voice to those who have already paid tribute to our friend and colleague, the late Senator Ted Kennedy, who passed away this last month after a courageous battle with cancer.

He was quite an institution. I came into this body in a seat held by an individual who was quite an institution as well. Bob Dole was in this seat. So I know that when people look to the person who follows after Ted Kennedy, you just can't replace an individual like that who was such a towering figure in this body, was the lion of the Senate, as many have noted, and certainly deserved that topic and that accolade.

While Senator Kennedy and I did not see eye to eye on most political issues, I admired him greatly as a colleague and certainly as a dedicated public servant. Ted Kennedy fought for what he believed and did so with passion and conviction and incomparable ability. When he was your opponent on an issue, you knew you had a fight on your hands, and when he was on your side, you knew you had an advocate who worked hard and effectively.

His skills as a legislator were unmatched. I think really what was at the core of that was he really enjoyed working with other people. He had built relationships across the aisle with individuals, so that he could personally go to other individuals with that relationship he had built. Even though there were huge disagreements on policy issues on many other fronts, he had the personal relationships. To him, I think, in many cases, it was a lot more about the person rather than policy. I think that is a good lesson for many of us to learn. He mastered the legislative process, became one of the most effective Members of this body and that this body has ever known. One

of the keys of his effectiveness was his tenacity and perseverance and attending to, in many cases, the unglamorous details and the sometimes tedious work that goes into crafting and passing a bill.

He also understood that getting things done as a politician means compromise. He had a great sense of when to fight on principle and when to reach out to the other side and arrive at an agreement in order to advance the cause for which he was fighting. I think you can probably look back over the last decade or 15 years of this body and no major piece of legislation passed without Ted Kennedy's fingerprints somewhere around or on that piece of legislation.

Despite our political differences, I always found him to be professional, courteous, thoughtful, and a caring individual. He was always looking for ways to find common ground and had a wonderful ability to win others over to his side with that charm, Irish wit, his fellowship, and gregarious nature. And once he made an agreement, you could depend on him to be true to his word and honor in public an agreement he had made in private.

Over the years, I had the opportunity to work on several legislative issues with Senator Kennedy. As many testified, he was the best ally one could ever hope for.

Most recently we worked together to pass the Prenatally and Postnatally Diagnosed Conditions Awareness Act, a pro-life piece of legislation. When I would travel around the country saying that Ted Kennedy and I had introduced a pro-life piece of legislation together, many people would be quite startled. I would explain what this was. It was a piece of legislation that would encourage people, once they had a diagnosis that their child had Down Syndrome in utero, not to abort the child but instead to have the child, put together an adoption registry of individuals who were willing to adopt children with Down Syndrome. We have this terrible plague in the country where 90 percent of our children who are diagnosed with Down Syndrome never get here; they are aborted.

In our office we went to the disability community. We went to his sister Eunice and talked with her about it. And I went to Ted. I remember how effective his sister Eunice would be on lobbying Ted on this piece of legislation. Just this past year, when we were able to move things forward with it, I met with Eunice. She was obviously getting more difficult and failing of health at that point. She said: Is Teddy being helpful? Is Teddy working with you and helping? I would say: Yes, he is, but you can always help us more and push him more. And she did. What an effective team that was on providing help for those especially with mental disabilities, even on this pro-life piece of legislation that I hope will result in more people getting here who have disabilities so that they are not killed in utero but instead that they get here and, if people can't handle that issue in their families, that they put them up for adoption. We have adoption registries ready to go for people who want to adopt a child who may have more difficulties. Working together we were able to find common ground on protecting the dignity of these precious Americans by providing parents who receive a pre- or postnatal diagnosis of genetic disability with resources, information, and a network of support.

I am so pleased to know Senator Kennedy lived to see this bill passed and signed into law. It stands as an example of how we can find common ground to advance the interests of all Americans in spite of differences. This body truly will not be the same place without Ted Kennedy, without his rhetoric and his strong voice, his abilities as a legislator.

My thoughts and prayers go out to him and his family and friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I join today with colleagues to pay tribute to the life and legacy of Senator Ted Kennedy. Each of us has lost a friend with his passing—and all Americans—but especially those in need have lost a champion of government's ability to bring light to dark places. All of us stand in awe of the lengthy record of accomplishment Senator Kennedy leaves us. It was a great privilege to serve many years with Ted Kennedy on the Armed Services Committee and to witness firsthand the traits so well known to Members of the Senate: the tireless preparation, the intimate knowledge of the legislative process, the relentless focus on justice and equality.

Today our citizens are safer, our military more capable, our troops better equipped because of his service.

Senator Kennedy approached his work with diligence and dedication. But he also knew that work goes more smoothly when it is accomplished with friendship and good humor. It was possible to disagree with Ted Kennedy but never to dislike him. His sense of humor was contagious, and his concern for those around him, from fellow Senators to staff, to the many often unheralded people who make the Senate function, ensured that he was loved as well as respected throughout this body. That love extends across lines of party and ideology, in part because of that good humor and genuine concern for others for which he is so rightly known.

But it was not just these qualities that endeared Ted Kennedy to figures of all political persuasions. It was the seriousness and good faith with which he approached ideas that differed from his own. In 1983, this liberal Catholic from Massachusetts traveled to the conservative Liberty Baptist College in Virginia where he told the students:

> The more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Ted Kennedy lived out that sentiment every day. We salute his ability to work across party lines to achieve consensus, to work on a piece of legislation until doubters became enthusiastic supporters. He excelled in transforming nays to yeas. Senator Kennedy was a master of our own specialized world, and his legislative legacy stands with those of the giants of this Chamber. He tackled what some see as the great game of politics with gusto.

But Ted Kennedy's life's work was not a game. Politics was not a contest staged for its own sake or in pursuit of power or prestige. Ted Kennedy was a master not of the politics of the moment but of the politics of meaning.

Ted Kennedy's task was to touch lives. He touched the family whose children have health insurance because of the Children's Health Insurance Program he helped establish; the child who has a better chance at an education because of his work on the No Child Left Behind law. More Americans can fully participate in our democracy because of the civil rights and voting rights legislation he pushed forward.

We saw Ted Kennedy's passion for justice, tolerance, and understanding again recently when we were working on the Matthew Shepard Local Law Enforcement Hate Crimes Prevention legislation. I quoted him during that debate on that legislation when the Defense authorization bill was on the floor, and I quote him again now. He said:

> We want to be able to have a value system that is Worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is, we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a considerable period of time.

The children of our men and women in uniform have some of the best childcare available, thanks to the National Military Child Care Act Ted Kennedy championed in 1989. He was actively involved more recently following the outrages at Walter Reed Army Medical Center when we passed the wounded warrior legislation in 2008.

The lesson of Ted Kennedy's life and career is that politics at its best is not a game to be refereed by TV pundits. It is not a contest of poll numbers or a scorecard of grievances to nurse and favors to return. Senator Kennedy struck many deals. He brokered many compromises. He won many votes. But the true majesty of his career is not to be found in this Chamber, though his work was done here. His lesson for us is that democracy is best understood in the homes and lives of its citizens. It is in the homes of families less burdened by want. It is in the minds of children freed by education. It is in the relief of parents who no longer fear for a child in need of medical care. It is in the

souls of Americans who find inspiration in his triumph over tragedy and over his own shortcomings. It is in the hearts of the colleagues he leaves behind who will be inspired to rededicate ourselves to a politics that recognizes our common humanity and seeks common ground in the pursuit of justice.

My wife Barbara and I will always keep in our hearts Vicki, the love of Ted's life, and we will always remember Ted's love affair with the American people.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Madam President, there was a historic moment on Capitol Hill last night. The President of the United States asked for a joint session of Congress to address one of the most important and controversial issues of our time. Emotions were running high in the House Chamber as Members of the House and Senate gathered to hear the President. We know they ran high because there were expressions of support and disapproval during the President's speech. I sat with Harry Reid and other leaders from the Democratic side in the Senate and watched carefully as the speech unfolded. I thought the President was at his best, even under fire, with the high emotions in the Chamber. I wondered what the ending would be and how it would be received.

If Members will recall, at the end of the speech, the President referred to a letter that had been sent to him by the late Senator Ted Kennedy to be read after the Senator had passed away. As the President referred to that letter, an amazing thing happened in that Chamber filled with hundreds of hundreds of people. The emotions quieted down. At one point, one could have heard a pin drop in the House Chamber as President Obama recalled the legacy and the promise of the life of Senator Edward Kennedy.

I came today to this seat on the Senate floor. It is not my ordinary desk, but it is the row where I sat for a number of years as a new Member of the Senate. It was a particularly good assignment to sit in this row because behind me was Paul Wellstone and then Ted Kennedy. One never had any better back-benchers than those two men. Now they are both gone.

As I reflect on the absence, particularly of Senator Kennedy, I recall for history his first speech on the floor of the Senate. It was April 9, 1964. Here is the amazing fact: This speech took place 16 months after he took his Senate seat. That booming voice and presence, which was so dominant in the Senate for decades, waited patiently for his turn, 16 months after the special election in Massachusetts that gave him the Senate seat once held by his brother John. When he rose to make his first speech on April 9, 1964, he said he planned ''to address issues affecting the industry and employment in my home state [of Massachusetts],'' a thoughtful decision by someone recently elected, to make sure that your first speech touches issues important to the friends at home. He said he would make that speech one day. But he decided his first speech would be much different.

On that day, with his first speech, conscience and the cause of freedom compelled Ted Kennedy to speak instead in eloquent support of the bill the Senate was then debating. It was a measure President Kennedy proposed nearly a year earlier. Now, less than 5 months after that terrible day in Dallas, TX, when his brother was assassinated, the youngest Kennedy brother stood at the same desk his brother John had used when he served the Senate, the same desk Ted Kennedy used for the 47 years he served in the Senate. He presented more than a dozen letters he had received from religious leaders all urging Congress to pass the Civil Rights Act and end the evil of segregation in America. That was Ted Kennedy's first speech in the Senate.

He said:

> When religious leaders call on us to urge passage of this bill, they are not mixing religion and politics. This is not a political issue. It is a moral issue to be resolved through political means.

He continued.

> Religious leaders can preach, they can advise, they can lead movements of social action. But there comes a moment when persuasion must be backed up by law to be effective. In the field of civil rights, that point has been reached.

He concluded by saying:

> My brother was the first President of the United States to say publicly that segregation was morally wrong. His heart and soul are in this bill. If his life and death had a meaning, it was that we should not hate but love one another; we should use our powers not to create conditions of oppression that lead to violence, but conditions of freedom that lead to peace. It is in that spirit that I hope the Senate will pass this bill.

That first speech by Ted Kennedy bore so many of the qualities that would define his public career. The moral courage to take on the most urgent moral question of his time no matter how controversial, the determination to pick up his brother's fallen standard, the prodigious amount of work behind the scenes building alliances, and an optimist's unshakable faith that his beloved America would become an even more just and decent Nation.

Listening to Senator Kennedy's speech that day were some of the giants of the Senate—Hubert Humphrey, a man who more than anyone brought me to public life when he allowed me to serve as an intern in his Senate office. The first to speak was a man whom I would come to know well, Senator Paul Douglas of Illinois. He said:

> I have never heard an address of a more truly noble and elevated tone.

He called the young Senator from Massachusetts:

> A worthy continuer of the great traditions of the seat which he occupies in the Senate, beginning, I believe, with John Quincy Adams, Daniel Webster and Charles Sumner and through . . . to his beloved and lamented brother . . .

Senator Wayne Morse stood to speak as well, and he made a prediction on the first day Ted Kennedy spoke in this Chamber. He said:

> [I]n my judgment, the junior Senator from Massachusetts has already demonstrated that before he leaves the U.S. Senate, he will have made a record in this body that will list him among the great Senators in the history of the Senate.

That prediction was made 45 years ago by Senator Wayne Morse of Oregon.

Edward Moore Kennedy was one of the greatest Senators not only of our time but of all time. There was no better advocate and no more determined fighter for civil rights and human rights. He was a son of privilege, but he was a man, despite that background, who identified with the poor and the dispossessed and the voiceless in America.

His fingerprints can be found on significant legislation of the last half century: health care, voting rights, women's rights, gay rights, immigration reform, worker safety, fair housing, consumer protection, campaign finance reform, sensible gun laws, national service, minimum wage—the list goes on and on.

He was a protector of the vulnerable—of widows and orphans, the wounded and maimed, the grieving and dispossessed. He was a champion of people with disabilities. He believed we should all be judged by what we can do, not by what we cannot do.

When I was asked by my local media in Illinois, after Ted Kennedy's passing, if there was something about him that I knew that other people did not know, I said there was one thing most people did not know. As a result of an airplane crash early in his Senate career, where his broken body was dragged out of the plane by his Senate colleague, Senator Birch Bayh of Indiana, whose son now serves in this Chamber, Ted Kennedy, with a broken back and ribs, went through a long period of convalescence and a lifetime of problems as a result of that almost fatal accident.

Those of us who were around him every day knew that Ted was in pain a lot of the time—physical pain—because of his back problems. If you had a press conference with Ted Kennedy, you brought a little stool that he could perch on because standing caused pain. You watched him as he labored to get out of a chair trying to make sure he could stand and speak. But never a word of complaint—not one. A physical condition that might have created a total disability for some other people did not stop him. In addition to the intellectual part of this man, there was this physical commitment that he would give whatever it took to serve his people in Massachusetts and serve the causes and values which motivated his public life.

He was an advocate for the elderly throughout his career. Little did he realize his passion would eventually affect him personally, as he served long enough to qualify for Social Security and Medicare.

He believed education was the key to the American dream and he worked tirelessly to extend it, helping to create programs from Head Start for preschoolers to the Direct Lending program for college students.

He helped bring an end to apartheid in South Africa and violence in Northern Ireland.

His office wrote more than 2,500 bills and more than 300 of them became law. In addition, some 550 bills he cosponsored became law. Nearly every major legislative achievement of his was advanced with a Republican partner.

He was a genius at compromise, principled compromise. As someone said, he was able to maintain a sense of idealism in setting goals and realism in achieving them. He had an optimist's willingness to settle for progress, not perfection.

It was from his bother Jack, he said, that he learned the most important lesson: that you have to take issues seriously, but do not take yourself too seriously. As we all know, he was gracious and generous in sharing credit for success. But he also, because of the suffering in his life through his family and personally, developed this heart of gold, this empathy for other people and their own misfortunes.

If one of his colleagues in the U.S. Senate had something bad come their way, you could almost bet the first call they would receive would be from Ted Kennedy, regardless of which side of the aisle you were on. He would be the first to talk about some misfortune or illness in your family. How he learned this so quickly we never figured out, but the Kennedy network was there gathering that information, making certain he always offered a helping hand and a pat on the shoulder if you needed it.

Health care was such an important part of his public career—decent, affordable health care, as a right but not as a privilege. And he did more than anyone in our Nation's history to advance that noble cause.

He voted to create Medicare and Medicaid, protecting those programs for decades. Community health centers were a Kennedy initiative in 1966. How much good that has done for America is incalculable.

He was the chief architect of the WIC program, the COBRA law, and the Ryan White Act. Fewer Americans are forced to make the agonizing choice of keeping their job or caring for a loved one who is sick because Ted Kennedy helped pass the Family and Medical Leave Act.

Eleven million children of low-income working parents are able to see a doctor this year—11 million of our young kids in America—because Ted Kennedy helped create the Children's Health Insurance Program.

He was the driving force behind cancer research and speedier approval of drugs. He helped lead the fight to end discrimination by insurance companies against people with mental illness and addiction, which his son PATRICK has managed to pick up that standard and help, with his father, pass that legislation, a bill which meant so much to Senator Paul Wellstone and so many others, Pete Domenici included.

During the last few months of his life, he expended what little energy he had left to urge us to pass health care, and that is why the President's speech last night struck a chord with so many people. He continued to work hard at his job, even on the phone, during the last days of his life.

His son PATRICK said that while his father was hospitalized this last year for treatment in North Carolina and Massachusetts, he would roam the halls of the hospital—you can just see him—asking other cancer patients and their families how they were doing and how they were managing their bills. Some of the answers, they said, broke his heart.

He was ready to come back and vote on health insurance reform if the vote was needed. Even in the closing days of his life, Senator REID, reaching out to Vicki, knew that Ted would be there if his vote made the difference, even if it was the last physical act of his life.

Just as he implored the Senate in his first speech so many years ago to pass the civil rights bill in honor of his brother, the fallen President, we all know that Senator Kennedy, were he here today, would urge us to finish the cause of his life and make affordable health care for every American a right, not a privilege.

It is our obligation to search in good faith, as he did so often, for the principled compromise that will enable us to finish this urgent moral challenge of our time in the name of Ted Kennedy.

I was fortunate to attend the memorial service in Boston at Our Lady of Perpetual Help—a packed church with hundreds standing in the rain outside, wishing they could attend. Thousands had passed by to see his remains and to pay a tribute to him over the final days. It was a great sendoff to a great man.

I was so touched by his family—that extended Kennedy family—starting with Vicki, his best ally in his life, a woman who stood by him through those tough times in the closing months of his life, his children, nephews, nieces, grandchildren. All of them gathered. As they went to take Communion, JOHN MCCAIN leaned over to me and said: You can see the map of Ireland on all those faces. And you could. It was a great gathering of the Kennedy clan.

I want to express my condolences not only to the family but to the great Kennedy staff, always regarded as the best on Capitol Hill. Ted Kennedy not only did great work, he helped build great people, who continue to serve us in public careers. They have done so much for this Nation. They will continue to do so, inspired by his example.

We are saddened by his passing, but we are determined to carry on. We know if he were here today his voice would be booming on this floor for the extension of unemployment benefits, making sure COBRA deductions are still there for those who have lost work, not forgetting to increase the minimum wage, making sure health care does not forget the tens of millions who are being left behind without health insurance in this country.

We are going to miss that booming voice, but he is going to continue to be an inspiration to all of us.

Last year, at the Democratic National Convention in Denver there was a little breakfast for Ted. He gave a great speech at the convention, even though there was a question at the last moment as to whether he would be able to physically do it. At that breakfast, Vicki, his wife, came up to me and she handed me this little plastic bracelet, and she said: I thought you might want to have this. It has written on it one word: ''Tedstrong.''

Well, I put that bracelet on, and I just took it off for the first time since then at this moment. I will not be wearing this bracelet, but it will be in my Senate desk, and each time I open it, I will remember that great man, Ted Kennedy.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, the assistant Democratic leader, in his eloquent remarks, mentioned Ted Kennedy's maiden address, which is a tradition we have here in the Senate. We try to wait for an appropriate time before we say much, and then we try to say something we think makes a difference.

I waited an appropriate time and made some remarks on the floor in support of legislation that would help put the teaching of American history and civics back in its rightful place in our schools so our children could grow up learning what it means to be an American. I know the Presiding Officer has a great interest in that subject as well, and she and I have worked on that together. I proposed that we create summer academies for outstanding teachers and students of United States history.

Ted Kennedy was on the floor. He was the chairman or ranking member of the committee that handled that at the time. He came over afterwards and said: I will get you some cosponsors. The next thing I knew, he had 20 Democratic cosponsors for my little bitty bill that I had introduced. However well I thought of him before that, I thought even better of him after that. I think it is a small example of why he was so effective here in what he cared about.

I remember him talking about taking his family—his extended family—once

a year to some important place in America, some place that made a difference. He was especially taken with their trip to Richmond, I believe it was, where they went to the place where Patrick Henry went down on one knee and made his famous address. I guess one reason he was so interested in U.S. history was because he and his family were and are such a consequential part of it, but he made a big difference in what we call the teaching and learning of traditional American history.

On another occasion, he called me up to his hideaway—he had been here long enough to have a great room somewhere; I do not know where it is, but it has a great view of the Capitol—to talk about Gettysburg and what we could do to preserve that.

Then, we were working together, when he died, with Senator BYRD, who has been such a champion through U.S. history, on legislation that would tie the teaching of American history to our national parks, which we are celebrating this year, with Ken Burns' new movie, and with other ways to try to help use those nearly 400 national park sites we have to teach American history.

He and I and David McCullough had breakfast, for example, and talked about David McCullough teaching a group of teachers about John Adams at the John Adams House in Massachusetts, as one example. Then, of course, that turned to what was Ted Kennedy going to do about finding an appropriate place to honor John Adams in Washington, DC. That was another piece of unfinished business Ted Kennedy left that others of us will have to continue to work on. That is why he got along so well here.

When he cast his 15,000th vote, I remember saying the sure-fire way to bring a Republican audience to its feet was to make an impassioned speech against high taxes, against more Federal control, and against Ted Kennedy, and he laughed that great big laugh of his. But it was true. But almost everyone on this side will say there was no one on that side who we would rather work with on a specific piece of legislation because no matter how much we might disagree with him—and we certainly did on many issues—when it got to the point where it was time to decide: Can we do something? he was ready to do something. And his word was good. And his ability to help pass an important piece of legislation was unquestioned. Plus, we liked him. We liked his spirit, and we liked his personality.

My first engagement with Senator Kennedy was as a very young man when I came here in 1967 as a young aide to then-Senator Howard Baker. Senator Baker, who was the son-in-law of Senator Dirksen, then the Republican leader, teamed up with Ted Kennedy, the younger brother of the former President, and they took on the lions of the Senate, Sam Ervin of North Carolina and Everett Dirksen, and won a battle over one man, one vote. I was the legislative assistant on this side and Jim Flug, the longtime friend and aide of Senator Kennedy, was the legislative assistant on that side.

I am here today, as we all are, to pay our respects to Senator Kennedy. Maybe some of us can help with some of that unfinished business, such as helping to make sure we expand the idea of teaching American history in our national parks to larger numbers of outstanding teachers and to outstanding students of U.S. history; and continuing the effort to do something about the long lines of adults in America who are waiting to learn our common language—English. Ted was very interested in that, as I am. But most of all, what I wish to say is what I believe most of us feel: We will miss him. We will miss his big voice, we will miss his big smile, and we will miss his big presence.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am deeply honored to pay tribute to Ted Kennedy today and to honor his extraordinary legacy.

I will always think of Ted Kennedy as many think of him—as the lion of the Senate. From that seat, in that seat in the back of this beautiful Senate Chamber, he used his powerful voice to speak out for those whose voices were rarely heard. I also have described Ted as the drummer in a large orchestra. Ted Kennedy was a steady drumbeat—a steady drumbeat for justice, for fairness, for compassion, and for progress. On days when the Senate wasn't that interested in listening; on days when maybe the polls were against him; on days when his compassion might not have been in fashion, that drumbeat got louder and louder and louder because Ted Kennedy knew that at the end of the day, the values he stood for would be embraced again.

Ted never let us forget why we are here—never. He always reminded us to be courageous. He always reminded us to be strong in fighting for the causes we believe in, not by lecturing us about it but by being brave, being strong, being courageous, taking on the tough issues. He spent 9 long years standing in the back of the Chamber talking about raising the minimum wage and explaining why people needed it—9 long years—but he knew the drumbeat would go on until we passed it. And we did.

Ted Kennedy had genuine and deep friendships in the Senate on both sides of the aisle. His greatest legislative skill was to know every Senator and to know their passions. When I first came to the Senate in the early 1990s, I had spent 10 years in the House and Senator Kennedy was already an icon, but he knew I was passionate about health issues and, in particular, women's health issues. So even though I was new to the Senate, he came to me when he was managing a bill on the floor to protect the rights of women who were trying to get into reproductive health care clinics. At that time, protesters were blocking the entrances to the health care clinics so the women could not get in and get treated. So Senator Kennedy wrote a bill that simply said: It is fine to express your views, but you cannot block women or individuals from entering those clinics. It is dangerous, it is wrong, and you are denying women health care. Senator Kennedy asked me if I would be his lieutenant—that was his word, his ''lieutenant''—and help him manage that bill on the floor of the Senate. Well, clearly, I was so pleased. It was such a thrill to watch him work and, as did so many of Ted Kennedy's bills, it passed and it became the law of the land and women can get health care without being intimidated and frightened and harmed.

Later, when he was championing the bill to increase the minimum wage—and he did it year after year after year—he asked me and the other women of the Senate to come to the floor and to organize and speak about the impact raising the minimum wage would have on women and families across the country. He said: BARBARA, you know, 60 percent of the people earning minimum wage are women. A lot of our colleagues think it is teenagers. That is not true. It is women. They are supporting their families. Can you help me with this? I said: Senator, I am all over it. I am with you.

The women of the Senate had a special role to come to the floor—unfortunately, for 9 years in a row—until we made the case that it was important America's families, working so hard, can actually afford to live in this, the greatest country of all.

Although Ted had deeply held views, he worked beautifully with Members across the aisle. We have colleague after colleague coming down to speak about their experiences. He was an expert at finding the thread of common ground. Sometimes it was just a tiny little strand of commonality, but he could weave it into something bigger and bigger and come to an agreement without losing his principles.

Ted's legislative work has touched the lives of every American, and I think it is going to take 5, 6, 7, 10 of us to pick up this void he has left. I am so proud that TOM HARKIN, who has come to the floor, will be the chairman of the HELP Committee because TOM shared with Ted those deep feelings about us being here not to champion the voices of those who have a strong voice and are heard but for those who don't have a strong voice: the middle class, the workers, the working poor, the families, the children. They don't have a voice here.

Ted Kennedy worked to help get 18-year-olds the right to vote. He made it easier for Americans to change jobs and keep their health insurance. He expanded Head Start Programs. He wrote

the law creating Meals-on-Wheels. He was the driving force behind the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Family and Medical Leave Act. Many of these Senator HARKIN and he partnered up on. He led efforts to reform the Nation's immigration system—never a popular issue, a tough, hard issue. He worked to increase competition in the airline industry. He worked to protect women from violent crime.

Virtually every major health care advance of the last four decades bears his mark—Whether it is the CHIP program, the Ryan White CARE Act, COBRA, the mental health parity bill or increased funding for cancer research. The list goes on and on and on.

Senator Kennedy was once asked what his best quality was as a legislator, and he answered with a single word: ''Persistence.'' Persistence. That is a message to all of us on both sides of the aisle. If you believe something in your heart is right, you don't give up. You don't give up because progress takes time. Piece by piece, every year, for almost half a century, he advanced the causes he believed in: expanding access to health care, educating our children, extending civil rights, helping our society's least fortunate.

I will say, if we were in danger of losing our way in the Senate, Senator Ted Kennedy held steady. He stayed true to his ideals. That is why it is fitting that his new biography is entitled ''True Compass.'' In many ways, he was a compass in the Senate.

I wish to thank the people of Massachusetts for sending Ted Kennedy to us for these last 47 years. He loved his State. He fought for you and he fought for all Americans.

I wish to thank his wife Vicki, who gave him so much joy, and the entire Kennedy family for sharing Ted Kennedy with us.

I will miss his warm and engaging presence, his sense of humor, his bellowing laughter, and the way he reached out to all Senators in friendship. No one person will ever be able to fill his shoes. No one. He was one of a kind and irreplaceable. But we know how to honor his legacy. We know how to fill this void and that is by continuing his life's work. I believe the most fitting tribute we can give him is to carry on his fight for a quality education for all our children, affordable health care our families can rely on and an economy that works for everyone.

Ted Kennedy came from a privileged and renowned family, but he saw so much suffering in his lifetime, so much loss. He saw what happens in your family when two of your three children have cancer. Even though you have every bit of financial stability to give them what they need, he saw how hard it was. And then to have another child with an addiction and the pain of that. So what Senator Ted Kennedy understood is, if it is so hard for me to see my children suffer, what must it be like for someone without the financial resources or someone who had an insurance company walk away from them at the time they needed it the most, they needed help the most.

Ted Kennedy could put himself in other people's shoes, and that is what he did every single day. Even when it was hard for him to get up from his chair, he stood and he fought. As he said during his concession speech at the 1980 Democratic National Convention: ''For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die.''

I say to Ted and to his family, I believe these words are true. The hope still lives and the dream shall never die.

Thank you.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it is difficult to imagine or accept the fact that Ted Kennedy is no longer serving in the Senate. He was such a presence here, a big man with a big smile and a bigger heart. He was sympathetic to those in need and willing to do all he could to address their needs. He got results, improving and expanding Federal programs to make available education and nutrition benefits to more Americans than ever before.

I first met the Senator from Massachusetts when he was running in his first campaign for the Senate in 1962. It was a happenstance meeting. I was an instructor at the Naval Officer's Candidate School in Newport, RI, and a friend had invited me up to Hyannis Port during the weekend. I ended up at Ted and Joan Kennedy's house. He was there working with his friends from Massachusetts on fund-raising activities. We exchanged greetings. He said: You are in law school?

I said: Yes, I am.

He said: It is hard as hell, isn't it?

I said: It sure is.

Well, that was about all the conversation we had that day and I had no idea, first of all, how his campaign would turn out and certainly the most remote thing in my mind would have been my being a Member of the Senate. But he and his wife Joan were spending the summer in Hyannis Port near the other Kennedy family members, so I was getting to see some of them as well as enjoying the New England weather; the ambiance in the summer was a real treat. But instead of politics, we talked about how hard law school was.

I didn't think I would ever see him again. I had no reason to think I would, much less end up serving in the Senate with him and serving the day he took charge as chairman of the Judiciary Committee from my predecessor in the Senate, James O. Eastland. It was a day that attracted a lot of attention. The hearing room was absolutely full of people. As a matter of fact, the news media was all over the place. It was hard to get near the seats of the committee members.

I remember when Alan Simpson and I were the two most junior Republicans, and as we were trying to get situated there at the end of the row of seats of committee members, one of the camera men bumped Al's head with his camera, and Al told him he should not do that again because he might have a hard time finding his camera—or some words to that effect. But what a day of excitement and interest. That is the kind of excitement Ted Kennedy brought not only to the Judiciary Committee and his leadership as a brand new chairman, but his entire career reflected that kind of exuberance. People responded and reacted to him in a very positive way in the Senate.

We could make a long list of the things he did in terms of legislative accomplishments and political leadership in the Senate. But he was a good person. He was a thoughtful person and generous with his house. He invited all the members of the Judiciary Committee to come out for dinner at his house in Washington. What a nice, thoughtful thing to do, and what an exciting evening it turned out to be. Everyone enjoyed it enormously.

Ted Kennedy became a very determined advocate for serious reforms, and he left an impressive record of legislative accomplishments and protecting and enlarging the civil rights of ordinary citizens.

I came to respect Senator Kennedy and appreciate his friendship over the years we served together in the Senate. His personal qualities, his generosity, and his serious commitment to fairness and assistance for those who needed help from their government will long be remembered and appreciated.

May he rest in peace.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I thank my dear friend from Mississippi for his kind words. I know they will be appreciated by the Kennedy family.

Madam President, when I heard the Senator from Mississippi, and before him the Senator from Illinois, the Senator from California, the Senator from Massachusetts, and others who have spoken, it brought back so many memories. On August 26, very early in the morning, we heard the news about Senator Kennedy. Marcelle and I knew that day was coming. We knew the day was coming and that we would lose a close friend of over 35 years, but our farmhouse in Vermont was still filled with grief upon the learning of the news. We walked back and forth on the road in front of the house, looking out over the mountains and finding it hard to put into words how we felt.

We left Vermont to come down and join Vicki, such a dear and wonderful person, and all of Senator Kennedy's family at the memorial service in Boston, where so many offered touching stories of how they remembered Senator Kennedy.

Ted Kennedy, Jr., gave an incredibly moving tribute to his father. I told him

afterward that was the kind of eulogy Senator Kennedy would have liked. It was so Irish. Ted Kennedy, Jr., made us all laugh, and he made us all cry, almost in the same sentence. How Irish, how Kennedy, but how true were the emotions of every man and woman in that church—from the President, to the Vice President, to former Presidents, to Senators, to Members of the House, to close friends, and to so many of the Kennedy family.

I think of being sworn into this body as a 34-year-old nervous Senator. One of the first people who came up to shake my hand after being sworn in was Ted Kennedy, then Mike Mansfield and Howard Baker. I was awed to think I was in the presence of such people.

After serving with Ted for 35 years and speaking with him almost every single day, I look over at his desk, at something I have seen over the 35 years when we have lost colleagues, but I don't know of any time it has hurt so much to see the black drape across the desk, to see the vase of white flowers. I went by there yesterday and just put my hand on the desk. I will admit I was overcome with emotion and left the floor.

I have so many memories, as we all do, of my friendship with Ted. Senator DURBIN spoke about how Ted Kennedy had a way of—no matter who you were, if you had tragedy in your family or an illness or something had happened, he would call or write, and he would offer help. It made no difference who you were.

I was very close to my father. He had met Ted a number of times. When my father passed away, virtually the first telephone call my mother received that morning was from Ted Kennedy. I remember my mother taking comfort in that.

Senator Kennedy's office is just one floor below mine in the Russell Senate Building. We both have stayed there all these years. On many occasions, especially when he was going for a vote, we could hear his great laugh echoing down the halls, and it would change our whole mood, our whole day. We often talked about the bond of the New England Irish and spoke about that again when we came back from Pope Paul John II's funeral and refueled the plane in Ireland. It was like following the Pied Piper at Shannon Airport. There were paintings of President Kennedy there. The Senator from Iowa remembers that.

As we walked through, Ted Kennedy and CHRIS DODD were telling Irish stories. There are memories of when Ted was walking the dogs outside of Russell Building, and we would talk and chat, saying: How is your family? How is this one or that one?

After Ted died, one of our newspapers in Vermont had a front-page picture that my wife Marcelle had taken back in 1968. It showed a young Ted Kennedy in Vermont campaigning for his brother Robert and talking with an even younger State attorney. We talked about Robert Kennedy—the two of us—and I gave that photograph to Ted a few years ago because I found it in my archives. He chuckled and talked about how young we looked, and then he asked for another copy so he could sign one to me. That day we sat there and talked about his brothers—obviously, the President, John Kennedy; Senator Robert Kennedy; and also his brother, Joe Kennedy, who had died. I talked about being interviewed by Robert Kennedy, who was Attorney General, when he invited me down to the Department of Justice. I was a young law student, and he talked to me about the possibility of a career in the Department of Justice. That talk meant so much to me, and his brother told me how independent the Department of Justice must be, even from the President of the United States. We never have enough time in this body, and a rollcall started and that conversation stopped. But I remember every bit of that so much.

I remember after that time we campaigned for Robert Kennedy, the next time I saw him was here when I was a Senator-elect. As a former young prosecutor, I walked into his office with trepidation and almost thinking I was going into the inner sanctum. I was going to talk with him about what committees I might go on. This great voice said: Good morning, Senator.

Coming from him, I turned around, assuming another Senator was walking in behind me, and I realized he was talking to me.

Ted's wonderful wife Vicki was part of a small book club, and my wife Marcelle was in that. The days they would meet, Ted would come up and put his arm around my shoulder and say, ''PATRICK, we are in trouble today. Our wives are meeting, and tonight we are going to get our marching orders.'' You know what, Madam President. He was right.

All of the years I served on the Judiciary Committee, until this past year, I sat beside him. I am going to miss him on that committee. I am going to miss his help and advice. I am going to miss him on the Senate floor because not having him with us in the Senate is going to make a huge difference in negotiations on legislation, whether it is on a current issue of health care reform or any other issue.

I remember one meeting with Ronald Reagan when he was President. The President turned to Ted—and several of us, Republicans and Democrats, were meeting with him—and said, ''Thank goodness you're here, Ted. You are bringing us together.''

That difference extended beyond our shores. He personally made such a difference in bringing peace to Ireland and ending apartheid in South Africa. I remember going with President Clinton after the peace agreement, and everybody—while they would thank the Prime Minister of Ireland and Great Britain and President Clinton, they all wanted to come over and thank Ted Kennedy.

His sense of history and of our country and his firm and constant belief in America's promise and America's future was inspiring. His willingness to spend time with the most junior Senators as with all others of both parties made him a Senator's Senator. I think every single Senator, Republican or Democrat, would agree he was a Senator's Senator.

It is easy in politics to appeal to the self-interests in each of us. Ted Kennedy appealed to the best in us, to the American verities that are written not on water but in stone. He appealed to our sense of justice, to our sense of responsibility to each other, and to our uniquely American sense of hope and possibility. In the Senate, he labored to help reach bipartisan progress on health care, education, civil rights, voting rights, immigration reform, and so much more.

Madam President, the powerful have never lacked champions. Ted Kennedy was a champion for ordinary Americans and for those who struggle, those who do not have a champion. He believed everyone in this great land deserved the opportunity to pursue the American dream.

I thought last night at the President's speech—I talked before the speech with Mrs. Kennedy and after the speech with Senator Kennedy's three children. It was just impossible to fully put into words how much I miss him.

Marcelle and I miss our friend dearly, but we know it was a privilege to call him our friend. It was a privilege to serve alongside such a public servant dedicated as he was to making better the lives of millions of his fellow Americans.

It is a sad passing of an era, but Ted Kennedy would also tell us it is a time to look to the future.

Madam President, I close with this. I always thought when I left the Senate I would say farewell to this body and Ted Kennedy would be here to wish me Godspeed. I wish him Godspeed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank all of our colleagues who have taken the time to come to the floor to speak for and on behalf of our great friend and colleague, Senator Ted Kennedy. I particularly enjoyed the remarks of the distinguished Senator from Vermont who served with him for 35 years. I only served 33 years with Ted. I thank them for the remarks and the reverence most everybody has had for our departed colleague.

I rise today to offer my remarks on the passing of my dear friend and colleague, Senator Ted Kennedy. Over this past recess, America lost one of its greatest leaders and this Chamber lost one of its most dynamic and important Members. I mourn the loss not only of a respected colleague but of a dear personal friend. I think I speak for all my colleagues when I say that Senator Kennedy will be missed and that the Senate is a lesser place without him here.

People have often remarked about the working relationship I had with Senator Kennedy, oftentimes calling us the ''odd couple.'' We used to laugh about that. But the truth be told, he and I really didn't agree on a lot of things. Over the years, Senator Kennedy and I were on opposite sides of some of the fiercest battles in this Chamber's history. While we have long been good friends, we did not pull any punches on one another. If we were opposing one another in a debate, Senator Kennedy would come to the floor and, in his classic style, he would lay into me with his voice raised—and he had a terrific voice—and his arms flailing. Of course, I would let him have it right back. Then, after he finished, he would finally come over and put his arm around me and say: How was that? I would always laugh about it, as we did. We laughed at each other all the time.

That is what set Senator Kennedy apart from many in Washington. For him, politics rarely got personal. He was never afraid to voice his disagreement with the views of a fellow Senator. But, in the end, I believe he always maintained a warm and cordial relationship with almost every one of his colleagues. That is difficult to do sometimes, particularly when partisan tempers flare up, but it always seemed to come easy for Senator Kennedy.

Despite our tendency to disagree on almost everything, Senator Kennedy and I were able to reach common ground on many important occasions and on some important issues.

As I mentioned at the recent memorial service, one of my defining moments as a Senator came when I met with two families from Provo, UT. The parents in these families were humble and hard working, and they were able to provide food and clothing and shelter for their children. But the one necessity they could not afford was health insurance. Their children were children of the working poor. The struggles of this family touched me and inspired me to work with Senator Kennedy to create SCHIP, which continues to provide health care coverage to millions of children of the working poor and others throughout the country and which passed with broad bipartisan support.

Over the years, Senator Kennedy and I worked successfully to get both Republicans and Democrats on board for a number of causes. We drafted a number of pieces of legislation to provide assistance to AIDS victims, including the Ryan White AIDS Act. I named that bill right here on the floor with Mrs. White sitting in the audience. We worked together, along with Senator HARKIN, to craft and pass the Americans with Disabilities Act. There was also the Orphan Drug Act, as well as the FDA Modernization Act, and a whole raft of other bills that would take too much time to speak about, all of which bear the Hatch-Kennedy, Kennedy-Hatch name.

Our final collaboration came just this year in the form of the Edward M. Kennedy Serve America Act, which I was pleased to name after Senator Kennedy right here on the floor. He came up afterward, and we hugged each other. Then we went back to the President's Room, and he had pictures, even though he was not feeling well. He had so many pictures with so many people who were involved.

All of our bills passed because of the willingness of Senator Kennedy and myself to put consensus ahead of partisanship—something we see far too infrequently in Washington.

It is axiomatic in politics that timing is crucial. No one understood or practiced that principle better than Senator Kennedy. He had a sixth sense and an open mind to notice when the time was ripe for the key compromise. He knew when to let events sift and when it was time to close the deal. More importantly, he knew when he should stick to his guns and when he needed to reach across the aisle to get the help of his Republican colleagues. He was always able to recognize and work with those who shared his goals, even if they had different ideas on how to achieve them.

I will never forget, after I had made the deciding vote on civil rights for institutionalized persons—it was a Birch Bayh-Hatch bill, and Birch had led the fight on the floor, and so did I.

Later came the Voting Rights Act. I felt very strongly about not putting the effects test in section 2. I had no problem with it in section 5, but I did not want it in section 2 so that it applied to all the other States. I lost in committee. I voted for the bill out of committee because I considered the Voting Rights Act the most important civil rights bill in history.

The day they were going to have the bill signed at the White House, he caught me right inside the Russell Building where we both had offices, and he said: You are coming with us, aren't you?

I said: Well, I was against the change in section 2.

He said: You voted for it and were very helpful in getting that bill passed, and I know how deeply you feel about it.

I did go down with him. I would not have gone without Senator Kennedy recognizing I did feel deeply about the Voting Rights Act. And even though I lost on what I thought was a pivotal constitutional right, the fact is I voted for the bill.

At the risk of riling my more liberal colleagues in the Senate, I would like to point out that Senator Kennedy shared an utterly optimistic view of the American experiment with President Ronald Reagan. They both deeply believed that whatever the current trials or challenges we must face as a nation, America's best days were ahead of her. That is something many people do not appreciate well enough about Senator Kennedy.

Because of his optimism and hope for our Nation's future, Senator Kennedy was, throughout his career in the Senate, a great practitioner of the Latin motto ''carpe diem,'' ''seize the day.'' Few worked harder day-in and day-out than Senator Kennedy. As a result, every Senator had to work a little bit harder, either to follow his lead if you were on the same side of the issue or to stand in his way if you were the opposition. I have been in both positions. I am not saying it was inherently difficult to work with Senator Kennedy. But as anyone who has negotiated a tough piece of legislation can tell you, it can be sheer drudgery, even when you agree on most issues. But Senator Kennedy brought a sense of joy even to the most contentious negotiating sessions. And when you were working with Senator Kennedy, you knew he would keep his word. If after these long sessions an agreement was reached, he would stick by it no matter how much heat he would have to take.

All this was no doubt the result of his love for this great institution and his commitment to the American people. Political differences notwithstanding, there can never be any doubt about Senator Kennedy's patriotism.

Few had a presence in the Senate as large as Senator Kennedy's. More often than not, you could hear him coming down the hall—a mini-hurricane with a bevy of aides in tow, a batch of amendments in one hand and a stack of talking points in the other. He was almost always effective but seldom very quiet.

I also want to share a few thoughts about his staff. While at the end of the day the full responsibility of the Senate falls squarely on the shoulders of each Senator, it is also true that during the day and often long into the night and on many weekends much of the work of the Senate is conducted by a group of the most committed team of staff members of any institution anywhere. Throughout his career, it was known that the Kennedy staff was comprised of one of the most formidable and dedicated collections of individuals of the Senate. Many of them have gone on to have distinguished careers, including now-Justice Stephen Breyer; Dr. Larry Horowitz, who managed his health care right up to the end and loved Ted Kennedy deeply; Nick Littlefield, who ran the Labor Committee for Senator Kennedy and was an adviser right up to the time Senator Kennedy passed away; and, of course, Michael Myers—just to name four, with no intention of leaving out the others. Senator Kennedy would be the first to recognize how their efforts contributed to his success. I salute them for their hard work over the years. I cannot exactly say I have always been totally pleased with all of the Kennedy staff all of the time, but, as was true of their boss, while we might have been frequent adversaries, we were never enemies.

I am saddened by the loss of my dear friend Senator Kennedy. I will miss

him personally. I will miss the fights in public. I will miss his sense of humor in private and public. And perhaps more significantly, I believe this Chamber will miss his talents as a legislator and, most of all, his leadership.

While I cannot say I hope more of my colleagues will adopt his views on policy, I hope more of us can adopt his approach to the legislative process.

I was in California giving a speech at a fundraiser when they came in with a cell phone and said: Senator Kennedy is on the line, and he sounds very agitated.

So I went out on the plaza and I said: Ted, what is the matter?

He said: Oh, I have great news for you.

I said: What is that?

He said: I am going to get married again.

I said: Do I know her?

He said: No, but you would love her. She is a wonderful, wonderful person, and she has two wonderful children. I am going to adopt them and treat them as my own. And I am so happy.

I said: Ted, why would you call me in California?

He said: Well, her daughter was bragging to her elementary school teacher at that time that her mother was going to marry Ted Kennedy.

The elementary school teacher was married to a Washington Post reporter.

So he said: I wanted you to become one of the first to know. I am very happy. I am going to marry Vicki Reggie.

I have come to know Vicki very well. She has made such a difference in his life and in his family's life. She is a tremendous human being, as are his children. They are terrific.

I was happy to be in the Catholic church where Teddy went to pray for his daughter every day he could when she was suffering from cancer. I know how deeply he feels about PATRICK and Teddy, Jr. I thought they did a terrific job at the mass at his funeral. He has to be very proud of them. I am very proud of them.

I think Vicki Kennedy deserves an awful lot of credit for all of the later happy years of my friend Ted Kennedy. I want her to know that I love her dearly for what she did and as an individual herself.

I love Ted Kennedy's entire family. A number of them have come to me at times where I was able to help them because he could not as a member of the family. I have to say that I was close to a great number of the members of his family, and I really appreciate them as well and the influence they had on him and he had on them.

He had a great influence on me as well. I want to personally thank him for it and say to my dear friend and colleague, as I look at his desk over there with the flowers and the drape, rest in peace, dear Ted, and just know that a lot of us will try to carry on, and hopefully, with some of the things you taught us and helped us to understand, we can do it better than we have in the past.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to speak about Senator Ted Kennedy. Clearly, I would have been proud to be on my feet to give such a testimonial, but as many of my colleagues know, I had a fall a few weeks ago coming out of church. I am ready to be at my duty station, but I can't quite stand to be 4 foot 11 and give these remarks.

I do wish to speak and speak from my heart, speak from my memory, and speak with my affection. I have known Ted Kennedy a very long time. He has been my friend, my pal, my comrade in arms. I have enjoyed everything from working with him on big policy issues to sailing off the coast of Hyannis. I have been with him in his hideaway while we strategized on how to move an agenda of empowerment, and I have danced at his famous birthday parties. We have had a good time together.

I remember one of the first parties was the theme from the 1960s, and I came with a big wig, hoping I would look like Jackie Kennedy. Ted was a chunky Rhett Butler because Vicki and he were coming as Rhett Butler and Scarlett O'Hara. As we jitterbugged, I said: Do you think I look like Jackie? He said: Well, nice try.

The last party we went to was a movie theme, and I came with one of those big bouffants. It was to be a movie theme, as I say, and I looked like something out of ''Hair Spray.'' I will not tell you his comments, but, again, he said: Your hair gets bigger with every one. I can't wait until my 80th.

Well, unfortunately, there will not be an 80th birthday party, but we will always carry with us the joy of friendship with Ted Kennedy.

It is with a heavy heart that I give this salute to him. I first met him as a young social worker. I testified before his committee. As a young social worker, I was there to talk about a brandnew program called Medicare, about what was working, what were the lessons learned—once again from being on the ground; what was happening in the streets and neighborhoods—and how to help people get the medical and social services they needed. He listened, he was intent, and he asked many questions. Little did I know I would join him in the Senate to fight for Medicare, to fight for health care, and to fight for those senior citizens.

Similar to so many others of my generation, I was inspired by the Kennedys to pursue a life in public service. I chose the field of social work and then went into politics because I saw politics as social work with power. As a Congresswoman, I was on the Energy and Commerce Committee. That was a counterpart to what Ted was doing in the Senate. We got to know each other at conferences working together. Those were the great days of bipartisanship. As we would come in from the Energy and Commerce Committee, there would be Ted Kennedy and Jacob Javits working to make sure we could pass good legislation. I saw there that good legislation came from good ideas that could be pursued with good humor in an atmosphere of civility.

As we got to know each other, I admired his verve, his tenacity, and he admired me because I could dish it out with the best of them as well. When he ran for President in 1980, he asked me to nominate him at the Democratic Convention. I was thrilled and honored to do so. Remember the drama of that. Jimmy Carter was an incumbent President. Ted Kennedy was an upstart. I backed Kennedy. Well, it didn't work out and Ted called me and said: I am withdrawing from the race. We are going to support President Carter 100 percent. But though you are not going to nominate me for President, I hope you will still introduce me at the convention. I said: Absolutely. But one day I hope to be able to nominate you.

That night, as I took the podium, it was the famous speech that everyone remembers Ted Kennedy giving about the work going on, the cause enduring, the hope still living, and the dream never dying. What was amazing about that speech was the way Ted Kennedy used a moment in his life—which some viewed as a defeat—as a time to redefine himself in public service and to claim the mantle of being one of the best Senators America has ever seen. He used that speech not as a retreat but as a reaffirmation and a recommitment of what he would do.

That night I did introduce him. While all my colleagues were in Boston, and I watched the funeral from my rehabilitation room, mourning his death and feeling sad that I could not join with my colleagues there, I had that speech and I read it then and, as I looked at it, I realized I could give it again and again. Because when I took the floor of the 1980 convention, I first said: I am not here for BARB MIKULSKI. And I am here today for all those people who would like to say what they knew about Teddy Kennedy, and I am going to say some of those words I said then that would be appropriate for now.

I said:

> I am here on behalf of a lot of people who want to be here but can't: Old women desperately trying to use their Social Security checks to pay for food and medicine and yet frightened about their energy bills. Students whose tuition has gone up so much they are going to have to work two jobs just to stay in school.

I spoke of small businesspeople trying to just keep their doors open and the returning war vet who is unemployed, and that while his brother has signed up for a tour of duty, he is standing in the unemployment line.

I said during that speech that, day after day, Edward Kennedy has spoken out for those people; that he has been there talking about the economy, energy policy, and jobs, long before many

others. I talked about how Edward Kennedy said that when Black freedom riders were being attacked and beaten, he was the one who fought for racial justice and helped to get the Voting Rights Act through. I said that as a young social worker, working in the neighborhoods during the dark Nixon years, and wondering how old people were going to get the services they needed, Ted Kennedy introduced the first nutrition program for the elderly—a program that guaranteed senior citizens at least one hot meal a day. It was Ted Kennedy, I said, who won the passage of programs such as neighborhood health centers, who fought the war on cancer, who led the fight to save nurses' scholarships and save them he did. In his fight for legislation, he was always there.

In my fight to help battered women, Senator Kennedy was one of the first to be a strong and active ally. He said he knew very early on that all American women work but that too many women work for too little or are paid unequal pay for their work. I said then, and I say again, Ted Kennedy wanted to change Social Security to make it fairer for women and to extend the Equal Rights Amendment so we would be included in the Constitution.

It was amazing the issues he fought for then and that he continued to fight for all his life. In the time I knew him, I knew him not just as a news clip, but I found him to be truly gallant in public and in private—caring about others and modest about himself, always about grace, courage, and valor.

When I came to the Senate, I was the only Democratic woman, and he was there for me, but I saw how he was there for so many other people. In 2004, when we were in Boston, Ted Kennedy and I had lunch in the North End. It was one of our favorite things, to get together for a meal and for conversation. What I realized then—as we enjoyed ourselves with big plates of antipasto; always vowing that we would eat more of the salad and less of the pasta—as we got up and left and walked around the North End, is that his best ideas came from the people. It was his passion for people. I knew he represented those brainy people in Cambridge who went to Harvard and who often came up through the Kennedy School with those great ideas. But as I walked around the neighborhoods with him, I saw he actually listened to people, trailed by a staff person who was actually taking notes.

As we walked down the street, there was the man who came up and who talked about his mother's problem with Social Security. Take it down, he said. Let's see what we can do. We walked down a few feet more. Oh, my grandson wants to go to West Point; how does he apply? He said: He is going to love it and he is going to love my process. Let's see how we can do that. A few feet on down, the small business guy said: Keep on fighting, Ted. You know I can't buy this health insurance. Can I call you? Always call me, he said. And by the way, don't forget to call Barbara—the legendary Barbara Souliotis. And all of us know Ted Kennedy had an outstanding staff, whether it was the staff in Massachusetts, who took care of casework and projects and day-to-day needs, or the staff in Washington who helped Ted Kennedy take the ideas that came from the people, their day-to-day struggles, and converted them into national policy. That is what it was—people, people, people.

When I came to the Senate, it was only Nancy Kassebaum and I. We were the only two women. He was a great friend, along with Senator Sarbanes. They were people I called my Galahads—people who helped me get on the right committees, show me the inner workings of the Senate. Ted was determined I would be on his Committee on Health and Education to get the ideas passed, but he also was determined I would get on the Appropriations Committee to make sure we put those ideas into the Federal checkbook. He was my advocate.

One of the things that was clear is, he was the champion for women. He was a champion for this woman in helping me get on those committees. And during those sometimes rough days getting started, he would take me to La Colline with Senator DODD, and while he drank orange juice with a little vodka—so no one would know he had a little vodka—he was giving me shooters of Chardonnay to boost my spirits. He and CHRIS would give me a pep talk, and I felt like I was Rocky. They would say: Get out there, fight; don't let it get you down. Pick yourself up. I felt like I was going to spit in the bucket and get back on the floor. He lifted my spirits, just like he lifted the spirits of so many.

The story I wish to conclude with—because there are so many issues we worked on together—is when I went to him and said: Ted, did you know that women are not included in the protocols at NIH? He said: What do you mean? I said: In all the research we do, women are not included in the protocols. They just finished a famous study which said to take an aspirin a day, keep a heart attack away. It included 10,000 male medical students and not one woman. I said: I want to change that. Teaming up with Nancy and Pat Schroeder and OLYMPIA SNOWE and Connie Morella, who were in the House, he helped me create the Office of Women's Health at NIH so women would always be included in those protocols.

Then we spoke out and said: Ted, the health care research for breast cancer is low. That is why they are racing for the cure. He helped us, working with TOM HARKIN, to boost the money for research and to also get mammogram quality standards through so that when a woman would get her mammogram, it would be safe.

But here is one of the most profound things we did, again working on a bipartisan basis. Dr. Bernadine Healy, who was the head of NIH, wanted to do a study on the consequences of hormone therapy. Ted and I and TOM did not believe we should earmark NIH—and I believe that today—but we made sure we put money and a legislative framework in place so Dr. Healy could institute the famous hormone therapy study. Well, let me tell you the consequences of that. That study has changed medical practice. That study has resulted in breast cancer rates going down 15 percent.

So when someone says: What did Ted Kennedy do to help women? What did Teddy Kennedy do to work with BARBARA MIKULSKI? Tell them we worked together and we worked to save the lives of women, one million at a time. This is my final salute to Senator Kennedy on the floor, but I will always salute him every day in the Senate to make sure we continue what he said about how the dream will continue on.

I ended my speech at the Democratic Convention in 1980 when I said this—and I end my remarks today by saying this: Edward Kennedy has kept his faith with the American people. He hasn't waited for a crisis to emerge or a constituency to develop. He always led, he always acted, he always inspires.

God bless you, Ted. And God bless the United States of America.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to take a moment to join with my colleagues, and I see quite a number on the Senate floor now, to pay tribute to Ted Kennedy. He was a truly remarkable force in the Senate, a champion of liberalism—perhaps the Nation's leading champion of liberalism. He believed government could serve the people, and it ought to do more to serve people. On that we sometimes disagreed, but he believed it with a sincerity and he battled for it with a consistency that is remarkable. He constantly sought to utilize the ability of government to do good for the American people, and that is admirable.

He also was a champion of civil rights. He was a force during the civil rights movement, and his activities, his personal leadership, truly made a difference in making this a better country. Without his leadership, things would have been much more difficult for sure.

I have a vivid memory of him—presiding as I did when I first came to the Senate, a duty given to the younger, newer Members—in the night, Ted Kennedy, alone on the Senate floor, roaring away for the values he believed in. It was just something to behold, in my view. I saw nothing like it from, maybe, any other Member. He had served so many years in the Senate—and I learned today from our chairman on Judiciary, Senator LEAHY, that he served on the Senate Judiciary Committee longer than any other Senator in history. But even as his years went by, many years in the Senate, he did

not lose the drive, the will, the energy, the commitment to give of himself for the values he believed in.

As I told one reporter after his death, I would just hope to be somewhat as effective in promoting the values I believed in as he was in promoting those values. If we disagreed, and sometimes we certainly did, people continued to admire him, I think, to a unique degree. There were no hard feelings. You would battle away, and then afterwards it would be a respectful relationship between Senators. I think that is pretty unusual and something that is worthy of commenting on.

He talked to me about being a cosponsor, his prime cosponsor on a bill. He said he wanted to work with me on something important. It was a bill we commonly referred to as the prison rape bill. There was a lot of concern that in prisons, people who are arrested were subjected to sexual abuse. That, in my view, is not acceptable. I know the Presiding Officer, a prosecutor, knows people deserve to do their time in jail, but they should never be subjected to those kinds of abuses. So we passed a pretty comprehensive bill. I was proud of it and proud to be with him at the signing ceremony.

I also talked to him and we met and talked at some length about a major piece of legislation to increase savings in America, savings for the average working American who had not been able to share in the growth of wealth that so many have been blessed with in this country. I thought we had some pretty good ideas. Savings at that time had fallen below zero—actually 1 percent negative use of people's savings which were going away. I guess now we are at 5 or 6 percent savings rate after this turmoil we have had economically. I do not think the idea should go away. Maybe it lost a little steam in the fact that we have seen a resurgence of savings today, but I was very impressed with his commitment to it, the work of his fine staff, and his personal knowledge of the issue.

I see my other colleagues. I will join with them in expressing my sincere sympathy to Vicki and their entire family for their great loss. The Senate has lost a great warrior and a great champion of American values.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent the period of morning business be extended to 2:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. HARKIN. Mr. President, as I look around this Chamber, I see men and women of remarkable talents and abilities. I also have a strong sense, we all do, that there is a tremendous void now in our midst. A very special Senator, a very special friend, a Member who played a unique role within this body for nearly a half century is no longer with us.

We have had many glowing and richly earned tributes to Senator Ted Kennedy over these last couple of weeks. He was not only the most accomplished and effective Senator of the last 50 years, he was truly one of the towering figures in the entire history of the Senate. Yet for all his accomplishments, for all the historic bills he authored and shepherded into law, for all the titanic battles he fought, I will remember Ted Kennedy first and foremost as just a good and decent human being.

I remember his extraordinary generosity, his courage, his passion, his capacity for friendship and caring, and, of course, that great sense of humor. I remember one time I was in my office and we had a phone conversation. It was about a disagreement we had. It was right at St. Patrick's Day so we were having this discussion on the phone and tempers got a little heated. I think I was holding the phone out about like this. He probably was too. I think our voices got raised to a very high decibel level, sort of yelling at each other, and pretty soon we just hung up on each other.

I felt very badly; I know he did too. So several hours later, when I came on the Senate floor and I saw Ted at his desk, I went up to him, I pulled up a chair next to him. He would get that kind of pixie smile on his face, have a twinkle in his eye.

I said: Ted, I'm sorry about that conversation we had. I should not have lost my temper as I did. I said: My staff is a little concerned about our relationship.

He sort of got that great smile and chuckled. Well, he said, forget about it. I just told my staff that is just the way two Irish men celebrate St. Patrick's Day.

That is just the way he was. He could disarm you immediately and you would move on. He had a great disarming sense of humor.

Ted came from a remarkable family—so many tough breaks, so many triumphs, so many contributions to our Nation—both in war and in peace. Ted and his siblings were born into great wealth. They could have lived lives of luxury and leisure, but they chose instead to devote themselves to public service. They devoted themselves to making the world a better place for others, especially those in the shadows of life.

There are so many things I could focus on this morning in my brief remarks, but I want to focus on just one aspect of Ted Kennedy: all that he did to improve the lives of people with disabilities in our country. I thought about this: With the death of Eunice Kennedy Shriver on August 11, and all she did to found the Special Olympics now being carried on by her son Tim, then the death of Ted on August 25, people with disabilities in this country lost two great champions.

Their sister Rosemary lived her entire life with a severe intellectual disability. The entire Kennedy family is well acquainted with the joys and struggles of those with disabilities. Those of us who were in the church in Boston at the funeral—and those probably watching on television—heard the very eloquent speech by Teddy Jr. about his battle with cancer at a young age, losing his leg and his confronting his disabilities, and how Ted helped him get through that.

In 1975, Senator Kennedy helped to pass what is now called the Individuals with Disabilities Education Act—IDEA. In 1978 he passed legislation expanding the jurisdiction of the Civil Rights Commission to protect people from discrimination on the basis of disability. In 1980 he introduced the Civil Rights for Institutionalized Persons Act, protecting the rights of people in government institutions, including the elderly and people with intellectual and mental disabilities.

Nineteen years ago he was one of my most important leaders and partners in passing the Americans with Disabilities Act—1990. I will never forget, after I had been in the Senate for 2 years, Republicans were in charge, and then in 1986 Democrats came back, took charge, and Senator Kennedy wanted me on his education and health committee. I sort of played a little hard to get.

I said: Well, maybe, but I am really interested in disability issues. He knew about that. He knew about my work on some of the stuff I had done in the House before I came here, especially for people with hearing problems. I said I would like to come on his committee, but I said I would be interested in working on disability issues.

He got back to me and said: Tell you what, I have the Disability Policy Subcommittee and you can chair it.

I am a freshman Senator. He didn't have to do that for me. I was astounded at his great generosity. So I have always appreciated that. He had already had this great, extensive record on disability issues. Yet he let me take the lead. Then when the Americans with Disabilities Act came up, he could have taken that himself. He was the chairman of the committee.

As I said, he had this long history of championing the causes of people with disabilities. Yet he knew how passionately I felt about it, and he let me author the bill. He let me take it on the floor. He let me be the floor manager of it and put my name on it. He didn't have to do that. He was the chairman. He could have had his name on it. He could have floor-managed it. But he let me do it in spite of the fact that I was just a freshman Senator.

He was an indispensable leader in bringing disparate groups together to get the Americans with Disabilities Act passed. I will never forget that great act of generosity on his part in letting me take the lead.

Ted always insisted that our focus should be not on disability but on ability; that people with disabilities must be fully included in our American family. Americans with disabilities had no

better friend, no tougher fighter, no more relentless champion than Ted Kennedy.

Yesterday I accepted the chairmanship of the Senate HELP Committee, the Health, Education, Labor and Pensions Committee. It is a great honor and a great challenge and, I must add, somewhat daunting to carry on the legacy of Senator Ted Kennedy. He dedicated his life to making our economy work for all Americans, to secure a quality education for every child and, of course, securing quality, affordable health care for every citizen as a right and not a privilege.

In the Democratic cloakroom, there is a page from the Cape Cod Times with a wonderful picture of Ted and a quote from him. Here is the quote:

> Since I was a boy I have known the joy of sailing the waters of Cape Cod and for all my years in public life I have believed that America must sail toward the shores of liberty and justice for all. There is no end to that journey, only the next great voyage.

We have heard many eloquent tributes to Senator Kennedy. But the tribute that would matter most for him would be for his colleagues to come together, on a bipartisan basis, to pass a strong, comprehensive health reform bill this year.

It is time for us to sail ahead on this next great voyage to a better and more just and more caring America. So as we sadly contemplate the empty desk draped in black, we say farewell to a beloved colleague. He is no longer with us, but his work continues. His spirit is here. And as he said, the cause endures.

May Ted Kennedy rest in peace. But may we not rest until we have completed the cause of his life, the cause he fought for until his last breath, ensuring quality, affordable health care for every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, it is my understanding that we are going back and forth. If Senator LAUTENBERG will let me go, I will not talk long, if that is appropriate.

Today is a day to remember a colleague, a friend, someone whom it was a challenge to oppose and a joy to work with, and I wish we were not here today talking about the passing of Senator Kennedy.

We disagreed on most things but found common ground on big things. And everyone has a story about Senator Kennedy. There has been a lot of discussion about his life, the legacy, his human failings, which we all have, his self-inflicted wounds, and his contribution to the country. But I want to talk about what will be missing in the Senate.

We had a giant of a man who was very principled but understood the Senate as well as anyone I have ever met; he understood the need to give and take to move the country forward.

My experience with Senator Kennedy was, I used his image in my campaign to get elected, like every other Republican did. We do not want another person up to help Ted Kennedy. And he loved it. He got more air time than the candidates themselves. He loved it.

I remember him telling me a story about Senator Hollings. The tradition in the Senate is when you get reelected, you have your fellow Senator from that State follow you down to the well. He went over to Senator Hollings and said: I want you to come down and escort me.

He said: Why? I am from South Carolina.

He said: In my campaign you were. You were the other Senator from South Carolina.

Ted got a lot of fun out of that. I think he appreciated the role he played, and Republicans, almost to a person, would use Senator Kennedy in their campaigns.

But when they got here, they understood Senator Kennedy was someone you wanted to do business with. If you had a bill that you thought would need some bipartisan support, Senator Kennedy is the first person you would think of. And you had to understand the limitations on what he could help you with. He was not going to help you with certain things, because it ran counter to what he believe in. But where you could find common grounds on the big issues, you had no better ally than Senator Kennedy.

We met in the President's Room every morning during the immigration debate, and at night he would call me up and say: LINDSEY, tomorrow in our meeting you need to yell at me because you need to get something. I understand that. I will fight back. But you will get it.

The next day he would say: I need to yell at you. It was sort of like all-star wrestling, to be honest with you, and that was fun. Because he understood how far I could go, and he challenged me to go as far as I could. But he never asked me to go farther than I was capable of going. And, in return, he would walk the plank for you.

We had votes on the floor of the Senate on emotion-driven amendments designed to break the bill apart from the right and the left. I walked the plank on the right because I knew he would walk the plank on the left. He voted against amendments he probably agreed with, but he understood that the deal would come unraveled.

The only thing I can tell you about Senator Kennedy, without any hesitation is if he told you he would do something, that is all you needed to hear. A handshake from him was better than a video deposition from most people. I do not how to say it any more directly than that.

Opposing him was a lot of fun because he understood that a give-and-take to move a ball forward was part of democracy, but standing your ground and planting your feet and telling the other side, in a respectful way, to go to hell, was also part of democracy. And he could do it with the best of them. But he could also take a punch as well as give one.

So what we are missing today in the Senate is the spirit of Ted Kennedy when it comes to standing up for what you believe and being able to work with somebody who you disagree with on an issue very important to the country.

If he were alive today, the health care debate would be different. That is not a slam on anybody involved, because this is hard. I do not know if he could deliver, but I think it would be different and I think it would be more hopeful.

The immigration bill failed. But he told me: I have been through this a lot. Hard things are hard for a reason, and it will take a long time. He indicated to me that the immigration debate had all the emotion of the civil rights debate. And that was not something he said lightly.

We sat in that room with Senator KYL and Senator Salazar and a group of Senators who came and went, and the administration officials, Homeland Security Secretary Chertoff, and Commerce Secretary Gutierrez, and we wrote it line by line with our staffs sitting on the wall.

It was what I thought the government was supposed to be like in ninth grade civics. It was one of the highlights of my political life to be able to sit in that room with Senator Kennedy and other Senators and literally try to write a bill that was difficult.

We failed for the moment. But we are going to reform our immigration system. And the guts of that bill, the balance we have achieved, will be the starting point for a new debate. Most of it will become law one day, because it is the ultimate give and take and it made a lot of sense.

I say his wife Vicki, I got to know Ted later in his life. Through him I got to know you. I know you are hurting now. But I hope that all of the things being said by his colleagues and the people at large are reassuring to you, and that as we move forward as a Senate, when you look at the history of this body, which is long and distinguished, around here there are all kinds of busts of people who have done great things during challenging times.

I will bet everything I own that Senator Kennedy, when the history of this body is written, will be at the top echelon of Senators who have ever served. The point is that you can be liberal as you want to be, you can be as conservative as you want to be, and you can be as effective as you want to be. If you want to be liberal and effective, you can be. If you want to be liberal and ineffective, you can choose that route too. The same for being conservative. You do not have to choose. That is what Senator Kennedy taught this body, and I think what he demonstrated to anybody who wants to come and be a Senator. So if you are a left-of-center politician looking for a

role model, pick Ted Kennedy. You could be liberal, proudly so, but you also could be effective.

What I am going to try to do with my time up here is be a conservative who can be effective. That is the best tribute I can give to Senator Kennedy—being somebody on the right who will meet in the middle for the good of the country.

Ted will be missed but he will not be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this corner of the Senate has become a lonely place. I sat next to Ted Kennedy here for a number of years. We miss him. We miss his camaraderie, his humor, his candor, most of all his courage. And though he will not be here to join us in the future, the things he did will last for decades because they were so powerful. He was a constant presence here. It is hard to imagine the Senate without Ted Kennedy's vibrant voice resounding throughout this floor or his roaring laughter spilling out of the cloakroom.

Without doubt he was one of the finest legislators ever in this Chamber's history. Throughout his more than 46 years of service, Ted introduced 2,500 bills and shepherded more than 550 of those into law. He was a man of many gifts, but his greatest had to be his remarkable affinity for ordinary people.

I saw that gift firsthand in 1982 when I was making my first run for the Senate. A rally was being held for me in Newark, NJ, and it drew a crowd of thousands. I wanted to think that they were there for me, but it was obvious that they were there for Ted Kennedy.

The warmth, the affection with which he was received in this city far from the borders of Massachusetts, far from the halls of power in Washington, was amazing to witness. It was fitting that Ted came to Newark to help me campaign because he inspired me to devote myself to public service. He encouraged my entry into the Senate.

As soon as I joined the Senate, Ted Kennedy became a source of knowledge, and information, and wisdom. He was a seatmate of mine here in the Senate, and freely offered ideas on creating and moving legislation that I thought of or sponsored.

Even though he was born into privilege and was part of a powerful political family, his fight was always for the workers, for justice, and for those often forgotten. He was never shy to chase one down and demand your vote or to call you on the phone and insist on your support. Sometimes he would try to bring you to his side through reason, other times it was through righteous fury. Ted was such a tenacious fighter for a cause in which he believed that he would often put on the gloves no matter who the opponent might be.

But he never let disagreement turn into a personal vendetta. No matter how bitter the fight, when it was done, he could walk across the Chamber ready to shake hands with his opponents, and was received with affection and respect.

Despite his reputation as a divisive figure, he was at the top of the list of popular Senators beloved by both Republicans and Democrats. He carried a great sense of humor. He liked to play pranks, one of which I saw up close and personal. One Thursday night after a long series of votes, we chartered an airplane to take Ted Kennedy, JOHN KERRY, Senator Claiborne Pell, and me north to join our vacationing families in the area.

A week later we were here in the Chamber, and Claiborne Pell came over to me, hands shaking, with a letter in his hand. I looked at the letter. It was my stationery. On that stationery it asked for Claiborne Pell, a frugal man, to pay a far greater share of the total than was originally agreed to. I was embarrassed, mortified. I quickly declared that it was wrong and apologized profusely. And then I went to Ted to assure him that if he got a letter such as that, the letter was incorrect. Ted turned belligerent. He reminded me of the help he provided in my first election and asked: How could I nickel and dime him after all of that help. He turned on his heel, walked away red-faced, and then I realized it was part of the creation of a plot to embarrass me. The two of us broke into laughter so loud, so boisterously, that the Presiding Officer demanded that we leave the Chamber.

Ted Kennedy's love of life was always obvious in the Senate. Even though he could rise above partisan division, his life's work was deeply personal. It was Ted Kennedy who inherited the family legacy when two brothers were slain by assassins' bullets. He met that challenge by battling the powerful special interests to pass the Gun Control Act of 1968, which made it illegal for criminals and the mentally ill to buy guns.

Together Ted and I joined the fight to keep our streets safe from the scourge of gun violence. For decades, he was a force that shaped the national political landscape. He crafted life-changing legislation year after year, always fighting to shape public opinion toward his causes. He believed public service was a sacred mission and the role of a leader was to make progress. No matter how hard, no matter how long the journey, he persisted.

In fact, Ted Kennedy's signature talent was his precise, unmatched ability to get legislation passed. And he did that through the timeless requirements of this profession: preparation, integrity, fairness, patience, hard work, a little bit of table pounding and a profound respect for his colleagues and his constituents.

I had the privilege of working with Ted Kennedy on many pieces of groundbreaking legislation. We worked closely on fighting big tobacco and their attempts to seduce children into a lifetime of addiction. We reached the high watermark in that struggle earlier this year, when a law was passed that gives the FDA the power to regulate tobacco. It was something we worked on together for a long time. We stood together on other struggles, from the creation of the Children's Health Insurance Program to the Ryan White Act, to the Family and Medical Leave Act.

Think about it: Without Ted Kennedy, nearly 7 million children would not have health insurance. Think about it: Without Ted Kennedy, half a million Americans suffering with HIV would not be receiving vital services to cope with their disease. Think about it: Without Ted Kennedy, more than 60 million workers would not have the right to take time off from their job to care for a baby or a loved one or even receive personal medical treatment.

And he did more. He gave people assurance that the government was on their side.

Ted Kennedy was the guardian of opportunity. Look at his decades-long campaign to increase the minimum wage.

He will forever be remembered as a leader who persevered despite some frailties, who remained a tower of strength despite crippling personal tragedy.

Nothing symbolized his fortitude more than his first major speech on the Senate floor, which came on the heels of President Kennedy's assassination.

Then, despite all he was facing personally, he fought for passage of the Civil Rights Act of 1964 to outlaw discrimination in employment, education and public accommodations.

From there, Ted Kennedy became inextricably tied to the struggle for equal rights.

He was the chief sponsor of the Civil Rights Act of 1991.

Ted Kennedy was also a leader in the passage of the Voting Rights Act of 1965.

This law abolished literacy tests at the polls and guaranteed the protection of all Americans' right to vote.

In 1982, he was the chief sponsor of the Voting Rights Amendments Act which led the way to greater minority representation in Congress and state legislatures.

That law, in no small way, made it more likely that Barack Obama would become President of the United States. We are grateful the last Kennedy brother had a chance to see America rise above racism, above prejudice. He had a chance, the last of the Kennedy brothers in office, to see President Obama take that oath. It was a proud moment for him and for all of us.

As his life came to an end, Ted said he saw a new wave of change all around us. He promised us that if we kept our compass true, we could reach our destination. In the days and the weeks and the months to come, the years to come, decades to come, we have to keep Ted Kennedy's cause alive. It is the cause

of breaking gridlock to get things done. It is the cause of expanding health care as a right and not a privilege. It is the cause of bringing hope and justice and prosperity to all.

We are likely never to see the likes of a Ted Kennedy again. But I am confident we can rise to the challenge the people's Senator set for us and carry on for those who remember him, for those, yes, who miss him, for those who loved him, and for those who will always need a champion like Ted Kennedy.

Finally, if there was a demonstration of his humanity, the funeral tribute was one of enormous love and respect. It was enunciated particularly, because I road with other Senators on the bus, by the hoards of people standing by the curbside with signs of gratitude for his contribution to the life and well-being of America. We are thankful for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, on August 25, a towering figure on our national political landscape left us. Edward Moore Kennedy succumbed to a malignant brain tumor after an 18-month battle for his life. As I look now at his desk, draped with black cloth and covered with flowers, I still have difficulty believing that he is gone. My ebullient Irish-to-the-core friend has departed this life forever. How bleakly somber. How utterly final. How totally unlike Ted Kennedy in life.

Ted Kennedy in life was a force of nature—a cheerful, inquisitive, caring man, who never accepted somberness for long or the finality of anything. His energetic adherence to perseverance, his plain dogged determination, his ability to rise from the ashes of whatever new horrific event accosted him, always with grace, and usually with a liberal dose of humor, were his trademarks. It was almost as if Ted Kennedy were at the top of his form when coping with adversity. Life itself inspired him. He believed that life was a contact sport, but that it should never be played without joy in the game itself. That is how he saw politics as well.

Ted Kennedy and I were friends and, yet, we were the oddest of odd couples. He was the scion of a wealthy and storied family. I am a coal miner's son who had no bottom rungs in my ladder. In earlier years we were rivals.

What Ted and I discovered, though, was that somehow we had many things in common—a love of history; an affection for poetry; a fondness for dogs; a commitment to the less fortunate in our society. Many will speak of Ted's stunning Senate career, his huge and lasting impact on our culture, his domination of the political scene for so many, many decades. By all means, let us never forget Ted Kennedy's extraordinary contribution to this great country. It is largely unmatched.

But I will especially cherish the personal side of this big man, with his infectious laugh, his booming voice, and his passion for the things and the people that he cared about. I will remember the dog lover who brought Sunny and Splash to my office to visit. I will recall a considerate friend who sent dozens of roses to mark my wedding anniversary or a special birthday. I will again enjoy a very special recitation of the ''Midnight Ride of Paul Revere.'' By habit, I shall immediately look for Ted Kennedy whenever I enter this Chamber. In a thousand ways large and small he will simply be deeply, deeply missed.

My heart goes out to his steadfast wife Vickie and to his wonderful family. His spirit surely lives on in all of you.

Not long ago, I picked up a book of poetry which Ted Kennedy had given to me in July of 1996. It bore this inscription:

''To Bob, the master of our legislative poetry who has already left so many extraordinary Footprints on the Sands of Time.'' After that, Ted had written, ''See page 371.''

I close with a few stanzas from ''a Psalm of Life'' on page 371 of Ted's gift to me:

Life is real! Life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

. . . .

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;

Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I have been very fortunate in my life in public service to witness a lot of historical events, but none parallels the tribute that was just paid by one icon of the U.S. Senate to another Member of the U.S. Senate.

I rise to pay my respects to the late Senator Ted Kennedy. As one of my colleagues said earlier, it is a little bit ironic, when you come to the Senate you find out that those with whom you have significant political disagreements are folks you get to know well and you have the opportunity to work with.

I am sure during my political campaign for the U.S. Senate Ted Kennedy raised me a lot of money by virtue of the fact that I would cite him in my fundraising mailouts because, coming from a very conservative part of the country, it was popular to cite the liberal Members of the Senate and say you needed to be there to counteract them. But when I came to the Senate—and certainly Senator Kennedy and I do come from opposite ends of the political spectrum—I learned very quickly from Senator Kennedy what the Senate is all about.

I was here about, gee, it could not have been but a couple of days—something less than 48 hours—when I was notified that I was going to be on the Judiciary Committee and that I would be the chairman of the Immigration Subcommittee on Judiciary and my ranking member would be Ted Kennedy.

Senator Kennedy came to me on the floor, within a few hours of me being notified of that, and he said: SAXBY, you and I need to sit down. Let's discuss some immigration issues that we want to accomplish during the next 2 years. I just want to talk with you about it, get your thoughts and give you my thoughts.

I said: Well, sure, Ted, that will be great. I will be happy to come to your office and sit down with you.

He said no. He said: SAXBY, that is not the way the Senate works. You are the chairman. I will come to your office.

So the next day, a Senator who had been in office for well over 40 years came to the office of a Member of the Senate who had been here a little over 40 hours and sat down and had a conversation. That was a lesson about the way the Senate works that I will never forget.

We began working together on the Immigration Subcommittee, and we worked for about a year—it was in excess of a year, I guess—on an issue we talked about the very first day in my office. It involved the expansion of the L–1/H–1B visas. At that time, our economy was booming and businesses across our country needed access to more employees who had a specialized expertise.

We were successful in ultimately striking a compromise. It was difficult for Ted because the leftwing of his party was very much in opposition to what we were doing, and it was somewhat, although a little bit less, difficult for me because the rightwing of my party was in opposition to what we were doing.

Ted called me up one day after we had finished our negotiations, and he was laughing, and he said: SAXBY, I have to tell you, we have entered into an agreement on this, and I am going to do exactly what I told you I would do, but, boy, am I ever getting beat up by the far left in my party. They are just killing me. He said: It is to the point where I am up for reelection next year, and you may have to come to Massachusetts and campaign for me.

We kind of laughed about that.

Well, 2 days later, I had been besieged with phone calls from ultraconservative folks from my State, and I called Ted up, and I said: Well, Ted, you will not believe this, but I am getting beat up over that same issue by ultraconservatives in my party. But don't worry, I don't need you to come to Georgia to campaign for me.

Well, he laughed about that like I had never heard him laugh. The very last conversation I had with him to

any extent was when he was here for President Obama's inauguration, and he reminded me of that story. He never forgot that.

I also have a very fond memory of Ted by virtue of the fact that my grandchildren were 8 and 6 years old when I first came to the Senate, and we had this ice cream social out in the park across from the Russell building where his office was and my office is. In fact, his office was directly below mine. I am walking back from the ice cream social with my grandchildren—who were here for that because it happens at the same time as the White House picnic—and Ted is driving off in his car, and he sees me coming across with my grandchildren. He stops the car, gets out, and he says: SAXBY, these must be your grandchildren.

I said: They are.

He said: Well, I want my dogs to see them and them have a chance to meet my dogs.

So he got out of the car and got the dogs out, and my grandchildren just loved playing with those dogs.

Every year after that—I never called him—he called me because he knew that when the White House picnic was going on, my grandchildren would be here, and he would insist on bringing the dogs up when the grandchildren were here so they would have a chance to play with them. That is just the kind of guy Ted was. It was a much softer side than what we have seen so many times with Ted with his passionate debates and whatnot.

Lastly, let me mention another anecdote I will always remember. I was going down to speak to the Hibernian Society in Savannah, which has the second largest St. Patrick's Day parade in the United States. It is a big deal. We have about 1,000 folks who are at the Hibernian Society dinner that I was going to speak to. All you do is you go in and you tell jokes.

Well, I needed a bunch of Irish jokes, so I called up Ted and I told him what I was doing, and I said: I know you must have a book of Irish jokes.

He said: I do. I am going to send it to you. And he said: I will tell you something else you need to do. I know Savannah is a very conservative part of the world, and you are going to see in these jokes that you will have an opportunity to point out somebody to kind of poke fun at. He said: Every time you have an opportunity in telling these jokes, you use my name.

Well, I took him at his word, and I did. And, boy, did I ever get a rousing welcome from all those Irish men in Savannah, GA.

So I have very great and fond memories of a man who certainly came from a different part of the country than where I come from, who came from a very different political background than where I come from, and somebody who certainly had much more political experience than I will ever have. But the thing I appreciated in Ted Kennedy was—and I have said this often—he was the best legislator in this body. When Ted Kennedy told you something, you could take it to the bank. You never had to worry about it thereafter.

While we disagreed on many things, we agreed on some things and were able to work together in a very unusual way. Even when we disagreed, we were able to walk out of this Chamber and still be friends.

To Vicki and PATRICK and the children, Ted was a great American, a great guy, and he is going to be missed in this body. He was a true inspiration to a lot of us, and we are going to miss that compromising aspect of Ted Kennedy that will not be here even though someone else will take up the mantle.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, as I sit here and listen to the remarks of my colleagues and I look over at that black velvet-draped desk, with the pristine white roses, and the poem by Robert Frost, and I think about the past 17 years I have been here and have looked up—and perhaps it is late at night, perhaps it is in the morning, perhaps it is in the afternoon—and Senator Kennedy is at his desk and he is talking about a bill he cares a great deal about—and, as Senator LAUTENBERG had said earlier, he introduced 550 bills that became law. Around here, you can introduce a bill, and maybe it goes somewhere and maybe it does not. You can introduce a bill, and maybe it is a small bill, but introducing a big bill that goes somewhere, that passes the House and is signed by the President of the United States, is not a small feat.

I listened to Senator BYRD, and in the past he has spoken about lions of the Senate. Ted Kennedy was a lion of the Senate.

During 47 years—and this morning in the Judiciary Committee, we learned he had been the longest serving member—during 47 years, if you look at the big bills: the Mental Health Systems Act of 1980, which enabled people with mental illnesses to live in their communities with minimal hospital care; the Children's Health Insurance Program, which has been spoken about, which provided health insurance to uninsured children of low-income families; the commitment to health care reform that did not diminish even as he suffered through terminal illness; his dedication to education, he was a leader in the landmark Elementary and Secondary Education Act, which established the Federal Government's commitment to fund school for poor children in public schools; No Child Left Behind, widely hailed as the greatest example of bipartisan cooperation during the Bush administration; the bill he did with ORRIN HATCH, the Serve America Act, the greatest expansion of national service since the New Deal—it goes on and on and on, big bills, bills that changed people's lives, not just in a county or a city but all across this great land.

In civil rights, as you look across at that desk, he had no peers. He would stand up, and I would watch: The lower jaw would quiver slightly, and he would begin, and there would be the thunderous tones, either in the Judiciary Committee or here on the floor, that would fill the room, filled with passion, filled with conviction, filled with determination.

He played a major role in every civil rights battle in this Congress for 40 years. Who else can say that? He fought for people of color, for women, for gays and lesbians, for those seeking religious liberty. His amendments to the Voting Rights Act in 1982 led to significant increases in minority representation in elective office. He was a major sponsor of the Americans with Disabilities Act to ensure that millions of disabled Americans could live productive lives. These are not small bills; these are big bills—the Civil Rights Act of 1991, which strengthened civil rights protections against discrimination and harassment in the workplace; again, a big bill which became law.

I was part of that small group of Senators who met on immigration reform hour after hour in small hot rooms. I watched Senator Kennedy with his sleeves rolled back, when he would sit back and wait for just the right time to move or change the tenor of the discussion. True, that was one that was not successful, but it wasn't because he did not try.

Seventeen years ago, JOE BIDEN asked me if I would be the first woman on the Senate Judiciary Committee. I had the honor of doing it. Ted Kennedy was No. 2 in seniority sitting on that committee. I saw his commitment firsthand. It was very special. You see, I was a volunteer in the campaign for John Fitzgerald Kennedy. I was a full-time volunteer for Bobby Kennedy for his campaign. I saw the Nation ripped apart by these double assassinations. I saw Senator Kennedy, in addition to being a lion in the Senate, become a surrogate father to nieces and nephews. I saw him accept this mantle with great enthusiasm, with great love, and with a commitment that spanned the decades. That is very special. It is a very special human dimension of a great individual.

I lost my husband Bert to cancer, and I know well what the end is like. I know the good times that grow less and less and the bad times that become more and more. Ted Kennedy's life was enriched by a very special woman, and her name is Vicki Kennedy. For me, she is a mentor of what a wife should be. I have watched her sitting with him, writing speeches. I have watched her at weekend retreats. I have watched her fill his life with love, companionship, understanding.

I know a little bit about what the last months of a cancer victim are like. I can only say to her that we will do everything we can in this body to end cancer in our lifetime.

Yes, Ted Kennedy leaves very big shoes, shoes that probably will never be filled in quite the same way, from a family that will probably never be replicated.

I wish to end my remarks with a passage in the Prayer Book of the High Holy Day services for Reform Judaism. It was written when I was a teenager by a young rabbi I very much admired, and I wish to share it at this time:

Birth is a beginning and death a destination.
And life is a journey:
From childhood to eternity and youth to age;
From innocence to awareness and ignorance to knowing;
From foolishness to discretion, and then, perhaps, to wisdom;
From weakness to strength or strength to weakness
—and, often, back again;
From health to sickness and back, we pray, to health again;
From offense to forgiveness, from loneliness to love, from joy to gratitude, from pain to compassion, and grief to understanding—
From fear to faith; from defeat to defeat to defeat—
Until, looking backward or ahead, we see that victory lies not in some high place along the way, but in having made the journey, stage by stage, a sacred pilgrimage.
Birth is a beginning and death a destination.
And life is a journey, a sacred pilgrimage—
To life everlasting.

Ted Kennedy leaves a giant legacy in this body and we should not forsake it.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, following the passing of President John F. Kennedy, Senator Mike Mansfield said: ''He gave us of his love that we, too, in turn, might give.''

These words ring true today as we remember the life of our late colleague, Senator Ted Kennedy.

So much of this country's history in the past half century can be attributed to this one man. But Ted Kennedy was also a modest man, and he would not have put it that way.

Speaking almost 30 years ago at the 1980 Democratic National Convention, he quoted Tennyson:

I am a part of all that I have met . . .
Tho much is taken, much abides.
That which we are,
we are one equal temper of heroic hearts
Strong in will
To strive, to see, to find
and not to yield.

In the more than 46 years that Senator Kennedy served this body, he did not yield and, in turn, he affected each and every American.

During his career in the Senate, Senator Kennedy authored thousands of bills, and hundreds of them became law. From championing civil rights to advocating equal opportunity and higher education, to fighting for access to affordable health care for all Americans, Senator Kennedy's work has quite simply improved the quality of life for millions of Americans. Over the past 2 weeks we have heard many speak of his accomplishments.

It didn't take long for me to realize when I came to this body, and more and more as each year passed, that Ted Kennedy was probably the greatest legislator in modern American political history. The guy was amazing, absolutely amazing; an inspiration for me personally to try to be a very good legislator. Many people have also said that. I am not the only one who has recognized his talents and that he is probably the best legislator in modern American political history.

Let me just say why that was true for me. First of all, it was the passion of his convictions. His moral compass was set so true: for the average person, the little guy, the person who didn't have representation, health care, the poor, civil rights. He just believed so passionately, so steadfastly. His moral compass was just so firmly set. There is no question of what Ted Kennedy was and what he believed in, and it made him alive. It was his dream to fulfill the lives of the people he worked so hard for.

All of us remember Ted Kennedy working so hard to fulfill his dreams. From his desk over here, he would stand up and he would thunder, red-faced. He would get so involved, so passionate, speaking so loudly, almost shouting what he believed in. You couldn't help but know that here was a guy who believed what he said and, by gosh, let's listen to him. He also had terrific staff. Ted Kennedy's staff had him so well prepared. All of these briefing books—I will never forget the briefing books Ted took, and he read them. He studied them. He was so well prepared. Along with his passion was his preparation, and his staff just helped him prepare because they were all one team. They were working so closely together for the causes they believed in.

I also was impressed and found him to be such a great legislator because after the speeches he believed in so thoroughly and passionately, he would sit down with you and start to negotiate, try to work out an agreement, try to work out some solution that made sense for him and made sense for you if you happened to be on the other side. It was amazing to sit and watch him work, a different demeanor, a different temperament. He would sit there and cajole, talk, tell jokes, all in good spirit, all in an attempt to try to get to the solution.

On the one hand he would be here in the Chamber and he would be thundering, but in the conference room he would be saying: OK, let's figure out how to do this. How do we get this done? It was amazing. It was such a lesson to learn just watching him legislate.

I think he is also one of the best legislators in modern American political history because he had such a light touch. He really cared individually for people, not just groups but individually. We have heard references to a book he gave Senator BYRD, a poetry book, and how Senator Kennedy would bring his dogs over to Senator BYRD's office; and listening to Senator CHAMBLISS, how Senator Kennedy made sure he knew when Senator CHAMBLISS's grandchildren would be here so the grandchildren could see his dogs. He loved his dogs and he had that very light touch.

I remember not too long ago—and Senator BYRD referred to it—I think it was Senator BYRD's 67th wedding anniversary, and Senator Kennedy had the foresight and the caring to send 67 roses to ROBERT BYRD and Erma Byrd. It was one of the things he just did, as well as all the letters he wrote, the handwritten letters he wrote.

Here is this wonderful guy who probably never used a BlackBerry; didn't know what they were. We know what they were. We use them. He wrote notes, hundreds of notes, thousands of handwritten notes, tens of thousands of handwritten notes. It was incredible. He would write a note to anybody at any time—just a light touch—on their birthday or call them on their birthday or call somebody who was in the hospital. He would just do that, more than any other Senator here I can think of, and I would venture to say probably more than most Senators combined. He was just that way.

Let me give one small example. Several years ago, in my hometown of Helena, MT, I was at a meeting and came back late at night after the meeting, and my mother said: MAX, Ted Kennedy called.

Really?

Yes, Mom said. Well, I told him you were out, but we had a nice chat, Ted Kennedy and I.

What did you talk about?

We talked about the Miles City bucking horse sale. It is an event in Montana that comes up every year. Ted came and rode a horse at the Miles City bucking horse sale back in 1960.

A few days later I was back on the floor of the Senate, and I walked up to Ted and I said: Ted, I understand you talked to my mother.

Oh, he said. Sometimes on the telephone you are talking to somebody, you can tell who the person is. Your mother, she is such a wonderful person, so gracious, on and on talking about my mother and the conversation the two of them had.

They had never met before. My mother is a staunch Republican, and here is Ted Kennedy.

So I went back home a few days later, and I told my mother, I said: Mom, Ted was sure impressed with the telephone call you had.

Oh, gee, that is great. That is wonderful.

My mom wrote Ted a note thanking him for being so—for praising her so much to me, her son, just a few days earlier.

Well, the next thing I knew, my mother and Ted were pen pals. Ted

wrote a letter back to my mother, and they were back and forth and back and forth. I would be at a committee hearing someplace and Ted would say: Hey, MAX, look. Here is the letter I am writing your mother. Just out of the blue. Basically, they were just reminiscing about Montana and again about the bucking horse sale, which is another reason Ted was such a great guy.

He lived life so fully. He just loved life. He embraced life in all of the ways that life is available to a man. He was just wonderful that way.

Back in 1960 when his brother was running for President, Ted was assigned the Western States in the 1960 Presidential campaign. So Ted was out in Montana, and they went to a Democratic gathering. There wasn't anybody there, so he went to the Miles City bucking horse sale. We in Miles City, MT, have this bucking event. We take these horses off the prairie and buck them. You bid on the horses and, obviously, the best bucking horses get the highest bid and go off with the rodeo operators and they use them.

Anyway, the long and the short of it is, Ted was there and he went to the bucking horse sale and got in the booth because he wanted to speak on behalf of his brother. The announcer said: Well, young man, if you want to speak, first you have to ride a horse.

Ted said: Why not.

So Ted got on a horse and there is this wonderful photo of Ted at the Miles City bucking horse sale in Montana that somebody took. So there is Ted on his bronco. I don't think he made the full 8 seconds, but he sure had a great time on that horse.

The long and short of it is, he is a great man for so many reasons, and we love Ted for all he was. Again, I think he was the greatest legislator I think, in modern American political history.

I am touched by what a family man he was. As the years went by, after his brothers were tragically lost and all that happened in the Kennedy family, Ted was a rock to others in the family. He experienced so much and he went through so much tragedy and it has built so much character.

Ted was more than a Senate icon who fought for causes, more than a voice for the Commonwealth of Massachusetts. As I mentioned, he was a loving son, brother, husband, father, uncle, grandfather, and friend. Working with him for the past 30 years is one of the greatest honors I have had as a Senator.

Ted, as far as I am concerned, we are going to take up your last great cause, health care reform. We are, in the Senate, doing all we can to get it passed. I, personally, pledge every ounce of energy at my command to help get health care reform passed for all the American people and for Ted Kennedy.

He was a wonderful man, and he will be sorely missed. I don't think there is going to be another man or woman in the Senate who will be a giant such as Ted Kennedy. He was that great a guy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate having this opportunity to join in the celebration of the life of Ted Kennedy. His loss was deeply personal to all of us because he was a strong and vital presence not only in the day-to-day work of the Senate but in our day-to-day lives as well. He was interested and concerned not only about his colleagues but our staffs and all those with whom he worked on a long list of issues that will continue to have an impact on our Nation for many generations to come. That was the kind of individual Ted was—active and completely involved in all things that had to do with the work of the Senate.

For my part, I have lost a Senate colleague who was willing to work with me and with Senators on both sides of the aisle. He was my committee chairman and my good friend.

For those across the country who mourn his passing, they have lost a trusted and treasured voice in the Senate, a champion who fought for them for almost 50 years.

The political landscape of our country has now been permanently changed. I think we all sensed what his loss would mean to the country as we heard the news of his passing. Now we take this time to look back to the past and remember our favorite stories and instant replay memories of the Senator from Massachusetts.

In the more than 12 years I have had the privilege of serving Wyoming in the Senate, I had the good fortune to come to know Ted on a number of levels. As a Senator, he was a tremendous force to be dealt with on the floor. If you were on his side, you knew you had a warrior fighting alongside you who went to battle without the slightest fear of failure or defeat. If you had to face him from the other side of the arena, you knew you had a tremendous battle on your hands because, when it came to the principles he believed in, no one said it better or with more passion or more depth of understanding of the issues involved. As a result, he was able to notch an impressive list of legislative victories.

During his long and remarkable career, there were few initiatives that didn't attract his attention and his unique spirited touch that often turned them from faint hopes for change to dreams at long last come true. Whether it was an increase in the minimum wage, equal rights for all Americans or the effort to reform our Nation's health care system, which was his greatest dream, Ted operated at one speed and one direction—full speed ahead—and it always found him making progress on the task at hand.

Over the years, I was fortunate to have an opportunity to work with him on a number of issues of great importance to us both. He knew what he had to have in a bill to get his side to agree on it, and I was fortunate to have a sense of what it would take to get votes from my side. So, together, we were able to craft several bills that we were able to move through committee and to the Senate floor.

When I served as the chairman of the Health, Education, Labor, and Pensions Committee, the partnership we had forged over the years helped us to compile a record of which we were both very proud. We passed 35 bills out of committee, and 27 of them were signed into law by the President. Most of them passed unanimously. I remember attending a bill signing during which the President remarked, ''You are the only committee sending me anything.'' We checked, and he was right, and that was due, in large part, to Ted's willingness to work with us to get things done.

I will always remember two stories about Ted. One was a time when we were working together on a mine safety law. Nothing had been done in that area for almost 30 years. The average bill takes about 6 years to pass around here. Thanks to Ted, we got that one done in 6 weeks, and it has made a difference.

Another had to do with my first legislative initiative after I arrived as a newly sworn-in freshman Senator. I knew Ted had quite a good working relationship with my predecessor, Alan Simpson. So as I began to work on an OSHA safety bill, I started to discuss the bill with Ted and other colleagues and go through it section by section. I knew Ted's support would be instrumental if my efforts to pass the bill would be successful. So I arranged to meet with him.

Ted opened our meeting by presenting me with some press clippings he had collected for me about my mother's award as ''Mother of the Year.'' That impressed me and showed me how he kept up on anything that was of importance to those people he worked with—members and staff.

Then he spent a great deal of time going over the bill with me section by section. He helped me to make it a winner. Although the bill, as a whole, didn't pass, several sections made it into law. I found out later that this wasn't the way things are usually done around here, and in all the years Ted had been in the Senate, nobody had gone over a bill with him a section at a time. I probably didn't need to.

That started a friendship and a good working relationship with him we both cherished. I tried to be a good sounding board for him, and he always did the same for me. Our friendship can best be summed up when Ted came to my office and presented me with a photo of a University of Wyoming football helmet next to a Harvard football helmet, with the inscription, ''The Cowboys and the Crimson make a great team.'' We did, and I will always remember his thoughtfulness and kindness in reaching out to me.

Ted was one of those remarkable individuals who made all those he

worked with more productive. He was a man of exceptional abilities, and he was blessed to have a truly remarkable helpmate by his side. Vicki is a woman of great strength, who brought a renewed focus and direction to Ted's life. She was his most trusted confidant, his best friend, and a wellspring of good advice and political counsel. He would have never been all that he was without her, and she will forever be a special part of his life's story.

For the Enzis, we will always remember how thoughtful he was when my grandchildren were born. He was almost as excited as I was. He presented me with a gift for each of them that will always be a cherished reminder that Ted had a great appreciation for all of us, and he treated both Members and staff with the same kindness and concern.

Actually, we got Irish Mist training pants for each of them as they were born.

When Ted was asked, during an interview, what he wanted to be most remembered for, he said he wanted to make a difference for our country. He was able to do that and so much more. He will be missed by us all, and he will never be forgotten. All those who knew and loved him will always carry a special memory with them of how he touched their lives as he tried to make our Nation and the world a better place.

Now he has been taken from us and it will always feel like it all happened too soon. He has a record of achievements and success that will probably not be matched for a long time to come. He was a special friend and a mentor who had a lot to teach about how to get things done in the Senate. I know I will miss him and his willingness to sit down and visit about how to get something through the Senate and passed into law. Now he is at peace and with God. May God bless and be with him and continue to watch over his family for years to come.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, when I was young, Ted Kennedy was larger than life. I was just 12 years old when he was first elected to the Senate as the youngest son of a political dynasty that seemed to dominate the television each night in my house and the newspapers every day.

At first, he served in the shadow of his older brothers. But as I grew up, the youngest brother of the Kennedy family did, too—in front of the entire Nation.

For me and so many others, Ted Kennedy became a symbol of perseverance over tragedy—from his walk down Pennsylvania Avenue at the side of Jacqueline Kennedy, to the heartbreaking speech he delivered at his brother Bobby's funeral, to his pledge to carry on the causes of those who had championed his bid for the Presidency.

Ted Kennedy routinely appeared before the American people with great courage at the most trying times. And all the while, he was also standing in this Chamber each day with that same grit and determination to fight for the people of Massachusetts and the Nation.

On issues from protecting the environment, civil rights, increasing the minimum wage, and health care, he was a passionate and unmatched advocate and leader.

So it was with a lifetime of watching Senator Kennedy with admiration from afar that I arrived here as a freshman Senator in 1993. By the time I was elected, Ted was already on his way to becoming one of the most powerful and influential Senators of all time. So I couldn't believe it when I first walked out onto this floor and he walked over to personally welcome me. For me, that would have been enough—the lion of the Senate reaching out to a rookie—but to Ted Kennedy it wasn't.

Through calls to my office, discussions on the floor, and by taking me under his wing on the HELP Committee, he became a friend, a mentor, and sooner than I could have ever imagined a courageous partner on legislation that I cared deeply about.

As a State senator in Washington, I had worked very hard before I got here to successfully change the State laws in Washington on family and medical leave. It was an issue that was extremely personal to me. My father had been diagnosed with multiple sclerosis when I was very young. Since that time, my mother had always been his primary caregiver. But a few years before I ran and became a Senator, my mother had a heart attack and had to undergo bypass surgery.

Suddenly, my six brothers and sisters and I were faced with the question of who was going to take time off to care for the people we loved the most, the people who cared for us for so long.

A family leave policy would have allowed any of us just a few weeks necessary to see them through their medical crisis. But at the time, none was available.

So after running and winning and coming to the Senate, the Family and Medical Leave Act was a bill I wanted to stand and fight for. As it turned out, it was the first bill we considered.

Senator Kennedy was here managing that bill on the Senate floor, and I found out that he, too, had a personal connection to that bill.

I well remember one day when Senator Kennedy pulled me aside to tell me about how he had spent a lot of time with his own son in the hospital fighting cancer and how he met so many people at that time who could not afford to take time off to care for their loved ones and how some were forced to quit their jobs to take care of somebody they loved because they were sick. He told me that, together, we were going to work hard and get this bill passed. Then he showed this rookie how to do it.

Week after week, he fought against bad amendments to get the votes we needed to pass it.

He blended the right mix of patience and passion. He spoke out loudly in speeches when he needed to, and he whispered into the ears of colleagues when that was called for. A few days after Senator Kennedy pledged to me we would get it done, we did.

Through that effort, and many more battles on this floor, I learned so much from him and so have all of us because, more than almost anyone, Senator Kennedy knew the Senate. He knew how to make personal friends, even with those he didn't agree with politically. He knew how to reach out and find ways to work with people to get them to compromise for the greater good. He knew when not to give up. He knew when to change the pace or turn the page to get things done. He knew when to go sit down next to you or pick up the phone and call you. He knew how to legislate. Because of that, he built an incredible legacy.

It is a legacy that will not only live on in the Senate Chamber, where he was so well loved and respected; it is a legacy that will live on in the classrooms across America, where kids from Head Start to college have benefited from his commitment to opportunities in education; on manufacturing floors, where he fought for landmark worker safety protection; in our hospitals, where medical research that he championed is saving lives every day; in courtrooms, where the legacy of discrimination was dealt a blow by his years of service on the Judiciary Committee; in voting booths, where he fought for our most basic rights in a democracy to be protected and expanded for decades; and in so many other places that were touched by his service, his passion and his giant heart.

Senator Kennedy fought for and won so many great battles. But for many of us who worked with him every day, it may be the small moments that will be remembered the most—the personal touch he brought, not only to legislating but to life.

As I mentioned a moment ago, my mom had to take care of my dad for most of his life. His multiple sclerosis confined him to a wheelchair and she could not ever leave his side. One of the few and maybe the only time she did leave my dad is when I was elected to the Senate and she flew all the way from Washington State to Washington, DC, to see me be sworn in.

To my mom, Ted Kennedy and his family were amazing individuals whom she followed closely throughout their lives, through their triumphs and, of course, through tragedy. After I was sworn in, and my mother was up in the gallery watching, we walked back through the Halls of Congress to my office. Shortly after that, we had a visitor. Senator Kennedy unexpectedly came over to my office and gave my mom a huge hug. I will never forget the look on her face, the tears in her eyes,

the clear disbelief that she had met Ted Kennedy, and it was overpowering. It was a moment with my mom I will never forget, and it is certainly a moment I will never forget with my friend Ted Kennedy.

I am going to miss him. I know our country is going to miss him. But as he reminded us in his courageous speech that he delivered last summer in Denver, the torch has been passed to a new generation, and the work begins anew.

So today, as we honor all of his contributions to the Senate and the Nation, we must also remember to heed that brave final call and continue his fight for all of those who cannot fight for themselves.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my friend and colleague Senator MURRAY for her heartfelt words, and all of my colleagues. The love we all felt and feel for Ted Kennedy is genuine. It is person to person because that is how he was.

There is so much to say. I know we are limited in time. We could speak forever. I think every one of us could speak forever about Ted Kennedy because he had so many interactions with each of us. It is amazing that every person in this body has a long list of stories and thousands of people in Massachusetts and thousands more throughout America. One would think there were 20 Ted Kennedys. He had so much time for the small gesture that mattered so much, such as the hug, going out of his way to go to a reception and hug PATTY MURRAY's mom. It happened over and over again. So we could each speak forever.

I know time is limited, my colleague from Oregon is waiting. We are going to shut off debate soon and others want to speak. I will touch on a few things.

I could speak forever about Ted Kennedy. I thought of him every day while he was alive; I think of him every day that he is gone. I had a dream about him the other night where typically he was taking me around to various places in Boston and explaining a little bit about each one with a joke, with a smile, with a remembrance.

There is also nothing we can say about Ted Kennedy because nothing is going to replace him. No words can come close to equaling the man.

You read about history and you read about the great people in the Senate—the Websters, the Clays, the LaFollettes, the Wagners. What a privilege it was for somebody such as myself, a kid from Brooklyn whose father was an exterminator, never graduated from college, to be in the presence and was actually a friend to a great man. I don't think I can say that about anyone else. It is amazing.

What I want to tell the American people—you all read about him. There were the good times and the bad times and the brickbats that were thrown at him, not so much recently but in the early days. But here in the Senate, when you get to know people personally and when you are in our walk of life, being a Senator, you get to know a lot of people personally. You get to meet a lot of famous people. Some of them, frankly, are disappointing. The more you see them the less you want to know them. But with Ted Kennedy, the more you got to see him, the closer you got, the better he looked.

He had flaws, but he was flawless. He was such a genuine person and such a caring person and such an honorable and decent man that I wish my children had gotten to know him, that my friends had gotten to know him, that all of my 19 million constituents had gotten to know him a little bit the way I did.

What a guy. There are so many stories and so many memories. One day Ted and I sat next to each other—I used to sit over there. I think it was one of the vote-aramas, a long session. We occasionally would go up to his hideaway to talk. I said: Why don't we bring some of the freshmen. This was a couple of years ago. I regret that you, Mr. President, and the Senator from Oregon in the class of 2008 did not have that experience. We would go up to his hideaway, and he would regale us with stories. He would talk about the pictures on the wall and tell each person in caring detail what each picture meant, what each replica meant. He would tell jokes and laugh. His caring for each person in that room, each a new freshman, was genuine, and they knew it. We would go up regularly. It sort of became a thing, freshman Members of the Senate. Ted didn't need them. He could get whatever he had to get done and they would support him. But he cared about them as if they were almost family.

Whenever we had a late night, we would sort of gather—I would be the emissary and I would go over to Ted and say: Can we go upstairs? Of course. AMY KLOBUCHAR, SHERROD BROWN, CLAIRE MCCASKILL, BOBBIE CASEY—their faces would light up, and there we would go to hear more stories about the past, the Senate, the individuals. It is a memory none of us will forget.

Ted Kennedy would size people up early on, and he would care about them. He was very kind to me, but he also knew I was the kind of guy you had to put in his place a little bit. I would get hazed by Ted Kennedy. JAY ROCKEFELLER told me he went through the same thing when he got here. He knew who I was but would deliberately not mention my name. He would be standing there saying: Senator MIKULSKI, you will do this, and Senator HARKIN, you will do this; Senator CONRAD, you will do this—I was the last one—and the others will do this. It was fun. He did it with a twinkle in his eyes. We loved, he and I, the give and take, Brooklyn-Boston.

The first year I was here, the Red Sox were playing the Yankees in the playoffs. Ted and I made a bet. He said: The loser will have to hold the pennant of the winning team over his head and recite ''Casey at the Bat'' on Capitol Hill. We had a bet. The Yankees won. I went over to him—and he was feigning fear, this man who had been through everything. When we went out on the steps, he was hiding behind me. I have a picture of it on my wall. We were joking and laughing. And then he did his duty.

I was only a freshman Senator, sort of like PATTY or anybody else. He went out of his way for all of us. He would tell me to remember the birthdays and the individual happenings in each person's life, in each Senator's life, and go over and say something to them. It was his way of teaching me. It was done like a father. An amazing person.

As I said, the closer you got to him, the better he looked. As a legislator and as a giant in our history—and all the history books record it—people have referred to all his accomplishments. But I want to share with people how it was in person, one on one. You could be a Senator or you could be two guys on a street corner. He was fun and he was caring and he was loving. He was a big man, but his heart was much bigger than he was.

He loved almost everybody. He saw the good in people and brought it out. He saw the faults in people, and in a strong but gentle way tried to correct them. He was great on the outside, and he was even more great on the inside.

Again, I see my colleagues are waiting. I will part with this little memory that I will never forget. Ted and I became good friends. We spent time together in many different ways. When he got sick, I felt bad, like we all did. I would call him every so often. This was October of last year. He was ill, but he was still in strong health. I called him a couple of days before it was October. I said: We have a DSCC event a couple days from now in Boston. I thought I would call and say hello, let him know I was going to be in his State, his territory.

He said: What are you doing before the event? He said: Why don't you come out to the compound at Hyannis. I did. He picked me up at the airport. I flew in on a little plane. I will never forget, he had his hat on. He was happy as could be pointing out everything, full of vim and vigor.

It is obvious why the man was not afraid of death. When you know yourself and you know you have done everything as he did on both a personal basis and as a leader, you are not afraid of death. Anyway, he was not at all talking about that.

We were supposed to go out sailing, but it was too windy. So we had lunch—he, Vicki, and I—clam chowder and all the usual stuff. Then he said: I want to show you something. He lived in the big house on the compound, the one you see in the pictures. He took me to the house by the side. That was the house where President Kennedy lived because when President Kennedy was

President, Joseph P. Kennedy, Ted's father, lived in the big house.

For about 3 hours, he opened all these drawers and closets, things on the walls, and with each one in loving, teaching detail talked to me about the history of the family and of Boston, what happened from Honey Fitz, the mayor, through his father and Ted growing up in all these pictures laughing and reminiscing, and then about President Kennedy as he was growing up, and then as President in this little house and through to Ted. He was sort of passing on the memories. He did it again out of generosity, spirit, love, and friendship.

As I say, he was a great man and every one of us knows his greatness was not only in the public eye but in the private one on one. A great man. The term is overused. There are not many. He was one. I was privileged to get to know him, to get to be his friend, to stand in that large shadow, learn from him, enjoy it, and to love him.

So, Ted, you will always be with us. They may take those flowers off that desk and they may take the great black drape off the desk, but you will always be here for me, for all of us, and for our country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I rise today to remember and honor our colleague Senator Edward Kennedy. I first had the pleasure of hearing Senator Kennedy speak in 1976. I wanted to come out to Washington, DC, to see how our Nation operated. I had the great privilege of serving as an intern for a Senator from my home State, Senator Hatfield. My father had always talked about Senator Kennedy as someone who spoke for the disenfranchised, someone who spoke for the dispossessed, someone who cared about the working man. So I was looking forward to possibly meeting him or at least hearing him, when lo and behold, I found out he was scheduled to speak as part of a series of lectures to the interns that summer. So I made sure to get there early, and what followed was exactly the type of address you might anticipate—a roaring voice, a passionate spirit, a principled presentation of the challenges we face to make our society better. I walked out of that lecture and thought: Thank goodness—thank goodness—we have leaders like Senator Kennedy fighting for the working people, the challenged, the dispossessed in our society.

Through that summer, each time I heard Senator Kennedy was on the Senate floor I tried to slip over and go up to the staff section so I could sit in and see a little bit of the lion of the Senate in action. During that time I never anticipated that I would have a chance to come back and serve in the Senate with Senator Kennedy. But 33 years later, this last January, when I was sworn in, that unanticipated, miraculous event of serving with him occurred.

I wanted to talk to him about the possibility of joining his Health, Education, Labor and Pensions Committee—a committee where so many battles for working Americans, so many battles for the disenfranchised Americans are waged. So with some trepidation I approached him on the Senate floor to speak with him and asked if he thought I might be able to serve on that committee, if he might whisper in the ear of our esteemed majority leader in that regard, if he thought I might serve well. It was with some pleasure that weeks later I had a message on my phone in which he went on at some length welcoming me to that committee. That was the first committee to which I received an assignment here, and I couldn't have been more excited and more pleased.

I didn't have a chance to have a lot of conversations with Senator Kennedy. I was very struck when a bit more than a month ago his staff contacted me and said, in conversation with Senator Kennedy, they were wondering if I might like to carry on the torch on the Employment Non-Discrimination Act, a civil rights measure he cared a great deal about. They were asking me because it was a battle I had waged in the Oregon Legislature. It had been a hard battle, fought over a number of years, and a battle we had won.

I was more than excited, more than honored to help carry the torch on such an important civil rights measure, and I hope I will be able to do that in a way he would have been satisfied and pleased.

The Senator from New York, Mr. SCHUMER, talked about the many conversations that took place in Senator Kennedy's hideaway with freshmen Senators and the stories that were passed on. I didn't get to share much in those types of conversations, but as we were working on health care, Senator Kennedy invited a group of us to his hideaway to brainstorm. Through the course of about 2 hours we went through many of the features and many of the challenges and how we might be able to go forward and finally realize that dream of affordable, accessible health care for every single American.

When the meeting concluded, I had a chance to speak with Senator Kennedy about the picture he had on his wall of his beautiful yacht—the Maya. Senator Kennedy and I both have a passion for sailing. It connected us across the generation, it connected us from the west coast to the east coast, it connected us between the son of a millwright and the son of a U.S. ambassador. It was magic to see the twinkle in his eye as he started to talk of his love of sailing and some of the adventures he had on various boats over time and with family.

I asked him if he was familiar with one of my favorite stories—an autobiography written by CAPT Joshua Slocum. Joshua Slocum had been raised in a large family and, to my recollection, a family of no great means. He had gone to sea when he was a young boy—as a cabin boy or a deckhand—and he learned to sail the tall sheets. Over time he advanced through the ranks until eventually he was the captain of a merchant tall-masted ship. He had amassed some considerable amount of investment and value and loaned to share that ship. When the ship went down, he lost everything. He saved his life, but he lost all of his possessions.

He was up in New England wrestling with how to overcome this tragedy and what to do with his life, and Captain Slocum had a colonel of an idea. He was offered the gift of a ship. Not really a ship, a modest boat between 20 and 30 feet long, single-masted. He later overhauled it and added an after-mast. But he thought: I can rebuild this ship. He said he rebuilt it, in his story, Captain Slocum. He rebuilt it all but the name. The Spray stayed from the beginning to the end. He rebuilt it and went to sea to fish. But it wasn't much to his liking, and so Captain Slocum had an idea that he was going to perhaps sail around the world.

He thought: Why not just sail right out across the Atlantic. It was a revolutionary idea because no one had ever tried to sail around the world by themselves, just a single person. But he set off and he went to Europe.

I tell you this story at some length because Senator Kennedy knew this story well, and we enjoyed sharing pieces of it back and forth.

He had gone forth in 1895 and taken 3 years to circumnavigate the globe and came back to New England 3 years later, in 1898. So this was well more than a century ago, and people around the world were astounded to see him sail into a harbor all by himself having crossed the broad expanse of an ocean.

In some ways, the life of Captain Slocum represents a version of the life of Senator Kennedy—someone who faced great adversity, who faced great tragedy, but looked at all of it and said: I am going to go forward. I am going to go forward and do something bold, something important. For Senator Kennedy, it wasn't literally sailing around the world but it was sailing through a host of major issues that affect virtually every facet of our lives—certainly the issue of public service, the National Service Act, the issue of mental health and the issue of health care and the issue of education.

Others who have served with him have spoken in far greater detail and more eloquently than I ever could, but I just want to say to Senator Kennedy: Thank you for your life of service. Thank you for overcoming adversity to undertake a bold journey, a journey that has touched every one of our lives. Thank you for reaching out to converse with this son of a mill worker from Oregon who felt so privileged to be on the

floor of the Senate and to have had just a few months with this master of the Senate and who will hopefully carry forward some of the passion and the principle he so embodied.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

(The remarks of Mr. ISAKSON are printed in today's RECORD under ''Morning Business.'')

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

Mr. CONRAD. Mr. President, I rise today to remember our colleague, Senator Kennedy. There is a newspaper in the cloakroom that has Ted's picture, and it has a quote from Ted. It reads this way:

> Since I was a boy, I have known the joy of sailing the waters off of Cape Cod. And for all my years in public life, I have believed that America must sail toward the shores of liberty and justice for all.

He went on to say:

> There is no end to that journey, only the next great voyage.

I like to think that Ted is on that next great voyage now. What a man.

I remember so well being elected in 1986 to the Senate and being sworn in in 1987. I held a reception in a little restaurant close by with friends and family from North Dakota. I will never forget it. It was packed. You couldn't move; so many people had come from North Dakota to be with me, family members from all over the country, and a cousin of mine came up to me, so excited, and he said to me: Senator Kennedy is here. I hadn't known he was coming. But that was so typical of Ted, reaching out to the most junior of us because he knew what his presence would mean. My family had been longtime supporters of the Kennedys, and it meant so much to my family for him to be there that day. That was so typical of him, taking time to do things he knew would mean a lot to others, even when it was inconvenient for him.

The thing I remember and will remember most about Ted is his humanity: that smile, that twinkle in his eye, that kind of mischievous grin that would come over his face when he would be commenting on what was going on here, late at night sometimes—you know this place defies description. Yet he always maintained that sense of humor, that joy in life. He communicated it. He made all of us feel as if we were part of something important, something big.

When somebody in this Senate family had a problem, had a challenge, had a medical issue, very often Ted was the first to call. I had someone in my family who had health issues, and somehow Ted found out and kind of sidled up to me one day on the floor and said: You know, I heard you have somebody who has a serious health issue. I suppose you already have doctors, but if you are looking for additional assistance or a second opinion and you want to find people who are experts in this area, I would be glad to help. That was Ted Kennedy, over and over reaching out to others, trying to help, trying to provide encouragement, trying to provide the lift. That was Ted.

I remember so well about a decade ago when we were engaged in legislation on tobacco, we had a circumstance in which there was an important court decision and there had to be laws passed to deal with it. I was asked to lead a task force here in the Senate to try to bring together different sides to deal with that legislation. Of course, for a long time Ted Kennedy had been a leader on those issues, as was Senator FRANK LAUTENBERG, and there were others as well. Ted far outstripped me in seniority. Yet I was asked to lead this task force. He came to me and said: Sign me up as a soldier in your effort. We had dozens of meetings, and Ted was always there, pitching in, helping to make a difference even when he was not the person leading the effort—it was somebody much more junior. Of course, he had many other responsibilities, but over and over, coming up, stepping up, helping out.

There was nothing small about Ted Kennedy. He had big plans, big ambitions, big hopes, and a big spirit. He was always reaching out to even the most junior of us, to help out, to connect, to be supportive, and to show how much he cared about what we were doing and to give us a sense of how we were fitting into making history. Ted also had a big view, a big view of the importance of the role of the Senate in making history and a sense of how critically important the decisions were that were being made in this Chamber. There was nothing small about Ted Kennedy.

When he was engaged in negotiations—I will never forget him saying to me: Keep your eye on what is possible. Keep your eye on what is possible. You know, we might want to accomplish more, but take what you can get to advance the cause, to make progress, to improve the human condition, to make this a better place. That is what Ted Kennedy had in mind.

I want to close. I see colleagues who are here wishing to speak as well.

My favorite lines from a speech by Ted Kennedy are from the 1980 convention, when he closed with these words:

> For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die.

Ted, the dream will never die. You are always in our thoughts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I appreciate the opportunity to be here with colleagues, and I so appreciate the words of the Senator from North Dakota and those of the Senator from New York and all of our other colleagues who have been here, talking about our friend and colleague, the great Senator from Massachusetts.

I think for me, being in my second term and still a relative newcomer here, one of the greatest honors of my life was the opportunity to work and become friends with Senator Ted Kennedy.

I often have been asked what was the most surprising or exciting thing about being in the Senate. I always referred to Ted Kennedy, not only knowing him and the larger-than-life way he has been described, which was also true, but for me the images are of sitting in a small room going over amendments on the Patients' Bill of Rights when I was in my first term and having the great Ted Kennedy—not his staff but Ted Kennedy—sitting in a room with advocates talking about how we needed to mobilize and get people involved and what we needed to do to get votes or how to write something—doing the work behind the scenes.

Ted Kennedy, because of who he was—his family, his certainly great leadership and knowledge, and his length of time here—could have simply stood on the floor and made eloquent speeches, which he always did—the booming voice in the back that would get louder and louder as he became more involved in what he was talking about—he could have just done that, and that would have been an incredible contribution to the Senate. But that is not what he did. He was as involved behind the scenes in getting things done, more so than in the public eye. He worked hard and showed all of us an example of someone who was dedicated to the details, to the advocacy as well as to what was happening on the floor of the Senate. It was a very important lesson for all of us.

As chair of the Steering and Outreach Committee for our Senate majority, one of my responsibilities is to bring people with various interests together, usually on a weekly basis, to meet with Members on issues from education to health care, clean energy, civil rights, veterans. People always wanted to have Ted Kennedy in the room. Again, as a very senior Member with tremendous responsibilities, chairing the HELP Committee and all of the other responsibilities he had, he could have easily said to me: You know, I am just not going to be able to do that. We will have more junior Members come and join in these meetings. But he came, over and over again.

One of the things we joked about all the time was that he would see me coming and say: I know, there is a meeting tomorrow. I will be there.

He was someone who gave his all at every moment. He also understood that people needed and wanted to see him, to hear him, and the important leadership role he had here. It was important to people. And he treated everyone the same.

He was committed to a vision of making America the best it could be, where every child would have the chance to grow up and be healthy, succeed in life, have a job, at the end of life a pension and retirement, and be able to live with dignity. His service

was great, but his legacy is even greater.

I believe his challenge to each of us is even greater. It is true that nearly every major bill that passed in the last 47 years bears some mark from Senator Ted Kennedy—the Civil Rights Act; the Voting Rights Act; Meals for the Elderly; the Women, Infants and Children Nutrition Program; the Violence Against Women Act; title IX, which is giving so many women and girls the opportunity to participate and move through education's highest levels, including the U.S. Supreme Court, as well as the wonderful athletic abilities we have seen; the Children's Health Insurance Act; AmeriCorps; the National Health Service; the American Health Parity Act; legislation to allow the FDA to regulate tobacco; the Ryan White Comprehensive AIDS Act; the Americans with Disabilities Act—it goes on and on. These are just a few of the hundreds of bills Senator Kennedy sponsored or cosponsored during his time in the Senate, and each and every one of those bills made America a little bit better.

His commitment to achieve the best for America, for every child, every family, every worker was unmatched. We have lost the lion of the Senate, and he will be sorely missed. Personally, I have lost a friend, someone for whom I had the highest personal respect and someone I cared deeply about as a person.

To Vicki, to the family, we give our love and affection and thanks for sharing him with us. In his maiden speech in the Senate, Senator Kennedy spoke of his brother's legacy. Today, the same words can be spoken about him. If his life and death had a meaning, it was that we should not hate but love one another. We should use our powers not to create the conditions of oppression that lead to violence but conditions of freedom that lead to peace.

Ted, we will miss you.

Mr. BURRIS. Mr. President, it is with a heavy heart that I take to the floor of the U.S. Senate today. For each of the past 46 years, this Chamber has rung with the words of a man who came to be known as the lion of the Senate. But today, that familiar voice has fallen silent.

For the first time in half a century, this Senate returns to its work without Edward M. Kennedy. With his passing, our country has lost a true giant—a compassionate public servant who became a legend in his own time, a man whose legacy is bound up in the history of the U.S. Senate, whose life and works have touched everyone in America since the day he entered public service almost 50 years ago.

Over the course of his career, he influenced more legislation than just about anyone in history. He argued passionately for voting rights and helped extend the promise of our democracy to a new generation. He spoke out in defense of our Constitution and the principles of fairness we hold so dear. Time and again, he raised his booming voice on behalf of the less fortunate. He protected the rights and interests of the disabled. He extended health insurance coverage to children and fought to improve the American health care system, a struggle that would become the cause of his life. But perhaps his greatest single achievement came early in his career when he stepped to the center of the national debate and led the fight against segregation. He became a champion of the civil rights movement, lending his full compassion to a difficult and divisive issue.

Today, we live in a nation that is more free, more fair, and more equal because of Edward Kennedy. He was the single most effective U.S. Senator of our time. He did more good for more people than anyone in the Senate has known before. And it will be a very long time before we see the likes of him again. Ted Kennedy reminded us of the greatness that lives in our highest aspirations. He enjoyed wonderful triumphs and endured terrible tragedy. Through it all, he taught us to keep the fire burning, to confront every challenge with passion and hope and with undying faith in the country we love so much.

He reached across the aisle time and again. When everyone said compromise was impossible, Ted Kennedy did the impossible. When partisan politics divided conservatives from liberals and Republicans from Democrats, Ted Kennedy was always there to bring us together in the service of the American people.

I first met Ted Kennedy in 1962 when his brother was President and Ted was a young man running for the U.S. Senate. I was a legal intern at the White House and a second-year law student at Howard University. For me, the chance to serve the Kennedy administration—and meet all three Kennedy brothers—was a remarkable and inspiring part of my early career in public service.

I had the good fortune to meet Senator Kennedy one more time when I was running for reelection as state comptroller of the State of Illinois, having become the first African American ever elected statewide to office in my State. I was up for reelection, and I had a major fundraiser and I needed a big draw to come and help me raise funds.

Someone said: Well, there is a Senator from Massachusetts named Ted Kennedy. He will come and help you.

I said: No, no Senator of his caliber would come down to our capital for a fundraiser for a person who is running for State comptroller.

Needless to say, I contacted the Senator's office. Without hesitation, Senator Ted Kennedy appeared at the fundraiser in our State capital to help me maintain my seat as State comptroller.

During that same time, we had a little tragedy taking place that evening when our 15-year-old son in Chicago had been admitted to the hospital, and it was a question of whether I would be there at the fundraiser or go to Chicago to be with my son because my wife, his mother, was in Minnesota. So Senator Kennedy understood the dilemma but went on with the fundraiser. We got our son taken care of, but after my son was out of the hospital and home, guess who I got a call from days later wondering how my son was doing? It was Ted Kennedy. You just don't see a man of this caliber each and every day in this country.

After I came to the U.S. Senate myself, I had the honor to serve with Ted only briefly. In all the time I knew Senator Kennedy, I came to see him as more than a living legend, more than a senior statesman, more than the lion he had become. For me, and for all who were fortunate enough to meet him over the years, he was a genuine human being, a remarkable ally, and a compassionate friend. He displayed nothing but kindness and respect for everyone he met, from his good friends to his bitter opponents.

But for his many accomplishments and for all that he accomplished over the course of a lifetime in public service, there was at least one victory that eluded him. As I address this Chamber today, we stand on the verge of health care reform only because we are standing on Ted Kennedy's shoulders.

And when the time comes, I plan to honor his legacy and pay tribute to his service by casting the vote he did not live long enough to see.

When Senator Kennedy departed this life on August 25, he left more than an empty desk in this Senate Chamber. He left a fight for us to finish—a standard for us to bear. Long ago, he picked up the legacy of his fallen brothers and carried it forward into a new century.

Ronald Reagan once said:

> Many men are great, but few capture the imagination and the spirit of the times. The ones who do are unforgettable.

He was talking about President Kennedy. But his words ring just as true when applied to John Kennedy's youngest brother.

They speak to Ted's enormous vitality—to his towering impact on the lives of so many for so long. He is gone now, but his presence lingers in these halls.

In the many Senators to whom he has been a friend and mentor, in the dedication, faith, and love of country that he inspired, in the wood and stone and soul of this Senate Chamber, his legacy is very much alive.

Now, that legacy has been passed to each of us. And it is time to take up the standard once again. This is a moment to look to the future, not the past—to meet difficult problems with bold solutions.

As the Lion of the Senate told us 1 year ago, at the Democratic National Convention:

> The work begins anew, the hope rises again, and the dream lives on.

Mr. President, no single voice can fill this Chamber as his once did. But together, we can carry this refrain.

Mr. President. I yield the floor.

Mr. BROWN. I heard the eloquent speeches of Senators STABENOW, SCHUMER, CONRAD, and Senator MERKLEY also about Senator Kennedy.

I wish to tell two quick stories about him. I had the pleasure of serving on his committee from 2007 on. But early in my first year in the Senate, the Senators, as some know around the country, certainly all Members of the Senate know, we choose our desks on the Senate floor by seniority. And so in the first month or so of 2007, the freshmen, the other 9 Members of my class, the 10 of us were choosing our seats on the Senate floor. You can look around the Senate Chamber. There is no bad place to sit.

I heard from a senior Member that Senators carve their names in their desk drawers; sort of like high school, perhaps. So I began to pull the drawers open in some of the desks that had not yet been chosen. I pulled open this drawer, and it had Hugo Black of Alabama, who was FDR's favorite Southern Senator, who introduced legislation for the 8-hour workday, making President Roosevelt's 8-hour workday bill seem a little less radical, and successfully made its way through the Senate; Senator Green from Rhode Island, who came here in the 1960s and served more than two decades; Senator Al Gore, Sr., from Tennessee. And then it just said ''Kennedy,'' without a State and without a first name. So I asked Ted to come over, and I said: Ted, which brother is this?

He said: It's Bobby's desk, I have Jack's desk.

And I, of course, fell in love with this desk and got the opportunity to have sat here for the last 3 years.

The other real quick story about Senator Kennedy; I know Senator KYL is scheduled to speak. I and others were invited, from time to time, to go up to his study just off the Senate floor, one floor above us outside the Chamber, and to talk to him and hear him tell stories late in the evening as we were voting sometimes until midnight or 1 or 2.

What struck me about his study were the photos on the wall. The photos were pictures we all recognized: President Kennedy, Joe Kennedy, Rose Kennedy, Ethel Kennedy, Bobby Kennedy, Eunice Kennedy Shriver; all the people whom we recognized.

But Ted Kennedy said to us: These are my family photos.

These were people we recognized in the photos, but I had never seen those photos, none of us had. These were not the photos in LIFE magazine; these were the photos of the Kennedy family.

But what impressed me about that was they were the Kennedys at Hyannis Port, the Kennedys sailing, the Kennedys in the Capitol, the Kennedys at the White House. What impressed me was Ted Kennedy so easily could have given up; he could have gone back to a very easy life, particularly after the assassination of Robert Kennedy in 1968. Ted had been in the Senate for 6 years. It would have been so easy for him to walk away from this job, from this kind of life, from the danger he faced.

Instead, he stayed and he fought. He had everything anybody could hope for in life. He had a loving family who cared so much about him. He had all the wealth he needed and the lifestyle so many would have been so tempted by. But, instead, he stayed and served right up until his death.

That says to me everything I love about Ted Kennedy and everything we all should need to know about Senator Kennedy.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Arizona.

Mr. KYL. I would say to my colleague from Ohio, I commented on the same point. It is pretty obvious Senator Kennedy could have, because of who he was, done just about anything.

He certainly would not have had to work as hard as he did. But I have never known a harder working Senator than Senator Kennedy.

Mr. CARDIN. Mr. President, I rise to pay tribute to my friend, our colleague, civil rights icon of the Senate, Senator Edward M. Kennedy, our lion in the Senate. I have lost someone who has been a mentor, a friend, and one of my heroes. The Nation has lost a great leader. To his family, he was a rock. To his wife Vicki, his children, Kara, Edward, Ted, Jr., and Patrick, my former colleague when I was in the House, and to his sister Jean and the entire Kennedy family, we extend our deepest condolences. To his Senate colleagues and his constituents in Massachusetts, he was a beacon of hope and perseverance for a better day in America.

When I came to the Senate in 2007, I was frequently asked during my first year—I am sure the Presiding Officer has been asked this by people in his State—what is the highlight, what is difference, what makes this place a special place? What did you find different in the Senate than you did in the House? The example I gave during my first month in the Senate, when I was sitting by myself on the floor of the Senate, Senator Kennedy came by and sat next to me. He said: Do you mind if we talk for a moment? He sat next to me, a new Member of the Senate, and he said: Ben, can you tell me what you think we should be doing in health care? He wanted my views. He was looking to find out what this new Senator from Maryland thought was possible in health care reform. That was Senator Kennedy. Senator Kennedy engaged each Member of the Senate to find a common denominator to move forward in solving the major problems of America. It was truly a unique experience for me to see one of the most senior Members of the Senate, a person known internationally for his legislative skills, seek out a new Member.

I remember one of my constituents asking me during my first year as to which Senator I most admire for his or her work ethic. I said immediately: Senator Kennedy. They were taken aback because they didn't realize that this senior Senator, this person who had served for over 40 years in the Senate, was a person who dedicated every day to doing his very best. Whether it was working with staff or meeting with Members or working his committee or making a speech on the floor of the Senate, his work ethic was one of not wasting a single moment in order to deal with the Nation's problems.

Senator Kennedy served for 46 years in the Senate and had a tremendous impact on the issues that have shaped our Nation for almost a half century. He authored over 2,500 pieces of legislation. All Americans have been touched by Senator Kennedy's work. He dedicated his life to the nameless, the poor, and the minority voices in America, and that dedication is legendary. He has touched the lives of all Americans by his work in the Senate, whether it was what he did for voting rights or improving educational opportunities, dealing with the rights of immigrants, minimum wage laws, national service, help for the mentally ill, equality for women, minorities, the disabled, children, the gay and lesbian community. The list goes on and on. He was there fighting for those who otherwise would not have had a voice in our government. He did it whether it was popular or not in the State or Nation. He was true to his principles. The list goes on and on of what he did.

I had the great pleasure of serving with him on the Judiciary Committee for 2 years. What a legacy he has created on that committee. It was a great honor for me to be able to serve those 2 years on the committee with him and to listen to him engage. There has been no greater Senator on the Judiciary Committee to fight on behalf of civil rights than Senator Kennedy.

He was clearly the conscience of the Senate, to make sure we used every opportunity to advance the rights of all Americans so they could achieve their best. He was a legislator's legislator. He had a gift. He had the ability to work across party lines and get work done.

He believed in progress and doing the right thing. He had a voice that carried through the halls of the Senate with such passion and yet with such grace.

Senator Kennedy once said:

> We know the future will outlast all of us, but I believe that all of us will live in the future we make.

Senator Kennedy stood for and fought for a better America—even when it was not the popular thing to do. Senator Kennedy stayed true to his principles throughout his entire life.

With great loss and much sadness, I give much thanks for his service, his friendship, and his dedication. Senator Edward Kennedy will never be forgotten.

I thank my dear friend, Senator Kennedy, for the contributions he made to this institution, the U.S. Senate, where I now have the great honor of serving the people of Maryland. Senator Kennedy's legacy will live forever, and we thank him for his service to our Nation.

Mr. President, I yield the floor.

Mr. AKAKA. Mr. President, I rise today to pay tribute to my friend from Massachusetts, Senator Edward Moore Kennedy, who improved the lives of so many people during his 46 years of service in the Senate. My warm aloha and prayers continue to be with Vicki Kennedy, staff members, the Kennedy family, and his many friends.

Senator Kennedy's extraordinary life-long commitment to public service produced a proud legacy that has included expanding access to quality of health care and education, protecting and empowering our Nation's workforce, ensuring civil and voting rights, and protecting our Nation's natural and cultural resources.

Before outlining several of Senator Kennedy's important achievements, I want to share a story that demonstrates our shared commitment to helping working families and his optimistic outlook about the future despite temporary disappointments. A beaming Senator Kennedy flagged me down on the morning of March 2, 2005. He asked me if I had seen the Washington Post. In an editorial criticizing the bankruptcy overhaul under consideration in the Senate, the Post indicated the bill could be made more fair by the inclusion of several amendments by Senator Kennedy intended to protect consumers and my amendment to better inform consumers about the true costs associated with credit card use. After my amendment was defeated, Senator Kennedy was the first member to approach me. He complimented me for my work and told me that we would win on the amendment one day. Senator Kennedy was right. It took me another four years, but my credit card minimum payment warning and credit counseling referral legislation was enacted this May as part of the credit card reform law.

As an eternal optimist, Senator Kennedy never stopped advocating for the causes so important to working families such as increasing access to quality health care. Senator Kennedy helped establish community health centers, the Children's Health Insurance program, and programs that assist individuals suffering from HIV/AIDS. These are just a few of the many health accomplishments that Senator Kennedy helped bring about that improve the quality of life for millions of people in our country. Despite continuing to battle cancer, Senator Kennedy's passion to expand access to quality health care never ceased.

Senator Kennedy had an enormous impact on education policy. He championed early childhood education through his support of Head Start and creation of Early Head Start. His work in reauthorizing the Elementary and Secondary Education Act included improvements such as the Star Schools Program Assistance Act, which improves instruction in critical areas such as mathematics, science, and foreign languages, as well as the No Child Left Behind Act, which requires standards-based assessments for elementary and middle school students among other reforms. With regard to higher education, Senator Kennedy supported the creation of the Pell Grant program, Direct Lending program, and Ensuring Continued Access to Student Loans Act to aid Americans in paying for college. Throughout his efforts in education policy, he recognized the needs of underserved populations, and endeavored to make education more affordable. I also appreciated his working with me on the Excellence in Economics Education authorization and subsequent funding requests so that more children could be better prepared for the financial decisions they will have to make as consumers, investors, and heads of households.

I also greatly appreciate all of the work done by Senator Kennedy to improve the lives of members of our Nation's workforce. Senator Kennedy helped increase the Federal minimum wage 16 times. He fought for strong workplace health and safety standards, promoted equal pay for equal work, and secure retirement benefits. Senator Kennedy believed the right of workers to unionize and bargain collectively was fundamental and was always a tireless advocate for this cause. In addition, Senator Kennedy was a champion of our Federal workers and opposed efforts to outsource Federal jobs and erode workers' rights. I recall his staunch opposition to weaken the a rights of Department of Defense and Department of Homeland Security employees and his strong statements in support of granting Transportation Security Administration Security officers real rights and protections.

Senator Kennedy's career-long dedication to ensuring civil and voting rights helped bring about numerous changes that have made our country stronger, more equitable, and just. He condemned the poll tax, led efforts to lower the voting age to 18, and removed voting barriers. His fierce and noble opposition to discrimination by race, ethnicity, gender, age, disability, sexual orientation, or religion guided much of his work.

Senator Kennedy's advocacy for natural and cultural resources helped advance the protection of our environment for our benefit now and into the future. He was an important supporter of energy efficiency programs, including those that aid Americans most in need, and he helped improve fuel economy standards and energy research and development. His work led to the enhanced preservation of numerous treasured resources in Massachusetts including the Minute Man National Historic Park, the Taunton River, the New England Scenic Trail, the Freedom's Way National Heritage Corridor, the Boston Harbor Islands, the Quinebaug-Shetucket National Heritage Corridor, Essex National Heritage Area, and the Lowell National Historical Park.

In addition to his accomplishments and advocacy on behalf of the people of our country, I will remember Ted Kennedy as a true friend, always generous with his assistance and time. For many years, my desk was next to Senator Kennedy's. He welcomed me to the Senate and always provided sound advice and guidance.

In 1990, despite the long journey, Senator Kennedy came to Hawaii to help me during my first Senate campaign. I remember the rally that we held in Honolulu at McKinley High School as being one of the largest ever held in Hawaii. We also had a memorable visit to an early childhood development program. Footage of the event was recently replayed on the news in Hawaii, showing Senator Kennedy and me singing Itsy, Bitsy, Spider with the children.

We toured Kapiolani Children's Hospital where we saw the devastating effect that crystal meth was having on families.

Senator Kennedy visited the University of Hawaii's John F. Kennedy Theatre, where he received an award for his work on health care. He spoke eloquently about our Great Country, Congressional debates, civil rights, and economic empowerment programs.

I, along with every Member of this body, will very much miss our friend from Massachusetts. Senator Kennedy's extraordinary work has improved the quality of life for so many people.

We can honor his memory by continuing to work to address the issues Senator Kennedy was so passionate about such as meaningful health care and immigration reform.

I say aloha to my good friend and colleague, Senator Kennedy.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, there are no words to express the sadness of the great loss of our dear friend Senator Edward M. Kennedy. America has lost a great patriot and great leader. I have lost a good friend.

While it is difficult to say goodbye to a dear friend, I am consoled with the certainty that Ted's spirit and message will continue to resonate in the Senate. The solemn but joyful celebration of Ted's life reminded one and all that we should remember to help the poor, to heal the sick, to feed the hungry, and to be compassionate with those who are less fortunate than us. I will do my best to keep Ted's spirit alive.

I offer my deepest condolences to the Kennedy family.

Mr. President, as America mourns, I ask my colleagues to join me in paying tribute to this magnificent Senator.

Ms. COLLINS. Mr. President, the 1955 football season was not a good one for the Harvard Crimson. With only three victories, it was somewhat surprising that no less a team than the mighty Green Bay Packers reached out to a senior end with a professional job offer. ''No thanks,'' replied young Ted Kennedy, ''I have plans to go into another contact sport—politics.''

Few have played this rough-and-tumble game with as much energy, determination, and joy as Senator Edward Kennedy. He served the people of his State and our Nation through five decades and under 10 Presidents. He authored more than 300 bills that became law and cosponsored another 550. His remarkable record of legislation has touched the lives of virtually every American, always with a focus on improving lives, bringing justice, and creating opportunity.

As we recall what he gave to our Nation, we also reflect upon what we have lost. It is my sincere hope that the Kennedy family will find comfort in the thoughts and prayers offered by so many around the country and the world. To those who have lost a friend and to his outstanding staff, which has lost an inspiring leader, I extend my deepest condolences. I considered him a dear friend as well as an esteemed colleague.

When I first came to the Senate in 1997, I knew Senator Kennedy only by reputation. It was a reputation that was not entirely flattering, based upon such labels as ''ultra-liberal'' and ''utterly partisan.'' That was not the Senator Kennedy I came to know and admire. He was easy to work with, and his heart was always in the right place. I worked closely with Ted on many education issues, particularly by increasing Pell grants which help our neediest students. In our work together on the Armed Services Committee, we teamed up to strengthen our Navy as members of the Seapower Subcommittee.

I found him to be a partner who always sought solutions. I saw in him the same traits that drew the attention of the Green Bay Packers—a tough competitor and a great teammate.

The lion is a symbol of courage. Certainly, Senator Kennedy possessed great political courage. He fought for his convictions, but he was always willing to reach across party lines. He never, as he often said, let the pursuit of the perfect become the enemy of the good.

But he also possessed courage at the most fundamental level—the willingness to face danger. His historic trip to South Africa in 1985, conducted against the stern warnings of the pro-apartheid government and in defiance of violent demonstrations, helped tear down the wall of racial separatism in that country.

Senator Kennedy often said that a day never went by that he did not think of his brothers. He did more than merely think of them; he strove always to emulate them. Like Jack, he asked what he could do for his country. Like Bobby, he dreamed things that never were and said why not.

The end of a life so devoted to public service brings to mind the Parable of the Talents. The master, leaving on a journey, entrusts a servant with a portion of his treasure. Upon his return, the master is delighted to find that his wealth has been wisely invested and multiplied.

Edward Moore Kennedy was entrusted the great treasure of convictions, energy, and passion. He invested that treasure wisely and multiplied its benefits to all. Like the master in the New Testament, to him we say, ''Well done, good and faithful servant.''

Mr. ENSIGN. Mr. President, I rise today to honor the memory of one our Nation's most dedicated public servants. For most Americans, Ted Kennedy was an icon—part of an esteemed family that raised strong leaders and committed patriots. Much has been said since his passing of his contributions to our country and his love for his wife, children, grandchildren, and extended family. Those who eulogized him, at his funeral and on main streets across America, have done so with great admiration and respect.

From my position on the opposite side of the aisle in this Chamber, I saw Senator Kennedy as every bit the legendary and tireless advocate that he was portrayed as. I may have been advocating the opposing view on many issues, but in this country we should always be able to join together to recognize someone who has—with the best intentions—dedicated his life's work to improving opportunities.

I had the privilege of working on a very significant piece of legislation with Senator Kennedy a few years ago. It was the America COMPETES Act. I was, and continue to be, passionate about making sure that our children remain competitive in this increasingly global economy. Students in Nevada aren't just competing against students in Massachusetts anymore. They are all competing against students in India, China, and around the world. If we don't give our students the tools to compete, the innovative fire and spirit that has always fueled America will be lost.

Ted Kennedy understood this. We put together bipartisan legislation that was signed into law to increase investment in scientific research; strengthen educational opportunities in science, technology, engineering, and mathematics from kindergarten through graduate school; and help develop an innovation infrastructure for the 21st century. I am confident that the impact of this law will be felt for generations to come.

I am also confident that Ted Kennedy's decades of service, his passion for health care and education, and his deep love for this country will inspire a new generation of public servants. When you look at the legacy of Ted Kennedy and at how he dedicated his life to service, you can't help but be moved to do more for this country.

Senator Kennedy will be missed in this Chamber and in the Halls of Congress. God bless you, Senator Ted Kennedy.

Mr. KAUFMAN. Mr. President, I rise to join the chorus of those celebrating the life of our dear friend and colleague, Senator Edward M. Kennedy.

So much has already been said about him, his life, and his contribution to our Nation, but I would like to take a few minutes to reflect upon the legacy he left as a warm individual and an exemplary statesman.

His life was, to borrow the words of Robert Frost, ''a gift outright.'' Ted Kennedy was ours before we were his.

As a young man and a young Senator, history bequeathed to him weighty expectations. He became the accidental shepherd not only to a flock of nephews and nieces but also to a storied legacy.

An ordinary person would have been daunted by such expectations. But Ted Kennedy was extraordinary. He confounded them and, in the process, defined his life not by what others had left him to complete but by the goals he set for himself.

For all of the rhetoric recently about Kennedy as the Senate's lion, we can never forget that he was also a deeply caring man with a gentle spirit. It was this dual nature of his to fight passionately and to befriend heartily that transformed adversaries into admirers and endeared him forever to his friends.

In February of 1988, I was serving as chief of staff to then-Senator JOE BIDEN when he suffered a serious brain aneurysm. After two precarious surgeries, the doctors said that Senator BIDEN would need to avoid work completely for a few months while in that first stage of recovery or risk another aneurysm.

When President Reagan called to check up on him, we knew that if he took that call, Senator BIDEN would be obliged to take all the calls that would follow. It would have been too much for him, so his family made the decision that he would not take any calls, even from the President.

Ted Kennedy kept calling to check on his friend, but our office wouldn't put him through. One Sunday, while Senator BIDEN was resting at home in Wilmington, Jill heard a knock on their back door. To her surprise, Kennedy was standing there, holding a framed etching of an Irish stag. He had personally taken it upon himself to bring the gift in order to lift Senator BIDEN's spirits. He also had with him a bathing suit, ready to relax with his friend and keep him company without discussing Senate business.

We shouldn't have been surprised, though. That was classic Ted Kennedy.

With him there was always a personal touch, especially with those he represented. In the words of one of his

constituents, ''Teddy was Massachusetts.''

But his constituency was always larger than just the residents of the Bay State. He felt that it was his responsibility to speak for those who could not. Kennedy was, first and foremost, a representative of the poor, the young, the silenced, and the oppressed. He fought tirelessly for the rights of the disabled and those suffering discrimination. Throughout decades of public service, he proved to be their faithful champion at every turn.

For 47 years, Ted Kennedy was the Senate's steady compass through uncertain waters. When others coasted along, satisfied with the status quo or set uneasy by the prospect of change, he trimmed his sails and pushed forward.

He pushed forward by building strong, meaningful relationships with his colleagues on both sides of the aisle. He was committed to civility in politics.

That he so genuinely befriended those who debated vigorously against him on this floor testifies to Kennedy's greatest gift to his colleagues. As his son Teddy Jr. said so eloquently at his father's funeral mass, Kennedy taught us all that all of us who serve in government, regardless of party, love this country dearly—that we share a common bond of responsibility and commitment to public service.

My hope is that the lessons Ted Kennedy taught his colleagues about bipartisanship will guide the Senate today and in the future.

Just outside this chamber is the Senate Reception Room, ornately decorated by the 19th century immigrant and master painter of the Capitol, Constantino Brumidi. He adorned the ceiling with four allegorical scenes depicting what today we would call Justice, Security, Peace, and Prosperity—four virtues a great Senator should promote.

It was decided that portraits of the greatest Senators ever to serve would cover its walls. In the 1950s, the Senate established a panel to choose the first five to be so honored. Chaired by a young, energetic senator from Massachusetts, who had authored a Pulitzer Prize winning book on political courage, this ''Kennedy Commission'' selected five Senators whose portraits now grace those walls.

The commission chose to recognize Henry Clay, Daniel Webster, John C. Calhoun, Robert La Follette, and Robert Taft. A few years ago, the Senate voted to extend this honor as well to Arthur Vandenberg and Robert F. Wagner.

All seven earned their place in this pantheon by placing the good of the Nation above political interest. All but one ran unsuccessfully for President, distinguishing themselves not as commanders-in-chief, but as brilliant legislators and versatile statesmen. Each exemplified a commitment to the four virtues depicted by Brumidi on the reception room's ceiling.

Ted Kennedy was a champion of all four of these virtues; indeed, he set a new standard by which future Senators will be judged.

Whether it was leading the charge for the Civil Rights Act, enfranchising young people of military age, or promoting human rights around the world, Kennedy pursued justice without relent.

Ted Kennedy was committed to ensuring our Nation's security by advocating for nuclear disarmament, leading the way on energy conservation, and supporting legislation to punish sponsors of terrorism.

He worked tirelessly to bring peace to troubled regions, including Northern Ireland.

Throughout his career in the Senate, Ted Kennedy did all he could to open the doors of prosperity to millions of Americans seeking fair wages, health insurance, or job opportunities.

Furthermore, he fought to expand education access, fund scholarships, and promote community involvement. Kennedy's efforts have helped invest America in a bright future in fields such as science, technology, business, and the arts.

Even with the seven distinguished senators now immortalized, the walls of the Senate Reception Room remain mostly bare. They await future Senate commissions, following in the tradition of John F. Kennedy's panel, to honor those serving from our generation or from generations yet to come.

I am certain that, if I could cast my vote today for the next to be so honored, I would proudly and unhesitatingly choose Senator Edward M. Kennedy.

Mr. KOHL. Mr. President, I rise today with great sadness to pay tribute to my friend, colleague, and great statesman, Senator Ted Kennedy.

As many of my colleagues have noted here today, over his 47 years of public service in the Senate, Ted Kennedy displayed exemplary leadership, a commitment to progress, and the vision that by working together, this body could truly better the lives of Americans.

For many years as a member of the Judiciary Committee, I had the privilege to work with and learn from Senator Kennedy. Since 1997, I sat just one seat away from him then-Senator Biden to my right and Senator Kennedy next to him. Senator Kennedy was always so encouraging. A simple ''good job'' or pat on the back might be expected from a busy Senator like him, but from time to time, he would take a moment to write a note and offer encouragement for a bill I was trying to move through committee or a concern I was expressing about an issue important to the people of Wisconsin. We have heard so much over the past weeks about what he gave to our country throughout his long Senate career. Just as important, he gave all of us on the committee and in the Senate an example of how to be an effective legislator, a fair negotiator, and a friend to allies and foes alike.

As has been noted by many of those who worked alongside him, Senator Kennedy masterfully negotiated with others in the long process of shaping policy but refused to retreat from his principles—or from his quest toward equality and social justice for all. His tireless advocacy on the behalf of those Americans most in need of an advocate—children, senior citizens, the sick, disabled and mentally ill, students, workers, and families—has changed the course of this Nation and impacted millions of lives. Senator Kennedy's many legislative battles—for civil rights, voting rights, and workers rights, among others—illustrated that although we may differ in our politics and our ideologies, it is still possible work with each other, across the aisle and across the political spectrum, toward the common good. Although I am sad today to realize that we will never hear another of his fiery speeches, many of them given just a few desks away from mine in the back row of this Chamber, he leaves a legacy behind that will endure.

I extend my deepest sympathies to his wife Victoria and to the rest of his family during this difficult time. Senator Kennedy's passion, diligence, good humor, and kindness will be greatly missed, by me and by many others, in this body and across the Nation.

Mr. VOINOVICH. Mr. President, I rise today to speak about the passing of our dear colleague and friend, Senator Edward M. Kennedy.

Our great Nation has lost a true statesman, and the Kennedy family has lost its beloved patriarch. Senator Kennedy's unparalleled leadership and decades spent in service to his fellow Americans will be missed by all, especially here in the U.S. Senate. No one can deny that Ted was a man of convictions, passion and resolve for doing what he felt was best for the country. While I was not always in agreement with him on policy, I always knew he was my friend.

His willingness to reach across the aisle and find common ground serves as an inspiration to all of us during this pivotal moment in our Nation's history. Senator Kennedy and I shared a passion for early childhood development, and together with Senator GREGG, we worked on legislation to improve the quality and availability of early education for all children.

On a more personal note, Ted was a guiding light for me during my late-nephew's treatment for bone cancer. His uplifting spirit and thoughtfulness helped steer my family through a very difficult time, and I will never forget the words he shared with us: ''Even when it's sometimes stormy one day, the sun always seems to shine the next.''

Janet and I will keep Victoria and the entire Kennedy family in our thoughts and prayers during this trying time, as they mourn the loss of

both Ted and his sister Eunice. Senator Kennedy's great shadow of leadership which loomed so large across the U.S. Senate will continue for years to come, and I hope the Kennedy family and my colleagues can find solace in the fact that Ted has joined our Heavenly Father.

Mr. ROCKEFELLER. Mr. President, I rise today to remember and celebrate Edward Moore Kennedy.

Senator Kennedy passed away, as we know, on August 25. The American people, in more ways than they will ever know—as so often happens in history with historic figures, people don't know what they had when they had it, and then when they no longer have it, they discover how great that person really was if one deserves to be so identified, and surely Ted Kennedy did—the American people lost a touchstone. The cause of justice lost one of its bravest and boldest champions, and I lost a very close friend.

I met Ted Kennedy back in about 1961, which is quite a long time ago, in Hyannis Port. His family invited me to come there for the weekend. He was still recovering from his back injury. He broke his back in 12 places. He was in one of those old-fashioned circle things where they sort of turned you so you wouldn't get bed sores. We had a nice conversation, and he wrote and thanked me with his hand for coming to see him.

Obviously, I have and will always be thinking about Vicki, his incredible wife, his children, and the entire Kennedy family who operates as one unit.

Because of Ted, I think all of us are better. I know I am. I think we are stronger. We are more inclusive as a nation. He caused us to be that way.

For 46 years, he was a legislative lion, as they say, who gave voice to the voiceless. That is not a cliche; that is an extraordinary and powerful deep fact from the junior Senator from the State of West Virginia. The people of West Virginia were given voice, and Ted Kennedy gave them that voice. He fought for working families, civil rights, women's rights, health care for all, and transformed the lives of children, seniors, Americans of all ages, all colors, all backgrounds. Everybody was part of his sphere, part of his responsibility.

In his private life he worked tirelessly to touch so many people with endless human acts of kindness that came naturally to him. He sort of had—he had to do it. I don't think he chose to do these things; he just had to do them and, therefore, did do them. People forget, those who didn't know about what he did, but he never stopped reaching out to help people at every turn, in sometimes very small ways.

Ted and his family reached amazing heights, and they inspired a nation. Each and every day of his life he honored the fallen heroes we always cherish.

This needs to be said: Ted traveled to West Virginia often. I was personally very grateful for that. It is a small State, not unlike that of the Presiding Officer. Our State has always had very close communication with the Kennedy family. We are them; they are us. You know, we put them over the top, we feel, in the 1960 election, and we did. When President Kennedy returned to West Virginia, he, at the State's centennial, said that classic phrase which we have heard so many times in West Virginia: ''The Sun does not always shine in West Virginia, but the people always do.''

People are still to this day moved by that statement. It is a sentiment I have always held near to my heart, that he and his brothers felt the way they did about West Virginia. I remember a picture of Bobby Kennedy sitting on a slag heap, a sort of pile of coal in southern West Virginia, just sort of thinking. He wasn't shaking hands, he was doing a typical Bobby Kennedy-type thing: thinking, deep in thought; philosophical, wondering about what to do in the world.

Over the last four decades, Ted's frequent visits not only strengthened West Virginia's bond with him and the Kennedy family, but he also provided enormous color, interest, and fun. I remember him at political rallies in West Virginia where some politician was going on and on. I have an album of photographs that were taken sequentially of different faces, very long and large speeches, and he is this way, he is wiping his brow. He enjoyed all of it. He just loved it.

Everywhere he went he found common ground. He spoke honestly. People came out to see him. He didn't hesitate to plunge into the crowd or jump on the back of a pickup truck. Indeed, the American worker knew a strong friend in Ted Kennedy. That much was clear in the tireless work he did as an advocate for our miners, for our seniors, for all of our people.

He has been with us in some of our very darkest hours. We had a mining tragedy several years ago. JOHNNY ISAKSON, who was speaking not long ago, was there as were several members of the HELP Committee, the Health, Education, Labor, and Pensions Committee. We had a cave-in and a blowup in a mine in Sago in Upshur County. He came down there. He sat with those families and watched them. I watched his hurt resonating against their hurt, and the words he spoke to them had deep comfort to them. As a result, we had the first major overhaul of mine safety laws at the Federal level since 1977. He, obviously, was driving the committee and driving that, as was Senator JOHNNY ISAKSON and MIKE ENZI.

People liked Ted. They were drawn to his energy and his fundamental belief that America's best days were always ahead. I love that attitude because you can always pick it out. I just did a television thing and everybody was asking me about the person who spoke out last night, interrupting the President and saying something rather unusual, and the President just went right on ahead. He had bigger things to do. Ted was that way.

He had hard parts of his personal life and his own family life. He was the father of endless numbers of nieces and nephews, as well as his own children. Nothing ever stopped him.

People wanted to work with him. He never, ever talked about his own achievements. That is the incredible thing about him. As a result of the plane accident, he broke his back in 12 places. That is a lot of places to break a back. He never spent another day the rest of his life, he once told me fairly recently, without being in pain. You could see him walking across the floor of the Senate. He was always bent, and he walked quickly, sort of subconsciously, to cover up the fact that he was hurting. But he never said anything about it. He never said anything about himself. It was always: What is going on in your life? What is happening with you? What are your thoughts? What do you think we should be doing on such a subject? That was simply the way he was.

He refused to be slowed. He brought that iron will to everything he did. He never quit. He never gave up. He was a happy fighter. He loved life. He loved the battle, driven not out of anger but out of passion for people and the individual parts of their lives he wanted to improve. It just drove him. He didn't do it out of duty; he did it because he had to. It was a natural thing. For Ted, every day was new. Everything could be made better through hard work and dedication. Nearly every piece of legislation that has passed in this body bore his imprint or bears his imprint and reflected his commitment to making life better for every American.

It has been my honor to lock arms with him in our efforts, including the children's health program. Interestingly—we just found it—Senator Kennedy called it the most far-reaching step that Congress has ever taken to help the Nation's children and the most far-reaching advance in health care since the enactment of Medicare and Medicaid a generation ago. Now, in the Finance Committee we are trying to decide whether we are going to cast them into the melting pot along with all the other plans and take away the defined benefits. I am obviously very much against that. Eleven million children's health care is at stake.

Ted worked on the Higher Education Act of 1965 and to protect Federal student loans. Again, let me get back to the personal side.

I have a daughter. We only have one daughter and three sons. She is a teacher, and she is trained in special ed. She teaches—she did teach at Jackie Robinson Junior High School in Harlem. Ted was in New York. His chief of staff at that time was my daughter's best friend. She said: You know, Jay Rockefeller's daughter teaches there.

Ted said: Let's go in.

So here is my daughter teaching class in junior high school and in walks Ted Kennedy. Of course, the whole place just falls apart with happiness. He loved doing it. He does it in the District of Columbia; he does it in Massachusetts. He is always interacting with students. He greets them, talks with them, and learns from them.

The principal gave my daughter a very hard time. He said: Don't you ever bring a United States Senator into my school without telling me in advance.

Well, of course, that is the beauty of it. There is no way she could because it was just a natural act of Ted Kennedy.

It was that commitment to service that we celebrated just this spring when the President signed the Serve America Act which inspires young people to serve their country through public service. There are a lot of ways to remake America, but I think people, as the Presiding Officer has been in a variety of situations—people going abroad, people meeting other people who are unlike them, living with them, eating with them, sharing with them, coming to know them, coming to have very strong feelings about them—it is that kind of thing which makes people want to get into public service.

So he doubled the Peace Corps, he doubled Legal Aid, he doubled Vista, he doubled all of those programs, a lot of which were run by his brother-in-law, Sargent Shriver, who is one of the great men of America who is never discussed. He is a Kennedy, but he doesn't bear that as a last name.

He changed my life—the Kennedy family did. When I went to West Virginia as a Vista volunteer, I was trying to figure out what I was going to do in life, and I kind of wanted to be a Foreign Service officer. Frankly, I wanted to be America's first Ambassador to China. This was back in 1961, so it does really make sense. I had studied Chinese for a year, so I thought I was on my way. But Vista started and Sargent Shriver called me and said: Come work for me at the Peace Corps. And I did that. Then I went to southern West Virginia as a Vista volunteer and it told me what I wanted to do in life. This part of your gut knows when you are doing something that is meaningful to you and is something that you want to dedicate your life to. That was the effect of the Kennedys.

Ted Kennedy was a giant. There was not and never will be anyone like him in American history. He shaped this institution for decades by honoring its history and pushing us forward to be a better institution.

Now that he is gone, I know his legacy and inspiration make him a giant greater still, moving us to reach across the aisle, hopefully, and make a difference in people's lives. He was a great friend. We are all forever grateful for his service and his kind heart. We will miss him very dearly. Now he belongs to the ages.

Mr. WHITEHOUSE. Mr. President, this would be a particularly opportune important time for me to say a word about our friend, Senator Kennedy. I had not planned on doing so at this particular juncture, but someone very important to him, and in a very different way to me, is now in the gallery. So I will speak very briefly, but I do want to, as I have said before, thank Senator Kennedy for his kindness to me.

As a very senior and distinguished Senator, a person with a national and, indeed, international reputation, a person whose standing in this body was unmatched, a person whose legislative prowess and capability was unmatched, he did not need to pay any attention to a new Senator of no particular seniority, clout, or renown from Rhode Island. Yet he did, I think in large part due to the friendship the new Senator from Rhode Island had with his son, a very talented and able Member of the House of Representatives, who is senior to me in our Rhode Island delegation and who represents Rhode Island with exceptional distinction over in the House of Representatives. For that reason, and for the reason of a number of other family friendships, he was particularly kind to me. I appreciate that more than he could have imagined.

It is a bit daunting to come here as a new Senator not knowing whether you will find your way, not knowing whether you will evince any ability, not knowing whether you will have any effect, not knowing whether, indeed, you will be very welcome. You have to fight yourself through that stuff as a new Senator.

I can remember when I was presiding, where the distinguished junior Senator from Alaska is now sitting, and a colleague of ours who shall remain nameless was giving a speech of some length. Senator Kennedy was waiting to speak, and he sent a note up to me inquiring whether I felt that the standards of the speech we were then being treated to met the high standards of our common alma mater, the University of Virginia School of Law. I could not help but smile back and return the note, saying: No, I do not think so, but that is okay because I am waiting for a great speech from you.

There is one particular kindness I wanted to mention. Senator Kennedy was very important to Rhode Island. He was important to Rhode Island not just because of his son Patrick but because Rhode Island pays a lot of attention to Massachusetts, there is a lot of overlap in the constituencies of Massachusetts and Rhode Island, and Rhode Islanders have long admired Senator Kennedy. When he came on behalf of candidates, on behalf of his son, on behalf of me, on behalf of others, there was always an atmosphere of celebration around him and around the events he attended. Other speakers have spoken of his ability to rev up a crowd and get people fired up and enthusiastic, and he was really remarkable in that respect. We never tired of his visits, and Rhode Island always welcomed him with open arms.

He had a special place for Rhode Island, and in particular he had a special place for somebody who was very dear to both Congressman KENNEDY and to myself; that is, a predecessor of mine here in the Senate from Rhode Island, Senator Claiborne Pell. Senator Pell was a political legend in Rhode Island, in many ways an improbable candidate.

Senator Kennedy's brother, President Kennedy, at one point said, publicly enough that it became a matter of sort of common discussion in Rhode Island, that Claiborne Pell was the least electable candidate he had ever seen. So when Claiborne Pell ran ahead of President Kennedy in Rhode Island in the election, it was a matter of great pride to Claiborne Pell and one that he was fond of reminding all Kennedys about.

It was, I guess as they would say in ''Casablanca,'' the beginning of a beautiful friendship. The friendship began back then. It continued long after Senator Pell had left the Senate. It continued long after Senator Pell had lost his ability to walk around and became confined to a wheelchair. It continued even long after Senator Pell had lost his ability to speak and could barely speak because of the consequences of his illness.

One of the ways it manifested itself is that every year Senator Kennedy would take the trouble to sail his sailboat, the Maya, from wherever it was in New England to Newport, RI, and there take Claiborne Pell out sailing. I had the pleasure to be on that last sail, and you could just imagine the scene, with the heaving dock and the heaving boat and Senator Pell in his wheelchair and a rather hazardous and impromptu loading of Senator Pell into the sailboat. And then, of course, it got underway. Because Senator Pell was having such trouble speaking, he really could not contribute much to a conversation. But Senator Kennedy had the gift of being able to handle both sides of a conversation and have everybody feel that a wonderful time was being had. So he carried on in a full, roaring dialog with Senator Pell, essentially providing both sides of that dialogue, and Senator Pell was smiling from ear to ear.

It said a lot about what I appreciate so much about Senator Kennedy. First of all, Rhode Island mattered to him, as it matters to PATRICK KENNEDY, as it matters to me. Second of all, as powerful as he was and as important as he was, friendship mattered more than authority or clout or power. There was nothing any longer that Senator Pell could do for Senator Kennedy. There was nothing that could be done to advance his legislative interests or his political interests or his fundraising interests or any other aspirations he may have had. But it mattered to him to do this because he was loyal and because friendship counted.

In a body in which opportunism and self-promotion and self-advancement are not unknown, it was remarkable of Senator Kennedy to give so much of his

time to this particular pursuit, to this particular visit, taking his old, now disabled friend, out for a sail and giving him so much pleasure, with no hope or hint of reward or return to Senator Kennedy himself.

So I will conclude with that. I guess I will conclude with one other thing. He loved Robert Frost. On his desk here right now is a poem from Robert Frost, ''The Road Not Taken.''

I know he was fond of Frost's work in particular. I keep a little book of poems and things that matter to me, quotations, and one of them is a poem by Robert Frost. It is not ''The Road Not Taken,'' which is the poem on Senator Kennedy's desk. It is a different one. But I will close by reading it. It is called ''Acquainted with the Night.''

I have been one acquainted with the night.
I have walked out in rain—and back in rain.
I have outwalked the furthest city light.

I have looked down the saddest city lane.
I have passed by the watchman on his beat.
And dropped my eyes, unwilling to explain.

I have stood still and stopped the sound of feet
When far away an interrupted cry
Came over houses from another street,

But not to call me back or say good-bye;
And further still at an unearthly height,
O luminary clock against the sky

Proclaimed the time was neither wrong nor right.
I have been one acquainted with the night.

Mr. MENENDEZ. Mr. President, once again, we mourn another Kennedy, the last brother, a friend, a colleague, a Senator's Senator, larger than life even in death, certainly the most effective legislator of our time and arguably the most effective Member of this body in the whole of American history.

Across this Nation and across the political divide, we have seen the impact of his life and work in the tearful eyes of millions of Americans. Each face a challenge to continue his long and lasting legacy of hard-fought, hard-won battles for hardworking families everywhere. His is a legacy of hope for the unemployed, the dispossessed, the downtrodden, the undereducated, the uninsured; a legacy of hope for Hispanic Americans and Asian Americans, all Americans who have come to this country, often with little more than the clothes on their backs and a glorious dream for a better life.

Ted Kennedy will be remembered by my generation as more than the last brother, more than the end of an era. He will be remembered as America's preeminent leader on fair, responsible, humane immigration policy that always put people first. For all of us, he was the standard bearer of headier days, of Camelot, of intellectual vitality, political energy, and a deep and abiding commitment to public service and to this beloved Senate. He taught us through actions and deeds, in times of great personal pain, the power of the human spirit to endure and prevail. He symbolized the best of an era of progressive, compassionate leadership in this country and a deep belief that we must always ask what we can do for the country, a torch unexpectedly passed to him which he carried with dignity and humility through great tragedy as well as great triumph.

He understood our personal struggles, however profound, ''make us stronger in the broken places,'' as Hemingway said. For every Hispanic American and every American across this Nation whose family came here to find a better life, whatever their ethnicity or political views, Ted Kennedy was a leader. His deep and abiding concern for the struggles of hard-working people was not political. It is simply part of the Kennedy DNA.

I remember the images of his brother, Bobby Kennedy, in 1967, 6,000 people surrounding him on the flatbed truck that held a severely weakened Cesar Chavez. Bobby Kennedy shared a piece of samita with Chavez and the crowd cheered. They grabbed at Bobby to shake his hand and thank him. He stood in front of the crowd and said:

> The world must know from this time forward that the migrant farm worker, the Mexican-American, is coming into his own rights . . .
>
> You are winning a special kind of citizenship; no one is doing it for you—you are doing it yourselves—and therefore, no one can ever take it away.

Fast-forward to Washington, DC, in 2006, walking in his brother's footsteps, Ted Kennedy stood in front of hundreds of thousands of marchers on the same ground his brothers had stood upon decades earlier. He stood with immigrants and faith leaders and organizers. He called for comprehensive immigration reform. The crowd of hundreds of thousands roared, and he roared back:

> Si se puede. Si se puede.

Yes, we can.

Now he is gone, having fought his last battle with courage and dignity, as he fought all others. But the memories remain. I remember first coming to the Senate, sitting down with him, his presence as commanding as I thought it would be. I looked at him to learn all I could from him about the Senate and, frankly, there was no more patient or willing teacher. When I first sought to come to the Senate, the one Member of the Senate who gave me the most time and gave me the most encouragement and the greatest opportunity to understand how to be successful in the Senate was a person I could do the least for. It was Ted Kennedy. I will never forget his kindness.

We worked together to protect the Senate restaurant employees when their jobs were privatized. I learned what made him such an effective legislator—because even as he was dealing with the most incredible issues the country was facing and leading on many of them, he had time to remember the importance of that little person, people in the Senate restaurant who might have been unemployed.

We all know no one can belt out an Irish ballad quite like Teddy could. One of my favorite memories was of him and I in New Jersey in a campaign where we sang Irish ballads together. I learned then what made him the unique person he is. I will never forget the sound of that voice and the warmth of that heart. Each of us has had our own memories of the man. Each of us has had our own deep emotions when we heard of his death.

The editorial cartoonist, Lalo Alcaraz, said when his wife heard that Ted Kennedy had lost his battle with cancer, she pulled out one of her old buttons that her mother had worn during the Presidential campaign in 1960. That day, Lalo Alcaraz drew a cartoon of a much younger Ted Kennedy. It is captioned with two simple words on the campaign button: ''Viva Kennedy.''

As I sat in the basilica in Boston with our colleagues last week, I thought of all Ted Kennedy did to better the lives of so many Americans, and I thought of those two words over and over again: Viva Kennedy. He was a man who truly believed in the idea and ideal that is America. Although we may have come from different backgrounds, different places, different cultures, though we may speak different languages, we are one Nation, indivisible, forged from shared values and common principles, each of us united in our differences working for the betterment of all of us, and no one worked harder for the betterment of all of us than Ted Kennedy.

It is my sincere belief that in his passing he has once again worked his magic and given us an opportunity to come together, united in a deep and profound feeling of loss and emptiness as we are even at this day. It would be like him to be looking down upon these tributes today, nodding his head and smiling, but he would be saying: Don't wait for my memorials to be laid. He would say: Don't wait for my words to be chiseled in marble at Arlington. Don't wait for some bronze statue in Washington or a bridge named after me in Boston. Stand up, do what is right for the American people now. Do what is right for hard-working families in your States, for hard-working families in my State—in New Bedford, Brockton, Fall River, or Worcester. I can see him standing over there where he always stood, committed, informed, imposing, pounding on his desk, shouting at the top of his lungs. You could hear it when you were outside of the Chamber when he was in one of those moments.

Those families don't have time to wait for a decent job and wages. They don't have time to wait for a better job. They don't have time to wait for decent, affordable, quality care that is a right and not a privilege. That booming voice would echo through this Chamber, and I think it will echo through this Chamber for eternity.

When it comes down to it, we are his legacy. We in the Senate are his memorial. We are the burning candles, and he would tell us to have them burn brightly: Stand against the wind. Stand against the storm. Stand against

the odds. For it is up to us now to light the world, as he did.

In this past week, I think we have all found new meaning in those familiar words of Aeschylus, when he said:

And even in our sleep, pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God.

Today, in our despair, let wisdom come. Let us honor the memory of Senator Edward Moore Kennedy by not only remembering the man but by continuing the good work he has done.

I yield the floor.

Mrs. SHAHEEN. Mr. President, I am honored to be here to add my voice to so many of those who today have eloquently remembered Senator Ted Kennedy. Like so many who have spoken today, I was the beneficiary of so many personal kindnesses from Senator Kennedy.

I actually first met him on the campaign trail. In 1980, I was actually on the other side in New Hampshire when he was running against Jimmy Carter. Despite the fact that was a very hard-fought campaign and we won and he lost, when I ran a winning campaign 4 years later in the New Hampshire primary, Senator Kennedy was one of the first people to call and congratulate me.

After that, I had the opportunity to campaign over the years with Senator Kennedy. There was no one who could fire up a crowd as he could. In 2000, I remember he was there for Al Gore when times were tough in New Hampshire. He was there for JOHN KERRY in 2004. And I had the opportunity to travel around the country with him in support of JOHN KERRY, his very good friend.

But I really got to see the difference he made in so many lives when I worked with him at the Institute of Politics at the Kennedy School of Government at Harvard. I had the opportunity to be chosen to be the director there, and Senator Kennedy was one of those people who helped make that decision and make that happen for me. What was so impressive was that it did not matter how busy he was with the work in Washington, with what he was doing in Massachusetts, he never missed a meeting. His first concern was always: What are the students doing? What is going to excite them? What is going to get them involved in politics and public service, because that was the mission of the Institute of Politics. It was one of two memorials that were established by the Kennedy family to remember his brother, President John Kennedy. It was always amazing to me to see someone who was so busy, so prominent in national life, who never missed an opportunity to talk with the freshman student who was there who wasn't quite sure what they wanted to do, to talk with and encourage the young people who were involved at the institute to get involved in politics, in government, in public service.

I know Senator Kennedy will be remembered by so many of the kindnesses he provided to people. He will be remembered by the tens of thousands of people whose lives he touched. But I think one of his most significant legacies will be those young people who are encouraged to get involved in politics, who appreciate that public service in government is an honorable profession because of his leadership and the work he did.

I feel very honored and privileged to have worked with him and to have had the opportunity to serve with him, however briefly, in the Senate. I know we will all remember for future generations what Senator Kennedy has done.

ORDER OF PROCEDURE

Ms. STABENOW. Mr. President, I ask unanimous consent that at 2:30 today, the Senate resume executive session and consideration of the nomination of Cass Sunstein; that all post-cloture time be yielded back except for 75 minutes, with that time equally divided and controlled between Senator LIEBERMAN and the Republican leader or his designee; that at 3:45 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that upon resuming legislative session, the Senate then proceed to the consideration of Calendar No. 153, H.R. 3288, the Department of Transportation, Housing, and Urban Development and Related Agencies appropriations bill.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative 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.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW.) Without objection, it is so ordered.

Mr. KYL. Madam President, Professor Cass Sunstein's academic credentials are impressive. He has taught at the University of Chicago School of Law and at the Harvard School of Law, and has been a prolific writer on a wide variety of topics.

He has some fine ideas on cost-benefit analysis, and I hope they will be reflected in his approach as administrator of Office of Information and Regulatory Affairs.

I do, however, find that some of the arguments he has made, and the positions he has taken in his writings and speeches, fall outside the mainstream.

One theme that has appeared repeatedly in his writings and speeches is his strange belief that animals should have legal standing in court. Professor Sunstein wrote in his book Animal Rights: Current Debates and New Directions that, ''We could even grant animals a right to bring a suit without insisting that animals are persons. . . . We could retain the idea of property but also give animals far more protection against . . . neglect of their interests.''

He goes on: ''It seems possible that before long Congress will grant standing to animals in their own right. . . . Indeed I believe that in some circumstances, Congress should do exactly that, to provide a supplement to limited public enforcement efforts.''

In a paper for the University of Chicago School of Law, Professor Sunstein wrote that, ''Representatives of animals should be able to bring private suits to ensure that anticruelty and related laws are actually enforced. If, for example, a farm is treating horses cruelly and in violation of legal requirements, a suit could be brought, on behalf of those animals.''

Of course, no one favors animal cruelty. That is why there are laws against it. That should go without saying. But there is a big difference between having concerns about the treatment of animals and taking Professor Sunstein's position that an animal deserves a lawyer in court.

An animal is not a person, and it cannot function as a plaintiff during a trial. Laws and regulations that would give animals legal standing in court could open the door to a flood of ridiculous lawsuits that would wreak havoc on research labs, restaurants, farms, and the like.

Imagine what could happen if a group wanted to represent lab rats or farm chickens in a class-action lawsuit. Even if claims were found baseless in courts, someone, farms, laboratories, business owners, would still bear the costs of litigation.

There may be room for this kind of thinking in academia. But it has no place in the executive branch of the U.S. Government, especially in the top regulatory office of the administration.

As the Discovery Institute's Wesley J. Smith has written on Professor Sunstein's position on animal standing in courts, it ''would do more than just plunge the entire animal industry into chaos . . . the perceived exceptional importance of human life would suffer a staggering blow by erasing one of the clear legal boundaries that distinguishes people from animals.''

Professor Sunstein was also out of the mainstream when, in a 2003 paper, ''Lives, Life Years, and Willingness to Pay,'' he explained his views on a life-valuation system: ''No regulatory program makes people immortal. The only issue is life extension, and, in terms of welfare, a program that saves 10,000 life years is better than one that saves 1,000 life years, holding all else constant. In welfare terms, a program that saves younger people is unquestionably better than one that saves older people.'' That is plainly not true if you believe in the moral equality of all lives.

While discussions about the value of an older person's versus a younger person's life may be acceptable inside the cozy confines of elite academic settings, they raise serious concerns when written by the person nominated to be America's regulatory czar. This is especially true at a time when we are engaged in a debate over the future of our healthcare system and as Congress considers several proposed bills that call for the administration to act on new healthcare regulations that could end up under the purview of OIRA.

Cost-benefit analysis is fine, but not as a means to ration healthcare, e.g., to America's elderly. Professor Sunstein's views call to mind the British basis for healthcare rationing: the Quality-Adjusted Life Years, (QALY.)

I am also troubled by the outcome of a Democratic retreat in which Professor Sunstein participated after the 2000 election. As the New York Times reported in May of 2001, the ''principal topic was forging a unified party strategy to combat the White House on judicial nominees.''

The strategy that resulted from this retreat led to two fundamental, and I believe, corrosive, changes in the way judicial nominees are considered. The first was to encourage filibusters, previously unknown for judges, and the second was that when voting for a judicial nominee, a Senator should determine the political views of nominees and vote against those with whom you disagree.

As the Times reported, one participant said of the panel discussion in which Professor Sunstein's participated, ''They said it was important for the Senate to change the ground rules and there was no obligation to confirm someone just because they are scholarly or erudite.''

The net result, a very negative result, of these changes was a hyper-partisan judicial confirmation process during the Bush administration, one that tarnished many nominees and in which too many votes were determined by party affiliation and ideology. Some very worthy nominees, such as Miguel Estrada, were filibustered and, therefore, wrongly denied a confirmation vote.

I see this nomination as part of a broader pattern: One that shows that the Obama administration has repeatedly nominated or hired individuals with overly-partisan or bizarre views. Just last week, the facts came to light about the radical ideology and associations of Van Jones, President Obama's now-former green jobs czar, who was not subject to a Senate confirmation process.

While he has tried to explain away some of his views and assure Senators that he won't try to apply his personal opinions as part of his official duties, I believe that Professor Sunstein's nomination reflects this administration's pattern of favoring out-of-the-mainstream individuals for key jobs. If a Republican judicial nominee harbored such views, I have no doubt that the participants at the Democratic retreat in which Professor Sunstein participated would have found justification for a filibuster or negative vote, notwithstanding his fine legal credentials. While I have serious concerns about the standard, Democrats won that debate and now apply the standard. There cannot be one standard for Democrats and one standard for Republicans. Therefore, I must oppose this nomination.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent to speak as in morning business.

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

WELCOMING GEORGE S. LEMIEUX

Mr. NELSON of Florida. Madam President, momentarily, the Vice President will arrive to conduct one of the most important and very signal events of an individual's life, and that is being sworn in as one of 100 Senators representing the United States. As our new Senator, GEORGE LEMIEUX from Florida, assumes his duties, he will find that, indeed, he will understand that this has been called one of the greatest debating institutions designed by mankind to exist on the face of this planet. It is a great privilege to be a part of an institution that values democracy, that values free debate, that values the opinions of others. In this mix of two Senators representing each of our States, we come together to build consensus in order to lend our part to this constitutional process. For GEORGE LEMIEUX, this is going to be a red-letter day. I want to share with the Senate that it is a privilege for me to have the new Senator as my colleague. Our colleagues know the special relationship I had with Senator Martinez who I have had the privilege of having a 30-year personal relationship with. We continued that in our professional relationship here. Now with the new Senator duly appointed according to Florida law by our Governor, we have him coming to join us in this august body representing our State of Florida. That opportunity is now upon us since the Vice President has entered the Chamber.

I yield the floor.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the resignation of former Senator Mel Martinez of Florida. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

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

STATE OF FLORIDA

Office of the Governor

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Florida, I, Charlie Crist, the Governor of the State of Florida, do hereby appoint George S. LeMieux, a Senator from Florida to represent the State of Florida in the Senate of the United States until the vacancy therein caused by the resignation of Mel Martinez, is filled by election as provided by law.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 9th day of September, 2009

CHARLIE CRIST
Governor.

KURT S. BROWNING,
Secretary of State.

[State Seal Affixed]

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will present himself to the desk, the Chair will administer the oath of office.

The Senator-designate, GEORGE S. LEMIEUX, escorted by Mr. NELSON of Florida and former Senator Connie Mack, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

Mr. DURBIN. I suggest the absence of a quorum and ask unanimous consent

that time during the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

CASS R. SUNSTEIN TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET—Continued

Mr. SESSIONS. Madam President, the nominee to be Administrator of the Office of Information and Regulatory Affairs, Mr. Cass Sunstein, is before the body. He will be, if confirmed, a part of the White House Office of Management and Budget. He will have a number of responsibilities. It is certainly a very significant position.

This job has the responsibility of renewing all regulations proposed by all the Departments and agencies of the government. The regulations they issue are many. Laws are passed in this Congress, sometimes in haste, leaving the details of execution to the various agencies of our government—the Department of Defense, the Department of Homeland Security, the Department of Agriculture, all the agencies.

They have powers to effectuate the statutes passed by Congress. They set forth the details of how it is done. There are thousands of pages of regulations enacted every year. They are published in the Federal Register. No Senator or Congressman, to my knowledge, has ever sat down and read the Federal Register.

Federal regulations have much the same force as law. Indeed, people can go to jail for violating Federal regulations, and some do go to jail for violations of Federal regulations.

Some of this is, in fact, a product of necessity. For example, you create a park. When does the park open and close? And if people come in and litter, or people come in after hours, they can be punished, arrested, put in jail. Often those regulations and the punishment are set forth through regulation and not through the statute that created the park to begin with.

But it is a matter of real importance. Persons who produce these regulations are nameless and faceless denizens of the bureaucratic deep. They possess enormous power. As a prosecutor, I prosecuted cases. At the DEA, many of the drug regulations enforced by the Drug Enforcement Administration are based on regulations they pass, not what was actually required by the Congress of the United States. Major policy decisions are often set forth in that fashion, including environmental regulations, health care regulations, and reimbursement rules and hospital requirements. Financial institutions can be done through regulations and controlled through them. Truly, there is a concern about the disconnect between the democratic accountability we are known for in our country and this process of administrative regulations.

During President Reagan's time, I believe, Congress passed a law that created this position: the Administrator for the Office of Information and Regulatory Affairs, the idea being to have another unelected bureaucrat—and that is what this one is—but to be a central clearinghouse for all the proposed regulations and to question the lawfulness or the necessity or the cost of these thousands of regulations that get promulgated on a yearly basis.

It is an important position that can protect and at least somewhat ensure that our constitutional liberties are not being eroded.

Enter Mr. Sunstein. He is a most likable person, a national intellectual, always interesting, sometimes taking positions that those on the left—of which he clearly is a part—disagree. Indisputably, he is a man of the left. However, he has taken, over the years, quite a number of positions, some of which are pretty shocking. So I think he is not normally the kind of person you would appoint to this kind of green-eyeshades position—somebody who would be sitting down on a daily basis reading the regulations and studying them and researching them—to be a free spirit, as our nominee is. So I have some concerns about it.

Over the course of his career in academia, Professor Sunstein has clearly advocated a number of positions that are outside—well outside—the American mainstream. While much of the criticism of his nomination rightly has focused on his animal rights advocacy, where he, in effect, and plainly said he thought animals should be able to have lawyers appointed to defend their interests—and these are controversial matters—but he has other legal writings that are controversial also and do not just deal with the question of animal rights. I would like to highlight just a few of those positions.

In his 2008 book titled ''Nudge: Improving Decisions About Health, Wealth and Happiness,'' Professor Sunstein advocates an approach to the law based on economic and behavioral principles which he dubs ''libertarian paternalism.''

Under Professor Sunstein's theory, the government can take steps to ''nudge'' individuals toward making what he would say are better decisions, and at least what the government considers to be more desirable social behavior.

Professor Sunstein argues that the government can achieve these goals while not being actively, or at least obviously, coercive. His theory operates on the assumption that the average person is ''lazy, busy, impulsive, inert, irrational, and highly susceptible to predictable biases and errors.''

So the government needs to be a little paternalistic, he suggests, and take care of them and issue regulations and pass laws that keep them from doing things that some bureaucrat or some Congressman thinks is not socially desirable.

As Professor Sunstein argues:

> For too long, the United States has been trapped in a debate between the laissez-faire types who believe markets will solve all our problems and the command-and-control types who believe that if there is a market failure then you need a mandate. The laissez-faire types are right that . . . government can blunder, so opt-outs are important. The mandate types are right that people are fallible, and they make mistakes, and sometimes people who are specialists know better and can steer people in directions that will make their lives better.

That is what he has said.

Presumably, in Professor Sunstein's view, the ''specialists'' who ''know better'' than ordinary Americans are government bureaucrats. He seems to believe Americans are ''lazy'' and ''inert,'' and I think this is not a healthy view. So I question whether anyone who thinks Americans are fundamentally lazy can perform his role as the gatekeeper of government regulation in the Obama administration.

Professor Sunstein's approach is consistent with much of what we have seen from this administration, I have to say, which seems to believe that government control of health care, the financial markets, and the business community generally is preferable to free market policies. Americans are not comfortable with this.

I have been out having townhall meetings. I know they are not comfortable with it. According to recent polling, 52 percent of voters worry that the government will do too much to ''help'' the economy.

That is from a Rasmussen poll of June 2, 2009. Fifty-nine percent of voters believe the financial bailouts were a ''bad idea.'' The masters of the universe thought it was going to be great. We spent $800 billion, the largest expenditure in the history of the American Republic, and every penny of that is going to the national debt because we were already in debt. We borrowed every penny of it. We have had very low stimulative effect from that. The American people are right about that.

Only 31 percent of voters believe this stimulus bill has helped the economy. And we do not need a poll to tell us how uncomfortable the American people are with the President's effort to overhaul health care.

So the American people ought to understand if we confirm Professor Sunstein, he will be the chief architect and gatekeeper over all of the regulations that this administration will be attempting to implement in a myriad of areas—not just health care and financial markets but agriculture, the

environment, energy, a host of areas that impact the people of our country. I think his views make him a person who should not be in this position.

Let's take another issue that is important to a lot of people. Professor Sunstein has taken an extremely aggressive position with respect to abortion. Under his views, laws restricting access to abortion ''co-opt women's bodies for the protection of fetuses.''

According to Professor Sunstein, such laws ''selectively turn women's reproductive capacities into something for the use and control of others.'' In his view, ''abortion should be seen not as murder of the fetus but instead as a refusal to continue to permit one's body to be used to provide assistance to it.'' Failure to accept this view, he wrote, is simply a product of one's accepting the preexisting baseline of women as child-bearers. The role of involuntary child-bearer, he argued, results ''only from government interference limiting the capacity to choose not to bear a child involuntarily.''

Well, I think this is a disturbingly far-reaching and excessive view on this important issue of abortion. It fails to recognize in any way the moral aspect of this debate which has divided America since the Supreme Court decision in Roe v. Wade. I think his view mocks those who have a different view based on their deep beliefs and analysis of what that life is that is within the mother.

What about the question of affirmative action? We talked a good bit about that during the Judge Sotomayor hearings in the firefighters case. Professor Sunstein has taken an extreme view, I think, in these issues, arguing that affirmative action programs ''should generally not be thought to raise a serious constitutional issue.'' In his view, ''the current distribution of benefits and burdens along racial lines is an outgrowth of a long history of discrimination.''

Professor Sunstein has returned to this theme repeatedly. In 1992, in an article, he again argued that existing law depends heavily on ''existing distributions of wealth and power.'' Specifically, he argued that the conservative objection to affirmative action programs—namely, that discrimination is discrimination regardless of the pretext—simply takes as a given existing distributions of wealth and power without considering the historical and legal context that led to those distributions.

Professor Sunstein further argues that the constitutional text imposes no clear ban on affirmative action. Well, the Constitution says everybody should be given due process and equal protection of the laws. When you advantage one person because of their race, you disadvantage another person because of their race. It is not a zero sum game.

He goes on to say that there is ''no clear moral argument [that] requires courts to treat affirmative action policies with great skepticism.''

In 1997, after the Fifth Circuit struck down the University of Texas School of Law's affirmative action admissions policy as a violation of the equal protection clause of the U.S. Constitution, Professor Sunstein dubbed the Fifth Circuit's decision in Hopwood as hubristic and compared it to Dred Scott v. Sanford, stating:

> [A] court opinion outlawing affirmative action is closely analogous to Dred Scott, and defective—abusive, overreaching—for the same reason: It would be an amazing act of hubris.

As we discussed in some detail during the recent nomination of Judge Sotomayor, the Supreme Court's jurisprudence in this area requires any government discrimination—and that is what happens when you have a quota—that any discrimination by the government be subject to strict scrutiny of the courts because on its face it seems to be unfair. We know that as a result of long-term systemic discrimination, particularly against African Americans, courts have found that to remedy that, it is perfectly all right to remedy this lack of equal protection by fixing it and imposing certain remedies that favor groups that have been discriminated against as a remedial act. But when you pass the remedial stage and you are in a stage of objectivity, as we have in most of America today, then if you favor one group over another, the Supreme Court says that has to be looked at under strict scrutiny. You have to be careful you are not overreaching here. It seems Mr. Sunstein has no sympathy for that whatsoever. And that is the Adarand decision basically by the Supreme Court. He seems to hold the view that such discrimination is not only permissible but that the strict scrutiny standard announced in Adarand and other Supreme Court cases is totally inappropriate. I question whether someone who holds these views should be put in a position to make the kinds of decisions he will be making as the regulations czar, some might say.

With regard to the nominations of Federal judges, he has taken some positions that I think have been unhealthy for the country.

Back in 2001, the New York Times had an article. It was a very significant little article. It wasn't a big article, but it was very important and significant. It reported that Professor Sunstein, along with Professor Tribe and Marcia Greenburger—lawyers all—attended a private retreat where they lectured Democratic Senators on how to block Republican judicial nominees by ''changing the ground rules.'' The title of the article by Neil A. Lewis was ''Democrats Readying for a Judicial Fight.'' And, indeed, they did. I think this Senate has been less healthy as a result of what they accomplished through the filibuster of judges on a routine basis.

Again, according to the New York Times, it was reported that they argued at the meeting that:

> It was important for the Senate to change the ground rules and there was no obligation to confirm someone just because they were scholarly or erudite.

A month later, Professors Sunstein and Tribe, along with Ms. Greenburger, were invited to testify before the Judiciary Subcommittee on Administrative Oversight and the Courts in a hearing titled ''Should Ideology Matter? Judicial Nominations 2001.'' They argued at that hearing that political ideology of nominees is a legitimate issue for Members to consider in their record. I think that has been an unhealthy thing, and we have had a number of debates and hearings on it since.

I believe my Democratic colleagues, to their credit, have backed away from that. In other words, it is all right to dig deeply into a nominee's judicial philosophy and whether they are committed to the law and how they envision their process of interpreting the Constitution. But it is quite another to say that, if you have this political ideology or these views, that you can no longer be chosen to be someone who can decide cases fairly, because most judges have some personal views and they have to decide cases every day, setting aside those personal views.

At the hearing, I thought he made an odd statement. He said that the current Supreme Court ''has no left at all.'' He believes that the people who have been generally reported to be activists or liberals were centrists and that presumably, I guess, the bad folks on the Court were the judges who believe in enforcing the law as written regardless of their personal views. Indeed, he testified at that hearing that he ''can't think of a single nominee by President Clinton to the lower Federal courts who genuinely counts as a liberal.''

Well, Mr. Sunstein has a lot of ability. He has taken some positions on animal rights that are clearly shocking and that are troubling in light of how important it is to have a person in this position who has good judgment to render good decisions about the regulations that would impact every American in this country.

I don't have anything personal against this nominee. He has many friends. He is a prolific writer and commentator. But I think his views are outside the mainstream, and I will be voting against the nomination.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois is recognized.

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

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

(The remarks of Mr. BURRIS are printed in today's RECORD under ''Remembering Senator Edward M. Kennedy.'')

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that the previous order with respect to the vote on confirmation of the nomination of Cass

Sunstein be modified to provide that the vote on confirmation occur at 3:40 p.m., with the other provisions remaining in order.

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

Under the previous order, the question is, will the Senate advise and consent to the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget?

The Senator from Minnesota is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bennett	Hatch	Reed
Bingaman	Inouye	Reid
Brown	Johnson	Rockefeller
Burris	Kaufman	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Voinovich
Durbin	Lugar	Warner
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—40

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Begich	Graham	Pryor
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hutchison	Sanders
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Corker	LeMieux	Webb
Cornyn	Lincoln	Wicker
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—2

Boxer	Byrd

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall resume legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 3288, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $100,975,000, of which not to exceed $2,631,000 shall be available for the immediate Office of the Secretary; not to exceed $986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,359,000 shall be available for the Office of the General Counsel; not to exceed $10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,265,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,123,000 shall be available for the Office of Public Affairs; not to exceed $1,711,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $9,072,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,263,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $1,100,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural communities, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $300,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than $250,000,000 of the funds provided under this heading shall be for projects located in rural communities: Provided further, That for projects located in rural communities, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted so sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,233,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,500,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services

shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $353,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,074,000, to remain available until September 30, 2011: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,359,131,000, of which $5,277,648,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,305,902,000 shall be available for air traffic organization activities; not to exceed $1,236,565,000 shall be available for aviation safety activities; not to exceed $14,737,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $196,063,000 shall be available for staff offices; and not to exceed $49,778,000 shall be available for information services: Provided, That the Secretary utilize not less than $18,500,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That not to exceed $500,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and $120,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,942,352,000, of which $2,472,352,000 shall remain available until September 30, 2012, and of which $470,000,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States,

counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $93,422,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $22,472,000 shall be for Airport Technology Research and $8,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, $392,960,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $415,396,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,124,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: Provided, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2010: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying

the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. There is hereby appropriated to the Secretary of Transportation $165,000,000 for surface transportation priorities: Provided, That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the committee report accompanying this Act: Provided further, That funds provided by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: Provided further, That the sums set aside by this section shall remain available until expended: Provided further, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

SEC. 123. There is hereby appropriated to the Secretary of Transportation $1,400,000,000, to remain available through September 30, 2012: Provided, That of the funds provided under this section, $500,000,000 shall be made available to pay subsidy and administrative costs under chapter 6 of title 23, United States Code: Provided further, That after making the set-aside required under the preceding proviso, the funds provided under this section shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: Provided further, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: Provided further, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: Provided further, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading.

SEC. 124. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 125. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for

purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 126. Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking ''Repair and restore'' and inserting ''Removal of and enhancements around''.

SEC. 127. Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking ''to 4 lanes from I–10 to West U.S. 90''.

SEC. 128. Funds made available for ''Brentwood Boulevard/SR 4 Improvements, Brentwood, CA'' under section 129 of Public Law 110–161 shall be made available for ''John Muir Parkway Project, Brentwood, CA''.

SEC. 129. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne''.

SEC. 130. Funds made available for ''City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL'' under section 125 of Public Law 111–8 shall be made available for ''City of Tuscaloosa Downtown Revitalization Project—University Blvd''.

SEC. 131. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 4573 and inserting the following: ''Design and construct interchange on I–15 in Mesquite''.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(I) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $238,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $238,500,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That an additional $1,328,000 shall be appropriated from the General Fund for the execution and administration of motor carrier safety operations and programs: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress bi-annual reports on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That $1,530,000 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $3,400,000 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $400,000 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $135,803,000, of which $31,670,000 shall remain available through September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $105,500,000 for programs authorized under 23 U.S.C. 403: Provided further, That within the $105,500,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the ''National Driver Register'' as authorized by chapter 303 of title 49, United States Code, $3,350,000, to remain available through September 30, 2011: Provided, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed

on obligations for such grants for future fiscal years; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,500,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $2,299,000 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $14,004,000 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $171,770,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, $25,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, $50,000,000, to remain available until expended: Provided, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $553,348,000, to remain available until expended: Provided, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: Provided further, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: Provided further, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: Provided further, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-year financial plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the capital investments to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,001,625,000, to remain available until expended, of which not to exceed $264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the funding provided under this heading, not less than $144,000,000 shall be for bringing the stations on the Corporation's rail system into compliance with the Americans with Disabilities Act: Provided further, That grants shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: Provided further, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $1,200,000,000, to remain available until expended: Provided, That none of the funds provided under this heading may be used for planning activities: Provided further, That not less than 75 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: Provided further, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: Provided further, That the Secretary shall not award grants under this heading sooner than 2 weeks after he has submitted to the Congress a national rail plan as required by section 103(j) of title 49, United States Code: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That the Secretary shall give priority to applications under section 24406 of title 49, United States Code, to projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, or involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: Provided further, That the Administrator of the Federal Railroad Administration may retain up to $50,000,000 of the funds provided under this heading for the purposes of conducting research, development and demonstration of technologies and undertaking analyses supporting development of high-speed rail in the United States, including implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That in lieu of the provisions of the subsection 24403(b) of title 49, United States Code, the Administrator of the Federal Railroad Administration may retain up to $30,000,000 of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high speed rail.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading ''Office of the Secretary, Salaries and Expenses'' shall be reduced $100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

SEC. 155. Notwithstanding any other provision of law, funds provided in Public Law 111–8 for ''Lincoln Avenue Grade Separation, Port of Tacoma, Washington'' shall be made available for this project as therein described.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $97,478,000: Provided, That of the funds available under this heading, not to exceed $1,809,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That $75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: Provided further, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $67,670,000, to remain available until expended: Provided, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $50,170,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: Provided further, That of the funds available to carry out section 5312 of title 49, United States Code, $5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $2,307,343,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title: Provided, That $2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $100,000,000, to remain available through September 30, 2012: Provided, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of Public Law 110–432, $150,000,000, to remain available through September 30, 2012: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the

Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA–2006–25737).

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 166. Hereafter, the local share of the costs of the Woodward Avenue Corridor projects funded under section 5309 shall include, at the option of the project sponsor, any portion of the corridor advanced with 100 percent non-Federal funds.

SEC. 167. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: Provided, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crashworthiness, emergency access and egress, event recorders, and hours of service: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

SEC. 168. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59).

SEC. 169. Notwithstanding any other provision of law, the limitation on the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under subsection 5338(g) of title 49, United States Code, may not be more than the sum of the amount authorized under sections 5338(a)(3) and 5338(c) of title 49, United States Code, for such projects and an amount equivalent to the last 5 fiscal years of funding allocated under subsections 5309(m)(1)(A) and 5309(m)(2)(A)(ii) of title 49, United States Code, for such projects, less an amount the Secretary of Transportation reasonably estimates is necessary for grants under section 5309 of title 49, United States Code, for those of such projects that are not covered by a letter or agreement.

SEC. 170. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, in the State of Washington.

SEC. 171. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: Provided, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: Provided further, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $154,900,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Schools Academies, and of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $59,057,000 shall be available for operations at the United States Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $17,500,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $14,000,000, of which $10,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed $4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end ''Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $19,968,000, of which $639,000 shall be derived from the Pipeline Safety Fund: Provided, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline safety information grants to communities'' as authorized in section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $35,500,000, of which $1,699,000 shall remain available until September 30, 2012: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $105,239,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which $86,334,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2012: Provided, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,179,000, of which $6,036,000 shall remain available until September 30, 2012: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $75,389,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $28,332,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than $27,082,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Capital Investment Grants'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking ''that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)'' and inserting ''all portions of the Interstate Highway System in the State, laws (including regulations)''.

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking ''all portions of the Interstate Highway System in the State, laws (including regulations)'' and inserting ''that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)''.

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111–8: Provided, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: Provided further, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): Provided further, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: Provided further, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: Provided further, That $2,000,000 is available until expended for such purposes.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107–87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108–199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108–447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV–03–0024 and NV–03–0027, shall be made available until expended to the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: Provided, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

This title may be cited as the ''Department of Transportation Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $25,969,000, of which not to exceed $4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed $778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $537,897,000, of which not to exceed $76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $2,520,000 shall be available for the personnnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed $249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $197,074,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $98,989,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $374,887,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $14,137,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That of the amounts made available under this heading are provided as follows:

(1) $16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act;

(2) $103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $1,550,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than $1,500,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $50,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $20,000,000 for incremental voucher assistance through the Family Unification Program: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) up to $50,000,000 provided under this heading maybe transferred to and merged with the appropriation for ''Transformation Initiative''.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That

any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be permanently cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Provided further, That of the amounts provided under this heading $50,000,000 shall be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: Provided further, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: Provided further, That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,750,000,000: Provided, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That of the amounts made available under this heading, up to $15,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative''.

CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative for transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools, $250,000,000, to remain available until September 30, 2013: Provided, That grant funds may be used for resident and community services, community development and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amounts provided, not less than $165,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That within 60 days of the enactment of this Act, HUD shall submit a plan to the House and Senate Committees on Appropriations, for approval, describing an array of performance measures that HUD will use in identifying functioning, sustainable, mixed-income neighborhoods and a plan for how HUD will work with other agencies: Provided further, That no more than ten percent of funds made available under this heading may be provided for planning grants to assist communities in developing comprehensive strategies for implementing this program in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, protections and services for affected residents, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $670,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $919,000,000: Provided further, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $320,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: Provided, That of the total amount provided, $3,992,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available

under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $171,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $22,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110–161 is deemed to be amended by striking ''Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club'' and inserting ''Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club''.

The referenced explanatory statement under this heading in division I of Public Law 111–8 is deemed to be amended with respect to ''Hawaii County Office of Housing and Community Development, HI'' by striking ''Senior Housing Renovation Project'' and inserting ''Transitional Housing Project''.

The referenced explanatory statement under the heading ''Community Development Fund'' in title II of division K of Public Law 110–161 is deemed to be amended with respect to ''Emergency Housing Consortium in San Jose, CA'' by striking ''for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families'' and inserting ''for improvements to homeless services and prevention facilities''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: Provided further, That the Secretary will consult with the Secretary of Transportation in selecting grant recipients: Provided further, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: Provided further, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: Provided further, That of the funding made available under the previous proviso, $10,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: Provided further, That of the amounts made available under this heading, $25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974, any part of which is guaranteed, shall not exceed a total principal amount of $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: Provided, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero, and such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2012: Provided, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $85,000,000, to remain available until September 30, 2012: Provided, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: Provided further, That $8,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,875,000,000, of which $1,870,000,000 shall remain available until September 30, 2012, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That up to $12,750,000 of the funds made available under this heading may be transferred to and merged with the appropriation for ''Transformation Initiative'': Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $7,700,000,000, to remain available until expended, shall be available on October 1, 2009, and $400,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to $7,868,000,000 shall be available for expiring or terminating section 8 project-based

subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $232,000,000 but not to exceed $258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Not to exceed $20,000,000 provided under this heading may be transferred to and merged with the appropriation for ''Transformation Initiative''.

(4) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $785,000,000, to remain available until September 30, 2013, of which up to $542,000,000 shall be for capital advance and project-based rental assistance awards: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $265,000,000, of which up to $129,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $100,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2011: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That of the amounts made available under this heading, not less than $15,000,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, $75,000,000, to remain available until September 30, 2013: Provided, That $20,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: Provided further, That $20,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market: Provided further, That $35,000,000 shall be for the Local Initiatives Fund so as to leverage additional public and private sector capital to stimulate the development of model residential energy efficient retrofits in ten or more communities: Provided further, That selected communities shall have demonstrated capacity to conduct energy efficient retrofit activities, and no community shall receive more than $10,000,000.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $40,000,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $27,600,000 are rescinded hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $400,000,000,000: Provided, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 1715z–20), $288,000,000; and, in addition, to the extent that new guaranteed loan commitments under section 255 will and do exceed $30,000,000,000, an additional $26,600 shall be available for each $1,000,000 in such additional commitments (including a pro rata amount for any new guaranteed loan commitment amount below $1,000,000): Provided further, That the Secretary shall reduce the principal limit factors applicable to mortgage loans insured under such section 255 in fiscal year 2010 by 5 percent from what was assumed for calculating the subsidy rates published in the President's budget for fiscal year 2010: Provided further, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, of the federal housing administartion $188,900,000, of $70,794,000 may be transferred to the Working caital fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2010, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2011, of which $42,500,000 shall be to carry out activities pursuant to such section 561 of which up to $2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2011, of which not less than $20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: Provided further, That of the total amount made available under this heading, $250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $200,000,000, to remain available until September 30, 2011: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: Provided further, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $126,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2013, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Public Housing Capital Fund'', ''Choice Neighborhoods Initiative'', ''Energy Innovation Fund'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''HOME Investment Partnerships Program'', ''Self-Help and Assisted Homeownership Opportunity Program'', ''Housing for the Elderly'', ''Housing for Persons With Disabilities'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''General and Special Risk Program Account'', ''Research and Technology'', ''Lead Hazard Reduction'', ''Rental Housing Assistance'', and ''Fair Housing Activities'': Provided, That of the amounts made available under this paragraph, not less than $100,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: Provided further, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being

managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: Provided further, That of the amounts made available under this paragraph, not less than $40,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPE VI, Choice Neighborhoods, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Health Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include planning, demonstrations, or evaluations related to prepurchase housing counseling and the Moving-to-Work demonstration program: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (I) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (I) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (I) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811—1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan

statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2009 and 2010, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 219. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American

Homeownership and Economic Opportunity Act of 2000.

SEC. 220. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 221. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (o), by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 222. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 223. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 224. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

PREPAYMENT AND REFINANCING

SEC. 228. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by non-profit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies

Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 231. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 232. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 233. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2010''.

TITLE III

RELATED AGENCIES

ACCESS BOARD

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,558,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $19,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $96,900,000, of which not to exceed $2,000 may be used for official reception and representation expenses: Provided, That of funds provided under this heading, $2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $133,000,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, '', except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule'': Provided further, That in addition, $45,000,000 shall be made available until expended for capital grants to build, rehabilitate or finance the creation of affordable housing units, including necessary administrative expenses: Provided further, That in addition, $65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,680,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. All departments, agencies or other Federal entities funded under this Act shall notify the Senate and House of Representatives Committees on Appropriations no later than 7 days before any public or internet announcement by the Department or Administration regarding any new program or activity, including any changes to existing or proposed programs or activities.

This Act may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very pleased that the Senate is now considering the Transportation, Housing and Urban Development appropriations bill for the coming year.

I will be making my opening remarks here, as I believe Senator BOND will as well, and I know a number of Senators have been talking about amendments to this bill. I wish to ask our colleagues if they do have amendments to get them to the floor this afternoon and at least get them filed to help us work with them and to begin to consider them. As we know, we have had the last vote today, but we wish to have some of these amendments offered over Friday and Monday so that we can move expeditiously to this important appropriations bill and be moving quickly by Monday afternoon. I do know some Senators on both sides have some amendments, which they have talked to us about. Again, although this is the last vote, I would ask Senators who do have amendments to help us work through this process by getting your amendments to the floor.

As we begin consideration of this important bill, it is important to note

that it has already been supported by broad bipartisan majorities. The Transportation, Housing and Urban Development Appropriations Subcommittee has 20 Members. That is one-fifth of the Senate. It is one of the largest subcommittees in the Senate. But despite the diversity of issues of our very large subcommittee, back on July 29 we voted unanimously to report the bill to the full Appropriations Committee, and the next day, the members of the committee voted unanimously to report the bill to the Senate.

This bill does have broad bipartisan support because it addresses the very real housing and transportation needs of American families across all regions of the Nation. It has bipartisan support because it touches the lives of all of our constituents in ways that they can appreciate each day—whether it is a parent who commutes every day and needs safe roads or new public transportation options so they can spend more time with their families, or a young family searching for safe and affordable communities to raise their children, or perhaps a recently laid-off worker who needs help to afford their rent or stay off the street. This bill has real impact on American families that are struggling in these troubling economic times—the hard-working Americans who are not only losing their jobs but also their homes and their financial security.

Six months ago, this Congress passed a recovery package. It is now creating jobs and rebuilding infrastructure and laying a strong foundation for our long-term economic growth. It is a good start. The bill before us now builds on that and strengthens that effort. It makes needed and very serious investments in our transportation infrastructure as well as in housing and services to support our Nation's most vulnerable. It also ensures that the Federal agencies that so many communities count on have the resources they need to keep our commuters safe and keep communities moving and prospering.

Our bill takes a very balanced approach. It addresses the most critical needs we face in both transportation and housing while remaining financially responsible and staying within the constraints of our budget resolution.

I have been very fortunate to be joined by my ranking member, Senator BOND, in crafting this package. Senator BOND's very long service on the Appropriations Committee, as well as his work on the Public Works Committee, has made him one of our leading experts in the areas of both transportation and housing. Throughout his career, Senator BOND has demonstrated tireless leadership and a commitment to the mission of HUD. I couldn't have a better or more experienced partner in this effort, and I want to take a moment of time from the Senate to thank Senator BOND for his years of partnership and for being here with me on the floor this afternoon as we present our bill to the Senate.

This bill provides over $75 billion in budgetary resources for the Department of Transportation to support continued investment in transportation infrastructure, including our bridges and our ports, our public transportation, our airports, our rail, and the Nation's highway system. It provides $11 billion to support and expand public transit, which continues to see record growth in ridership, as well as $1.2 billion to invest in intercity and high-speed rail so that we can expand options for our commuters and ease congestion on our roads and reduce greenhouse gas emissions.

It also includes $1.1 billion to continue the highly competitive surface grants program that was initiated earlier this year as part of our recovery package. That program, which provides matching funds to projects making a significant impact on communities and regions, generated tremendous interest from our State and local authorities.

The bill also supports the FAA's efforts to develop its next generation air transportation system to support projected growth in air travel in the coming year, and it invests $3.5 billion in capital improvements at all of our airports across the country.

This bill also includes targeted increases to address critical problems with our transportation safety. It has an increase above the President's budget to hire 236 more air safety inspectors and 50 more air traffic controllers.

At present, our FAA inspectors cannot spend enough time out in the field directly observing air carrier operations firsthand. These new positions that are in this bill will help correct that problem and improve FAA oversight.

The bill also includes $50 million for a new program in railroad safety technology, including Positive Train Control, as well as $150 million for the Washington Metropolitan Area Transit Authority to make sure tragedies like the one we saw earlier this summer never happen again.

In addition to those important investments in transportation, the bill we now have before us represents a very firm commitment to providing critical housing and support services to families who have been affected by this economic crisis. This bill provides nearly $46 billion in budgetary resources for the Department of Housing and Urban Development, including $100 million for HUD's housing counseling program to help our families in this country make responsible decisions when they purchase a home, to help them avoid the scams and aggressive lending tactics we have seen, and to help families facing foreclosure stay in their homes.

These funds are going to be an important tool in our efforts to counter foreclosures. This counseling will help us avoid problems in the future by preparing homeowners for the changing housing market.

The bill also provides more than $18 billion for tenant-based rental assistance or section 8, including an increase of over $1 billion for the renewal of section 8 vouchers. The bill also provides an increased funding for the operation of public housing for a total level of $4.75 billion. These funds will help ensure our Nation's low-income families, who are always among the hardest hit during tough economic times, continue to have access to safe and affordable housing.

Senator BOND and I are particularly proud that this bill includes $5 million for vouchers for the joint HUD-Veterans Affairs supportive housing program. That will provide an additional 10,000 homeless veterans and their families with housing and supportive services.

While this program has helped contribute to an overall reduction in homelessness among our veterans, we have seen disturbing increases over the past several years in the number of homeless female veterans, many of whom have children. To me, that is unacceptable. So the new funding in this bill will provide help to make sure those who have already given so much to their country through their military service are now not forced to live on the street.

In addition to supporting our Nation's heroes, this bill also addresses the needs of some of our most vulnerable citizens by providing increased funding to support housing for the elderly, disabled, those suffering from AIDS, youth who are aging out of our foster care, and the Nation's homeless.

The bill also focuses on strengthening communities at a time when the economy threatens programs that are at the backbone of many of our towns and cities. We provide almost $4 billion for the Community Development Block Grant Program. That will help support investments in public infrastructure, housing rehabilitation, construction, and public services. That is assistance that is very critical to our States and our local governments right now.

The bill also supports innovative approaches to revitalize the Nation's public housing. The new Choice Neighborhoods Program included in this bill builds on the success of HOPE VI, for which my colleagues, Senator BOND and Senator MIKULSKI, deserve a great deal of credit.

In summary, this bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way. It is a bill that truly addresses the needs of families in every region of this country. These are families who are looking for us at the Federal level to step up and provide solutions to everything from congestion to transportation safety to foreclosures to affordable housing. That is why it is a bill that has attracted widespread bipartisan support. It helps commuters, homeowners, the most vulnerable in our society, and our economy, so I urge all Senators to support this bill, and I urge them to help us move it rapidly to final passage.

Again, I ask our colleagues, if you have an amendment please get it to the

floor this afternoon, get it filed and help us bring it up so we can move this bill along, get to conference with the House, and get this bill to the President so these investments can truly help our families.

I thank my colleagues and yield the floor to my partner, Senator BOND.

Mr. BOND. Mr. President, as ranking member on the HUD, Transportation, and related agencies fiscal year appropriations bill, I have been very pleased to be able to work with Chair MURRAY and her great staff. It has been a real pleasure. I agree with all she said, except I cannot do anything but thank her for the very kind and generous words she had. She mentioned a longtime experience. Normally back home we refer to experience as something you get when you are expected to get something else. But working on this committee I have found the experience to be a very pleasant one.

Originally I worked with Senator MIKULSKI. We alternated as chair and ranking member. I think we did a wonderful job. She was a great partner.

I couldn't ask for any better partner to have than Senator MURRAY. She has been very helpful and very gracious to us.

I have to say this is a very complicated bill. We could not do it without excellent staff work. I thank the staff. There are some new people on with big challenges ahead, but it is an excellent staff, and I am extremely grateful for all that they have taught me over the years.

This is a bill about which everybody can say we could do it better, but I am proud to support it and urge my colleagues to support it. The legislation has a number of extremely important programs which, in today's economy, are critical to helping families overwhelmed by the national financial crisis. It is especially pleasing that we have been able to provide funding for the Nation's most vulnerable—to our homeless, to low-income families and seniors, and to the disabled. Our committee has increased investment in HUD community development programs to provide assistance needed the most.

The chair mentioned the VASH Program. This was an idea we had several years ago. It has gained great support from the Veterans' Administration, from HUD, and everybody who has looked at the appalling problem of men and women who risk their lives, make great contributions to defend our country, and come home without adequate housing, often supportive housing they need. This program has been able to bring together the support services along with the housing that enables these veterans not just to have a shelter over their heads but to be able to get their lives back on track after going through the rigors and horrors of war. It is certainly a program with which I am delighted to be associated, and I thank the chair for her work on it.

We have also provided assistance in critical areas such as section 8, public housing, community development block grants, the HOME program for the homeless, housing for seniors, housing for persons with disabilities, the Lead Hazard Reduction Program—which Senator MIKULSKI has been a champion of—and early childhood development capital funding, among others.

As I noted in the committee markup of July 1, our biggest concern remains the solvency of the highway trust fund. This is a problem that must be addressed. We hope to work with Chair BOXER of the EPW Committee to deal with the serious problem they have because everybody knows—and I think almost everyone in this body has talked to me about it—how good roads and bridges are critical to attracting and sustaining business, job creation, and economic growth in our communities. We cannot afford an interruption in providing these much needed funds to the States.

Transportation infrastructure work creates jobs, but most importantly it makes a long-term investment in our communities as a key component in our economic recovery. When I had the pleasure of serving Missourians as Governor, one of my top priorities was economic development. So I asked a good team I had there to figure out what makes economic development work, and they got maps out in Missouri and studied everything. The funniest thing we found, the communities that were growing had the best roads available. People have to have transportation if they are going to get to work and if what they produce at work is going to be shipped out. This is a critical element for economic recovery and the strength of our Nation.

Another area I think is absolutely important is the FAA safety inspectors. I don't think it was planned, but it was certainly fortuitous that I attended a local civic club lunch over August where the main speaker was a representative of the FAA in St. Louis. He went through some of the good safety record but went through the horrendous crash that I think shocked all of us. It happened in Buffalo this past winter. He went through all of the problems.

I said: Don't you have safety inspectors?

He said: The problem is, we don't have enough of them.

Yes, these are things that should have been identified. Think of the loss of life in that tragic crash because we didn't have enough safety inspectors to blow the whistle on things and people who should not have been entrusted with the lives of American citizens.

As we looked at this, I, once again, became an even stronger believer in the need for these safety inspectors. We have to have air traffic controllers. These people are all critically important to the traveling public, and nobody I know of in this body, except maybe a few friends from surrounding States, has not flown on a very regular basis. Even they fly, and our families fly. So that is extremely important.

Talking about challenges, as I have mentioned on this floor many times before, I have been very much concerned about the rapid growth of the FAA Single Family Mortgage Insurance Program. FHA's share of the market has grown dramatically, from 2 percent in 2006 to nearly 24 percent at the end of 2008. Before we pat ourselves on the back and say what a great achievement that is, let's take a look at it.

This year the freeze in the private mortgage markets has driven FHA's market share to 63 percent. As I have said many times before, longstanding management and resource challenges and a substantial growth in risky lending due to political pressures has turned FHA into a powder keg, and I fear it is going to explode and leave taxpayers on the hook for another multihundreds of billions of dollars of losses.

Given the continuing challenges in the housing market and continuing job losses, I believe it is highly likely that the FHA will not meet its statutory 2 percent capital reserve when its latest actuarial study is released in the coming weeks. That is the safety net that keeps it from going in the hole and avoiding a bailout. Frankly, I believe this is the tip of the iceberg for the FHA. That is why we must address FHA's problems now because Americans have been signaling that the taxpayer credit card is maxed out and we don't want to put any more on the Federal debt and thus Americans' credit cards.

To address these FHA challenges, I am pleased we were able to include in this bill $20 million for FHA antifraud activities, as well as $6 million in additional funding for the HUD IG to combat predatory lending. The legislation also provides funding for HUD to modernize the FHA information technology systems in order to track effectively its mortgage and associated obligations.

Too many times I have gone to them and said: Well, what is your portfolio?

They say: Well, we do not know.

That is scary because we as taxpayers are on the hook for it. If they go bad, that is on us and on future generations. We believe very strongly HUD and the IG must work together and leverage these funds to fight mortgage fraud and predatory lending.

I have been very much encouraged based on my discussions with HUD Secretary Shawn Donovan and HUD IG Ken Donahue. They understood the problem. They are willing to work with us.

However, they need more resources and a sustained focus to effectively combat predatory lending and mortgage fraud. It can and must be done. We have heard too many stories of people who have been in the business, a very questionable business, of making

predatory loans, of misrepresenting the terms of the loans and the impact on the potential home buyer.

These people's handiwork can be seen in the number of home loans going bad. They pushed the American dream very hard, not telling the potential homeowner what the downside was. For too many Americans this American dream has turned into the American nightmare. We have to put a stop to it.

We make a strong contribution in this bill toward giving the able leaders in HUD, FHA, and in the IG the resources to deal with it.

Again, I thank my chair and her very good staff for all the hard work. While it is not perfect, it is very good legislation. I look forward to joining with my partner, Senator MURRAY, in supporting this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I thank Senator BOND, who has been, as I said, a good partner working with me on this critical bill.

Again, we are on the floor this afternoon. We are ready and able to go to work if our colleagues would come and file their amendments. I think Senator BOND and I would be happy to move to third reading and pass the bill if nobody comes.

Mr. BOND. I agree with the chair. If somebody has a good amendment, we would sure like to see it and get started on it. Because the sooner you get here, the better consideration and, I might hasten to add, possibly the more favorable consideration you will receive.

I know there are some potentially good ideas lurking out there. So bring the good ideas now. If you have some ideas that are not so good, you can wait to the end and we will see if we can close it out.

Mrs. MURRAY. I assure my colleagues the Senator gets grouchier the longer he is out here.

Mr. BOND. There is a declining level of tolerance, I have noticed, sometimes when people are on the floor. So I join and urge the request to all our colleagues to come and offer such amendments as they choose to offer.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to be able to speak as in morning business.

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

(The remarks of Mr. ISAKSON are printed in today's RECORD under ''Morning Business.'')

Mr. INOUYE. Mr. President, today the Senate begins consideration of the fiscal year 2010 transportation and housing and urban development appropriations bill. This bill includes total resources of $122 billion; a level of funding that is $1.2 billion below the administration's request. The programs funded by this bill are critical to our ongoing efforts both to support the economic recovery and to provide a safety net to the most vulnerable who have been impacted by the economic downturn. Specifically, this bill provides critical funding to our States and local communities for transportation infrastructure investments and for ensuring the safety of our transportation system. This bill also provides housing and services to our most vulnerable constituents and supports the efforts of our local communities as they continue to address the impacts of the foreclosure crisis.

The two managers of this bill, Senators MURRAY and BOND, have worked diligently to offer a strong bipartisan bill that tackles lingering major economic issues, and they have succeeded in doing so with limited resources. The committee supported their recommendations unanimously, and the bill was reported out of the Appropriations Committee on July 30 by a recorded vote of 30 to 0.

Members of the Senate have had the entire month of August to review the committee's recommendations. This bill is the fifth fiscal year 2010 Appropriations Bill to be considered by the Senate, and while we are making steady progress, we have much work ahead of us. Therefore, given that Members have had the last month to review the bill, if a Member has an amendment, I encourage them to come to the floor today and offer it. We have seven remaining bills ready for immediate consideration after this one. I therefore encourage my colleagues not to delay action on this bill.

MORNING BUSINESS

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

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

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. ROCKEFELLER. I thank the Presiding Officer. I ask unanimous consent that the statement I am about to make about Senator Kennedy be placed in the RECORD along with the other statements that were made about him so that it can be a grouping.

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

(The remarks of Mr. ROCKEFELLER are printed in today's RECORD under ''Remembering Senator Edward M. Kennedy.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mrs. SHAHEEN are printed in today's RECORD under ''Remembering Senator Edward M. Kennedy.'')

DEDICATION OF MEMORIAL TO FLIGHT 93

Mr. ISAKSON. Mr. President, the Senate this week, and the whole world—or at least the United States of America, and I wish the whole world—were remembering back to what happened on 9/11/2001 in the United States. Yesterday, most appropriately in this Capitol, just outside of the Rotunda, the Senate and the House jointly dedicated an outstanding memorial to those passengers on United Flight 93, where 33 passengers risked and lost their lives but turned what was the worst day in American history—in terms of the defeat—into the first victory of the war on terror.

On that plane were many Americans who at the last minute had changed their flights. They weren't originally scheduled to take that plane but changed it for various reasons. Maybe it was fate. Don't know what it was. But one of the individuals on that flight was Georgine Corrigan. Georgine Corrigan lived in Honolulu. Georgine Corrigan was really a world renowned antiques dealer. Georgine Corrigan was the sister of Robert Marisay. Robert Marisay lives in Woodstock, GA. Yesterday, for the first time in my life, I had the occasion to meet him as he traveled to Washington to see the unveiling of that remarkable marker now hanging in the Capitol.

In the few moments I had to share with him, he shared with me his love for his sister but also his profound pride in what those people on that plane had done that day. Many of us who are here today in the Capitol may not, in fact, have been here in this Capitol today had they not been able to take that plane down and take it away from the terrorists who had hijacked it.

So as we remember the tragedy of 9/11, as we recommit ourselves as Americans to never, ever having an incident like that happen again, it is important that we remember each and every individual who lost their life in the tragedies of 9/11, whether it was in New York City, at the Pentagon, or in Shanksville, PA. It was a tragic day in our country, a day that opened with great hope, with blue skies on a warm autumn day with a crisp autumn

breeze, and ended as the most tragic day in American history.

I am proud of the Senate and the House for the honor they bestowed upon Fight 93 yesterday, and I encourage all in this body to never, ever forget the tragedy of that day and to renew our commitment to see to it that it never happens again.

TRIBUTE TO MELANIE OUDIN

Mr. ISAKSON. Mr. President, this is a happy tribute to a young lady by the name of Melanie Oudin. Melanie is 17 years old. She was born in my hometown of Marietta, GA. She has a pair of tennis shoes that have the word ''believe'' on them. She started competing in tennis years ago. She was thought to be pretty good, so her parents—from the seventh grade on—home schooled her so she would have enough time every day to practice.

Were they ever correct. As I am sure the President knows, a few weeks ago, at Wimbledon, this amazing young lady—17 years old, 5-foot-6—took on the world of tennis and moved through the fourth round at Wimbledon. Along the way, she beat none other than the former world No. 1, Jelena Jankovic. She made all the newspapers and all the sports shows.

But was she a flash in the pan? No. What happened this last couple of weeks in New York City at the U.S. Open proved this girl is the real deal because she advanced this time to the quarter finals, again defeating top-seeded players and former No. 1 players such as Maria Sharapova and Elena Dementieva, both outstanding players who lost to this little 5-foot 6-inch powerhouse from Marietta, GA.

She did lose in the quarter finals, but she will eventually get to the top because she believes, she is committed, she is dedicated, and she has the support and love of a great family. She leaves soon to play in the Bell Challenge in Quebec City. She will probably move from 70th in the world to about 45th in the world.

Mr. President, I am confident with her dedication and commitment, she will soon rise to No. 1. I pay tribute to the First Lady of my hometown, the tennis player of great renown, Ms. Melanie Oudin.

FINANCIAL MARKETS AND HOUSING

Mr. ISAKSON. Mr. President, last night the President of the United States, in the preface to his address on health care, addressed our economy and the current state of affairs. I think he made a very accurate assessment that we had hit the bottom and we were on the bottom. The question that lies before us is how we move from the bottom in this economic time back to a period of prosperity.

Although unemployment applications for benefits are down, they are still extraordinarily high. In my State of Georgia, unemployment is 10.3 percent. In the United States of America, the average home—47 percent of them—is worth less than is owed upon the house. That is a very bad situation which over a protracted period of time will continue to suppress consumer confidence and keep us at a low point in our economy.

There are many ideas about what should be done, but I want to talk tonight about two things. One is something that has already been done by this Senate and the House and signed by the President and one is something I hope between now and November 30, the Senate, the House, and the President can do.

First, in terms of what we have done. Senator CONRAD of North Dakota joined with me in introducing a piece of legislation known as the Financial Markets Crisis Commission. I enjoyed a lot of support for that, including from the distinguished Senator from Rhode Island. The appointees have been made. It is a bipartisan commission, has a budget of $5 million, has subpoena powers—everything the 9/11 Commission had—and has an unbridled charge to investigate every aspect of the financial markets, whether it is the rating agencies, the investment bankers, the regular bankers and traditional bankers, the GSEs such as Freddie Mac and Fannie Mae, every component, and report back to us by the end of next year, which is right after the midterm elections, on what it finds happened that caused the economic collapse that began last September and continued to mushroom until late March of this year.

There are some who are talking of a rush to judgment in terms of financial regulation. But I hope we will take a pause, give this commission time to act, and let's find out what a forensic audit tells us of what happened in America in our financial markets, and let's respond to that after we have all the facts. I think a rush to regulatory judgment under what one might think, for the best of intentions, caused the problem could have the unintended consequence of having a more difficult impact on the economy than it should.

I think this body and the House acted wisely. I appreciate the President having signed it expeditiously, and I commend the majority leader, the minority leader, the Banking Committee chairman, the ranking member, the Speaker of the House, the Republican leader in the House, and the majority leader in the House for making outstanding appointments.

The appointees to this commission could not be elected officials and they could not work for the government. They have to be people knowledgable in the field of finance. They are 10 of the brightest minds in our country. I have my ideas. I am sure the Presiding Officer has his ideas. I think every Member of the Senate has ideas about what did go wrong last year and what we need to do to correct it.

But let's get all the facts on the table. Let's get a forensic audit so when we move we move with due knowledge and in due course. The biggest mistake in Sarbanes-Oxley a number of years ago was a rush to judgment in reaction to Bernie Ebbers and Ken Lay. Sarbanes-Oxley, although needed and appropriate, reached further probably than it should have in a number of cases. The same potential lies again in terms of financial reform if we move too quickly or precipitously or without all of the information. So in the interest of our economy, let's wait for this report to come back before we rush to judgment.

Now, secondly, on the 30th of November, the first-time home buyer tax credit that passed this body last July and was amended in February expires. The first-time home buyer credit is a byproduct of an original bill I introduced along with a number of Members of the Senate to provide a $15,000 credit to anybody buying and occupying a home in America as their principal residence. It got parsed down and finally, in negotiations, became a first-time home buyer credit only, means tested for incomes of $150,000 or less. It has had a positive impact on the market.

But America does not have a first-time home buyer problem. America has a move-up-crisis problem. Right now, no one who is in a house in the middle of the market, from $200,000 to $600,000, can sell their house. Transferees from Georgia to the State of Washington or from Rhode Island to Florida are frozen. They cannot sell in Rhode Island to buy in Florida. They cannot sell in Atlanta to buy in Washington State.

The housing market is literally at gridlock. The majority of sales being made in the last few months are short sales and foreclosures, which is depressing further the value of housing. The few direct arm's-length sales that are taking place are, in fact, spurred on at the lower end of the market by the first-time home buyer credit.

So I ask the Senate to think for a second: What happens on December 1 of this year when that credit goes away to the housing market? Well, I will tell you. I used to be in that market. The worst month of the year is December, to begin with. Housing purchases are seasonal, and in the winter, December, January, and February are always the low months. If you take away the single impetus that exists, what do you have? Nothing more than short sales and foreclosures and a continuing decline in equities and values.

But if before that expiration date takes place the Senate could take a legitimate look at what is in the best interest of moving our economy off the acknowledged bottom where we are today, it is fixing the one thing that led us into our difficulty, and that was the collapse of the housing market.

I would submit if we took the $8,000 housing tax credit for first-time home buyers, extended it to $10,000, made it

eligible to anybody who bought and occupied a house as their principal residence, whether it was their first purchase or their tenth purchase, we would move more real estate and move more impetus to the housing market than it has seen in the past 24 months. As we do that, consumer confidence comes back, equities and values come back, the borrowing power of the American public comes back, and our economy comes back. Failure to do so and we remain in a quagmire where we are today, which is no legitimate sales, declining values, a loss of equity, and a continuing high unemployment rate and a continued depressed marketplace.

So as we come back from our August break, as we begin to look forward, as we look at the end of the year, as we look at those things that are terminating, those things that need to be considered, let's pause for a second and realize the good that the tax credit has done so far, as limited as it was, and let's make it better. Let's extend it to July 1. Let's make it $10,000. Let's take the means test off. Let's give an impetus to the move-up market. If we do, values will return, unemployment will go down, our economy will turn, and consumer price confidence will go up. I would submit it is a part of the main solution we need to take an economy that is on the bottom and move it back toward equilibrium and prosperity for America.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUYE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 3288 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

RESTORE OUR WILD MUSTANGS ACT

• Mr. BYRD. Mr. President, on August 5, I was pleased to introduce a Senate companion to H.R. 1018, the Restore Our American Mustang Act that was introduced by my good friend, Representative NICK RAHALL, in February 2009. On July 20, the ROAM Act passed the House of Representatives and was referred to the Senate Committee on Energy and Natural Resources. I hope that Senator BINGAMAN and Senator MURKOWSKI, the chairman and ranking member of the Committee on Energy and Natural Resources, and Senator WYDEN and Senator BARRASSO, the chairman and ranking member of the Subcommittee on Public Lands and Forests, will consider the merits of this bill and move it to the Senate floor.

S. 1579 and H.R. 1018 address a dilemma faced by the Bureau of Land Management and the Forest Service, which since 1971 have been charged with overseeing the Nation's herds of wild, free-roaming horses and burros.

In 1971, wild horses and burros roamed across 53.5 million acres of largely Federal lands in the western United States. Since that time, the range available to these wild herds has decreased, dwindling to some 34 million acres, much of it very arid, with sparse vegetation. Yet the wild herds have not only managed to hold their own in these rugged conditions, they have grown. When the populations exceed the carrying capacity of the land, the BLM conducts ''gathers'' or round-ups, and removes horses and burros from wild. These wild equines are then offered for adoption to the general public.

That sounds like a storybook solution to the management of the wild herds: save wild horses from starving on the range and place them in caring homes with horse-loving American citizens. The problem is, in 2009, BLM estimates that more than 10,000 wild horses and burros need to be removed from Federal rangelands. That is in addition to the 31,000 wild horses and burros that have already been pulled from the range and that are being held in short- and long-term holding facilities by the BLM. There are as many wild horses and burros being held off the range as live on the range, according to BLM statistics cited by the Government Accountability Office.

Even in the best economic times, there are not 10,000 people, let alone 30,000 people, willing to take on the challenge, rewarding as it might be, of bringing a wild horse home to live with them. And these are not the best economic times. Horse rescues and sanctuaries are overwhelmed by horses donated by owners unable to care for them. The news services report regularly on horses that are rescued from starving conditions or which have been abandoned by their owners.

Adopting a wild horse or burro is not to be undertaken lightly. BLM requirements for housing a newly adopted wild horse call for sturdy wood or pole fencing at least 6 feet high. BLM staff or contractors will load the adopted horse into an open stock-type trailer only, because these are not horses that can be led gently up a ramp into a divided stall type trailer like a domestic show horse. Once they arrive home, adopters must face the challenge of unloading a scared and wild animal from the trailer and into its new enclosure.

It may be months before the proud new owner can even put a hand on his new horse to begin its training for a life of pleasure riding. Mustang adopters who lack the experience to train a wild horse themselves or who lack the resources to pay for expert help may be overwhelmed, often to the detriment of the horse. For these reasons, older mustangs, those adult horses that have spent 5 or more years living in the wild, are among the least adoptable of BLM's charges. These adult horses make up the bulk of the 22,000 mustangs in long-term pasture holding facilities.

So what are we to do about these beautiful icons of the American West?

The law provides the BLM with the authority to kill those excess horses and burros that are not adopted after three attempts or which are older than 10 years old. The BLM also has the authority to sell those animals ''without limitation,'' meaning without restrictions on those horses being sent to slaughter plants in Mexico or Canada. The BLM has hesitated to use these authorities because of the public's revulsion to the idea of their government killing otherwise healthy and beautiful wild horses. The Government Accountability Office has pointed out that this puts BLM out of compliance with the law and raises the program's costs.

I share in the revulsion of the prospect of killing wild horses, as, I suspect, many in the BLM do as well. But the consequence of that revulsion is the climbing costs to house and feed what is now a population of 22,000 wild horses in long-term holding facilities. The long-term holding facilities are already over capacity and the costs are consuming most of BLM's funding for the wild horse and burro management program, and they are only going to rise. The solution to preventing wild horses and burros from overcrowding the open range is not to overcrowd them in fenced-in pastures.

S. 1579 and H.R. 1018 would revise the Wild Free-Roaming Horse and Burro Act to provide BLM and the Forest Service with additional tools to manage the wild horse and burro populations in ways that preserve a thriving ecological balance. They also prohibit the killing or sale for slaughter of wild horses and burros.

The bills give the BLM the authority to restore wild horse and burro ranges by purchasing or acquiring equivalent land, with a goal of returning rangelands to something approaching the 53 million acres available to the wild herds in 1971. Current law does not allow BLM to acquire land for horses and burros that might not be in the same location occupied by wild horses prior to 1971.

Increasing the size of the range available to the herds means that fewer animals will need to removed in order to maintain the land in good health. Free-roaming wild horses and burros do not have to be fed and maintained in long-term holding facilities. This also would reduce the number of wild horses and burros available for adoption, bringing

the supply of wild horses in line with the more limited number of homes available to them.

S. 1579 and H.R. 1018 also provide BLM managers with enhanced management tools and greater emphasis on emerging medical controls like long-term contraception to help keep herd sizes proportionate to the available grazing. It also puts greater emphasis on the adoption program by encouraging greater involvement from private, not-for-profit organizations that specialize in equine adoption and therapy programs.

Most Americans value our Nation's great Western heritage. Our idea of the wild, wild West is synonymous with wild horses thundering through great open spaces. Our images of dusty, scruffy prospectors are not complete without the requisite patient burro at his side. A hundred years ago, 2 million wild horses lived on the range—now, there are fewer than 35,000. We want to preserve our wild herds and to keep them forever wild. We can achieve that goal, but we need to provide BLM and the Forest Service with a more robust toolkit for long-term sustainable herd management.

I urge my colleagues to support S. 1579 and move to ensure the long-term future of America's wild horses and burros.

HONORING OUR ARMED FORCES

LIEUTENANT COLONEL MARK STRATTON

Mr. SESSIONS. Mr. President, I rise today to pay tribute to a wonderful Alabamian and American, LTC Mark Stratton, 39, of Foley, AL, who was killed in Afghanistan on Memorial Day this year and laid to rest among the heroes at Arlington National Cemetery in June. Lieutenant Colonel Stratton was serving as commander of a Provincial Reconstruction Team, PRT, and was killed when an improvised explosive device, IED, detonated as his convoy was passing.

Having had the privilege of attending Lieutenant Colonel Stratton's funeral and hearing the stories told by his family members and those who had worked with him, it is clear that Lieutenant Colonel Stratton was a man of honor who took great pride in his service to our Nation.

In my conversations with his mother, Mrs. Jan York, she described her son as ''good, determined, focused and he loved God, he loved America and loved the Air Force. He accomplished so much.'' She also described how proud he was, as a leader of his PRT, to have completed an important road project. He was proud because he knew it was a project of permanence that would benefit the lives of the people of the area. This is so typical of the patriotic selfless attitude of our magnificent military personnel.

His colleague and friend, Lieutenant Colonel Risner said of him, ''He put the airmen that he was supervising or leading first, every step of the way.'' This is the sign of a true leader who was dedicated both to the mission and to the development of his subordinates.

In admiration of his committed service and ultimate sacrifice, his colleagues on the Joint Staff in the Pentagon will pay tribute to him later this month by naming a conference room in his honor. I believe that it is a fitting homage to an individual who represented the best of what an airman and officer should be. It is good that our military leaders in the Pentagon will remember the sacrifice this great American made for his country and strive to honor his commitment in the way our military operations are carried out.

My thoughts and prayers are with his wife Jennifer; their three young children Delaney, Jake, and A.J.; his mother Jan York and her husband Buddy; his brothers, Michael Stratton and Frankie Little; as well as his many friends and fellow warriors as they continue to grieve the loss of this great man. This is an incalculable loss for them, but I know that they will be able to take wonderful lessons from the way he lead his life both publicly and privately. They will also be able to take comfort from the great heritage he leaves to his family and to his Nation.

TRIBUTE TO SENATOR MEL MARTINEZ

Mr. DODD. Mr. President, I rise to speak about my friend and colleague, Mel Martinez, who is leaving the Senate this week.

Senator Martinez has a story unlike that of any of us who serve in this body. He came to this country from Cuba without his parents at age 15 as part of a humanitarian effort. And as the first Cuban-American Senator, he has always maintained a thoughtful and unique perspective on Cuba policy, one that I have always enjoyed hearing and considering.

As chairman of the Banking, Housing, and Urban Affairs Committee, I was pleased to have Senator Martinez as part of that panel. It is not often you get a Secretary of Housing and Urban Development sharing his expertise in a Senate committee.

He worked tirelessly to address the crisis of homelessness, and I have been proud to work alongside him on some of the housing measures we have passed over the past couple of years. He has been enormously helpful and cooperative as a member of my committee, and we will miss his perspective.

Senator Martinez and I didn't agree on every issue, or even most issues. What we shared was a deep love for this amazing country, a deep respect for this institution, and a strong working relationship. Wherever Senator Martinez's remarkable life takes him next, I know that the citizens of his beloved Florida are grateful for his service and will join me in wishing him and his family nothing but the best.

EMPOWERING THE PUBLIC'S RIGHT TO KNOW

Mr. LEAHY. Mr. President, if information is power, then an informed public is certainly an ingredient that helps make government work better and more responsively for the people.

I have always had a keen interest in technology and the Internet, so it has been encouraging to see the commitment and skill that the Obama administration has invested in applying information technology to the functions of government. One of the clearest examples of this has been in the innovative release of data about funds appropriated under the American Recovery and Reinvestment Act—the so-called economic stimulus package. It is all the more encouraging to see the way these efforts have spawned complementary initiatives by private foundations and entrepreneurs.

As a Vermonter I am especially proud that a project called ThisWeKnow.org became a top-three finalist in the Apps for America 2: The Data.gov Challenge, sponsored by The Sunlight Foundation, which asked contestants to produce Web applications to showcase the benefits of sharing Federal Government data with the public. ThisWeKnow.org, along with the other two finalists, showcased their Web sites this week in the Nation's Capital, at the Gov 2.0 Expo Showcase.

ThisWeKnow.org was selected as one of the three finalists out of 47 applications submitted. ThisWeKnow.org was built by GreenRiver.org and Intellidimension of Brattleboro, VT, to empower citizens to enter in their locations and to explore data related to their communities from across Federal agencies. Their site offers citizens one-stop shopping for information available to them about their own towns, States and communities.

The public's right to know is a cornerstone of our democracy. By using technology, a site such as this can provide citizens with access to data that is relevant to them and that can enable and encourage them to make informed decisions. This site is designed to make what was once a difficult and time-consuming process into a faster and more streamlined experience.

ThisWeKnow.org was designed and developed by Michael Knapp, managing director of GreenRiver.org, and Derrish Repchick, vice president of Product Development at Intellidimension, who are in Washington to attend the Gov 2.0 events this week. Although they did not win the grand prize, we congratulate them for all of their hard work and their public spirit, and encourage them to continue their efforts to promote a more accessible and open government.

I ask unanimous consent that a copy of a September 8 article from The Brattleboro Reformer be printed in the RECORD.

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

[From the Brattleboro Reformer, Sept. 8, 2009]

YOUR GOVERNMENT, ONLINE!

(By Howard Weiss-Tisman)

BRATTLEBORO.—Michael Knapp thinks the government can do a better job of getting data into the hands of average Americans.

Knapp, who is Managing Director of GreenRiver.org, a Brattleboro software development company, believes that social change will come after more citizens learn more about their government and he's got a plan to make that happen.

GreenRiver.org, along with Intellidimension, another Brattleboro high tech company, is one of three finalists in a national competition to help the U.S. government revamp how it gets information into the hands of the public.

The two Southern Vermont companies joined together to design a Web site that would make it easier for citizens to access the thousands of pages of data that the various government agencies produce every year.

And the two small Main Street firms, which went up against 46 other mostly larger and more heavily financed companies from all over the United States, now have a chance to meet with some powerful Washington insiders to change how government information is delivered to the public.

''Too much data produces nothing but noise. But if we can get information into people's hands that is presented well and clearly and accurately people will make more informed decisions,'' Knapp said from his office overlooking the Connecticut River. ''We're trying to help people make connections, so they can start to take control of their communities.''

Knapp and his cohorts entered the Apps for America contest, which is sponsored by The Sunlight Foundation, a non-partisan Washington group dedicated to increasing government transparency.

The Brattleboro companies developed their Web site, ThisWeKnow.org, that allows the user to enter a location in the search engine.

Reports from across the government that have recorded information on that location are gathered and the user can compare, for instance, a town's cancer rate with the toxic chemicals released by nearby factories and political contributions to area lawmakers.

Knapp said all of the various government agencies issue the reports and put out press releases occasionally on the data, but the Web site ''takes the middleman out of the information presentation. Instead of the agencies controlling the story,'' Knapp said, ''you get to tell the story.''

Intellidimension Vice President of Product Development, Derrish Repchick, said the two companies put in weeks worth of work developing the site. They are flying to Washington next week to present their site, and Vivek Kundra, the Obama Administration's Federal Chief Information Officer, is expected to check out the work of the three finalists.

''It was a huge amount of data we had to work with. It was a challenge,'' said Repchick, who was responsible for the back end of the Web site where all of the data is accessed. ''It was also fun and it gets some pretty important eyeballs on you.''

Knapp is a big fan of what the Obama Administration has done to make government more transparent but he said there are still countless amounts of information out there that should be more readily available.

The winner of the contest will not necessarily win a government contract but Knapp said the contest and his site is one more way to get every citizen in the country to realize that it is their government and the fastest way to implement change is by getting them the information they need to demand it.

''We didn't do this for the money,'' Knapp said about the $10,000 prize that will go to the winner. ''We want to break down all the separate silos of information and have people make connections. We did this because we believe technology can make a better future for everybody.''

Voting for the best application is being done online at www.sunlightlabs.com.

RECOGNIZING THE PEASE GREETERS

Mr. GREGG. Mr. President, I rise today to recognize the Pease Greeters for their consistent and unwavering support for our brave men and women in uniform passing through New Hampshire on their way to combat assignments in Iraq and Afghanistan or returning home to their loved ones. The Pease Greeters provide a loud and welcoming voice not only to servicemembers from New Hampshire but to all of the soldiers, sailors, Marines and airmen who pass through the Pease Air Terminal in Portsmouth, NH.

During the Spring of 2005, when members of the Seacoast Detachment of the Marine Corps League met a flight returning from the Middle East, no one could have known that this small volunteer group of veterans and citizens would be the nucleus of a group that has met every one of the more than 130 flights landing in New Hampshire, however briefly, with soldiers heading to or returning from combat operations overseas. The Greeters, now numbering over 200 members, have helped to ensure that each of the thousands of servicemembers has received the welcome home and best wishes that they so richly deserve.

The Pease Greeters travel from all over New Hampshire to meet every military flight in to Pease, at any hour, day or night. Arriving troops are met with applause, handshakes, and a boisterous welcome, and if the flight is taking them into a combat area, the Pease Greeters assure them that they will be met right there upon their safe return. These honored guests are provided with refreshments and the opportunity to make free phone calls to their loved ones. Each of these events has been recorded and the photographs line the Pease Air Terminal Hall that is known as the ''Heroes Walk.''

It is my privilege to recognize the time and energy these men and women of the Pease Greeters have devoted and continue to devote to assuring our Armed Forces that their country and its citizens appreciate the sacrifices they and their families are making on our behalf. Thank you to each and every member of the Pease Greeters for providing such a warm welcome home to those returning and a warm memory of home to those departing to carry out their missions.

ADDITIONAL STATEMENTS

CONGRATULATING CAROLINE FORD

• Mr. BUNNING. Mr. President, I wish to congratulate and recognize a distinguished Kentuckian, 12-year-old Caroline Ford, a student at Bowling Green Christian Academy, who was recently named a 2009 National Junior Forensic League Championship award winner in San Antonio, TX.

The National Forensic League is a nonprofit, nonpartisan educational honor society, with alumni that include Oprah Winfrey, President Lyndon B. Johnson, Vice President Hubert H. Humphrey, Supreme Court Justice Stephen Bryer, and countless other members in government, academia, and business. Policy debate, interpretation of dramatic literature, and commentary are just examples of the types of competitions offered by the National Forensic League.

As a participant at one of the most prestigious forensic competitions, Caroline competed against over 100 students from the United States and other nations. Her awards include first place in the original oratory competition and second place in the original poetry competition.

I would like to once again congratulate Ms. Caroline Ford for being named a 2009 National Junior Forensic League Championship award winner. She is truly an inspiration to all Kentuckians, and I wish her the best of luck in her future endeavors.•

REMEMBERING KEN BACON

• Mr. FEINGOLD. Mr. President, I was deeply saddened to learn of the death of Ken Bacon on August 15. While Ken had distinguished careers in both journalism and public service, it is his tenure as the head of Refugees International that I would like to highlight. In that capacity, Ken became one of the world's leading advocates for refugees and displaced persons. By adapting and challenging his own organization, he changed the global discussion on refugees and their rights, most recently with his focus on those displaced by climate change.

Whether focused on the Democratic Republic of the Congo, Afghanistan, or Iraq, Ken called upon the international community to take seriously the plight of those caught in the midst of conflict—innocent people losing their homes, separated from their families, and sometimes forced to forfeit their dignity to save their lives. As recently as June, Ken testified before a committee of the House of Representatives regarding the millions of Pakistanis displaced by fighting in the North West Frontier Province. He spoke powerfully:

This is not merely a question of funding, though the humanitarian assistance and reconstruction efforts will need robust financial commitments. The United States also

needs to be seen as rising above military objectives and showing genuine concern for the fate of civilians.

Under his watch, the alarm was sounded early and repeatedly on the situation in Darfur, and he challenged the global community to act to provide protection, aid and even resettlement in some cases for Iraqis displaced by war. Drawing on his experience in a refugee camp in the Balkans in 1999, Ken humanized masses of people, stressing that while displaced families need immediate relief, ''in time [they] will require renewed confidence and support to return home in safety and dignity.''

Ken will be missed by all those who had the opportunity to know him as well as by the millions who have been, and will continue to be, impacted by his work. We pay tribute to him by continuing his work to ensure that the basic rights of displaced peoples are protected, that their basic needs are met, and that they have the support to ultimately return home in safety and dignity.●

THIRTEEN YARDS TO VICTORY

● Mr. KERRY. Mr. President, throughout American history, music has always been a harbinger of social change. I experienced it first hand during the 1960s and early 1970s when a generation of Americans began marching—marching for civil rights, social justice, and an end to the Vietnam war. For many Americans, that period of our country's history comes with its own soundtrack.

That is why it is so encouraging to me to see what is happening with the Thirteen Yards To Victory, a band from my home State of Massachusetts. This remarkable group of young people is dedicated to helping others. They are donating all the profits from their upcoming release of American Dreamers to benefit arts and music education programs across the country. They are setting a wonderful example for their peers—showing them that everybody has the capacity to make a positive difference in their very own way. Because of what they are doing, more of our youth will be able to enjoy and learn about the arts and develop their own skills.

This, really, is nothing new for the members of Thirteen Yards To Victory—Anthony DiPerri, Vinny Prezioso, Thomas Iannello, Ryan Passariello, and Dave Rossi. This is only the latest occasion in which they have been recognized for their dedication to others and their unique approaches which makes their projects so successful.

They are not alone in such efforts, however. Volunteers in our community play an invaluable role in helping those in need and strengthening the foundation of our society. In fact, nearly 62 million Americans volunteered at some point last year. I am particularly encouraged by the increase in the number of young people who are connecting with their communities and volunteering their time. Thirteen Yards To Victory is just one example of what is happening all across the country.

I wish Anthony, Vinny, Thomas, Ryan, and Dave all the best with American Dreamers. I hope it makes American Dreamers out of us all. And I hope their music will be a part of the soundtrack of the social change taking place in America today.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE TERRORIST ATTACKS ON THE UNITED STATES OF SEPTEMBER 11, 2001—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2009, the national emergency with respect to the terrorist threat.

BARACK OBAMA.

THE WHITE HOUSE, *September 10, 2009.*

MESSAGES FROM THE HOUSE

At 1:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 445. An act to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr. United States Courthouse''.

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

H.R. 2571. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

H.R. 2664. An act to require annual oral testimony before the Financial Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting.

H.R. 3165. An act to provide for a program of wind energy research, development, and demonstration, and for other purposes.

H.R. 3193. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

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

H. Con. Res. 136. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day.

H. Con. Res. 167. Concurrent resolution supporting the goals and ideals of National Aerospace Day, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 3:29 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian.

At 5:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 965. An act to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

MEASURES REFERRED

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

H.R. 445. An act to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2121. To authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation; to the Committee on Environment and Public Works.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''; to the Committee on Environment and Public Works.

H.R. 2571. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2664. An act to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3165. An act to provide for a program of wind energy research, development, and demonstration, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3193. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''; to the Committee on Environment and Public Works.

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

H. Con. Res. 167. Concurrent resolution supporting the goals and ideals of National Aerospace Day, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2800. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1-Naphthaleneacetic Acid Ethy Ester; Pesticide Tolerance for Emergency Exemptions'' (FRL No. 8428–3) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2801. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinetoram; Pesticide Tolerances'' (FRL No. 8426–9) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2802. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment'' (FRL No. 8431–8) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2803. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carbon Black; Exemption from the Requirement of a Tolerance'' (FRL No. 8426–3) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2804. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances'' (FRL No. 8427–7) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2805. A communication from the Director of the Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Breakfast Program: Severe Need Assistance'' (RIN0584–AD50) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2806. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Saflufenacil; Pesticide Tolerances'' (FRL No. 8430–4) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2807. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerances'' (FRL No . 8431–2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2808. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azinphos-methyl, Disulfoton, Esfenvalerate, Ethylene oxide, Fenvalerate, et al.; Tolerance Actions'' (FRL No. 8426–2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2809. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aminopyralid; Pesticide Tolerance'' (FRL No. 7724–8) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2810. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetochlor; Pesticide Tolerances'' (FRL No. 8434–1) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2811. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL No. 8432–2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2812. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerances'' (FRL No. 8433–8) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2813. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the April 15, 2009 through June 15, 2009 reporting period; to the Committee on Armed Services.

EC–2814. A communication from the Assistant Secretary, Global Strategic Affairs, Department of Defense, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–2815. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Admiral Timothy J. Keating, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–2816. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Gary D. Speer, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2817. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of (2) officers to wear the authorized insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2818. A communication from the Deputy Secretary of Defense, transmitting the report of the authorization of (16) officers to wear the authorized insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2819. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2820. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–2821. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Capital Adequacy Guidelines: Treatment of Perpetual Preferred Stock Issued to the United States Treasury under the Emergency Economic Stabilization of Act 2008'' (Regulation Y; Docket No. R–1336) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2822. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Capital Adequacy Guidelines; Small Bank Holding Company Policy Statement: Treatment of Subordinated Securities Issued to the United States Treasury under the Emergency Economic Stabilization Act of 2008'' (Regulation Y; Docket No. R–1356) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2823. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation S-AM: Limitations on Affiliate Marketing'' (RIN3235–AJ24) received in the Office of the President of the Senate on August 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2824. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Refrigerated Bottled or Canned Beverage Vending Machines'' (RIN1904–AB58) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Energy and Natural Resources.

EC–2825. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards and Test Procedures for General Service Fluorescent Lamps and Incandescent Reflector Lamps'' (RIN1904–AA92) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Energy and Natural Resources.

EC–2826. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''U.S. Department of Energy FY 2008 Methane Hydrate Program Report to Congress''; to the Committee on Energy and Natural Resources.

EC–2827. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Industry Codes and Standards; Amended Requirements'' (RIN3150–AI53) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC–2828. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the 1997 8-Hour Ozone National Ambient Air Quality Standard: Addressing a Portion of the Phase 2 Ozone Implementation Rule Concerning Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas'' (FRL No. 8943–3) received in the Office of the President of the Senate on August 6, 2009; to the Committee on Environment and Public Works.

EC–2829. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District, Kern County Air Pollution Control District, Mohave Desert Air Quality Management District'' (FRL No. 8939–2) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC–2830. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for Delaware'' (FRL No. 8936–4) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC–2831. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay and Defer Sanctions, Pinal County, Arizona'' (FRL No. 8946–2) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC–2832. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans of Michigan: Clean Air Interstate Rule'' (FRL No. 8944–7) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC–2833. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Consumer Products Rule'' (FRL No. 8941–9) as received during adjournment of the Senate in the Office of the President of the Senate on August 13, 2009; to the Committee on Environment and Public Works.

EC–2834. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment for Ozone'' (FRL No. 8952–1) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2835. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Columbus Area to Attainment for Ozone'' (FRL No. 8952–2) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2836. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Excess Emissions'' (FRL No. 89524–6) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2837. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State and Local Assistance; Technical Correction'' (FRL No. 8953–8) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2838. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Variance for Rocket Testing Operations Atlantic Research Corporation's Orange County Facility'' (FRL No. 8953–1) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2839. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Kansas Municipal Solid Waste Landfill Permit Program'' (FRL No. 8953–3) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2840. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Emissions Inventory; Baton Rouge Ozone Nonattainment Area'' (FRL No. 8952–5) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Environment and Public Works.

EC–2841. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2009–63) received in the Office of the President of the Senate on September 8, 2009; to the Committee on Finance.

EC–2842. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Proc. 2008–52 and Rev. Proc. 97–27, Procedures for Automatic and Non-Automatic Changes in Method of Accounting'' (Notice 2009–39) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Finance.

EC–2843. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Public-Private Investment Program/Taxable Mortgage Pool Revenue Procedure'' ((Rev. Proc. 2009–38)(RP–126768–09)) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Finance.

EC–2844. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2009 Section 43 Inflation Adjustment'' (Notice 2009–73) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Finance.

EC–2845. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0107–2009–0115); to the Committee on Foreign Relations.

EC–2846. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than $14,000,000 for Canada; to the Committee on Foreign Relations.

EC–2847. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Health Breach Notification Rule'' (RIN3084–AB17) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2848. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on August 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2849. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Dental Devices: Classification of Dental Amalgam, Reclassification of Dental Mercury, Designation of Special Controls for Dental Amalgam, Mercury, and Amalgam Alloy'' ((Docket No. FDA–2008–N–0163)(RIN0910–AG21)) as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2850. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''High Risk Pool Grant Program for Federal Fiscal Years 2006 and 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–2851. A communication from the Human Resources Specialist, Office of Inspector General, Department of Labor, transmitting, pursuant to law the report of a vacancy in the position of Inspector General of the Department of Labor and designation of an acting officer for the position; to the Committee on Health, Education, Labor, and Pensions.

EC–2852. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–157, ''Quick Payment Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2853. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–158, ''Debarment and Suspension Procedures Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2854. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–159, ''Placement of Orders with District Departments, Offices, and Agencies Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2855. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–1160, ''Procurement Practices Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2856. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–161, ''Enhanced Security at Gas Stations Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2857. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–162, ''Commercial Curbside Loading Zone Implementation Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2858. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–163, ''Bloomingdale Court Alley Designations Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2859. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Examination of the 2008 Summer Youth Employment Program Contracts''; to the Committee on Homeland Security and Governmental Affairs.

EC–2860. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Department of Employment Service's 2008 Summer Youth Employment Program''; to the Committee on Homeland Security and Governmental Affairs.

EC–2861. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to action on a nomination for the position of General Counsel, Federal Labor Relations Authority received in the Office of the President of the Senate on August 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2862. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–36'' (FAC 2005–36) as received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2863. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2006 Report to Congress on the Impact and Effectiveness of Administration for Native Americans Projects''; to the Committee on Indian Affairs.

EC–2864. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination for the position of Principal Deputy Director of National Intelligence, as received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2009; to the Select Committee on Intelligence.

EC–2865. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to action on a nomination for the position of Deputy Director of National Drug Control Policy, as received during adjournment of the Senate in the Office of the President of the Senate on August 19, 2009; to the Committee on the Judiciary.

EC–2866. A communication from the Director, National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the GAO 09–339R Counterdrug Technology Assessment Center report; to the Committee on the Judiciary.

EC–2867. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending December 31, 2008''; to the Committee on the Judiciary.

EC–2868. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations'' (Docket No. USG–2009–0777) as received during adjournment of the Senate in the Office of the President of the Senate on August 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2869. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to a nomination for the position of General Counsel, Federal Labor Relations Authority received in the Office of the President of the Senate on August 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2870. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Federal Student Loan Repayment Program Calendar Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3326. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–74).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1599. A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

Jeffrey L. Viken, of South Dakota, to be United States District Judge for the District of South Dakota.

Peter F. Neronha, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Dennis K. Burke, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Neil H. MacBride, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. REED (for himself, Mr. JOHANNS, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN):

S. 1658. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. KOHL, and Mrs. SHAHEEN):

S. 1659. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. CRAPO):

S. 1660. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself, Mrs. MCCASKILL, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1661. A bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mrs. GILLIBRAND):

S. 1662. A bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 258. A resolution commemorating the 100th anniversary of the University of Wisconsin—La Crosse; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. NELSON of Nebraska):

S. Res. 259. A resolution designating September 13, 2009, as ''National Celiac Disease Awareness Day''; considered and agreed to.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Ms. COLLINS, and Mr. CHAMBLISS):

S. Res. 260. A resolution designating September 16, 2009, as ''The American Legion Day''; considered and agreed to.

By Mr. PRYOR:

S. Res. 261. A resolution designating September 12, 2009, as ''National Day of Encouragement''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 35

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 35, a bill to provide a permanent deduction for State and local general sales taxes.

S. 45

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 45, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 144

At the request of Mr. KERRY, the name of the Senator from Colorado (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. 424

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 492

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 492, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 557

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 694

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 846

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 883

At the request of Mr. KERRY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors 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. 984

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1047

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1047, a bill to promote Internet safety education and cybercrime prevention initiatives, and for other purposes.

S. 1072

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1242

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1242, a bill to prohibit the Federal Government from holding ownership interests, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1343

At the request of Mr. BROWN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. UDALL), the Senator from Washington (Ms. CANTWELL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1495

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1495, a bill to require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, and for other purposes.

S. 1580

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 245

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 245, a resolution recognizing September 11 as a ''National Day of Service and Remembrance''.

S. RES. 253

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. Res. 253, a resolution expressing the sense of the Senate that the Government of Libya should apologize for the welcome home ceremony held to celebrate the release of convicted Lockerbie bomber Abdel Baset al-Megrahi.

S. RES. 254

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 254, a resolution honoring, commemorating, and celebrating the historic ties of the United States and the Netherlands on the quadricentennial celebration of the discovery of the Hudson River, and recognizing the settlement and enduring values of New Netherland, which continue to influence American society.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. JOHANNS, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN):

S. 1658. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce with my colleague Senator JOHANNS, the Healthy Housing Council Act. I thank Senators BOXER, MERKLEY, and FRANKEN for joining us as original cosponsors of this bill.

This legislation would establish an independent interagency Council on Healthy Housing in the executive branch in order to improve the coordination of existing but fragmented programs, thereby enhancing the abilities of families to access Government programs and services in a more efficient and effective manner.

Many factors impact our health; however, our environment can be one of the most critical determinants to our overall health and well-being. That is why the issue of healthy housing is so important.

According to the Department of Housing and Urban Development, there are more than 5.7 million households living in conditions with moderate or severe hazards such as incomplete cooking facilities, inadequate plumbing, the presence of mice and rats, and crumbling roofs and foundations. This count of moderate or severe physical problems does not even include significant lead-based paint hazards, which persist in 23 million, or approximately four times as many, households. Sadly, housing-related health hazards take a heavy toll on Americans, resulting in 11,000 unintentional injury deaths, 3,000 deaths in house fires, and 21,000 radon-associated lung cancer deaths each year.

Low-income and minority individuals and families are disproportionately affected by housing-related health hazards. We know that residents of poorly designed, constructed, or maintained housing are at greater risk for serious illnesses and injuries, including cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, and asthma. According to the Centers for Disease Control and Prevention, non-Hispanic Blacks and Mexican-Americans are three times as likely to have elevated blood-lead levels, compared to non-Hispanic whites. About 1.2 million housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

If the disease and injury toll on our Nation's individuals and families, particularly our children, is not enough to demonstrate the need for coordinated Federal Government action on housing-related health hazards, consider some of the annual costs.

According to research at the Mount Sinai Children's Environmental Health Center, annual costs for environmentally attributable childhood diseases in the U.S. total an estimated $54.9 billion. That number is approximately 3 percent of total health care costs. Indeed, as our housing deteriorates, our health care system bears the brunt of the associated injuries and illnesses.

The good news is that low-cost preventative measures can have dramatic effects. For example, properly installing and maintaining a smoke alarm can cut the risk of deaths due to fire in half. The Centers for Disease Control and Prevention estimates that providing healthy housing to American families will help prevent 20 million asthma cases, 240,000 incidents of elevated blood-lead levels in young children, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths.

While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families to access assistance or to receive the comprehensive information they need.

To address this situation, our bill authorizes $750,000 for each of fiscal years 2010 to 2014 for an independent Council on Healthy Housing, which would bring Federal, State, and local government representatives, as well as industry and nonprofit representatives, to the table at least once a year.

The council would review, monitor, and evaluate existing housing, health, energy, and environmental programs. The council would then make recommendations to reduce duplication, ensure collaboration, identify best practices, and develop a comprehensive healthy housing research agenda.

In order to ensure that members of the public are informed of and benefit from the council's activities, the council would hold biannual stakeholder meetings, maintain an updated website, and work to unify healthy housing data collection and maintenance.

While there is a growing consensus on ways to help communities make housing healthier, the lack of coordination has made it difficult for the public to access this information and related research and data. By creating this council, we can provide a useful forum for health and housing experts, whether in the Government, private, or nonprofit sector, to share their experiences, successes, and lessons for the future.

The Healthy Housing Council Act will help us embark on a path to assure that affordable and decent homes are also healthy. I hope my colleagues will join me and Senator JOHANNS, BOXER, MERKLEY, and FRANKEN in supporting this bipartisan bill and other healthy housing efforts.

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

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

S. 1658

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 ''Healthy Housing Council Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In the United States—

(A) 5,700,000 households live in homes with moderate or severe physical hazards;

(B) 23,000,000 homes have significant lead-based paint hazards;

(C) 8,700,000 homes have had leaks in the last 12 months;

(D) 6,000,000 homes have had signs of mice in the last 3 months; and

(E) 1 in 15 homes have dangerous levels of radon.

(2) Residents of housing that is poorly designed, constructed, or maintained are at risk for cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, asthma, and other illnesses and injuries. Vulnerable subpopulations, such as children and the elderly, are at elevated risk for housing-related illnesses and injuries.

(3) Because substandard housing typically poses the greatest risks, the disparities in the distribution of housing-related health hazards are striking. 1,200,000 housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

(4) Housing-related illnesses, including asthma and lead poisoning, disproportionately affect children from lower-income families and from specific racial and ethnic groups. In 2005, 13 percent of black children were reported to have asthma, as compared with 9 percent of both Hispanic and white children. Black children are twice as likely to die from residential injuries as white children, and 3 percent of black children and 2 percent of Mexican American children have elevated blood lead levels, as compared to only 1.3 percent of white children.

(5) The annual costs for environmentally attributable childhood diseases in the United States, including lead poisoning, asthma, and cancer, total $54,900,000,000. This amount is approximately 3 percent of total health care costs.

(6) Appropriate housing design, construction, and maintenance, timely correction of deficiencies, planning efforts, and low-cost preventative measures can reduce the incidence of serious injury or death, improve the ability of residents to survive in the event of a major catastrophe, and contribute to overall well-being and mental health. Housing units that are kept lead-safe are approximately 25 percent less likely to have another child with elevated blood lead levels. Properly installed and maintained smoke alarms reduce the risk of fire deaths by 50 percent.

(7) Providing healthy housing to families and individuals in the United States will help prevent an estimated 240,000 elevated blood lead levels in young children, 11,000 unintentional injury deaths, 12,000,000 nonfatal injuries, 3,000 deaths in house fires, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths that occur in United States housing each year, as well as 20,000,000 asthma cases and 14,000,000 missed school days.

(8) While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families and individuals to access assistance or to receive comprehensive information.

(9) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that families and individuals can access government programs and services in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COUNCIL.—The term ''Council'' means the Interagency Council on Healthy Housing established under section 4.

(2) HOUSING.—The term ''housing'' means any form of residence, including rental housing, homeownership, group home, or supportive housing arrangement.

(3) HEALTHY HOUSING.—The term ''healthy housing'' means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of such housing.

(4) HOUSING-RELATED HEALTH HAZARD.—The term ''housing-related health hazard'' means any biological, physical, or chemical source of exposure or condition either in, or immediately adjacent to, housing, that can adversely affect human health.

(5) LOW-INCOME FAMILIES AND INDIVIDUALS.—The term ''low-income families and individuals'' means any household or individual with an income at or below 200 percent of the Federal poverty line.

(6) POVERTY LINE.—The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

(7) PROGRAM.—The term ''program'' includes any Federal, State, or local program providing housing or financial assistance, health care, mortgages, bond and tax financing, homebuyer support courses, financial education, mortgage insurance or loan guarantees, housing counseling, supportive services, energy assistance, or other assistance related to healthy housing.

(8) SERVICE.—The term ''service'' includes public and environmental health services, housing services, energy efficiency services, human services, and any other services needed to ensure that families and individuals in the United States have access to healthy housing.

SEC. 4. INTERAGENCY COUNCIL ON HEALTHY HOUSING.

(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Healthy Housing.

(b) OBJECTIVES.—The objectives of the Council are as follows:

(1) To promote the supply of and demand for healthy housing in the United States through capacity building, technical assistance, education, and public policy.

(2) To promote coordination and collaboration among the Federal departments and agencies involved with housing, public health, energy efficiency, emergency preparedness and response, and the environment to improve services for families and individuals residing in inadequate or unsafe housing and to make recommendations about needed changes in programs and services with an emphasis on—

(A) maximizing the impact of existing programs and services by transitioning the focus of such programs and services from categorical approaches to comprehensive approaches that consider and address multiple housing-related health hazards;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services;

(C) ensuring that resources, including assistance with capacity building, are targeted to and sufficient to meet the needs of high-risk communities, families, and individuals; and

(D) facilitating access by families and individuals to programs and services that help reduce health hazards in housing.

(3) To identify knowledge gaps, research needs, and policy and program deficiencies associated with inadequate housing conditions and housing-related illnesses and injuries.

(4) To help identify best practices for achieving and sustaining healthy housing.

(5) To help improve the quality of existing and newly constructed housing and related programs and services, including those programs and services which serve low-income families and individuals.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the healthy housing needs of families and individuals are met in a more effective and efficient manner.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary of Health and Human Services.

(2) The Secretary of Housing and Urban Development.

(3) The Administrator of the Environmental Protection Agency.

(4) The Secretary of Energy.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Secretary of the Treasury.

(8) The Secretary of Agriculture.

(9) The Secretary of Education.

(10) The head of any other Federal agency as the Council considers appropriate.

(11) 6 additional non-Federal employee members, as appointed by the President to serve terms not to exceed 2 years, of whom—

(A) 1 shall be a State or local Government Director of Health or the Environment;

(B) 1 shall be a State or local Government Director of Housing or Community Development;

(C) 2 shall represent nonprofit organizations involved in housing or health issues; and

(D) 2 shall represent for-profit entities involved in the housing, banking, or health insurance industries.

(d) CO-CHAIRPERSONS.—The co-Chairpersons of the Council shall be the Secretary of Housing and Urban Development and the Secretary of Health and Human Services.

(e) VICE CHAIR.—Every 2 years, the Council shall elect a Vice Chair from among its members.

(f) MEETINGS.—The Council shall meet at the call of either co-Chairperson or a majority of its members at any time, and no less often than annually.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) RELEVANT ACTIVITIES.—In carrying out the objectives described in section 4(b), the Council shall—

(1) review Federal programs and services that provide housing, health, energy, or environmental services to families and individuals;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist families and individuals in accessing healthy housing and make recommendations about how such agencies can better work to meet the healthy housing and related needs of low-income families and individuals; and

(3) recommend ways to—

(A) reduce duplication among programs and services by Federal agencies that assist families and individuals in meeting their healthy housing and related service needs;

(B) ensure collaboration among and within agencies in the provision and availability of programs and services so that families and individuals are able to easily access needed programs and services;

(C) work with States and local governments to better meet the needs of families and individuals for healthy housing by—

(i) holding meetings with State and local representatives; and

(ii) providing ongoing technical assistance and training to States and localities in better meeting the housing-related needs of such families and individuals;

(D) identify best practices for programs and services that assist families and individuals in accessing healthy housing, including model—

(i) programs linking housing, health, environmental, human, and energy services;

(ii) housing and remodeling financing products offered by government, quasi-government, and private sector entities;

(iii) housing and building codes and regulatory practices;

(iv) existing and new consensus specifications and work practices documents;

(v) capacity building and training programs that help increase and diversify the supply of practitioners who perform assessments of housing-related health hazards and interventions to address housing-related health hazards; and

(vi) programs that increase community awareness of, and education on, housing-related health hazards and available assessments and interventions;

(E) develop a comprehensive healthy housing research agenda that considers health, safety, environmental, and energy factors, to—

(i) identify cost-effective assessments and treatment protocols for housing-related health hazards in existing housing;

(ii) establish links between housing hazards and health outcomes;

(iii) track housing-related health problems including injuries, illnesses, and death;

(iv) track housing conditions that may be associated with health problems;

(v) identify cost-effective protocols for construction of new healthy housing; and

(vi) identify replicable and effective programs or strategies for addressing housing-related health hazards;

(4) hold biannual meetings with stakeholders and other interested parties in a location convenient for such stakeholders, or hold open Council meetings, to receive input and ideas about how to best meet the healthy housing needs of families and individuals;

(5) maintain an updated website of policies, meetings, best practices, programs and services, making use of existing websites as appropriate, to keep people informed of the activities of the Council; and

(6) work with member agencies to collect and maintain data on housing-related health hazards, illnesses, and injuries so that all data can be accessed in 1 place and to identify and address unmet data needs.

(b) REPORTS.—

(1) BY MEMBERS.—Each year the head of each agency who is a member of the Council shall prepare and transmit to the Council a report that briefly summarizes—

(A) each healthy housing-related program and service administered by the agency and the number of families and individuals served by each program or service, the resources available in each program or service, and a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by families and individuals, with particular attention to the barriers and impediments experienced by low-income families and individuals;

(C) the efforts made by the agency to increase opportunities for families and individuals, including low-income families and individuals, to reside in healthy housing, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by the agency relating to the healthy housing needs of families and individuals.

(2) BY THE COUNCIL.—Each year the Council shall prepare and transmit to the President and the Congress, a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of housing-related health hazards, and associated illnesses and injuries, in the United States;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with

Federal, State, and local governments, nonprofit organizations and for-profit entities in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM AGENCIES.—Agencies which are represented on the Council shall provide all requested information and data to the Council as requested.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Council may accept, use, and dispose of gifts or donations of services or property.

(2) INTERNAL REGULATIONS.—The Council shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

(e) CONTRACTS AND INTERAGENCY AGREEMENTS.—The Council may enter into contracts with State, Tribal, and local governments, public agencies and private-sector entities, and into interagency agreements with Federal agencies. Such contracts and interagency agreements may be single-year or multi-year in duration.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall be reasonably compensated for that member's participation in the Council, including reimbursement for travel expenses as described in subsection (b).

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as are necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing and Urban Development shall provide the Council with such administrative (including office space) and supportive services as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, $750,000 for each of fiscal years 2010 through 2014.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available for the 2 fiscal years following such appropriation.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. KOHL, and Mrs. SHAHEEN):

S. 1659. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASEY. Mr. President, I rise today to join with Senators KOHL, GILLIBRAND and SHAHEEN to introduce the Senior Investor Protections Enhancement Act of 2009.

This important legislation would increase the fines imposed on those who commit securities violations against seniors and thereby provide additional security to a group who relies on their savings for survival.

Seniors increasingly rely on private investments for their retirement. Over the last 30 years, traditional employer sponsored pension plans, known as defined benefit plans, have been on the decline. In 1975, 88 percent of private-sector workers were covered by defined benefit plans; by 2005, that number had shrunk to 33 percent of the private-sector workforce.

Today, seniors control nearly $15 billion in assets. These individuals face complicated decisions about how to best stretch their hard earned savings throughout their retirement.

Unfortunately, these assets are at risk from traditional fraud and Ponzi schemes. Seniors are often offered complicated investment tools such as reverse mortgages and various annuity products. While these products can be very valuable to Americans generally and seniors specifically, they can also be abused by unscrupulous actors.

In fact, research shows that senior citizens face serious risks from fraudulent salesmen. A MetLife study found that seniors incur an estimated $2.6 billion in losses due to financial abuse each year. In total, seniors account for more than half of all investor complaints received by state securities regulators.

During the last Congress, under the leadership of Senator KOHL, the Aging Committee held a hearing to examine some of the questionable practices that so-called senior financial investment specialists use to gain access to the retirement savings of older Americans. A report by the Committee revealed that many seniors have lost their life savings because they followed investment advice ill-suited to their retirement needs and life expectancy.

The Senior Investor Protections Enhancement Act will address these issues by increasing the penalties for existing securities violations by an additional $50,000 for financial crimes committed by those 62 and higher, the age at which many orient their investments to be in conjunction with social security eligibility. Violations could include selling them products that are unsuitable for their age, failing to disclose fees, charging large penalty fees, or switching the investment product actually sold from the one that was marketed.

We need to enhance the protections afforded to seniors. Please join us in support of the Senior Investor Protections Enhancement Act of 2009.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—COMMEMORATING THE 100TH ANNIVERSARY OF THE UNIVERSITY OF WISCONSIN-LA CROSSE

Mr. KOHL (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 258

Whereas La Crosse is located on the western border of middle-Wisconsin, on the east side of the Mississippi River;

Whereas the first Europeans to see the site of La Crosse were French fur traders who traveled the Mississippi River in the late 17th century;

Whereas La Crosse was incorporated as a city in 1856;

Whereas Thomas Morris sponsored a bill in the Wisconsin State Senate that led to the creation of the current-day University of Wisconsin-La Crosse;

Whereas the University of Wisconsin-La Crosse was founded in 1909 as the La Crosse State Normal School for the purpose of teacher preparation;

Whereas the philosophy of Fassett A. Cotton, the university's first president, was to train the whole person;

Whereas ''mens corpusque'', Latin for ''mind and body'', is the motto on the university seal;

Whereas the college changed its name to Wisconsin State College-La Crosse in 1951 when the Wisconsin State teachers colleges began awarding baccalaureate degrees in liberal arts;

Whereas the University of Wisconsin-La Crosse offers 88 undergraduate programs in 44 disciplines and 26 graduate programs;

Whereas the University of Wisconsin-La Crosse celebrated its 50th anniversary in

1959, the same year that presidential candidate John F. Kennedy visited the campus and spoke to the student body in Graff Main Hall auditorium;

Whereas U.S. News & World Report ranked the University of Wisconsin-La Crosse second among midwestern public universities offering bachelor's and master's degrees;

Whereas the University of Wisconsin-La Crosse men's athletic teams adopted the nickname ''Eagles'' in the fall of 1989, and the women's teams adopted that nickname a year later;

Whereas the University of Wisconsin-La Crosse athletic teams have won 59 National Collegiate Athletic Association Division III titles in 9 different sports; and

Whereas 2009 marks the 100th anniversary of the founding of the University of Wisconsin-La Crosse: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the University of Wisconsin-La Crosse; and

(2) commends the university for its status as a leading public university that excels in academics, athletics, and quality of life for students.

Mr. KOHL. Mr. President, today I rise to recognize the University of Wisconsin-La Crosse on the 100th anniversary of its founding. As the university celebrates 100 years of service to the people of Wisconsin, I am reminded of the excellent tradition of higher education championed not only by the state of Wisconsin, but by our entire Nation. Education is the driving force behind the prosperity of this nation, and institutions such as the University of Wisconsin—La Crosse have helped prepare our most influential leaders and scholars throughout our Nation's history. I applaud UW—La Crosse for its contributions to the state of Wisconsin and the U.S. over the past 100 years of its rich history.

One hundred years ago, Wisconsin State Senator Thomas Morris sponsored a bill that would eventually create the University of Wisconsin—La Crosse, which was founded in 1909 as the La Crosse State Normal School. The honorable Fassett A. Cotton, the university's first president, insisted that the education provided at his school would shape the whole person. The university's motto, emblazoned on its official seal, reads ''mens corpusque'', Latin for ''mind and body''. At the university's 50th anniversary in 1959, presidential candidate John F. Kennedy spoke to the students in the Graff Main Hall auditorium. Today, the university is recognized as a premier Midwestern public university by U.S. News & World Report. The University of Wisconsin—La Crosse offers 88 undergraduate programs in 44 disciplines, along with 26 graduate programs. Its athletics programs complement its superb academic reputation, having won 59 National Collegiate Athletic Association Division III titles in nine different sports.

Therefore, in this centennial anniversary year for the reputable University of Wisconsin—La Crosse, I would recommend that educational institutions across the Nation look to La Crosse as an example of great academic achievement. I would also like to express my gratitude to this university for providing 100 years of outstanding service to the people of Wisconsin.

SENATE RESOLUTION 259—DESIGNATING SEPTEMBER 13, 2009, AS ''NATIONAL CELIAC DISEASE AWARENESS DAY''

Mr. INHOFE (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a ''gluten-free diet'';

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, ''if the patient can be cured at all, it must be by means of diet'';

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2009, as ''National Celiac Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society and the Celiac Disease Foundation.

SENATE RESOLUTION 260—DESIGNATING SEPTEMBER 16, 2009, AS ''THE AMERICAN LEGION DAY''

Ms. SNOWE (for herself, Mrs. LINCOLN, Ms. COLLINS, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 260

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as ''Legionnaires'') provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the ''G. I. Bill of Rights'';

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

Resolved, That the Senate designates September 16, 2009, as ''The American Legion Day''.

SENATE RESOLUTION 261—DESIGNATING SEPTEMBER 12, 2009, AS ''NATIONAL DAY OF ENCOURAGEMENT''

Mr. PRYOR submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2009, as ''National Day of Encouragement'';

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2307. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2308. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2309. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2310. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2311. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2312. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2313. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2314. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2315. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2316. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2317. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2318. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2319. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2320. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2321. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2322. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2323. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2324. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2325. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, supra; which was ordered to lie on the table.

SA 2326. Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, recognizing September 11 as a ''National Day of Service and Remembrance''..

SA 2327. Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, supra.

SA 2328. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2329. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2307. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used for surface transportation priorities.

SA 2308. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used for any economic development initiative at a brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

SA 2309. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR PANHANDLE AREA DEVELOPMENT DISTRICT.

None of the funds made available under this Act may be used for the Panhandle Area Development District in Gering, Nebraska, to remodel an existing building for use as a physical and virtual small business incubator to serve the Panhandle of Nebraska.

SA 2310. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR PORTSMOUTH MUSIC HALL.

None of the funds made available under this Act may be used for the Portsmouth Music Hall in Portsmouth, New Hampshire, for repairs, restoration, or modernization of a theater, or construction of an additional space.

SA 2311. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR THE CITY OF GIG HARBOR.

None of the funds made available under this Act may be used for the City of Gig Harbor, Washington, for improved physical access to area businesses.

SA 2312. Mr. McCAIN submitted an amendment intended to be proposed by

him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR THE CONSUMER CREDIT COUNSELING SERVICE.

None of the funds made available under this Act may be used for the Consumer Credit Counseling Service in Las Vegas, Nevada, for foreclosure prevention efforts.

SA 2313. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR THE JACKSONVILLE AREA LEGAL AID.

None of the funds made available under this Act may be used for the Jacksonville Area Legal Aid in Jacksonville, Florida for foreclosure prevention training and other legal services.

SA 2314. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR NEIGHBORWORKS LINCOLN.

None of the funds made available under this Act may be used for NeighborWorks Lincoln in Lincoln, Nebraska for neighborhood revitalization, including elimination of blight, construction of single family homes, rehabilitation, and repairs.

SA 2315. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR THE NORTH END ACTION TEAM.

None of the funds made available under this Act may be used for the North End Action Team in Middletown, Connecticut for foreclosure prevention assistance.

SA 2316. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF EARMARK FOR THE URBAN LEAGUE OF SOUTHERN CONNECTICUT.

None of the funds made available under this Act may be used for the Urban League of Southern Connecticut in Stamford, Connecticut for homeownership and foreclosure prevention counseling.

SA 2317. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to renovate a complex in Tallahatchie County, Mississippi.

SA 2318. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used by the Ada Public Works Authority to construct a water tower in Ada, Oklahoma.

SA 2319. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to renovate a historical structure in Oxford, Mississippi.

SA 2320. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to construct a beach park promenade in Pascagoula, Mississippi.

SA 2321. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to purchase the equipment needed to construct a city-wide broadband network for the City of Ruston, Louisiana.

SA 2322. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to construct a children's museum in Wilmington, Delaware.

SA 2323. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to construct a public access floating dock system in Savannah, Georgia.

SA 2324. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to renovate an arts pavilion in Jackson County, Mississippi.

SA 2325. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. None of the funds made available by this Act may be used to expand high-

speed broadband connectivity in St. Johnsbury, Vermont.

SA 2326. Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, recognizing September 11 as a ''National Day of Service and Remembrance''.; as follows:

On page 3, line 3, strike ''annually observe a 'National Day of Service and Remembrance' '' and insert ''observe a 'National Day of Service and Remembrance' on September 11, 2009''.

SA 2327. Mr. WHITEHOUSE (for Mr. SCHUMER) proposed an amendment to the resolution S. Res. 245, recognizing September 11 as a ''National Day of Service and Remembrance''.; as follows:

Amend the title so as to read: ''Recognizing September 11, 2009, as a 'National Day of Service and Remembrance'.''.

SA 2328. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 23, add the following:

SEC. 1_____. Notwithstanding any other provision of law, funds made available under the Consolidated Appropriations Act, 2008 (Public Law 110–161) for ''I–35W Reconstruction Design, New Brighton, MN'', and under the Omnibus Appropriations Act, 2009 (Public Law 111–8) for ''I-35W North Congestion Mitigation and Design, MN'', shall be available for obligation and expenditure for construction in that corridor.

SA 2329. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 215, between lines 2 and 3, insert the following:

SEC. 156. Notwithstanding any other provision of law, amounts made available for the Railroad Rehabilitation and Improvement Financing Program under title I of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8) and directed to ''Phase 3 Rail Rehabilitation in Redwood Falls, MN'' in the explanatory statement appearing on page H2472 of the Congressional Record shall be available for obligation and expenditure for ''Minnesota Valley Regional Rail Authority, MN.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, September 17, 2009, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black or Gina Weinstock.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 10, 2009, at 2:30 p.m., to conduct a hearing entitled ''Oversight of the SEC's Failure To Identify the Bernard L. Madoff Ponzi Scheme and How To Improve SEC Performance.''

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 10, 2009, at 2:15 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oil and Gas Tax Provisions: A Consideration of the President's FY2010 Budget Proposal.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 10, 2009, at 2:30 p.m., to hold a hearing entitled ''Iraq: Report from the Field.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 10, 2009, at 10 a.m., to conduct a hearing entitled ''Follow the Money: An Update on Stimulus Spending, Transparency, and Fraud Prevention.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 10, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 10, 2009, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 10, 2009. The Committee will meet in room 345 of the Cannon House Office Building beginning at 9:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that April Saylor and Elyse Kamps of my staff be granted the privilege of the floor for the duration of today's session.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that Joanne Waszczak and Dedre Goodman, detailees from the Department of Transportation to the Committee on Appropriations, be granted unlimited privileges of the floor during consideration of the Transportation-HUD appropriations bill.

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

NATIONAL DAY OF SERVICE AND REMEMBRANCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 245 and the Senate proceed to its immediate consideration.

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. 245) recognizing September 11 as a ''National Day of Service and Remembrance.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that an amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to;

that an amendment to the title, which is at the desk, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The amendment (No. 2326) was agreed to as follows:

On page 3, line 3, strike ''annually observe a 'National Day of Service and Remembrance'' and insert ''observe a 'National Day of Service and Remembrance' on September 11, 2009''.

The resolution (S. Res. 245), as amended, was agreed to.

The preamble was agreed to.

The title amendment (No. 2327) was agreed to, as follows:

Amend the title so as to read: ''Recognizing September 11, 2009, as a 'National Day of Service and Remembrance'.''.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 245

Whereas, on September 11, 2001, terrorists ruthlessly attacked the United States, leading to the tragic deaths and injuries of thousands of innocent United States citizens and other citizens from more than 90 different countries and territories;

Whereas in response to the attacks in New York City, Washington, DC, and Shanksville, Pennsylvania, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel, and other first responders immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women;

Whereas in the immediate aftermath of the attacks, thousands of recovery workers, including trades personnel, iron workers, equipment operators, and many others, joined with firemen, police officers, and military personnel to help to search for and recover victims lost in the terrorist attacks;

Whereas in the days, weeks, and months following the attacks, thousands of people in the United States and others spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship;

Whereas many first responders, rescue and recovery workers, and volunteers, as well as survivors of the 9/11 terrorist attacks, continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the 9/11 tragedy;

Whereas hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the United States Armed Forces, with thousands having given their lives or suffered injury to defend our Nation's security and prevent future terrorist attacks;

Whereas the entire Nation witnessed and shared in the tragedy of September 11, 2001, and in the immediate aftermath of the attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the Nation;

Whereas in the years immediately following the attacks of September 11, 2001, the U.S. Bureau of Labor Statistics documented a marked increase in volunteerism among the people of the United States;

Whereas families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized ''National Day of Service and Remembrance'', and for the President of the United States to proclaim the day as such;

Whereas, in 2004, Congress unanimously passed H. Con. Res. 473, expressing the sense of Congress that it is appropriate to observe the anniversary of the attacks of September 11, 2001, with voluntary acts of service and compassion;

Whereas hundreds of thousands of people in the United States from all 50 States, as well as others who live in 170 different countries, annually observe the anniversary of the attacks of September 11, 2001, by personally engaging in service, good deeds, and other charitable acts; and

Whereas, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time authorization and Federal recognition of September 11 as a ''National Day of Service and Remembrance'', a bill signed into law on April 21, 2009, by President Barack Obama: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon all people in the United States to observe a ''National Day of Service and Remembrance'' on September 11, 2009, with appropriate and personal expressions of reflection, including performing good deeds, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, in tribute to those who rose to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people in the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

NATIONAL ESTUARIES DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 247 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 247) designating September 26, 2009 as ''National Estuaries Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than $800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating $8,000,000,000 to $12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, and harmful algae;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 26, 2009, has been designated ''National Estuaries Day'' to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect them: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 26, 2009, as ''National Estuaries Day'';

(2) supports the goals and ideals of ''National Estuaries Day'';

(3) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(4) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(5) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(6) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

NATIONAL CELIAC DISEASE AWARENESS DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 259, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 259) designating September 13, 2009, as ''National Celiac Disease Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 259

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a ''gluten-free diet'';

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, ''if the patient can be cured at all, it must be by means of diet'';

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2009, as ''National Celiac Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society and the Celiac Disease Foundation.

THE AMERICAN LEGION DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 260, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 260) designating September 16, 2009, as ''The American Legion Day.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to support this legislation I introduced with Senator LINCOLN, Senator COLLINS, and Senator CHAMBLISS, which would officially recognize this Nation's largest veterans' service organization, The American Legion, and its vital role in communities across the Nation, by designating September 16, 2009, as ''The American Legion Day.''

Nothing describes the role of The American Legion more beautifully than its preamble to its constitution which is recited by its members at the beginning of every official meeting.

For God and Country, we associated ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on earth; to safeguard and transmit to Posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

I think we all would agree that these are extremely lofty goals for any organization, but amazingly The American Legion continues to work towards these objectives—not for themselves, but for America.

Most people are surprised to learn that The American Legion was actually founded in Paris, France. You see World War I veterans remembered the challenges facing other wartime veterans from previous generations and vowed not to let their fellow comrades face the same hardships, especially those with service-connected disabilities. They were concerned with employment opportunities for returning combat veterans. They were concerned about the survivors of combat veterans who had paid the ultimate sacrifice in service to their country. They were concerned about medical care for the wounded and ill returning service members.

Now, as at its founding, The American Legion remains focused on supporting military service members and their families. Since December, The American Legion's Operation Comfort Warrior raised over $170,000 to buy merchandise for Wounded Warriors in military treatment centers around the country. The American Legion also established the ''Heroes to Hometowns'' program which helps local communities prepare ''welcome home'' events when wounded warriors are finally released from military or veterans' affairs medical centers. Since the first Gulf War, The American Legion has maintained its Family Support Network which assists deployed service members and their families, especially members of the National Guard and Reserves. Some requests are for financial assistance, but other requests are simply for household chores, such as lawn work or car maintenance, that would normally be done by the soldier, sailor, airmen, Marine, were they not deployed. No request is too large or too small.

Many Legionnaires can be found in public schools on Veterans' Day or Memorial Day talking about their military service in periods of armed conflict to make sure the next generation of Americans understands the sacrifices and hardships of previous generations of wartime veterans. Legionnaires also teach students about the proper display and care of the Flag of the United States.

The American Legion works closely with the American Red Cross—the largest organization of blood donors and a working partner in disaster assistance. Many American Legion Posts serve as Red Cross and FEMA work centers in areas hit by natural disasters.

The American Legion is also proud of its membership's spirit of volunteerism. Each year, Legionnaires volunteer over a million hours of services in VA and military medical facilities, State veterans' homes, and other such community volunteer opportunities.

And one of the most solemn of functions is providing burial details for fallen comrades of every generation. The American Legion Color Guards, Buglers and Rifle Squads perform thousands of burials in veterans' and private cemeteries around the Nation.

As all of us in this chamber know, The American Legion remains today an active and vigorous advocate for service members, veterans and their families here on Capitol Hill. Among its greatest legislative achievements was the enactment of the Servicemen's Readjustment Act of 1944, the GI Bill of

Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel here in Washington, DC. Many consider the GI Bill as one of the greatest pieces of legislation ever enacted.

Congress presented The American Legion its Federal charter on September 16, 1919; therefore, I think it only fitting that we proclaim September 16, 2009, ''The American Legion Day.'' I sincerely hope that my colleagues will join me in supporting this well-earned measure, demonstrating our mutual esteem and reverence for this outstanding organization.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 260

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as ''Legionnaires'') provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the ''G. I. Bill of Rights'';

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

Resolved, That the Senate designates September 16, 2009, as ''The American Legion Day''.

NATIONAL DAY OF ENCOURAGEMENT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 261, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 261) designating September 12, 2009, as ''National Day of Encouragement.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 261) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 261

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2009, as ''National Day of Encouragement'';

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

PRINTING TRIBUTES FOR SENATORS KENNEDY AND MARTINEZ

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the tributes to Senators Kennedy and Martinez in the CONGRESSIONAL RECORD be printed as separate Senate documents and that Senators be permitted to submit statements for inclusion until Friday, October 9, 2009.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appoints the Senator from New Mexico (Mr. UDALL) as a member of the United States Senate Caucus on International Narcotics Control.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 405, 419, and 420; 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; that any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Anthony Marion Babauta, of Virginia, to be an Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT

Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality.

DEPARTMENT OF COMMERCE

John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development.

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

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

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

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

(The remarks of Mr. WHITEHOUSE and Mr. MENENDEZ are printed in today's RECORD under ''Remembering Senator Edward M. Kennedy.'')

The PRESIDING OFFICER. The Senator from New Jersey.

ORDERS FOR FRIDAY, SEPTEMBER 11, 2009

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, September 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a moment of silence in commemoration of the eighth anniversary of the September 11 attacks; further, that following the moment of silence, the Senate proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; and, finally, I ask that following morning business, the Senate resume consideration of Calendar No. 153, H.R. 3288, the Transportation, HUD, and related agencies appropriations bill.

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

ORDER FOR ADJOURNMENT

Mr. MENENDEZ. Mr. President, there will be no rollcall votes during Friday's session of the Senate. I ask unanimous consent that following the remarks of Senator CARPER and Senator BENNET of Colorado, the Senate adjourn under the previous order.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. BENNET. Mr. President, on this day, the day after the President's speech to the joint session, and on a day when so many of our colleagues have given so many moving tributes to Senator Kennedy, I come to the floor tonight to talk a little bit about health care. What I want to do is share a presentation I have given in every corner of my State—all across Colorado, in rural Colorado, urban Colorado.

I am extremely proud that over the course of the entire recess—though we had townhall meetings all across our State, and though there were lots of different feelings about whether the reform we have been pursuing is a good idea—every one of the conversations we had was a substantive conversation, a serious conversation, about what our working families and small businesses are facing as a consequence of the status quo and also the fiscal problems we are facing as a country and how health care reform, done right, is an important part to fixing our financial health.

So tonight what I want to do is go through some of those slides. I will try to be pretty brief because the hour is late. But I want to give a context of the kinds of conversations we had in our State. I think the overarching feeling people had when we were done was that we do need to change the status quo. The status quo is absolutely intolerable for our working families and small businesses. But there is a deep concern that we have the capacity to make it even worse. I left every meeting saying I think that is too low a standard for the Congress. We need to do much better than that. We need to get this health care reform done. But we need to get it done right, and we need to take the time that is required to get it right.

The first thought I always started with was just to explain to people what the difference was between our deficit and our debt. Our deficit, as this slide shows, is the annual gap between our revenues and our expenses. And debt, which we have far too much of in this country, is what adds up year after year after year if we continue to have our deficits.

The second slide shows that over the years we have actually done a pretty good job of managing our deficit. Anything over 3 percent of GDP is a problem because it is not sustainable. Our borrowing costs will outstrip our ability to catch up to our deficits if we are above 3 percent GDP. This slide shows, over the years, except for in wartime, except in World War II—and more recently during the wars in Iraq and Afghanistan—we have not gone far above the 3 percent of GDP.

This slide just shows us how we have stacked up debt so quickly over the last decade or so. We had about $5 trillion of debt on the country, on the Nation when the last President assumed the Presidency. We are now at $12 trillion. As we can see, there has been an enormous spike between 2000 and today.

This is just a slide that shows how much debt this really is. Our entire economy, our entire GDP, gross domestic product, is $14 trillion. Our debt is $12 trillion today. We can see that these other countries all have a much smaller GDP than we do. That is good news.

Unfortunately, some of these folks, particularly China, own an awful lot of our debt.

We also took the time to say to people: How did this happen? How did we let this happen to the American people and to our kids and our grandkids? How is it possible that in virtually the blink of an eye we went from having $5 trillion of debt on the country to having $12 trillion of national debt?

As we can see here, both parties bear responsibility for where we are. The tax cuts in the early 2000s are responsible for $1.4 trillion of the debt passed on to our kids and our grandkids; $900 billion for the wars in Iraq and Afghanistan, which we did not pay for—we did not make the choices we needed to pay for it; we put it on our kids and our grandkids—the Recovery Act funding, which is roughly $780 billion—40 percent or so in tax cuts, the rest in spending—the bank bailout, half in the last administration, half in this administration, $600 billion, and Medicare Part D, the drug program for seniors, which, again, may be a very legitimate program. It may be a program people would like to have. We did not pay for it. We said to our kids and our grandkids: You pay for it.

These are just CBO numbers that show our steady state. If we do not do anything to change course, the amount of debt will just continue to grow.

Then, finally—and this is going to take us into the health care discussion we had in Colorado over the recess—if we look at the biggest drivers of our future deficits, what we see on this slide is that here is our tax revenue line, and we can see it is pretty flat over time, from 2008 to 2039. But the biggest drivers are our interest on the debt that we are putting on the backs of our kids and our grandkids, and the spiraling cost—or maybe a better word is the skyrocketing cost, given the direction of this line—of Medicare and Medicaid.

The President talked about this last night. The biggest driver, other than interest, is rising Medicare and Medicaid costs. Obviously, the biggest driver of rising Medicare and Medicaid costs is rising health care costs.

So, in my judgment, no matter what one thinks about the health care reform discussion, if you are somebody who takes seriously the idea that we have to get hold of our deficit, we have to get hold of this national debt before it so constrains the choices of our kids and our grandkids that we are not providing them with the kind of choices or opportunities they ought to have, we need to do something about the trajectory of those Medicare and Medicaid lines, and that means health care reform.

This slide shows there is no way we can cut ourselves out of the problem with just discretionary spending cuts. This slide shows if we do not do anything differently now, we are all going to be talking about tax cuts in the future that none of us would ever reasonably support.

So my view is we do face a very significant fiscal challenge in this country and that health care reform is not sufficient to solve that problem, but it is an important step, and, in fact, the problem cannot be solved without addressing health care.

As this slide says, we need to urgently address health care reform to

help solve our Nation's fiscal crisis and also provide greater access to quality, affordable health coverage.

There are a lot of questions in my State about whether we are up to making the tough choices that need to be made to be able to create a piece of legislation that can produce meaningful reform and can do it in a way that changes the cost curve for Medicare and Medicaid. I, frankly, do not think we have a choice. I do not think we have a choice because our working families and small businesses cannot endure another decade like the last one.

These numbers apply to my State but are very similar in States all across the United States. In Colorado, if we look over the last 10 years, our median family income has actually gone down by about $800. By the way, that was before we entered the worst recession since the Great Depression. So that number is probably even worse today. Most certainly it is worse.

This, by the way, is an important issue for our working families, our families in our State, because it implies something about how well our economy is working or not working for middle-class families. It is very worrisome to see that our income is down $800. The national number, I believe, over the same period is that it is down $300.

But at the same time our families' revenues were flat, the health care cost premiums in Colorado went up by 97 percent—almost double. Mr. President, I can tell you, I have now visited every one of the 64 counties in Colorado and had conversations in every place. I can find people who disagree on everything. But I can also tell you there is not a single person in a single one of those counties who has said to me: My health care insurance is 97 percent better today than it was at the beginning of the decade or my health care coverage is 97 percent better than it was at the beginning of the decade. Thank you, MICHAEL BENNET, for making sure my costs went up by 97 percent. Nobody is saying that. In fact, the reverse is true. The quality of the coverage is actually going down.

In my State, also, over the same period of time, the cost of higher education has gone up by 50 percent. So here is what we are saying to our working families: You are going to have to make due with less. Your income in real dollars is going to be lower at the end of the decade than it was at the beginning of the decade. And, at the same time, you are going to have to assume dramatically increased health care premium costs and a dramatically increased cost for sending your child to one of our institutions of higher education.

It is no wonder that given the circumstances where household revenue is flat, the costs of things that are not nice to have—they are essential for the stability of our working families and our small businesses—that as our revenues have been flat, these costs have skyrocketed absolutely out of control. It is no wonder why, in my State and in States all across the United States, that the last decade saw a time when families were saving not what they usually saved—which is 7 percent of their net income—but zero, and going into debt with credit cards and home equity loans in order to try to bridge this extraordinary gap between their revenues and their costs.

This is the second slide I showed on this subject in my State. This just makes the point that today in the United States, we are spending roughly 18 percent of our gross domestic product on health care. That is going to 20 percent in the blink of an eye if we don't do something different. What I believe and what I said out there is that we can't hope to compete in this global economy if we are spending a fifth of our economy on health care and every other industrialized country in the world is spending less than half that, or at least if we can find a way to spend less than that on health care, we should so that we can compete.

It is no different than if you had two small businesses—and the Presiding Officer is a small business owner—two small businesses across the street from each other that did the exact same thing and one was spending a fifth of its revenue on its light bill and the small business across the street was spending less than half that. You don't need an MBA to know which of those two companies is going to be able to invest in its business plan and grow for the future. So if we are going to compete in the way I know this country can compete, we have to do better than spending more than twice what all of our competition is spending on health care.

This is another slide that shows just how tough this has become for our middle-class families in Colorado. What we see here is that this is between 2000 and 2007. Again, this is before we entered the worst recession since the Great Depression. The numbers would be worse today. But what this shows is the rate of increase of insurance premiums—that is the red line—and the rate of increase in wages, which is the blue line.

When I was in these meetings, I would ask: Are there any small business people here?

And they would say: Yes, we are here.

I would say: Is this related? Are these two curves related to each other?

And they said: Of course, they are related to each other, because we are doing everything we can to try to continue to offer health insurance to our employees, but one of the effects that is having is we can't pay people the salary increases to which they are entitled.

So there is a direct relationship between the cost of insurance and the wage compression that is happening in our State.

By the way, I would hazard a guess that one of the reasons median family income is down is that small businesses are struggling mightily to keep insuring their workforce.

This is just a slide that shows that if we don't change anything, if we hang on to the status quo, by 2016 a lot of our families are going to be spending 40 cents of every one of their household dollars on health insurance.

The current system is bankrupting a lot of our families. Sixty-two percent of all bankruptcies are health care related. But the amazing thing to me on this slide is that of those health care-related bankruptcies, nearly 80 percent of them were folks who had coverage. These are people who bought coverage, they paid into the system to create security, to create stability, and when they needed that protection, it wasn't there. As a result, their families went bankrupt.

By the way, this could happen to anybody. As the President said last night, you could be anybody. Nobody can predict when they are going to get sick or when a child of theirs is going to get sick. That is an important point too.

All of these slides, everything up here is not about the folks in our country who aren't insured or the folks in our country who are insured; this is about 300 million Americans. Everything we have talked about should be of concern to everybody in our country.

This slide just shows what the current system means for small businesses, which, again, have struggled mightily—family-owned businesses, small businesses—to keep insuring their workforce. The slide on the left tells us that our small businesses pay 18 percent more to cover their employees than large businesses do.

While I was on the road, somebody said to me: Well, Michael, don't you know the reason for that is they are small and their pool is smaller and it is harder to spread the insurance risks across a small group of people?

Of course, that is true. But from a business perspective, it is absolutely ridiculous because no small business owner I know would invest 18 percent more for something unless they were making their business 18 percent more productive. Of course, the reverse is true here because they are buying the same thing the large company is—except they are not even buying the same thing. It is not as though they are getting 18 percent better coverage for their employees than the larger employers. The deductibles are higher. The lack of predictability is greater. It is a huge problem for small businesses.

It is no surprise that in my State, between 2002 and 2007, you can see the drop in the percentage of folks who are insured at work. Most of our folks, like the folks in the State of the Presiding Officer, are employed by small businesses, and we can see the effect these cost increases are having. They are just not able to keep up with those increases. The proof is in the pudding. Here we see that over 50 percent of

small businesses in 2000 were insuring their workforce, and now we are at about 40 percent, and that number is dropping.

So in my view, no matter where you are on questions such as a public option—which I support and have supported—or not a public option, the thing that should find us all together is driving costs down in our system.

I won't bother to go through all of these tonight, but I will say that, in my judgment, a lot of this is pretty commonsense reform that we all ought to be able to support: Changing our incentive structure so we reimburse people based on quality of care, not the quantity of care.

Coordinating patient care. We have an incredible example of this in Colorado with the Rocky Mountain Health Plans on our Western Slope and Grand Junction, Mesa County, also at the University of Colorado at Denver, also at Denver Health, the public hospital in Denver. But there are examples all over this country, such as the Mayo Clinic, a place any one of us would be proud to send our kids or send our parents for care, which is delivering a higher quality of care at a lower price. It is something we should all be able to support.

More focus on money on preventive care.

Increased competition so that our families and small businesses have a broader pool from which to choose. Fifty-three percent of people in my State, the State of Colorado, are insured by just two insurers.

This is an important point we haven't talked about enough; that is, the investment in health care IT. When I traveled through the 64 counties, there was not a county that I went to where there wasn't a convenience store. Apart from the loose beef jerky that sits on the counter, everything in that store had a bar code on it. That is 1970s technology that people have used to manage the inventory of their local convenience store, the business owner has used to manage their inventory. Only 3 percent of hospitals in this country use that sort of technology. One out of 25 doctors in this country uses that technology.

I am a parent of three little girls. They are 10, 8, and 5. I can't tell you the number of times I have had to take them to the doctor or take them to an emergency room and have to explain again the whole story of why we were there and what the last doctor told us or what the last nurse told us. That is not the fault of the doctors or nurses, but it is the fault of having a system of insurance and a medical system that has not invested in technology.

I have spent roughly half my career in the private sector. When I look at the complete lack of investment in technology when it comes to health care and when it comes to electronic medical records, I find it breathtaking, staggering that we could have that kind of inefficiency. So this is an important investment as well.

Then, bundling payments to encourage medical professionals to work together for the benefit of patients.

The final slide I wanted to share is just a reminder that there is a lot of insurance reform that is part of the proposals that are floating around the Congress. This is the whole issue about having people no longer denied insurance because they have a preexisting condition or are losing their insurance because they face a lifetime cap of some kind that many people don't even know they have in their policy or because their child gets sick and nobody predicted that and they get thrown off their policy or because they lose their job. I think all of us can agree that is a good idea.

So as we leave this week and we go home again this weekend, as I get to go back to Colorado and continue to have conversations with people in my State, what I am going to be focused on are the areas of agreement that working families, small businesses, Democrats, Republicans, Independents, can all agree upon. I think if we could focus our energy there, focus our attention there, what we are going to find is that the areas of disagreement are actually smaller than we imagined them to be.

Finally, in my view, we have waited far too long to do these commonsense reforms. I know there is a lot of concern about our rushing into something, and I don't think we should rush. But I think we need to get this done, and I think we need to get it done right. The American people need us to because they cannot endure another 10 years of graphs that look like the ones I showed you.

I don't want to have to go back to Colorado and explain why only 25 percent of people are covered at work or why there has been another 97 percent increase in premiums or why, when people buy insurance, there is no predictability to that insurance. I have great hope and optimism that, working together, we are going to get that kind of health care reform done in a smart, wise, measured way, and in a way that will require implementation over a period of time. There is no doubt in my mind we are going to get this done.

With that, I thank the Chair for listening to my remarks.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. I ask unanimous consent that, under the previous order, the Senate adjourn until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:21 p.m., adjourned until Friday, September 11, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COMMODITY FUTURES TRADING COMMISSION

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2010 VICE WALTER LUKKEN, RESIGNED.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2015. (REAPPOINTMENT)

DEPARTMENT OF AGRICULTURE

HARRIS D. SHERMAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE MARK EDWARD REY, RESIGNED.

HARRIS D. SHERMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE MARK EDWARD REY.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANDREA M. CAMERON, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ANDREW J. BILLARD, OF CONNECTICUT

DEPARTMENT OF STATE

CLAYTON A. ALDERMAN, OF OREGON
LEAH G. ALLEN, OF ARKANSAS
ERIC P. ANDERSEN, OF THE DISTRICT OF COLUMBIA
NATHAN ANDERSON, OF TEXAS
ERIKA M. ARMSTRONG, OF VIRGINIA
NAHIDE BAYRASLI, OF THE DISTRICT OF COLUMBIA
JEREMY R. BERNDT, OF MASSACHUSETTS
THERESA A. BLACKBURN, OF VIRGINIA
DOUG BOUDREAU, OF VIRGINIA
SANDRA BOWERS, OF OHIO
CHARITY L. BOYETTE, OF VIRGINIA
DAVID BRADFIELD, OF NEVADA
JESSICA LYNN BRADSHAW, OF PENNSYLVANIA
ALEXANDREA M. BRATTON, OF VIRGINIA
JODI R. BREISLER, OF MINNESOTA
ALAN Z. BRINKER, OF THE DISTRICT OF COLUMBIA
SARA G. BURGESS, OF VIRGINIA
CIERA DAWN BURNETT, OF MASSACHUSETTS
VANNA CHAN, OF MINNESOTA
MATTHEW GLENN CHOWN, OF CALIFORNIA
DAWN M. COATS, OF VIRGINIA
BEAU E. CONAWAY, OF VIRGINIA
ANDREA LYNNE COPPAGE, OF MARYLAND
GIANGHIA NAR DAO, OF CONNECTICUT
KEVIN GREGORY DAUCHER, OF ARIZONA
JAMESON LEE DEBOSE, OF NEBRASKA
DIANE C. DEL ROSARIO, OF NEW YORK
THEODORE E. DIEHL, OF ILLINOIS
JOHN H. DOUGLAS, OF VIRGINIA
BRETT A. EGGLESTON, OF MASSACHUSETTS
BENJAMIN HARRIS ELLIS, OF GEORGIA
SAMANTHÉ A. EULETTE, OF GEORGIA
JOSEPH FARBEANN, OF MASSACHUSETTS
T'ERRANCE ELLIOTT FAVORS, OF COLORADO
NICHOLAS C. FIETZER, OF MINNESOTA
JOSHUA N. FINCH, OF WYOMING
TARA EILEEN FOLEY, OF VIRGINIA
MARY G. GAHNBERG, OF CALIFORNIA
M. SHAYNE GALLAHER, OF THE DISTRICT OF COLUMBIA
RAFAEL ANCHETA GONZALEZ, OF NORTH CAROLINA
KESHAV GOPINATH, OF CALIFORNIA
EMILY ROYSE GREEN, OF VIRGINIA
CHRISTOPHER M. GRELLER, OF WYOMING
TRAVIS AUSTIN GROUT, OF OHIO
STEPHEN W. GUENTHER, OF VIRGINIA
TOMAS ANDRES GUERRERO, OF VIRGINIA
BRIAN HALL, OF COLORADO
TIONA K. HARRISON, OF MARYLAND
ANA ELIZABETH HIMELIC, OF ARIZONA
ELIZABETH A. HOLCOMBE, OF INDIANA
DANIEL JOSEPH HORSFALL, OF TENNESSEE
ROBERT FREDERICK HUBER, OF TEXAS
ANGELA ITOGE, OF CALIFORNIA
JINANSHU C. JAIN, OF PENNSYLVANIA
BRIAN JOHNSON, OF NORTH CAROLINA
JONATHON A. KENT, OF IOWA
ANNA MARIE KERNER, OF SOUTH DAKOTA
JENNIFER BARNES KERNS, OF OKLAHOMA
MICHAEL J. KREIDLER, OF FLORIDA
SAMANTHA KUO, OF CALIFORNIA
SONIA LAUL, OF TEXAS
LI PING LO, OF VIRGINIA
ANDERS E. LYNCH, OF MARYLAND
BRITTANY KATHARYN MACKEY, OF VIRGINIA
EVAN CAMPBELL MAHER, OF WASHINGTON
CHRISTINE A. MARCUS, OF THE DISTRICT OF COLUMBIA
MEGHAN MCGILL, OF ARIZONA
JONATHAN MCKAY, OF WASHINGTON
CHRISTOPHER PAUL MEADE, OF CALIFORNIA
JONATHAN M. MERMIS—CAVA, OF CALIFORNIA
JAMES THOMAS MOFFITT, OF NEW MEXICO
ANDREW R. MOORE, OF MICHIGAN
SASHA K. MORENO, OF TEXAS
TRAVIS J. MURPHY, OF TEXAS
ALEXIS VESTA RUTH MUSSOMELI, OF WASHINGTON
LORENZO NEW, OF FLORIDA
MORGAN J. O'BRIEN III, OF NEW YORK
KEVIN JAMES OGLEY, OF CALIFORNIA

KELSEY PAYNE, OF VIRGINIA
CHARLES JOHN PEREGO, OF THE DISTRICT OF COLUMBIA
MATTHEW PHILLIPS, OF VIRGINIA
JESSICA PINO, OF THE DISTRICT OF COLUMBIA
LANCE L. POSEY, OF TENNESSEE
REGIS E. PREVOT, OF MAINE
JOSE M. QUEIROS, OF THE DISTRICT OF COLUMBIA
DANIEL RAKOVE, OF CALIFORNIA
ERIKA REGINA REYNOLDS, OF ILLINOIS
NICHOLAS HICKSON REYNOLDS, OF NEW HAMPSHIRE
VALERIA C. REYNOLDS, OF VIRGINIA
MICHAEL KEITH RITCHIE, OF ARIZONA
DAVID B. ROCHFORD, OF LOUISIANA
BRIAN P. ROGERS, OF MARYLAND
STEVEN DOUGLAS ROTH, OF VIRGINIA
JOHNATHAN MICHAEL ROY, OF TEXAS
LISA D. SALMON, OF VIRGINIA
ANDREW M. SCHNEIDER, OF ILLINOIS
STACY M. SESSION, OF COLORADO
CHARLES CASEY SHAMBLIN, OF VIRGINIA
SUCHETA SHARMA, OF GEORGIA
HYON B. SIM, OF THE DISTRICT OF COLUMBIA
GURDIT SINGH, OF MISSOURI
ANGIE C. SMITH, OF OHIO
SAMANTHA SMITH, OF OREGON
ELENA SODERBLOM, OF MARYLAND
TAMARA N. STERNBERG, OF WYOMING
ROBERT STEVENS, OF FLORIDA
PAUL STRAUSS, OF NEVADA
REBECCA LYNNE STRUWE, OF VIRGINIA
JOHN DAVID STUBBS, JR., OF NORTH CAROLINA
CHARLES ARTHUR THOMAS, OF TEXAS
GARY W. THOMPSON, OF VIRGINIA
AQUEELAH S. TORRANCE, OF PENNSYLVANIA
AMANDA JEAN TYSON, OF VIRGINIA
LYNN VACCA, OF GEORGIA
SHIRAZ U. WAHAJ, OF FLORIDA
MATTHEW BRENT WEST, OF VIRGINIA
SEAN P. WHALEN, OF MARYLAND
ANDREA TOLL WHITING, OF VIRGINIA
QUINTAN WIKTOROWICZ, OF VIRGINIA
JEFFREY A. WILLETT, OF VIRGINIA
BENJAMIN STEVEN WILLIAMS, OF TEXAS
KIMBERLY E. WILLIAMS, OF FLORIDA
JEFFREY ERIC ZINSMEISTER, OF CALIFORNIA
ALEKSANDRA PAULINA ZITTLE, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, September 10, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

CASS R. SUNSTEIN, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF THE INTERIOR

ANTHONY MARION BABAUTA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

EXECUTIVE OFFICE OF THE PRESIDENT

GARY S. GUZY, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF ENVIRONMENTAL QUALITY.

DEPARTMENT OF COMMERCE

JOHN R. FERNANDEZ, OF INDIANA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

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.