United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, MARCH 25, 2010 No. 48

Senate

The Senate met at 9:46 a.m. and was called to order by the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Ricky A. Phillips, Pastor, St. John's Church, Winfield, PA, and Zephyr Union Church, Lewisburg, PA.

The guest Chaplain offered the following prayer:

Let us pray.

Creator God, our Maker and Redeemer, You bless us every day with the beauty of creation. When we look at creation, we can see the beauty of its diversity. In this room today, we can see this wonderful diversity. There are many different God-given talents.

May Your presence be felt by all the Senators, and may they come to You for guidance and comfort. May You bless them and give them the ability to recognize the strength of this diversity in its fullest capacity.

These are tough times. There are many who are in need. There are many who are hurting.

Empower our Senators to celebrate this diversity by helping them to reconcile these different talents so that they can help those who are in need and those who cannot defend themselves. May they yield themselves to Your will in order to fulfill Your purposes for our Nation and the world.

In Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. GILLIBRAND). The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today we will resume voting on amendments and motions to the health care legislation. Senators should expect a series of votes to begin momentarily.

Under a previous agreement, we will proceed to passage of reconciliation at 2 p.m. today. Other votes will still be possible with respect to short-term extensions of provisions that expire over the break, I should notify all Members.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4872, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, the Senator from Nevada is going to be recognized to offer an amendment at this time. I note that after the Senator from Nevada, the plan is to go to Senator COBURN, Senator SESSIONS, Senator CORNYN, Senator GRASSLEY, Senator BROWNBACK, Senator VITTER and Senator DEMINT, and then maybe Senator COBURN again and then maybe Senator ENSIGN again.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3593

Mr. ENSIGN. Madam President, I call up amendment No. 3593.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 3593.

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

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

The amendment is as follows:

(Purpose: To improve access to pro bono care for medically underserved or indigent individuals by providing limited medical liability protections)

At the end of subtitle B of title II, insert the following:

SEC. 2___. HEALTH CARE SAFETY NET ENHANCEMENT.

(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional shall not be liable in any medical malpractice lawsuit for a cause of action arising out of the provision of, or the failure to provide, any medical service to a medically underserved or indigent individual while engaging in the provision of pro bono medical services.

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

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(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of pro bono care for a medically underserved or indigent individual; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) DEFINITION.—In this section—

(1) the term ''medically underserved individual'' means an individual who does not have health care coverage under a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term ''indigent individual'' means and individual who is unable to pay for the health care services that are provided to the individual.

Mr. ENSIGN. Madam President, very briefly, this is an amendment to improve the health care system in America. We talk about making health care more affordable. One of the ways to do that is to encourage people to give away health care.

In my veterinary practice, I used to give away about 10 to 20 percent of my business. I did not have to be worried about being sued. Every doctor, every health care provider I have talked with, if they give away, if they do it pro bono, if they do it out of compassion, that is one of the first times they are going to get sued.

What this amendment says is, unless there is gross negligence, if a health care provider is giving their services away out of the compassion of their heart, they cannot be sued. It is a very simple amendment.

We have had this debate on the Senate floor before. This would greatly improve our medical system by encouraging people to be compassionate for those who cannot afford medical care, but they should not have to be worried about being sued if they happen to be compassionate enough to give their services away.

This is a commonsense amendment. I encourage all our colleagues to vote for this amendment. This will improve our health care system in the United States.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. Madam President, we just now saw this amendment. We have to look at it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, as I said, we were just handed this amendment. We have now examined it. This is an amendment that is related to medical malpractice and tort reform. There are a lot of provisions already in the bill which cover this subject. However, the main point of this amendment is not the jurisdiction of the relevant committees.

I raise a point of order that the Ensign amendment would violate section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The yeas and nays resulted—yeas 40, nays 55, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—40

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

NAYS—55

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

NOT VOTING—5

Boxer	Cantwell	Lautenberg
Byrd	Isakson	

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mr. GREGG. Madam President, I understand we will now be having 10-minute votes. Is that correct?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. I ask unanimous consent that all additional votes on this bill be 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 3700

Mr. COBURN. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3700.

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

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

The amendment is as follows:

(Purpose: To help protect Second Amendment rights of law-abiding Americans)

At the end, add the following:

TITLE III—SECOND AMENDMENT PROTECTION

SEC. 3001. VETERANS SECOND AMENDMENT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Veterans 2nd Amendment Protection Act''.

(b) CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision

of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

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

Mr. COBURN. Madam President, 140,000 of our troops have lost their second amendment rights as they go through the VA hospital system. They are not a danger to themselves or anyone else. This amendment is something that has passed this body unanimously, has come out of the committee unanimously, but still we have 140,000 of our long-serving veterans who have lost their rights to own a gun, hunt with their grandchildren, or to hunt birds in North Dakota.

We have taken it away, not because of anything we did, because the bureaucracy did it. This amendment restores that. As they have gone through the VA system and the health care system, a bureaucrat has taken that right away.

This is supported by the National Alliance on Mental Illness, AMVETS, Military Order of Purple Heart, NRA, Gun Owners of America, Veterans of Foreign Wars, and the American Legion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a health care reform——

Mr. COBURN. They lost it under their health care.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. This is a health care reform bill, and we should keep all amendments to that subject. When we were sworn in as Senators, we took an oath of office to support the Constitution of the United States, which clearly includes the second amendment. All of us have a strong belief in the second amendment to our Constitution. But whatever you think about second amendment rights and the application of the second amendment, whatever you think about veterans and the relationship to questions of competency, I think we all should agree that neither what anybody thinks about second amendment rights or what veterans' relations should be to that should be in this bill. This is a health care bill.

I note this bill already explicitly protects the rights of gun owners. Therefore, because this amendment is nearly entirely composed of matter outside the jurisdiction of the reconciled committees, I raise a point of order that the Coburn amendment violates section 313(b)(1)(C) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-as-you-go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

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

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—45

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

NAYS—53

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

NOT VOTING—2

Byrd	Isakson

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

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

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3701

Mr. SESSIONS. Madam President, President Obama made a promise to the American people that health care legislation would not provide benefits to those illegally in the country.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment?

Mr. SESSIONS. I would call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3701.

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

The amendment is as follows:

(Purpose: To ensure that Americans are not required to pay for the health benefits for those here illegally by requiring the use of an effective eligibility verification system, consistent with existing law for other Federal health related programs, and to also maintain the current, and well-established requirement of law, that legal immigrants should not become a ''public charge'' or burden to the American taxpayers, to reduce the cost of this bill, and to reduce the deficit and for other purposes)

At the end of subtitle A of title I, insert the following:

SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGIBILITY VERIFICATION SYSTEM.

(a) ELIGIBILITY FOR CREDITS AND COST-SHARING REDUCTIONS.—

(1) CREDITS.—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (c) (1), by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) by striking paragraph (3) of subsection (e).

(2) REDUCED COST-SHARING.—Section 1402 of the Patient Protection and Affordable Care Act is amended—

(A) by striking the last sentence of subsection (b),

(B) by striking paragraph (3) of subsection (e), and

(C) by adding at the end of subsection (f) the following:

''(4) SUBSIDIES TREATED AS PUBLIC BENEFIT.—Notwithstanding any other provision of this Act or any other provision of law, for purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), the following shall be considered a Federal means-tested public benefit:

''(A) The ability of an individual to purchase a qualified health plan offered through an Exchange.

''(B) The premium tax credit established under section 1401 of this Act (and any advance payment thereof).

''(C) The cost sharing reductions established under this section (and any advance payment thereof).''.

(b) ELIGIBILITY DETERMINATIONS.—Section 1411 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)—

(A) by striking so much of such subsection as precedes paragraph (1) and inserting:

''(a) VERIFICATION PROCESS.—The Secretary shall ensure that eligibility determinations required by this Act are conducted in accordance with the following requirements, including requirements for determining:'', and

(B) by inserting ''eligible'' before ''alien'' in paragraph (1),

(2) in subsection (b)(1)—

(A) by inserting ''the Exchange with the following'' after ''provide'',

(B) by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

''(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that each enrollee is either a citizen or national of the United States or an eligible lawful permanent resident meeting the requirements of section 1402(f)(3) of this Act and identifying the applicable eligibility status for each enrollee; and'', and

(C) by inserting ''and documentation'' after ''information'' in subparagraph (C) (as so redesignated),

(3) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

''(A) In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, the enrollee shall provide satisfactory evidence of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

''(B) In the case of an individual whose eligibility is based on attestation of the enrollee's immigration status—

''(i) such information as is necessary for the individual to demonstrate they are in 'satisfactory immigration status' as defined and in accordance with the Systematic Alien Verification for Entitlements (SAVE) program established by section 1137 of the Social Security Act (42 U.S.C. 1320b–7), and

''(ii) any other additional identifying information as the Secretary, in consultation with the Secretary of Homeland Security, may require in order for the enrollee to demonstrate satisfactory immigration status.'',

(4) by striking so much of subsection (c) as precedes paragraph (3) and inserting the following:

''(c) VERIFICATION OF ELIGIBILITY THROUGH DOCUMENTATION.—

''(1) IN GENERAL.—Each Exchange shall conduct eligibility verification, using the information provided by an applicant under subsection (b), in accordance with this subsection.

''(2) VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS.—

''(A) VERIFICATION OF ATTESTATION OF CITIZENSHIP.—Each Exchange shall verify the eligibility of each enrollee who attests that they are a citizen or national of the United States, as required by subsection (b)(1)(A) of this section, in accordance with the provisions of section 1903(x) of the Social Security Act.

''(B) VERIFICATION OF ATTESTATION OF ELIGIBLE IMMIGRATION STATUS.—Each Exchange shall verify the eligibility of each enrollee who attests that they are eligible to participate in the exchange by virtue of having been a lawful permanent resident for not less than 5 years, as required by subsection (b)(l)(B) of this section, in accordance with the provisions of section 1137 of the Social Security Act.'',

(5) by striking subparagraph (B) of subsection (c)(4),

(6) by striking subsection (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively, and

(7) by striking ''under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010)'' in subsection (d)(3) (as redesignated under paragraph (6)) and inserting ''in accordance with the secondary verification process established consistent with section 1137 of the Social Security Act (as is in effect as of January 1, 2009)''.

Mr. SESSIONS. I would note that loopholes do remain in the health care legislation. My amendment would simply ensure that the promise that has been made to the American people would be kept. It sets up an effective eligibility verification system consistent with that for other Federal health-related programs.

The amendment maintains current law, which prohibits legal immigrants from becoming a public charge on the taxpayers. It also prohibits the Secretary from drafting any regulation that would amend or alter these principles, principles that the President, the Congress, and the American people have said they support. The amendment would reduce fraud and the financial burden of the legislation on the American taxpayers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I urge my colleagues to oppose the Sessions amendment. It does two things. First, it requires legal permanent residents in the United States to produce documentary proof of their legality. We tried this under Medicaid and found out that many people in our country, the elderly and others, found it difficult to produce documentation though they were clearly eligible and clearly legal and entitled to basic assistance.

Instead, our bill that we passed, health care reform, verifies that a person is legal by declaration of their Social Security number, which is verified. So we go through a good process here to make sure only those eligible will receive, and, secondly, what Senator SESSIONS' amendment does, is say to legal permanent residents paying taxes, they cannot use the Tax Code like other citizens for deductions and credits for 5 years. They are paying taxes under the Tax Code. They should be allowed the same tax credits as other Americans, other people living in this country.

I urge my colleagues to defeat it for those two reasons, and the fact that this is an attempt to derail this bill.

I move to table the Sessions amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

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

[Rollcall Vote No. 95 Leg.]

YEAS—55

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

NAYS—43

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

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3698

Mr. CORNYN. Madam President, I call up amendment No. 3698 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3698.

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

The amendment is as follows:

(Purpose: To ensure that health care reform reduces health care costs for American families, small businesses, and taxpayers)

At the end of subtitle F of title I, insert the following:

SEC. 1___. LIMITATION ON APPLICATION OF ACTS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not implement the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2011 until the Office of the Actuary at the Centers for Medicare & Medicaid Services certifies to Congress that such Acts will reduce National health expenditures relative to the level of such expenditures under current law.

Mr. CORNYN. Madam President, this amendment would ensure that health care reform costs are lowered by this piece of legislation. If independent actuaries for the Centers for Medicare and Medicaid Services cannot certify that this health care reform legislation lowers national health expenditures, this bill will not go into effect.

I reserve the remainder of my time before the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment is a thinly disguised attempt to kill health care reform. Let me explain why. I remind my colleagues that the Congressional Budget Office has told us that in the first 10 years the bill actually will reduce the deficit by a significant amount. CBO also informs us that health care reform will lower premiums for 97 percent of Americans, improve benefits for many who are underinsured, and health care reform will bend the growth curve of health care spending. The CMS Actuary also says that national health care spending will be lower under the law than it will be without reform. In 2019, health spending will be 6.7 percent, compared to 7.2 without reform.

To prohibit implementation unless all these projections bear out is just another attempt to kill the bill. For that reason, I urge colleagues to resist this amendment.

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

The Senator from Texas.

Mr. CORNYN. Madam President, if you raise taxes enough and if you cut Medicare enough, you might be able to claim, through phony bookkeeping, that somehow this cuts the deficit. The administration's own actuaries have concluded this law will raise health care costs. That is why it is important we pass this amendment, so that the central purpose of this legislation—to bend the cost curve down—is actually realized.

I urge colleagues to support the amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we need to move these amendments more quickly. We have an agreement. We want to make sure everyone continues working in good faith. I ask unanimous consent that all future votes, starting with this one, be 10 minutes, and we will only have 2 minutes for the penalty period, so to speak. After 12 minutes, the votes are going to be cut off. Everyone should understand.

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

Mr. BAUCUS. Madam President, I move to table the Cornyn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—58

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

NAYS—40

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

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3569

Mr. GRASSLEY. Mr. President, I call up amendment No. 3569.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3569.

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

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

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to ensure Medicare beneficiary access to physicians, eliminate sweetheart deals for frontier States, and ensure equitable reimbursement under the Medicare program for all rural States)

At the end of subtitle B of title I, insert the following:

SEC. ____. REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, subparagraph (H) of section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)), as added by section 3102(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

''(H) PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT FOR 2010 AND SUBSEQUENT YEARS.—

''(i) FOR 2010.—Subject to clause (iii), for services furnished during 2010, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect ½ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(ii) FOR 2011.—Subject to clause (iii), for services furnished during 2011, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect ¼ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(iii) HOLD HARMLESS.—The practice expense portion of the geographic adjustment factor applied in a fee schedule area for services furnished in 2010 or 2011 shall not, as a result of the application of clause (i) or (ii), be reduced below the practice expense portion of the geographic adjustment factor under subparagraph (A)(i) (as calculated prior to the application of such clause (i) or (ii), respectively) for such area for such year.

''(iv) ANALYSIS.—The Secretary shall analyze current methods of establishing practice expense geographic adjustments under subparagraph (A)(i) and evaluate data that fairly and reliably establishes distinctions in the costs of operating a medical practice in the different fee schedule areas. Such analysis shall include an evaluation of the following:

''(I) The feasibility of using actual data or reliable survey data developed by medical organizations on the costs of operating a medical practice, including office rents and nonphysician staff wages, in different fee schedule areas.

''(II) The office expense portion of the practice expense geographic adjustment described in subparagraph (A)(i), including the extent to which types of office expenses are determined in local markets instead of national markets.

''(III) The weights assigned to each of the categories within the practice expense geographic adjustment described in subparagraph (A)(i).

In conducting such analysis, the Secretary shall not take into account any data that is not actual or survey data.

''(v) REVISION FOR 2012 AND SUBSEQUENT YEARS.—As a result of the analysis described in clause (iv), the Secretary shall, not later than January 1, 2012, make appropriate adjustments to the practice expense geographic adjustment described in subparagraph (A)(i) to ensure accurate geographic adjustments across fee schedule areas, including—

''(I) basing the office rents component and its weight on occupancy costs only and making weighting changes in other categories as appropriate;

''(II) ensuring that office expenses that do not vary from region to region be included in the 'other' office expense category; and

''(III) considering a representative range of professional and non-professional personnel employed in a medical office based on the use of the American Community Survey data or other reliable data for wage adjustments.

Such adjustments shall be made without regard to adjustments made pursuant to clauses (i) and (ii) and shall be made in a budget neutral manner.

''(vi) SPECIAL RULE.—If the Secretary does not complete the analysis described in clause (iv) and make any adjustments the Secretary determines appropriate for 2012 or a subsequent year under clause (v), the Secretary shall apply clause (ii) for services furnished during 2012 or a subsequent year in the same manner as such clause applied for services furnished during 2011.''.

SEC. ___. ELIMINATION OF SWEETHEART DEAL THAT INCREASES MEDICARE REIMBURSEMENT JUST FOR FRONTIER STATES.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 10324 of such Act (and the amendments made by such section) is repealed.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. GRASSLEY. Mr. President, this is about geographical equity for all States. The Senate health reform bill just signed into law includes a frontier sweetheart deal that improves Medicare payments for five rural States at the expense of the other 45. The special deal is for North Dakota, South Dakota, Montana, Utah, and Wyoming. The Washington Post calls these deals the ''Candy Land'' of the health care bill. Repealing this provision will not kill the bill because it has to go back to the House anyway.

My amendment also ensures that Health and Human Services cannot undo the formula fix that my amendment established in the Senate health care bill that is now law.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, I have the highest regard for my good friend from Iowa. We work very closely together. We want to make sure our States are fully incorporated, involved in the national health care delivery system; that is, rural States. We also want a balance between urban and rural. It is the only fair solution. This bill has that balance.

I might say, there are some—I chuckle a little bit—I have talked to some of my friends in the East who talk about rural America—rural New York or rural Illinois or rural Indiana—and I appreciate that very much. But we are talking here, with frontier States, with what is really rural: only about six people per square mile.

So I say to my friend from Iowa, we have the balance in the bill. We should maintain that current balance. I think this amendment is inadvisable, and I urge us to not support it.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 3697

Mr. BROWNBACK. Madam President, I call up, on behalf of myself and Senator MURKOWSKI, amendment No. 3697 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Ms. MURKOWSKI, proposes an amendment numbered 3697.

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

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

The amendment is as follows:

(Purpose: To index tax thresholds imposed under the legislation to prevent the government from using inflation to impose those taxes on individuals currently making less than $200,000 and families making less than $250,000)

At the end of section 1402(a), insert the following:

(5) INFLATION ADJUSTMENT.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b), subparagraphs (A) and (C) of section 3101(b)(2), and clauses (i) and (iii) of section 1401(b)(2)(A) shall be increased by an amount equal to—

''(1) such amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof. If any increase determined under this subsection is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.''.

Mr. BROWNBACK. Madam President, this is a very simple but very important amendment in the sense that the new surtaxes on Medicare, on wages, and on unearned income are not indexed for inflation. All of my colleagues are familiar with the problem we have had with the alternative minimum tax being not indexed for inflation, and with that being a problem, it is now built into this bill. This new surtax is not indexed for inflation.

If I can show my colleagues for a moment, on this chart, we can see how quickly, with a 4-percent rate of inflation, the people who are getting the subsidy today will be taxed as high income in a few years. This is a problem we are very familiar with. We fight with it regularly. It is part of the funding base of this bill. It needs to be taken out. The bill should not be paid for with inflation, and we are all too likely to have significant inflation.

So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a lot of sympathy with the amendment. We don't want to get into an AMT situation. The AMT was not indexed when the AMT was enacted. We are now paying the price today. It is very possible that if this level is not indexed, we may be paying the price later on, in several years' time, but this is not the time or place.

I might also say there are other provisions in the bill that are not indexed, such as the affordability provisions. That is not indexed. I don't think it is fair to index only for upper income and others whose incomes are below $20,000. But it is an issue, and we will address this at a subsequent date because it must be.

In the meantime, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

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

[Rollcall Vote No. 98 Leg.]

YEAS—56

Akaka	Bingaman	Cantwell
Baucus	Boxer	Cardin
Begich	Brown (OH)	Carper
Bennet	Burris	Casey

Conrad	Kohl	Reed
Dodd	Landrieu	Reid
Dorgan	Lautenberg	Rockefeller
Durbin	Leahy	Sanders
Feingold	Levin	Schumer
Feinstein	Lieberman	Shaheen
Franken	Lincoln	Specter
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson	Murray	Warner
Kaufman	Nelson (NE)	Whitehouse
Kerry	Nelson (FL)	Wyden
Klobuchar	Pryor	

NAYS—42

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

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

AMENDMENT NO. 3665

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent that amendment No. 3665 be called up and immediately considered.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3665.

Mr. VITTER. I ask unanimous consent that the reading of the whole be waived.

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

The amendment is as follows:

(Purpose: To prevent the new government entitlement program from further increasing an unsustainable deficit)

At the end of subtitle B of title I, insert the following:

SEC. _____. SUSPENSION OF THE ACT.

If at the beginning of any fiscal year OMB determines that the deficit targets set forth in the CBO report of March 20, 2010 will not be met, the provisions of this Act and the Patient Protection and Affordable Care Act shall be suspended for that year.

Mr. VITTER. Madam President, I was very happy to hear the distinguished chairman of the Finance Committee absolutely promise that the ObamaCare bill will reduce the deficit, and the CBO projects that. The problem is, I think the American people have a very different view based on their gut common sense. There was a recent national scientific poll that showed significantly more Americans think there is life on Mars than think that the bill will reduce the deficit.

My amendment is a simple, straightforward way to settle the question. It says for any fiscal year when those CBO costs or deficit reduction projections are busted, the entire ObamaCare bill is suspended. So, in fact, if this is ballooning spending and ballooning the deficit, we will stop it in its tracks. I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, we have had all sorts of amendments this morning. We have had amendments on malpractice, we have had amendments on guns, we have had amendments on immigration. Even last night we had amendments on some very interesting subjects, but this is the return of the killer amendment. We had a few killer amendments yesterday, and this is the return of the killer amendment.

Why is it a killer amendment? Basically because this would suspend health care reform if certain arbitrary budget targets are not met. It is on again, off again, wondering about the other. It is clearly designed to kill the bill. Therefore, Madam President, I raise a point of order that the Vitter amendment violates section 313(b)(1)(c) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, my amendment only kills the bill——

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

Mr. VITTER. If the bill busts the budget.

Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question occurs on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Utah (Mr. BENNETT).

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

The yeas and nays resulted—yeas 39, nays 56, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—39

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

NAYS—56

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

NOT VOTING—5

Bennett	Isakson	Udall (CO)
Byrd	Landrieu	

The PRESIDING OFFICER. On this vote, the yeas are 39 and the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO COMMIT

Mr. DEMINT. I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina. [Mr. DEMINT] moves to commit the bill H.R. 4872 to the Committee on Finance of the Senate with instructions to report the same back to the Senate within 1 day with changes that ensure that the Patient Protection and Affordable Care Act (including the amendments made by such Act) does not prohibit Americans from purchasing health insurance across State lines.

Mr. DEMINT. Madam President, this motion will ensure that the new government health regime that has just been made law will not prohibit Americans from purchasing private health insurance plans across State lines without going through a government exchange.

Throughout this yearlong health care debate, we have talked about the importance of competition between insurance companies, how it could bring accountability and lower costs. Yet the laws of the land have actually created State-by-State monopolies that have not been responsive to the American people and have run up costs.

This motion could change that, creating hundred of choices, for Americans all across our Nation, with insurance companies competing for their business. CBO says this would lower their costs at least 5 percent; other folks say much more, particularly if you are in a State with a lot of mandates.

I encourage my colleagues to support my motion.

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

The Senator from Montana.

Mr. BAUCUS. This is a motion to commit to the Finance Committee obviously designed to kill the bill. Clearly, there is inadequate competition among insurance companies in most of our States. In fact, in most States I think there are maybe just two major companies. We want to encourage much more competition.

Allowing them to sell across State lines is in concept a good idea, but it must be done responsibly. The underlying bill—the bill that passed, actually—does allow for interstate compacts. States can compact to sell across State lines. Once the exchange is open in 2014, insurance companies will automatically be able to sell across State lines. But to allow sales now would be irresponsible because it would encourage a race to the bottom. By that, I mean that irresponsible companies will be inclined to go to States with the lowest standards and then sell health insurance to other parts of the country, so people in other States will have virtually no remedies.

It makes sense to have health care reform provisions in place, and then we can sell across State lines with compacts through the exchanges.

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

Mr. BAUCUS. I move to table the DeMint motion, and I ask for the yeas and nays.

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

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

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—56

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

NAYS—43

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

NOT VOTING—1

Isakson

The motion was agreed to.

AMENDMENT NO. 3710

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I call up amendment No. 3710.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. BROWN of Massachusetts, proposes an amendment numbered 3710.

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

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

The amendment is as follows:

(Purpose: To strike the penalty for failure to comply with the individual mandate)

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF PENALTY FOR FAILURE TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subsections (b), (c), (e), and (g).

Mr. ENSIGN. I call the attention of the Senate to this clever cartoon. This cartoon has captured a very important part of this health care bill. It is a Trojan horse that says ''health care reform'' on it. You see a bunch of IRS agents coming out.

My amendment goes to the heart of one of the problems with this bill. There is an individual mandate that puts fines on people that can also attach civil penalties. And 16,500 new IRS agents are going to be required to be hired because of the health care reform bill.

Do we want IRS agents showing up at people's houses, not only to audit them because of their taxes but because now they are not paying an individual mandate fine? I do not think America wants expansion of the IRS. We should be focusing on jobs, not new jobs for IRS agents.

I encourage my colleagues to vote for this amendment that would eliminate the individual fines on the individual mandates and civil penalties.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, the whole premise, the theory of health care reform is that it is a shared responsibility—employers, employees, American citizens, companies, a shared solution here.

The bill already waives any criminal penalties. That is taken out of the bill. No criminal penalties. A person cannot go to jail. That is provided for in the bill that was signed a couple of days ago. The bill also limits collection activities. It is very sensitive to the points made by the Senator from Nevada. It has a good balance of responsibility and accountability. But there must be some consequence of somebody not living up to his or her shared responsibility. It is very sensitive to doing this in the right way. I think it is a good balance. Their amendment goes way too far by eliminating any consequences.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. KAUFMAN), is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. KAUFMAN) would vote ''aye.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—58

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

NAYS—40

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

NOT VOTING—2

Isakson Kaufman

The motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3711

Ms. MURKOWSKI. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI] proposes an amendment numbered 3711.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide an inflation adjustment for the additional hospital insurance tax on high-income taxpayers)

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition'', and

(ii) by striking ''and which are in excess of'' and all that follows and inserting ''and which are in excess of—

''(i) in the case of a joint return, $250,000,

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting ''(after the application of subparagraph (B))'' after ''subparagraph (A)''.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Ms. MURKOWSKI. Madam President, the amendment I offer is simple. What we are doing is indexing for inflation the Medicare tax increase the majority has levied on the American people through this health care bill. Under the bill that is now law, Medicare taxes are going to jump .9 percent for certain income groups. This is about an $86 billion tax hike. My amendment aim is to contain the damage by indexing for inflation the wage thresholds for those subject to the tax increase. The amendment is very similar to what my friend from Kansas offered not too many amendments ago. It is a reminder that we have gone down this path before with the AMT. The AMT was not indexed for inflation. Today we have nearly 30 million taxpayers hit by the AMT tax. We deal with it every year through the AMT patch. I wish to make sure we are not repeating history.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, as I said on the Brownback amendment, there is much to be said for indexing this provision. It is true we don't want to get back into the situation we now face with the AMT because the AMT was not originally indexed. Unfortunately, the current amendment will be offset with unspent, unallocated mandatory spending of stimulus funds. Unemployment is still hovering close to 10 percent. There is growing evidence the recovery package is working. I don't think we want to stifle the stimulus now. Over the last 6 months of 2009, the economy grew at an annual rate of 4 percent. The fourth quarter grew at a higher rate, but that was due to an inventory situation. By and large, it is not proper to offset this with stimulus dollars. We will find some time at a later date to deal with this issue. I do think it is a serious issue.

I raise a point of order that the Murkowski amendment violates section 313(b)(1)(c) of the Congressional Budget Act.

Ms. MURKOWSKI. Pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—42

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

NAYS—57

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

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Texas.

AMENDMENT NO. 3634

Mrs. HUTCHISON. Madam President, I call up amendment No. 3634.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3634.

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

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

The amendment is as follows:

(Purpose: To strike the 2-year limitation on the small business tax credit for taxable years after the Exchanges open)

At the end of subtitle A of title I, insert the following:

SEC. 1006. REPEAL OF TAXABLE YEAR LIMITATION ON SMALL BUSINESS TAX CREDIT.

(a) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986, as added by section 1421 of the Patient Protection and Affordable

Care Act and amended by section 10105(e) of such Act, is amended—

(1) by striking ''in the credit period'' in subsection (a),

(2) in subsection (e), by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively,

(3) in subsection (g), by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(4) by striking ''to prevent the avoidance of the 2-year limit on the credit period through the use of successor entities and'' in subsection (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Patient Protection and Affordable Care Act to which the amendments relate.

Mrs. HUTCHISON. Madam President, our small businesses are struggling. We all know that. We are trying to encourage small businesses to hire and help our economy. Yet when this bill passes, our small businesses are going to have a tax credit if they offer health care to their employees, but what we are not telling the American people is that tax credit is limited to 2 years once the bill becomes fully effective. When the exchange opens, then the tax credit will last for 2 years.

My amendment assures this is not going to be a bait-and-switch to our small businesspeople; that they will be able to have the tax credit permanently if they offer health care to their employees and they are a business of 25 employees and under.

I hope our colleagues will support this amendment to help these small businesses. That is what will encourage them to offer health care to their employees.

The PRESIDING OFFICER (Mr. BURRIS). The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, in an effort to help small business, there are many provisions in this bill to accomplish that result. One is $37 billion in tax credits that are in this bill already for small business.

I do agree with the Senator from Texas, though, that it would be better if the credit, which is available for 2 years beginning in 2014 when the exchange is up and running, was extended. That would be my preference. But right now, in 2010, we are short on money, frankly, and we can't find all the money that is necessary to make that permanent to accomplish the wishes of the Senator from Texas. But I do say I am sympathetic with extending that 2 years, and we will work to try to find ways in the future to accomplish that.

In the meantime, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

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

[Rollcall Vote No. 103 Leg.]

YEAS—55

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

NAYS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Byrd	Hutchison	Tester
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NOT VOTING—2

Bayh	Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 3712

Mr. CORNYN. Mr. President, I ask unanimous consent to call up amendment No. 3712, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3712.

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

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

The amendment is as follows:

(Purpose: To give States incentives to reduce fraud, waste, and abuse in their Medicaid programs)

At the end of subtitle C of title I, add the following:

SEC. 1207. FMAP REDUCTION FOR HIGH PAYMENT ERROR RATE.

Section 1905 of the Social Security Act, as amended by section 1202(b) of this Act, is amended by adding at the end the following:

''(ee) DECREASED FMAP FOR HIGH PAYMENT ERROR RATE MEASUREMENT.—Notwithstanding any other provision of this title, beginning January 1, 2014, in the case of a State for which the payment error rate measurement (commonly referred to as 'PERM') is at least 10 percent, the Federal medical assistance percentage otherwise applicable to the State with respect to payments for medical assistance for individuals enrolled in the State plan under subclause (VIII) or (IX) of section 1902(a)(10)(A)(i) or subclause (XX) or (XXI) of section 1902(a)(10)(A)(ii) shall be reduced by 1 percentage point until the date on which the Secretary determines that the PERM for the State is below 10 percent.''.

Mr. CORNYN. Mr. President, this amendment will lower the deficit while attacking the scourge of fraud and waste in our Medicaid Program. The $3.4 trillion Medicaid Program is riddled with waste, fraud, and abuse, and improper repayment rates that range roughly in the 10-percent range for the Nation. Some States and some cities are even worse.

In Washington, DC, 19.3 percent of Medicaid payments are classified by Health and Human Services as improper payments. In Oregon, one out of every five people on Medicaid is not even eligible to be on Medicaid. That is 20 percent.

This amendment takes the $434 billion that we are putting into the health care coverage, much of it in Medicaid, and it provides a financial incentive for the States to reduce their improper payment rates.

Since the Medicaid expansion does not go into effect until 2014, this provides a more than adequate period of time for the States to comply with bringing their improper payment rates down under Medicaid and thus to avoid any penalty under this amendment.

I ask my colleagues for their consideration.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we all want to fight fraud, waste, and abuse. In fact, there are many provisions in this bill which so provide. To add to that, when we negotiated the bill, the White House came up with even stronger provisions. They have the screening, time to check for payments, and so forth.

I talked with the Senator from Florida, Mr. LEMIEUX, who also has good ideas. I pledge to him to do what we can to get some of that passed this year. However, the amendment before us is much too punitive. It is arbitrary in its numbers. I think it would be counterproductive, especially at a time when States are already struggling with their Medicaid Programs. I think it would be inappropriate for us to lay this arbitrary punitive measure on them.

Mr. GREGG. Mr. President, if the Senator will allow me to make a quick statement just for the edification of our colleagues.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. This is our last amendment, I believe and hope—genuinely

hope. After this amendment is completed, I understand there will be a colloquy between the ranking member of the Finance Committee and the chairman of the Budget Committee. Then we will proceed to raising points of order relative to the bill.

Mr. BAUCUS. And other measures.

Mr. GREGG. Then we will proceed to final passage at 2 o'clock. That is the general outline of where we are.

Mr. BAUCUS. I might reconfirm, this is the last amendment. There will be points of order raised and other business will transpire before we get to the points of order, which I understand will begin about quarter of 2. We are going to finish at 2 o'clock. We are right there. It is going to work.

Mr. President, I move to table the Cornyn amendment and ask for the yeas and nays.

Mr. CORNYN. Is there time remaining?

The PRESIDING OFFICER. All time has expired.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—57

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

NAYS—41

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

NOT VOTING—2

Byrd	Isakson

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, that was the last vote on amendments. I wish to repeat that statement: That was the last vote on amendments.

Mr. UDALL of Colorado. Mr. President, I was unable to cast a vote for rollcall No. 99 in the second session of the 111th Congress—the motion to waive the Budget Act point of order against Vitter amendment No. 3665 to H.R. 4872, the Health Care and Education Reconciliation Act. Had I been present, I would have voted ''no'' on the motion.

Mr. KAUFMAN. Mr. President, I was unfortunately off the Senate floor when the Senate conducted rollcall votes Nos. 68 and 101 and, therefore, missed those recorded votes. I wish to state for the record that had I been prsent for rollcall vote No. 68, I would have voted ''yea'' on the motion to table Senate amendment No. 3582, and if I had been present for rollcall vote No. 101, I would have voted ''yea'' on the motion to table Senate amendment No. 3710.

LAWFULLY PRESENT IMMIGRANTS

Mr. MENENDEZ. Mr. President, I rise to speak about an issue affecting some of the most vulnerable families living in our society. Under health reform, tax credits are provided to families between 100 percent and 400 percent of the Federal poverty line in order to purchase health insurance. Families below 133 percent of the poverty line become eligible for Medicaid. Certain lawfully present immigrants however are not eligible for Medicaid due to their immigration status. Fortunately, health reform does not leave them in the cold. Mr. Chairman, am I correct in saying that lawfully present immigrants, who are otherwise ineligible for Medicaid, are eligible for premium tax credits in the exchange?

Mr. BAUCUS. That is right. Due to the Senator's leadership and hard work, we were able to make sure those here legally had a place to find affordable health coverage.

Mr. MENENDEZ. I believe it is important to clarify that the Senate bill's treatment of certain lawfully present immigrants as having an income at 100 percent of the Federal poverty level was intended to pertain only to their eligibility for the affordability credit—not the size of the actual tax credit. Plainly put, a legal immigrant whose income is at 50 percent of the poverty line should not have to pay the same premium amount as someone whose income is at 100 percent of the poverty line. Was this the intent of this provision in the health reform legislation?

Mr. BAUCUS. The Senator is exactly right. The health reform legislation that was signed into law allows immigrants who are here lawfully, who are otherwise ineligible for Medicaid to receive tax credits in the exchange. However, the size of those tax credits should be based on the families' actual income, not an artificial level of 100 percent of the poverty line. I expect this provision will be implemented as such. I look forward to working with Senator MENENDEZ to ensure that these families receive access to affordable health insurance coverage.

Mr. MENENDEZ. I thank the Chairman.

Mrs. FEINSTEIN. Mr. President, I rise today to speak about a specific section of the health insurance reform bill.

There has been some concern that language in the bills could be misinterpreted to create new causes of action or claims that would interfere with existing State medical malpractice laws.

As Representative HENRY WAXMAN clarified on the floor of the House of Representatives, it has never been the intent of the bill to create any new causes of action or to preempt any State medical malpractice law.

Section 10201(j) of H.R. 3590, which added Section 3512 to subtitle F of title III of the act, calls for the Comptroller General to conduct a study of whether the development, recognition or implementation of any guideline or other standards under a list of enumerated sections of the Senate bill would result in a new cause of action or claim.

It is important that this language requesting such a study not be interpreted in any way as creating any inference or implication that the enumerated sections of the bill will create any new action or claim.

Additionally, it is important to understand that Congress has no intent in this legislation to modify or supersede any State medical liability law that governs legal standards or procedures used in medical malpractice cases.

Mr. LEAHY. Mr. President, in addition to important improvements to the health reform bill President Obama signed into law this week, the reconciliation measure before the Senate also provides a significant investment in higher education.

I have always strongly believed in the importance of a college education. Unfortunately, in recent years, average college tuition rates have increased faster than inflation, and have far outpaced student financial aid. Skyrocketing tuition is making it increasingly difficult for families to afford higher education. Many students are forced to take on significant debt, and too often are not able to complete college because of soaring costs.

Especially during these difficult economic times we need to be doing more to address the rising costs of higher education and the growing need for student financial aid. I am glad to see that the measure in front of us today streamlines our student lending system and no longer subsidizes banks to lend to students risk free. By requiring that all future student loans be made directly to students through the Federal Government, this bill will save $61 billion over 10 years. Not only will this provision save the government money,

but the Direct Loan Program is projected to save students millions of dollars in fees and interest payments.

A portion of the savings from this bill will be used to fund the Pell Grant Program, which is facing a significant shortfall this year. The measure provides $13.5 billion in mandatory appropriations for Pell grants, and will provide additional mandatory funding to the program by tying increases to inflation. Combined with the investment in Pell grants in the American Recovery and Reinvestment Act last year, which I was proud to support, the maximum Pell grant award will double as a result of this bill. Unfortunately, Pell grants cover less than half as much tuition at a public college or university as they did just a few decades ago, so a significant investment in the program's growth is necessary to help the more than 8 million students who participate. I met with students who attended school in Vermont this week and they shared their stories about how important this program was to them, and how it was critical to their ability to attend college. No student should be denied the opportunities of a college education because of financial burdens.

I am also pleased the changes to student lending in the reconciliation bill will help nonprofits to provide important loan servicing and counseling services to students and their families. Several States have established not-for-profit State agencies to administer financial aid and to provide their residents and students attending their schools with quality counseling services and low-cost loans. Vermont pioneered this movement by creating the Vermont Student Assistance Corporation, VSAC, more than 40 years ago. Since then, VSAC has worked hard to establish and maintain strong and longstanding working relationships with Vermont's higher education institutions as well as K–12 schools to provide outreach programs critical to the economic vitality of Vermont.

The reconciliation bill will prohibit anyone other than the Federal Government from originating new Federal loans, but unlike the lending measure the House passed in July, the reconciliation package will help nonprofits continue to provide important college access and completion activities. This measure will double the funding directed to Vermont, which will help VSAC continue to counsel students and their families about entering and completing college. Additionally, the reconciliation legislation will allow nonprofits to contract with the Federal Government to continue to service loans at a competitive market rate.

I have heard from countless Vermonters about the invaluable services VSAC provides to help students attend and complete college. Just recently, a father of twins attending college in Vermont contacted my office to share with me the support that VSAC provided. If not for VSAC, he said, he did not think he could have made it through the paperwork or learned about the scholarships that were available.

I am glad that Congress has recognized the importance of these services in States across the country and will allow for a continued role to help more students access and complete college. I look forward to continuing to work with VSAC to ensure their place as an important part of students' college experience.

Mr. BAYH. Mr. President, included within this budget reconciliation bill are provisions that make significant changes to the federal student loan programs. Like others, I strongly support the provisions that increase funding for Pell grants. These grants form the foundation of Federal student aid, and do much to increase college access.

Other provisions in the bill and the Higher Education Act also are important to students. As students increasingly look to Federal student loans to cover the costs of their college education, they are in need of federally supported services that help students to make well-informed financial decisions. In this bill, section 2103 extends and roughly doubles the authorization, to $150 million annually, for the college access challenge grants, CACG. The CACG authorizes States who receive funding under the CACG to provide subgrants to guaranty agencies to assist students and families with such services as early awareness and outreach, financial literacy, debt management, and loan counseling to impact the ability of students to successfully manage their student loan obligations and start off their postcollege and professional lives on the right foot. Congress should encourage the States to continue to work with their designated guarantors to use the opportunity of continued authorization and increased funding of the CACG to utilize the expertise of guaranty agencies in providing such services. I agree with the comments of the chairman of the House Committee on Education and Labor during House consideration of this bill—Congress intends that states receiving grants under the college access challenge grant program should partner with entities, including guaranty agencies and their nonprofit subsidiaries, to provide financial literacy, delinquency and default aversion activities, and other loan counseling activities for borrowers.

I also share the House chairman's view that the Secretary of Education has existing tools to ensure students have access to borrower and school services for financial literacy and default prevention. Under the Direct Loan Program, the Secretary is authorized to contract with guaranty agencies for services that ensure the successful operation of the program. As we move to require all institutions of higher education to participate in the Federal Direct Loan Program, students should continue to have access to the borrower and school services provided so well over the past 40 years by guaranty agencies. In my State of Indiana, our guaranty agency has a distinguished history of providing comprehensive services to help borrowers repay their loans and avoid default. Along with the House chairman, I, too, expect the Department of Education to ensure the availability of these services by exercising the Secretary's authority to contract with guaranty agencies for the provision of these services for students and schools.

Mr. DURBIN. Mr. President, our colleagues on the other side of the aisle have confused some statements made by the President and made by me regarding whether the new health law will cause premiums to go down.

The President has spoken forcefully about the impact of the new reform law on health insurance premiums. He has contrasted the effect of reform with the effect of doing nothing. He made it clear that if we passed a reform bill, premiums would go down compared to the status quo of not enacting a reform law.

A couple of weeks ago, I said on the Senate floor that no one claims premiums will go down tomorrow when we pass this legislation. I was speaking in absolute terms. Premiums have been rising at a high and unsustainable rate. With these reforms, premiums will rise more slowly.

The President and I were saying the same thing, using different words. The point is the same. With this new law, American families and businesses can have hope that their premiums will not rise as fast as they have been in the past.

The days of 39 percent premium increases, as we have seen in California, will be over once this law is fully implemented.

The days of 60 percent premium increases, as we have seen in my home State of Illinois, will be over once this law has been carried out.

And if we repeal this new law, as the Senators on the other side of the aisle advocate, premiums will continue to rise at an unsustainable rate with spikes like those we have seen this year.

Senators on the other side of the aisle are right to ask what will happen to premiums.

Every American wants to know, ''What is going to happen to the cost of my healthcare?'' And they are right to ask that question.

But the obstructionists and naysayers on the other side of the aisle are wrong when they oppose this bill and the new law based on the false claim that it will cause premiums to rise faster than the status quo. That is simply not true.

And you don't have to take my word for it. Just ask the nonpartisan Congressional Budget Office—the congressional ''umpire'' when it comes to questions of what legislation will cost or save.

Early in the health reform debate, throughout most of last year, we had useful data from the Congressional Budget Office—but it was not definitive. It was easily distorted by the opponents of reform and the defenders of the insurance companies, who want to stop all action and allow premiums to be increased by 10, 20, 39, 60 percent each year.

The initial CBO reports compared premiums in today's market with the cost of a more generous health plan that is likely to be offered in the insurance exchanges of a reformed market.

That is not a fair comparison, but it is all we had.

It showed that people would pay more if they chose better coverage. But it didn't clearly say that for coverage comparable to what is available today, premiums would be lower.

And so there was confusion.

In January, when no one was paying attention and the debate on the Senate floor had shifted to jobs, we received some important additional information from CBO.

The new data, from the people who know the numbers best at CBO, backs our conclusion that the Senate health reform bill will reduce the premiums people will pay for health insurance, compared to current law.

That clear answer came in response to a request from the senior Republican Senator from Maine, Ms. SNOWE.

At the request of Senator SNOWE, CBO estimated the premiums for a Bronze plan under the Senate reform bill.

Bronze plans will cover roughly the same proportion of an individual or family's total health care costs as the average plan sold in the individual market today.

So using Bronze plans to compare the Senate reform bill to current law provides an ''apples to apples'' comparison. It tells you what premiums you can expect if the bill passes, compared to what premiums you can expect for a similar policy if the bill is defeated. That is a fair comparison.

Here's what CBO tells us:

A Bronze plan in 2016 will cost an individual between $4,500 and $5,000 a year.

Earlier, CBO estimated that under current law, with no health reform in place, an average plan in 2016 will cost an individual $5,500.

So, under reform, the cost of a typical plan will be considerably less than the cost if we do nothing. In fact the savings will be roughly $500–$1,000 a year.

We see the same story for family coverage. According to CBO, under the Senate reform bill, a family can expect to pay between $12,000 and $12,500 for family coverage. If we do nothing, a family can expect to pay $13,100.

That is a savings of $600–$1,100 a year for American families.

So now we have the answer that many Senators, and many Americans, sought.

CBO's analysis provides a fair assessment of the effect of reform on the individual and family pocketbook.

And the answer is savings of $500 to $1,100 a year, from 2016 on.

But only if we preserve the reforms the President signed into law.

And that is just the direct effect on premiums. Millions of Americans will be eligible for subsidies that will dramatically reduce their costs beyond these basic reductions available to everyone.

But even people who don't receive subsidies will have lower premiums. Lower than if we don't implement the reform law.

Not because of assistance from the Federal Government, but because health reform legislation will give people buying power and will take the necessary steps to rein in health care costs.

The changes included in the new law will make a difference in the health care system and those changes will reap benefits for all of us.

This is confirmation that the reform bill represents an important victory for Americans struggling with the high cost of health insurance.

And now we can put a value on the savings: $500 to $1,000 a year for individuals and $600 to $1,100 a year for families.

The Senators on the other side of the aisle haven't been talking about this report, which was provided by the CBO to a member of their own party, because they don't want the American people to know that premiums will go down relative to doing nothing.

So instead, they try to find alleged discrepancies between the President and me that simply do not exist on this issue.

The evidence is clear. The Congressional Budget Office has weighed in. The facts are plain.

The health reform bill will reduce premiums compared to the do-nothing outcome pursued by the obstructionists.

Similarly, there has been some confusion about the magnitude of the tax cuts in this bill.

The tax cuts in the reform bill passed by the Congress and signed into law by the President are the largest middle-class tax cut for health care in the history of our Nation.

No Congress has provided greater tax assistance to American families and individuals and small businesses to help them afford the cost of health care.

There have been larger tax cuts unrelated to health care—not all of them wise.

But American businesses and families need help to deal with the high cost of health care, and this Congress has responded.

The new law, combined with the improvements in the reconciliation bill, will provide refundable tax credits to people with incomes up to 400 percent of the poverty level—around $88,000 for a family of four—so that they can afford their health insurance premiums.

Ordinarily, a tax credit is provided when you file your tax return after the end of the year. The new law allows the credit to be paid to the insurer month by month, so that you can afford your monthly premiums. That is a good thing if you live month to month and can't wait until the end of the year to receive the tax credit and still pay your monthly premiums.

The new law also provides tax credits to small businesses—available starting right now—to help them pay for health insurance.

These provisions will give nearly $500 billion of tax cuts and cost-sharing assistance to middle-class Americans. That is what makes this the largest middle-class tax cut for health care in the history of our nation.

We received no help from the Members on the other side of the aisle in enacting these tax cuts. This Democratic Congress did it anyway. We provided the largest middle-class tax cuts for health care ever, and we are proud to have done so.

Mr. HARKIN. Mr. President, we are concluding an historic week here in the Nation's Capital and in the U.S. Senate. Health reform is no longer a bill. It is the law of the land.

Just as the history books remember 1935 as the year FDR signed Social Security into law, and 1965 as the year Lyndon Johnson signed Medicare into law, they will now remember 2010 as the year President Barack Obama signed comprehensive health reform into law.

Of course, not only is health reform the law of the land, but, thanks to the reconciliation bill, we have also passed a landmark reform of the student lending program, permitting a major increase in Pell grants.

Appropriately, Members have cited the historic contributions of key leaders here in the Senate, including Majority Leader REID, Senator CONRAD, Senator BAUCUS, Senator DODD, and, of course, for his commitment to this cause spanning decades, the late Senator Ted Kennedy.

It is also important to etch into history, in our CONGRESSIONAL RECORD, the names of Senate staff members who have done so much to get us to this point. I have often cited the old saying that ''Senators are a constitutional impediment to the smooth functioning of staff.'' We laugh at that, but we also know that there is a lot of truth. Were it not for skilled, talented, dedicated staff members, willing to spend so many evenings and weekends away from their families, we would not have arrived at the historic triumph of passing comprehensive health reform.

I am especially grateful to the extraordinary efforts of staff members on the Committee on Health, Education, Labor and Pensions, which I chair. I would like to thank Dan Smith, Pam Smith, Michael Myers, Mark Childress, David Bowen, Jenelle Krishnamoorthy, Connie Garner, Portia Wu, John McDonough, Topher Spiro, Stacey

Sachs, Tom Kraus, Terri Roney, Craig Martinez, Taryn Morrissey, Brian Massa, Andrea Harris, Caroline Fichtenberg, Bethany Little, Luke Swarthout, David Johns, Maria Worthen, Thomas Showalter, Paulette Acevedo, Abby Bartine, Ches Garrison, Sarah Whitton, Robin Juliano, Lory Yudin, and Evan Griffis.

On the staff of Majority Leader REID, I want to thank Gary Myrick, Kate Leone, Jason Unger, Carolyn Gluck, Jacqueline Lampert, Bruce King, David Krone, Rodell Molineaux, and Randy DeValk.

On Senator DODD's staff, I thank Jim Fenton, Tamar Magarik Haro, Monica Feit, Brian DeAngelis, Madeline Gitomer, and Averi Pakulis.

On Senator BAUCUS's staff: Liz Fowler, Bill Dauster, Russ Sullivan, John Sullivan, Scott Mulhauser, Kelly Whitener, Cathy Koch, Yvette Fontenot, David Schwartz, Neleen Eisinger, Chris Dawe, and Hun Quach.

On Senator CONRAD's staff: Mary Naylor, John Righter, Joe Gaeta, Robyn Hiestand, Matt Mohning, Purva Rawal, Sarah Kuehl, Joel Friedman, Jim Esquea, and Jennifer Hanson-Kilbride.

On my personal staff, I want to thank Beth Stein, Lee Perselay, Kate Cyrul, Bergen Kenny, Dan Goldberg, Lindsay Jones, and Jim Whitmire.

Mr. President, I also want to salute the great skill and professionalism of the Senate Parliamentarian Alan Frumin, as well as Assistant Parliamentarians Elizabeth MacDonough, Peter Robinson and Leigh Hildebrand.

In addition, we owe an enormous debt of gratitude to the staff of the Congressional Budget Office. They are an extremely knowledgeable and capable team, willing to work late nights and through the weekends to model and estimate the budgetary effects of the complex provisions in this bill.

Finally, I want to thank staff members in the Senate Legislative Counsel's office. They also worked many long hours to assist my HELP Committee in drafting the language and working out the technical issues in the bill.

To all of these dedicated members of our Senate family, I say thank you for your service to this body, and thank you for your selfless service to our Nation.

Mr. DODD. Mr. President, I wish to spend a couple of minutes to express my gratitude to a lot of people. I begin by thanking my colleagues here, both Democrats and Republicans. Obviously, all of us would have liked to have had a health care bill that was more than a partisan vote. It didn't turn out that way. I am glad we ended up with the result we did.

I thank the members of the HELP Committee on which I serve, both Democrats and Republicans. Although we didn't end up with a bipartisan vote on that committee, there was a very vibrant, active, civilized discussion over many days last summer regarding the HELP Committee's portion of this health care product. Obviously, having been the acting or temporary chair of the committee in the absence of our friend and colleague from Massachusetts who was obviously ill and could not be there, I begin by thanking TOM HARKIN. You have heard people talk about him already. He has taken over the reins of that committee and has done an excellent job. I thank BARBARA MIKULSKI, my long-time friend and colleague, who did a tremendous job in dealing with various aspects of the health care debate, as TOM HARKIN did, JEFF BINGAMAN, PATTY MURRAY—again, seasoned members of the committee and Members of this body who have contributed to many pieces of legislation over the years. JACK REED, my neighbor and great friend from Rhode Island, was tremendously helpful on the committee, as well as BERNIE SANDERS of Vermont, SHERROD BROWN of Ohio, who played a critical role working with people like Senator HAGAN of North Carolina, working with SHELDON WHITEHOUSE, who was on our committee at the time and played a critical role in fashioning our public option. JEFF MERKLEY and BOB CASEY were very productive and serious members of the committee effort. AL FRANKEN and MICHAEL BENNET have since joined the committee, and SHELDON WHITEHOUSE has moved on. But I want the record to reflect my deep appreciation for their work.

Let me also thank MIKE ENZI and the people such as TOM COBURN and others, JUDD GREGG, from the committee. I can't go down the whole list, but the Republicans on the committee, while they don't necessarily like to admit it, made a contribution to the bill. One hundred sixty-one amendments—I know they are tired of hearing me talk about over the last several months—were their additions to the HELP Committee final product.

I have talked about MAX BAUCUS, my friend. We have served together, along with TOM HARKIN in this Chamber and the other, for 35 years together. The work of the Finance Committee, which bore a tremendous share of this responsibility, dealing with very complicated issues that are within the jurisdiction of that committee, was tremendously important. I won't go down and list all the members of the Finance Committee. In fact, we had several on our committee who served both on Finance and on the HELP Committee: JEFF BINGAMAN on the Democratic side; I know there were several Republicans as well who filled a dual role by serving on both committees.

I thank my friend from Montana as well for his work. He has been recognized and acknowledged by many and deservedly so over the last number of days.

I commend, if I may, the staff members of the Finance Committee, beginning with Liz Fowler and the group I ask unanimous consent to include for the RECORD. They did a wonderful job. Senator BAUCUS has referred to them already, but I also wish to thank them this afternoon for their work.

On the Budget Committee, again you have heard Senator KENT CONRAD talk about the Budget Committee staff. I ask unanimous consent that their names be printed as well at this juncture in the RECORD, if I may.

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

FINANCE COMMITTEE

Liz Fowler, David Schwartz, Yvette Fontenot, Neleen Eisinger, Shawn Bishop, Chris Dawe, Andrew Hu, Bill Dauster, Russ Sullivan, Cathy Koch, Jon Selib.

BUDGET COMMITTEE

Sarah Kuehl, Purva Rawal, Jim Esquea, Mary Naylor.

Mr. DODD. I want to make particular reference to the members of my staff, beginning with Jeremy Sharp and Tamar Magarik Haro who did a wonderful job. Jeremy Sharp's father is former Congressman Phil Sharp. He was part of the class with MAX BAUCUS and TOM HARKIN and me, HENRY WAXMAN and GEORGE MILLER, who played a critical role in the debate in the House. Both Tamar and Jeremy were tireless in this effort, going back many months. I am deeply grateful to them. Jim Fenton is my legislative director and played a very important role as well in those efforts.

Then, of course, there are the other members of the HELP Committee, many of whom, of course, were staff members of Ted Kennedy. I inherited their expertise, their knowledge, their great abilities when Ted was laid up. They continued to work with us, beginning with Carey Parker who is, of course, legendary in this institution, having served with Senator Kennedy since the day he arrived 47 years ago. While not directly on the HELP Committee staff, I can't tell you what a critical role Carey Parker played time and time again during the rough spots. Michael Myers, Pam Smith, Connie Garner, Stacey Sachs, David Bowen—all were tremendously influential in the process. Mark Childress, who worked with Tom Daschle before, was at the White House for a while, came back up and stayed with us on that effort. Mark was invaluable in understanding the rhythms of the Senate, understanding the White House, and we are deeply grateful. Jenelle Krishnamoorhty, who worked with TOM HARKIN, I have gotten to know her very well, and the members of TOM's staff. I want Jenelle to know how much I appreciate her work. She did a tremendous job for us as well.

I want to thank the leader's staff as well, who were so valuable to us: Kate Leone, obviously; Carolyn Gluck; Bob Greenawalt; Bruce King; Randy Devalk; Jacqueline Lampert; and Gary Myrick, who we see here all the time pacing this Chamber at all hours of the day and night, keeping an eye on the movements of the Senate and what is occurring, keeping the leader well informed, about as knowledgeable as

anyone you will meet in understanding exactly what is happening at all moments. To Gary and the leader's staff, I apologize if I left anybody out, but I thank them for their work as well.

This bill also included the work on education issues. There were a number of people who played a very important role in that. In my office: Maddy Gitomer, Averi Pakulis, Joe Caldwell, and Anna Staton were all part of our efforts in that regard. I should have mentioned earlier Tom Kraus, Topher Spiro, and Andrea Harris who worked on HELP Committee efforts as we moved forward on the bill.

Those were a lot of names I have just recited. I said them so quickly that they may fly by. It hardly reflects the recognition they deserve for the time and effort they have put in. They will never be standing before a bank of microphones or getting their picture taken, probably won't have articles written about them and what they did or didn't do during their tenure in the Senate. But this place only functions and runs, the floor staff who are here and the respective cloakrooms who do the work every single day that make this institution work as well as it does, spending the hours, the weekends crafting ideas and compromises that allow us to move forward.

While there are a lot of people deservedly, in a very public way, getting credit for the work that has transpired over these many months, I didn't want this moment to pass without at least expressing my gratitude to them and others whose names I, unfortunately, have not mentioned, who have made this day possible.

To them, to my colleagues, to Senator REID, Speaker PELOSI, House Members who valiantly took up a Senate-passed bill that they had strong reservations about and yet understood the value of the moment.

And to President Obama, who understood the importance of this issue and insisted it come up. I remember Daniel Patrick Moynihan. MAX BAUCUS and I served with Dan Moynihan, and MAX had served with him on the Finance Committee when he chaired that committee, a very wise man who understood the movements of the executive branch and the legislative branch. He once told me that American Presidents, whether they get one or two terms, only get somewhere between 18 and 24 months to do anything really meaningful. It is those first days from January 20, Inauguration Day, to maybe as late as Election Day of the midterm elections in their first term. If they are going to do anything really important, that is the window in which they have to try. After that, it gets harder. You campaign for reelection. If you are reelected, you are a lame duck. Your ability to affect huge issues narrows.

I thank our President. Whether you agree or disagree with his politics or his policies, the fact that he took on a major issue that had been crying out for decades for resolution is testimony to his willingness to put a political administration, a political campaign on the line. For those who work with him, from his chief of staff to his advisers on these various matters, history will be and should be deeply grateful to President Barack Obama for having the courage to take up a big issue that deserved and needed resolution by the Congress for the American people. Whatever else transpires in the remaining tenure of his office, whether he serves one term or two, in large measure he will be defined by his willingness, his courage to raise this issue, when many others suggested this was a worthless task to take on, we couldn't succeed, he would be wiser to follow a course where less significant issues might be at stake.

So to the President, I thank you immensely for having the courage to take this on. I believe in the long call of history the American people will thank you as well for having the courage to bring up this important issue.

With that, again, this is one of those very few rare days we get in this institution historically, but it is one in which I am deeply proud to have been involved. I thank all who made it come to pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I had the great privilege of observing Senator DODD as he stepped into the breach for Senator Kennedy and did an extraordinary job—hour after hour after hour—listening to the comments, the suggestions of both sides of the aisle. I think about 400 amendments were filed, and 161, or so, were accepted. In that process, his leadership was extraordinarily effective and critical. So the praise he rightfully accords to others he must share in a major way. We would not be here today if Senator DODD had not stepped in while simultaneously also doing financial reform and getting us to this moment.

So I say to the Senator, thank you.

I concur, obviously, with his comments about Senator BAUCUS and express the respect I have for Senator BAUCUS. As chairman of the Finance Committee, MAX had an extraordinarily important role to play, and he played it with great wisdom and great judgment throughout.

Again, we are here today because of these two gentlemen, and my colleagues in the House.

I, too, commend the President. It would have been easy at any time in this process to fold up the book and say: Well, I have joined the ranks of all my predecessors since Franklin Roosevelt. I have tried and have not succeeded. I think at moments he might have come tantalizingly close to that conclusion. But he pressed on. Ultimately, it was his decision more than anyone else to try to do this that got it done.

As Thucydides said: The bravest of the brave are those who, seeing both the glory and the danger, go forth to seize it. These gentlemen—particularly the President—saw the danger and the glory and refused to retreat and went forward. We have a historic victory today. But our work is not done.

Mr. BYRD. Mr. President, I support the Health Care and Education Reconciliation Act. America has 47 million people without health insurance, including more than 240,000 West Virginians, and the number grows every week. More than half of West Virginia's uninsured are between the ages of 19 and 49. Health care consumes more than 15 percent of our national gross domestic product. Health care reform should matter to every West Virginian.

When the health care debate began last year, I urged the Senate to forgo using the budget reconciliation process to shield a comprehensive reform bill from debate and amendment. I am pleased that the Senate heeded that call, and opted to consider the Patient Protection and Affordable Care Act under the cloture rule and the regular procedures.

When amendments to that measure were proposed by the President, to be enacted through the budget reconciliation process, I insisted that those amendments be considered in a manner consistent with the Congressional Budget Act and section 313 of that act, the Byrd rule. The reconciliation bill must not address extraneous matter, and it must—absolutely must—reduce the deficit. This measure meets that test. I applaud the Senate for bringing the health care debate to a close in a manner that is balanced, fair, and equitable. The rights of the minority have been protected, and the Senate has upheld its historical role as a forum for debate and amendment.

While this bill as passed may not satisfy the individual concerns of each and every constituent or member of Congress, it does begin to satisfy the growing needs of millions of Americans who find themselves without access to the medical services and attention they need. Access to proper health care for every American citizen should not only be held as a necessity, it should be considered the commensurate right of any and every citizen of the mightiest and most advanced Nation the world has ever known.

Mr. President, in order to clarify for the record, I want to make it known that section 1556 of the Patient Protection and Affordable Care Act is intended to apply to all claims filed after January 1, 2005, that are pending on or after the date of enactment of that act.

It is clear that the section will apply to all claims that will be filed henceforth, including many claims filed by miners whose prior claims were denied, or by widows who never filed for benefits following the death of a husband. But section 1556 will also benefit all of the claimants who have recently filed a claim, and are awaiting or appealing a decision or order, or who are in the

midst of trying to determine whether to seek a modification of a recent order.

Section 1556 applies immediately to all pending claims, including claims that were finally awarded or denied prior to the date of enactment of the Patient Protection and Affordable Care Act, for which the claimant seeks to modify a denial, or for which other actions are taken in order to modify an award or denial, in accordance with 20 CFR 725.309(c) or 725.310. Section 1556 applies even if a final order is modified, or actions are taken to bring about the modification of an order, subsequent to the date of enactment of the Patient Protection and Affordable Care Act, in accordance with the sections of Part 725 that I mentioned. I look forward to working to ensure that claimants get a fair shake as they try to gain access to these benefits that have been so hard won.

Mrs. HAGAN. Mr. President, I rise today to speak in support of the education provisions in H.R. 4872, the Health Care and Education Affordability Reconciliation Act of 2010.

Over 40 years ago, Congress passed the Higher Education Act of 1965 with the conviction that no qualified student should be denied the opportunity to attend college simply because of the cost. Who knew that today, in the year 2010, this concern would still ring true? The passage of this legislation will provide greater access to higher education for thousands of American students.

The Health Care and Education Affordability Reconciliation Act represents the single largest investment in college affordability in history. From increasing the maximum Pell grant for low-income students to eliminating excessive subsidies for banks, this bill makes significant improvements to Federal student loan programs. Also, as students and their families look to Federal loans to pay for their post-secondary education, this legislation will allow non-profit student loan servicers in states like mine to continue servicing student loans.

This legislation provides funding for the college access challenge grant program, a program created in the College Cost Reduction and Access Act of 2007. This program was designed to assist states working in partnership with organizations with expertise in improving access to college. These guarantee agencies ensure that students have access to high-quality, affordable higher education. In my home State, the College Foundation of North Carolina serves as our State guarantee agency and plays a critical role in providing students and families with financial literacy, debt management, and loan counseling information.

I fully support the intent of the access and completion challenge grants included in this legislation. They will allow State guarantee agencies to continue the important work that they do. The College Foundation of North Carolina has done extraordinary work in this regard and, as a result, has had a default rate consistently below the national average for the past several years. As a strong advocate for financial literacy education, I can think of nothing more important than ensuring that students and families are armed with the tools they need to understand the dynamics of their student loans.

In North Carolina, we have 58 community colleges and 10 historically Black colleges and universities. The students at these institutions of higher education stand to benefit greatly from the passage of this legislation. A $2.55 billion investment over the next 10 years for Minority Serving Institutions, and more specifically Historically Black Colleges and Universities, is unprecedented. While HBCUs only make up 3 percent of all colleges and universities across the country, they graduate 40 percent of African-Americans with degrees in science, technology, engineering and mathematics, 50 percent of African-American teachers, and 40 percent of African-American health professionals. Community colleges play an instrumental role in our education and workforce systems by providing postsecondary education and job training. We need to keep our community colleges open and thriving. I can't think of a better investment as we encourage people to get the training and skills necessary to get back to work.

Making the commitment to create greater access to higher education, and ensuring that our students have the tools that they need to complete their postsecondary education is at the core of the education provisions in the Health Care and Education Affordability Reconciliation Act, and I am proud to support this legislation.

Mr. FEINGOLD. Mr. President, the Senate has considered dozens of amendments and motions to the reconciliation bill this week. The vast majority of these proposals were flawed, either because they would have undermined the important consumer, business and taxpayer protections in the health care reform bill signed into law Tuesday, or because they were not offset and thus would have reduced the savings in the reconciliation bill.

Some of these proposals, however, did have merit. In particular, amendment No. 3564 by Senator GRASSLEY would have clarified that all congressional employees, as well as certain other Federal employees, must receive their health insurance through the new health insurance exchanges. The health care reform bill already requires ''Members of Congress and congressional staff'' to receive care through the exchanges, but I support efforts to remove any ambiguity about who is covered. Another amendment by Senator GRASSLEY, No. 3569, would have slightly increased reimbursements for rural physicians in Wisconsin, building on important provisions in the new law. And I strongly support efforts to remove the unjustified ''sweeteners'' that remain in the health care reform law; unfortunately, the amendment offered by Senator MCCAIN, No. 3570, to remove those provisions also would have eliminated provisions that were entirely legitimate.

Two other amendments addressed legitimate concerns that Congress is already working to address. I am a cosponsor of legislation to clarify that coverage provided by TRICARE will be treated as minimum essential coverage under the health care reform bill. The amendment offered by Senator BURR, No. 3652, addressed this topic. Similarly, the chairman of the Veterans Committee is already seeking a legislative fix to protect the Second Amendment rights of veterans, as Senator COBURN proposed to do, No. 3700.

However, all of these amendments and motions—even the more appealing sounding ones—had the same purpose: to delay and obstruct reconciliation legislation that will fill the Medicare Part D doughnut hole, make coverage more affordable and in other ways improve the new health care reform law. I opposed these efforts to undermine health care reform, and I will continue fighting to ensure Wisconsinites get the affordable and dependable coverage they deserve.

Mr. BAUCUS. I now ask unanimous consent that Senators GRASSLEY and CONRAD be permitted to engage in a colloquy and inquiries of the Chair for up to 5 minutes.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator state his inquiry.

Mr. GRASSLEY. Mr. President, I have submitted a list of provisions for review by the Chair. It is my understanding that these provisions of the bill have been reviewed and further, if points of order were raised against these provisions, the Chair would have ruled that the various points of order would not have been taken. Is this the opinion of the Chair?

The VICE PRESIDENT. That the points of order would not have been well taken, yes. That is the decision of the Chair.

Mr. GRASSLEY. I thank the Chair. I ask unanimous consent to have printed in the RECORD the list of provisions just referred to.

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

Section 1002—Insurance Mandate
Subject to (b)(1)(D)
Merely incidental to non-budgetary components of the provision

Section 1203—DSH Methodology
Page 70 Line 4 through Page 71 Line 12
Subject to (b)(1)(A)
No budgetary effect

Section 2301—grandfathering
Subject to (b)(1)(D)
Merely incidental to non-budgetary components of the provision

Section 1401—High cost plans tax

Subject to 310(g)

Section 1401—indexing
Pg 84 lines 3 through 17
Subject to (b)(1)(A)
No budgetary impact

LIST OF POINTS OF ORDER SUBMITTED TO THE CHAIR BY SENATOR GRASSLEY

1. A point of order under Section 313(b)(1)(D) of the Budget Act against Section 1002 of the bill.
2. A point of order under Section 313(b)(1)(A) of the Budget Act against Section 1203, page 70 line 4 through page 71 line 12 of the bill.
3. A point of order under Section 313(b)(1)(D) of the Budget Act against Section 2301 of the bill.
4. A point of order against the bill under Section 310(g) of the Budget Act.
5. A point of order under Section 313(b)(1)(A) of the Budget Act against Section 1401, page 84 line 1 through 15 of the bill.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, my staff, working with the staff of the Finance and HELP Committees, has spent an enormous amount of time ensuring that this bill complies with the rules of the reconciliation process. The majority and minority staffers have spent long hours going over this bill in excruciating detail with the Parliamentarian. We just heard the Parliamentarian's determinations on some of those issues.

The Parliamentarian has further advised us that two provisions do violate the Byrd rule. The first provision concerns the formula setting the maximum Pell grant amount annually and is considered out of order. Basically, it provides an insurance policy on how that level is calculated.

The second provision says this, in its entirety: ''(D) by striking subparagraph (E); and(E) by redesignating subparagraph (F) as subparagraph (E),'' and is also considered out of order.

CBO has concluded that the two provisions do not score for budgetary purposes. The Parliamentarian gave great weight to this in making his determination.

While I wish these provisions were not being stricken, removing them would not affect the score of the program or prevent the bill from achieving the goals of the new Pell grant policy.

Mr. President, we think it is important for the historical record to have these matters laid out on the record. I thank Senator GRASSLEY and his staff for the work to make certain that the historical record is clear, and I want to thank my staff as well, and the staff of the Finance Committee for an extraordinary effort. I hope the people of this country recognize that these staffs have worked on both sides, minority and majority, weekend after weekend after weekend, night after night after night, and they deserve our commendation and our thanks.

I thank the Chair.

Mr. BAUCUS. Mr. President, there are a flood of emotions going through all of us today as we pass this reconciliation bill which improves upon the bill the President signed 2 days ago. I would like to focus only on one part—a very important part but only one part—and that is to thank the people who have worked so hard, especially in this body, to help accomplish this result.

I thank especially my friends Senator DODD, the chairman of the Banking Committee, who many times acted in the capacity as chairman of the HELP Committee, and Senator HARKIN, chairman of the HELP Committee, working so hard with their staffs. As well, I thank Senator CONRAD, especially for his acumen, his budgetary acumen. I don't know anybody who knows this stuff better than Senator CONRAD. We all rely on him very much.

I thank Leader REID for his strategic vision—he helped put the Finance Committee bill together; he saw a path forward—and his staff, who are so competent—Kate Leone, Bob Greenawalt, Randy DeValk—his top three staff.

I also thank my friend from New Hampshire, Senator GREGG, for his courtesy in managing this bill. He was very decent and a very good person to work with.

We all want to thank so many people. Once we start mentioning a couple or three names, we run the danger of offending people whose names are not mentioned. We all know that. There will be an appropriate time for us to make all the thanks, and I will make mine so sincerely because I am so grateful for all the hard work my staff has put into this.

I wish to single out one person, and that one person is sitting next to me. Her name is Liz Fowler. Liz Fowler is my chief health counsel. Liz Fowler has put my health care team together. Liz Fowler worked for me many years ago, left for the private sector, and then came back when she realized she could be there at the creation of health care reform because she wanted that to be, in a certain sense, her profession lifetime goal. She put together the White Paper last November—2008—the 87-page document which became the basis, the foundation, the blueprint from which almost all health care measures in all bills on both sides of the aisle came. She is an amazing person. She is a lawyer; she is a Ph.D. She is just so decent. She is always smiling, she is always working, always available to help any Senator, any staff. I thank Liz from the bottom of my heart. In many ways, she typifies, she represents all of the people who have worked so hard to make this bill such a great accomplishment.

I will have printed in the RECORD the names of all my professional staff. There are more than I realized, so I can't name them all. I ask unanimous consent to have that list printed in the RECORD and just regret that I cannot thank everybody personally.

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

COMMITTEE ON FINANCE MAJORITY PROFESSIONAL STAFF

Ryan Abraham, Joseph Adams, Sarah Allen, John Angell, Randy Aussenberg, Mary Baker, Scott Berkowitz, Shawn Bishop, Mark Blair, Pat Bousliman, Joe Carnucci, Tony Clapsis, Alan Cohen, Blaise Cote, Amber Cottle, Tim Danowski, Bill Dauster, Chris Dawe, Jennifer Donohue, Neleen Eisinger.

Danielle Edwards, Andrew Fishburn, Yvette Fontenot, Liz Fowler, Jim Frisk, Christopher Goble, Michael Grant, Jewel Harper, Diedra Henry-Spires, Laura Hoffmeister, Andrew Hu, Matt Kazan, Ayesha Khanna, Tom Klouda, Cathy Koch, Christopher Law, Josh Levasseur, Richard Litsey, Carla Martin, Kerra Melvin.

Bob Merulla, Rory Murphy, Scott Mulhauser, Kelcy Poulson, Holly Porter, Hun Quach, Russell Quiniola, Tom Reeder, Matt Schmechel, Athena Schritz, David Schwartz, Erin Shields, Michael Smart, Meaghan Smith, Tiffany Smith, Challee Stefani, Greg Sullivan, Russ Sullivan, Chelsea Thomas, Kelly Whitener, Erin Windauer.

Mr. GREGG. I join the chairman of the Finance Committee in thanking so many people who participated in the process. I especially thank the staff on the dais and staff in the cloakroom who were here so late last night and do such an exceptionally professional job; otherwise, we could not move this type of legislation in a coherent way.

Obviously, I thank the chairman and I thank his staff and I thank the chairman of the Budget Committee and his staff because really there has to be cooperation across the aisle to handle something this complicated and do it in a reasonably efficient way, by Senate standards, which we did.

I especially, of course, thank the people on our side who played such a large role, our leadership but especially my staff on the Budget Committee—Cheri Reidy, who runs the committee, who does such an exceptional job; Jim Hearn, her partner; and Allison Parent. I will submit for the RECORD, as the Senator from Montana has, other members of our committee staff who have done such an exceptional job. But it seems you have to be named ''Liz'' around here to really understand health care because I have Liz Wroe on my staff, who really did such an extraordinary job for us here.

Again, I thank everyone who was so cooperative. There were an awful lot of amendments, and we could not have been successful without cooperation on both sides of the aisle.

Mr. CONRAD. Will the Senator yield?

Mr. GREGG. Yes, I will.

Mr. CONRAD. May I just say I really owe it to several people on my staff, especially my staff director, Mary Naylor. I don't know that there has been a person more dedicated to public service than Mary Naylor. What an extraordinary effort she has made, along with Bill Dauster of the Finance Committee and also my deputies, John Righter, Joel Friedman; my counsel, Joe Gaeta; and Sarah Kuehl, who led my health care team. We owe deep thanks to this staff. This has been a year-and-a-half long effort by so many;

lost weekends with their families, lost evenings.

Thank you. Thank you.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, we have a few more items of business that must be taken care of, but I didn't want the time to go by without saying something to the American people.

We all know the importance of this legislation. It is a Thursday afternoon, about 2 o'clock. We are all tired. But this has been a legislative fight that will be in the record books. I am grateful for everyone who has worked on this to make this happen.

First of all, I have had a number of people on my staff who have worked very hard—Randy DeValk, who is kind of the resource of all the Senators, Republicans and Democrats. He is a utility man. He can do anything. He is a very accomplished, fine human being and a great person to have working for you.

Kate Leone has been such a stalwart in helping me work through these issues. We started this a number of months ago. We got together every week because I didn't know a lot about health care. She and I would sit and talk for an hour every week so I became more accomplished in knowing at least the framework of this legislation we looked forward to dealing with. I have so much appreciation for her. Like Randy, they left their families at home. She left her baby at home. A lot of the times, it was very difficult for a young mother to do that. I have such respect and admiration for her skill and her being such a nice person.

Bob Greenawalt, my tax guy, has done a remarkably good job—very quiet but someone whom everyone knows in the Senate. He is someone you can go to and get a straight answer.

Senator BAUCUS, the chairman of the Finance Committee, has had a tremendous burden. It has gone on for well more than a year. He has been criticized, he has been praised, but he has always been there trying to move this ball forward, always having the idea that we could get this done when a lot of people around him said, ''It can't be done.'' I personally appreciate MAX BAUCUS and the good work he has done for these many years for the State of Montana, but in recent months America has come to know the great work he has done on this bill which is now law.

TOM HARKIN—what a wonderful human being. When I had a very difficult election in 1998, no one called more often to find out how I was doing, both before the election and after the election. He is my friend. I care a great deal about him. He has some big shoes to fill, those of Ted Kennedy. He has been so easy to work with.

CHRIS DODD—even though he was no longer running the committee because Senator Kennedy died, TOM HARKIN never got involved in it. He left everything involved with health care that the committee had up to CHRIS DODD. It worked out well. We were able to do reconciliation, and he moved into something for which he has such great passion, and that is education. So thank you very much.

KENT CONRAD and I came to the Senate together. When the history books are written, there will certainly be a chapter or two or three talking about a person who over the years has come to know more about the finances of this country than any other human being—anyone. He and I are friends. He is the reason we are here now with so little controversy on these points of order. He has been someone whom you can really, because he is such a perfectionist—frankly, he can really get on your nerves. He is someone who always wants to make sure that the ''i'' is dotted and the ''t'' is crossed. I am so grateful we are able to be where we are as a result of the good work of this honorable man from the State of North Dakota.

Finally, I have seen this man shed tears on so many occasions in the last few months. Why? Because his pal is no longer in the Senate, his buddy, his soulmate. There could not be two better friends than Ted Kennedy and CHRIS DODD. I don't know how you can be better friends than they were to each other. He has done such a good job filling in for Ted Kennedy. I know we want to get to this vote, but I love CHRIS DODD. He is such a wonderful person, and his family is remarkably good. He got home at quarter to 4 this morning, and Grace woke him up at 5 to tell her story.

CHRIS, thank you very much for what you did.

MOMENT OF SILENCE

I think it would be very appropriate, and I hope I do not offend anyone—if I do, I certainly do not mean to—I think it would be very appropriate right now to have a moment of silence for our departed friend, one of the great Senators in the history of this country, Ted Kennedy.

I ask the Chair to direct that moment of silence.

The VICE PRESIDENT. Without objection, the Chair will direct a moment of silence.

(Moment of silence.)

The VICE PRESIDENT. The majority leader is recognized.

Mr. REID. Mr. President, I ask that when the vote is called, Senators vote from their desks.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me acknowledge the majority leader also because he has been under tremendous stress. We all know that, with what has happened relative to Landra and his daughter. We appreciate the fact that he has been so professional and worked so hard while confronted with this extraordinarily difficult situation. We obviously wish everyone in his family well.

Mr. President, at this time I will make two points of order. I submit for the RECORD a statement of those points of order.

The following provision of the pending bill, H.R. 4872, the Health Care and Education Affordability Reconciliation Act, on page 118 at line 15 through 25 does not produce changes in outlay or revenues and thus is extraneous. Therefore, I raise a point of order under section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The VICE PRESIDENT. The point of order is sustained.

Mr. GREGG. Mr. President, the following provision of the pending bill, H.R. 4872, the Health Care and Education Affordability Reconciliation Act, on page 120, lines 3 through 5, does not produce changes in outlays or revenues and is extraneous. Therefore, I raise a point of order under section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The VICE PRESIDENT. The point of order is sustained. Both provisions are stricken.

Mr. GREGG. I thank the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in keeping with my previous statement, we on our side would not further contest either of those provisions.

The VICE PRESIDENT. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The VICE PRESIDENT. The Senator from Montana.

Mr. BAUCUS. Mr. President, is it appropriate to ask for the yeas and nays?

The VICE PRESIDENT. Yes, it is.

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

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is on passage of H.R. 4872, as amended by operation of section 313(e) of the Congressional Budget Act of 1974.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—56

Akaka	Byrd	Feingold
Baucus	Cantwell	Feinstein
Bayh	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Hagan
Bingaman	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (OH)	Dorgan	Johnson
Burris	Durbin	Kaufman

Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NAYS—43

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

NOT VOTING—1

Isakson

The bill (H.R. 4872), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, today's final passage of this Health Care and Education Reconciliation Act marks the culmination of a decades-long struggle to make health insurance affordable to hard working Americans. This has been an arduous process, but it has proven that change truly is possible. America again has risen to meet one of its foremost challenges.

Still, there is more work to be done to introduce competition into the health insurance industry. Today, health insurers do not play by the same rules of competition as do other industries. Benefiting from a 60-year-old special interest exemption, the business of insurance is not subject to the Nation's antitrust laws. These laws promote competition, which ensures that consumers will pay lower prices and receive more choices. We can surely agree that health insurers should not be allowed to collude to set prices and allocate markets.

Last fall, I introduced legislation to repeal the health insurers' antitrust exemption. I held a hearing to examine the merits of this repeal, and worked to build bipartisan support. A few weeks ago, repeal of the antitrust exemption for health insurers became the first stand-alone part of the health reform package to pass the House, in a strong bipartisan vote of 406–19. Today I want to renew my call for the Senate to take up and pass this legislation to repeal the antitrust exemption for health insurance companies.

As they begin to implement the measures included in the Patient Protection and Affordable Care Act, the Department of Health and Human Services, other Federal agencies, and the States can all greatly benefit from the competitive analysis provided by both the Department of Justice's Antitrust Division and the Federal Trade Commission, FTC. The Justice Department and the FTC have the knowledge and experience to provide informed assessments of whether a marketplace is functioning properly, and when there may be warning signs that competitive abuses are taking place. Their expertise will ensure that the basic rules of fair competition apply to those reforms included in the new health insurance reform law.

Mr. CONRAD. Mr. President, I want to add to my comments from earlier today regarding the passage of H.R. 4872, the Health Care and Education Reconciliation Act of 2010. I want to again acknowledge and thank my staff for their extraordinary effort and professionalism. My staff has worked tirelessly over many months, working late nights and weekends on health care reform and reconciliation. I greatly appreciate the sacrifices that they—and their families—have made in these efforts.

On my Budget Committee staff, I want to again thank my extraordinary staff director, Mary Naylor, as well as my deputy staff directors, John Righter and Joel Friedman, and my counsel, Joe Gaeta. In addition, I want to thank my incredible Budget health team, which is led by Sarah Kuehl, but also includes Purva Rawal, Jim Esquea, Jennifer Hanson-Kilbride, and Steve Bailey. They did extraordinary work. I also want to thank my Budget education team, Robyn Hiestand and Matt Mohning. Education was an important part of the reconciliation bill and college students will benefit greatly from the expansion of Pell grants and other assistance. I want to thank the remainder of my excellent Budget Committee staff, all of whom contributed greatly to this effort. I particularly want to thank Craig Kalkut, Ron Storhaug, and Jean Biniek for their assistance in this effort.

Finally, I want to thank the staff in my personal office. They also played a key role in this effort and represented the State of North Dakota very well. I want to thank Sara Garland, my chief of staff; Tom Mahr, my legislative director; Kate Spaziani and Dana Halvorson, my personal office health team; and Caitlin Coghlan, my education specialist. In particular, I want to thank Tom and Kate for their extraordinary efforts. They worked hand-in-hand with my Budget team in helping produce a bill that moves this nation in the right direction on health care and fiscal responsibility.

I believe it is important that the American people understand the work and sacrifice made by the staff who work here in Congress on their behalf. The last year has witnessed an incredible effort by staff on both sides of the aisle. I thank them all, and again, thank my staff in particular.

Mrs. BOXER. Mr. President, it is clear to everyone watching the debate on the Health Care and Education Reconciliation Act that amendments were offered for the sole purpose of derailing health care reform. Therefore I voted to table all amendments.

Under normal circumstances, I would have supported some of the amendments offered by my colleagues. For example, last night, an amendment was offered to clarify that the health care reform bill would not adversely affect VA and military health care programs. I am a cosponsor of freestanding legislation that would make that very same clarification. However, last night, when Senator WEBB asked unanimous consent for that legislation to be adopted separate from this bill, an objection was raised from my friends on the other side of the aisle.

I am pleased that the bill passed because it will make life better for the people I represent.

Mr. DURBIN. Mr. President, the reconciliation bill on the floor today realizes a dream of my friend and mentor, former Senator Paul Simon—consolidation of the Federal student loan program entirely into direct loans.

The very first Federal student loans were direct loans provided under the National Defense Education Act of 1958—directly from the Federal Government to students.

In 1965, the Federal Government began guaranteeing student loans provided by banks and nonprofit lenders through the Federal Family Education Loan, FFEL, Program. Through this program, the Federal Government would pay banks a certain rate of return on student loans and guarantee those loans against default.

By the early 1990s, it was clear to Paul Simon that incentivizing banks through subsidies no longer made sense. The Federal Government could make loans more cheaply and more simply directly to students.

As he said: ''Are we in the business of helping banks and guarantee agencies, or are we in the business of helping students?''

Paul Simon became the leading Senate champion of a new direct college loan program, enacted in 1992 as a small pilot program. He and others hoped that the Direct Loan Program would be quickly expanded to replace the FFEL Program.

In 1993, during a budget reconciliation fight, lobbyists for the banks and Sallie Mae joined forces to try to defeat the effort to move the student loan system into direct loans. The result was our current system: the Direct Loan Program and the FFEL Program operating side-by-side.

This system hasn't worked. Private lenders like Sallie Mae have retained the majority of the student loan market through special deals with financial aid offices and have continued to make billions off of taxpayer-funded subsidies—$6 billion per year. Taxpayers are absorbing all the risk of student loan defaults, while private corporations bank all the profit.

Senator Kennedy, a longtime proponent of direct loans, once said: ''We

waste billions of dollars in corporate welfare every year on student loans, and we cannot afford it any longer.''

I agree with Paul Simon and Ted Kennedy. And so does Chairman HARKIN, who led this bill through the HELP Committee. I join him in supporting this bill that would finally end corporate welfare in the Federal student loan program and put that money back in the hands of students.

The reconciliation bill will shift all loans into the Direct Loan Program that Paul Simon envisioned and use the $68 billion in savings to invest in education priorities.

We will put $36 billion over the next 10 years into the Pell Grant Program, a program that we know is essential for many poor families and struggling students.

For the first time, we will index the Pell grant to inflation. We will also avert a projected Pell grant budget shortfall caused by recent increased demand for Pell grants.

Without this investment, 8 million students could see their Pell grants cut by 60 percent next year, and 600,000 students could lose their scholarships completely.

The bill will cap monthly student loan payments at just 10 percent of discretionary income, so that college graduates can pursue careers in teaching or public service without the burden of student loan bills they couldn't keep up with.

We will also invest in historically Black colleges and universities, minority serving institutions, community colleges, and state-based college access programs that help students succeed in college.

And we will reduce the deficit by $10 billion over 10 years.

Families and students will benefit enormously from this bill and the realization of Paul Simon's vision. And who will suffer? Bank and lending executives who have grown rich off of unnecessary taxpayer subsidies for decades.

Paul Simon was right 20 years ago, and he is still right today. It is time to take the middleman out of the student loan industry and return our focus to students.

I would like to thank Senator HARKIN for his hard work on the student loan reform provisions in this bill and for his tireless efforts on behalf of college students across the country.

I strongly support the student loan reform provisions that are included in the reconciliation bill and I look forward to seeing Paul Simon's full Direct Loan Program finally signed into law.

Mr. ROCKEFELLER. Mr. President, I have always wondered if this day would come, when I could stand on the Senate floor before my colleagues and say those words:

We did it. We passed comprehensive health care reform.

Many have come before us and we have worked together for years. We took on a monumental task and faced obstacles at every corner.

It wasn't easy—nothing that is worth doing is easy. But we put aside our own differences and came together to pass meaningful legislation that will transform the way health care works in our country.

And it was worth every minute and every hurdle. It was worth every setback and every step forward.

Because for all those challenges, for all our debates and negotiations, I know that any trouble we faced was nothing in comparison to the daily struggle millions of Americans face everyday without health insurance. Millions that are without coverage who live everyday in terror of becoming sick—parents powerless to provide care for a sick child, workers unable to change jobs and pursue a new opportunity, families forced to choose between seeing a doctor and paying their mortgage.

When I think about the cause of reform, I think about those people and their stories.

And I want to tell you about some of them today.

I want to tell you about the Bord family of West Virginia.

The Bords are two dedicated school teachers—with health insurance, through their employer—whose son Samuel had Leukemia and needed treatment well beyond the onerous annual insurance limits, they didn't even know they had. Samuel's parents were desperate and feared for the worst. When he hit his million dollar cap, my office helped his parents find more resources.

But, the Bords were left with two heart-wrenching suggestions—consider getting a divorce so that Samuel would qualify for Medicaid and stop taking their other children—Samuel's twin brothers—to the doctor altogether, even if they got sick, in order to save every penny for Samuel.

That's right. Get a divorce and choose one child's health care needs over another's.

Those are the choices our Nation offered to these caring, hard-working parents with a sick child?

They did everything in their power but, this fall, Samuel passed away.

It breaks my heart to think of what his parents went through: not only the pain of watching their son fight a terrible disease, but also the uncertainty of paying for his treatment when the coverage they counted—on and paid for—abandoned them.

And so now, we are creating a more secure and reliable health care system that works for every American: where those who are uninsured finally have someplace to go for care; where those with health insurance know that the coverage they count on—and pay for—will be there when they need it; and where a profit driven insurance industry cannot play mercilessly with people's lives or steal their hope for a healthy future.

This new law is for all those countless people we have lost to a broken system. This is Samuel's law. We will never be able to bring him back—but we can make sure no one's health is ever left to the whims of annual and lifetime caps or pre-existing conditions or arbitrary rate hikes.

In the course of my Senate Commerce Committee investigations into the health insurance industry, I met a wonderful woman named Susan Pearl.

You see, we knew in the committee that health insurance companies were not being straightforward about how much money they were spending on actual medical care. Too many people were not getting the care they needed, yet health insurance industry profits continued to soar.

So Susan came to us. Her husband owns his own business, and they had coverage—good coverage. And they were glad to have it—their son Ian was born with muscular dystrophy, but was doing well with medical treatment.

Unfortunately, Susan's insurance then decided that her son's care—including the round-the-clock nursing necessary for advanced muscular dystrophy—was getting just too expensive for them to continue paying.

So with the full knowledge of the devastating and fatal effects of dropping coverage—Guardian Insurance abruptly rescinded, not just Ian Pearl's coverage, but the entire family policy, replacing it with another plan that was, quite simply, inadequate.

With Ian's life-saving care costing upwards of $1 million a year, Susan did everything she could to reinstate Ian on his original plan—the one she had paid into faithfully for years.

Thankfully, Susan Pearl was able to recover Ian's old coverage—but only after Guardian's deplorable practices drew worldwide media attention.

This new law means health insurance companies can no longer gamble with people's lives and rescind coverage because it's hurting their bottom line.

You shouldn't need the full focus of a Senate investigation, just to be treated fairly by your insurance company.

I think of small business owners like Kate from my home State of West Virginia who shared her story on the White House Office on Health Reform's public website www.healthreform.gov. Her 2-year-old son is the only person with health insurance coverage in her household.

Many of us know that it is often hard for small businesses to find affordable coverage for themselves and their employees.

She and her husband are small business owners and they simply could not find an affordable policy. Today, small businesses pay up to 18 percent more than large firms for the same health insurance policy, so many just don't even offer it. While small businesses make up 82 percent of businesses in West Virginia, only 37 percent of them offered health insurance coverage to their employees in 2008.

Kate wished she even had the security of catastrophic coverage. She

knows she is risking her home and economic security without health coverage, but, basic health insurance is a luxury she and her husband simply can't afford.

When it comes to health care, small business owners have been facing higher administrative costs, lower bargaining power, greater price volatility and fewer pooling options. These are not minor details. They are major problems and health care reform includes concrete solutions to begin solving them.

Now, with this new law, West Virginia businesses will have access to far more affordable coverage options. In 6 months, as many as 20,000 small businesses in West Virginia like Kate's will have access to tax credits for up to 35 percent of the cost of health coverage for their employees.

And new State-based health insurance exchanges will be designed to help small businesses cover their employees in the small group market. By expanding the pool and spreading risk across every individual in the State exchanges, we can significantly decrease premiums for small businesses and lower administrative costs for small business coverage by as much as 30 percent.

Many people have heard about Sarah Wildman, a woman who purchased insurance on the individual market right here in Washington, DC.

Sarah was an informed consumer and specifically chose a policy she believed included good maternity coverage—one of the few policies on the individual market that cover maternity care at all.

Of course, her so-called ''Maternity'' coverage didn't cover labor, delivery, or even her stay in the hospital. And as a result, Sarah was left with a $22,000 bill.

And, because she gave birth by cesarean section—she now has a ''preexisting'' condition and can no longer get coverage elsewhere.

Sarah's situation would seem absurd, if it were not so deadly serious. And it begs the question: What is the value of health insurance that offers no coverage when it's needed?

But soon she won't have to worry. This new law will mean the elimination of preexisting condition exclusions—right away for our children and as soon as the exchanges are up and running for adults.

Both the House and the Senate have spent more than a year working on a meaningful plan to move our health system forward.

For many of us this journey started in earnest three years ago in our effort to reauthorize the Children's Health Insurance Program. Protecting that program—which will cover more than 14 million children by 2013—represents yet another of this new law's enormous achievements.

But today's achievement is built on more than 50 years of effort and incremental change—some quite meaningful, but none truly comprehensive.

At last, our work has brought fundamental changes to a broken health care system, and takes an enormous step to begin making people's lives better.

I was so proud to be there with the President when he signed the Patient Protection and Affordable Care Act into law—after spending my entire career in public service committed to this cause, it was a chance to witness history in the making.

I want to thank my colleagues in the House and Senate who did the right thing for the American people. I know we are walking on the right side of history. I know many wanted to do even more, and go further. I know this bill is not perfect, but it will be transformative and that is a good thing.

I particularly want to thank two courageous colleagues on the House side—Congressmen ALLAN MOLLOHAN and NICK RAHALL who took a stand for the American people and voted to pass this legislation.

I want to thank HARRY REID for his leadership, and his unwavering vision which helped deliver a final bill to the President's desk.

And finally, I want to thank the President who came to the White House as a champion of change. And now, he has delivered.

We knew it would not be easy to change our health care system, but we persevered. All of us have stories like the ones I told.

I am enormously proud to have supported this legislation, which, more than anything, means a better health care system. It means a better America and a better life for families everywhere.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, at this time I wish to give a short statement for the RECORD, and then I will ask for the Senate to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, for the Small Business Administration.

This is very troubling to me, as the chair of the Small Business Committee. Months ago now, we had Dr. Winslow Sargeant before our committee. The President nominated him to be the Chief Counsel of the Office of Advocacy for the Small Business Administration. For my colleagues who may not be aware of this office and how important it is to have a qualified individual leading it, let me say that the Office of Advocacy works to reduce the burdens of Federal policies and regulations on small business, which is an important effort that is undertaken when either Republicans or Democrats are in the majority.

We recognize that sometimes regulations, particularly overly burdensome regulations, can be difficult for small business, so this position in the Small Business Administration was actually created to advocate not on behalf of the regulations, not on behalf of the government, but on behalf of the small businesses—the millions of them that are out there struggling right now to create jobs. We want to be helpful to them, not hurtful. So it is puzzling to me why this nomination is being held up, particularly because he passed out of our committee with bipartisan support.

He has three degrees, including a Ph.D. from the University of Wisconsin-Madison in electrical engineering, and a background as a very successful small business owner himself. He not only is well educated but well aware of the many difficult challenges facing businesses today.

Dr. Sargeant cofounded Aanetcom, a technology company that was ultimately acquired. He is currently the managing director of Venture Investors, a Midwest venture capital company which focuses on funding startup health care and technology companies. In this role, Dr. Sargeant works closely with technology transfer organizations to develop policies which enable the formation of startups, giving him an unmatched insight into the needs of entrepreneurs in this challenging economic environment.

This is exactly what we need to be doing here: nominating and confirming people such as this to step into positions of power, to advocate on behalf of small businesses. So it is very troubling to me this nomination has been held up. I am going to ask for his nomination to be cleared in a moment.

I am also puzzled because he has the support of many business organizations: the National Small Business Association, the Small Business Association of California, the Small Business Technology Council, and the Small Business Association of New England—very well-respected small business organizations from one side of the country to the other that are familiar with him and his work.

With more than 80 percent of job losses coming from small businesses since the current recession began, it is critical, I believe, as the chair of this committee, that we provide our Nation's 29 million small business owners

with a strong and effective advocate here in Washington.

This position is empty. There is no one sitting in the office, at a time when small business needs a voice. There are regulatory matters coming from all sides. There are new challenges in this environment. There are trade opportunities for businesses all over the world. Our small businesses must break into those markets. Let's not even begin to talk about the regulatory nightmares here at home—just think about those regulatory nightmares as our small businesses seek markets across the oceans and over our borders. Why—why—would anyone want to hold up this position? But someone is, and we are going to find out who and why.

Dr. Sargeant also has spent a great deal of time sitting on different boards, helping to advise others on building strong businesses. He is a Kauffman Fellow, a member of the New York Academy of Sciences, and Sigma Xi. He serves as a director of the University of Wisconsin Foundation, a trustee for the Wisconsin Alumni Research Foundation, and a member of the corporation board of Northeastern University. He is an advisory board member for WiCell, the Waisman BioManufacturing Facility, the University of Wisconsin Astronomy Department, and Purdue University Discovery Research Park.

And the list of his accomplishments goes on. He has served as a technical advisory board member for startup company Intersymbol Communications, Madison-based venture firm Venture Investors, LLC, managing member of Xcelis Communications, LLC and as an advisory board member for the Maryland Venture Fund. Dr. Sargeant received the inaugural 2002 Wisconsin distinguished Young Alumni Award and was the 2003 Outstanding Engineering Alumni Awardee from Northeastern University.

Dr. Sargeant's work also extends to the community. He has been a member of the Board of Directors for the Boys and Girls Club of Madison, Wisconsin, since 2006; a member of the Accelerate Madison, Inc., a Madison, WI, organization dedicated to using information technology to spur economic growth; and active alumni organizations, such as the University of Wisconsin Foundation.

I have no doubt that Dr. Sargeant will make an excellent Chief Counsel for Advocacy and I remain baffled as to why his nomination has yet to be confirmed.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 427, the nomination of Winslow Lorenzo Sargeant, to be Chief Counsel for Advocacy, Small Business Administration; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Louisiana for her concerns about this matter. I am not a member of the committee and am not personally familiar with the nomination. But I know it is controversial with some Members on our side. I think as to the question of why, it is because we agree with the Senator that the nomination is to an important position, and there is concern about whether this is the right person for it. Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. I thank my good friend, the Senator from Alabama. He and I have worked on many important issues together. He is not a member of the committee, and I appreciate that. But I wish to, through the Chair, let the Senator from Alabama know that he might want to consult with some of the members of the Small Business Committee because when we come back I am going to be asking every day on the floor of the Senate for this nomination to proceed.

I think it is fair, in the spirit of openness that so many people have called for, that we have these discussions now in a very open way on the floor of the Senate. So I hope the Senator will understand the spirit of this. This gentleman is extremely well qualified. I have had numerous calls to my office urging us to move forward.

I thank the Senator from Alabama for those comments. But if you would relay that to not only the members of the Small Business Committee but to the Republican Caucus, that would be wonderful. Thank you.

Mr. President, how many more minutes do I have?

The PRESIDING OFFICER. There is 3 minutes 20 seconds.

Ms. LANDRIEU. Thank you.

Let me, while I have the floor, call attention to this document that is on our desks. It is the Executive Calendar that is placed every day on our desks. Since we have been at our desks now for many hours, I actually had the opportunity to read it, which I do not often do.

Although the pages are not numbered, I counted them and I believe there are 12 pages. This is documentation of every person pending on the Executive Calendar for confirmation. It might be interesting to the people observing our session today to note that all of these nominations—from the Judiciary, to the Federal Elections Commission, to the Department of Energy, to military positions, Corps of Engineers positions, the Army, the Executive Office of the President, members appointed to the Amtrak Board of Directors, the Equal Employment Opportunity Commission, the Farm Credit Administration, the Department of Commerce, the Department of Housing and Urban Development—these are people—pages and pages of names—who the President has suggested would be wonderful people to serve our government.

They have passed the committee process, most of them—or many of them, I understand—with bipartisan votes. Why they are sitting on this calendar I do not know. But we are going to find out. I realize there is sort of a place and a time and a process in the Senate, but it is important for us to know, and for these individuals who have put their lives and their careers on the line, who put their homes up for sale, who have left their former jobs thinking they were going to come to work for the Government of the United States—proud to work for our government—many at much less than they were making before they were nominated by the President. I am going to ask my colleagues on the Republican side, Why are they being held up?

There are actually two individuals I know personally—two judicial candidates from the State of Louisiana: Beth Foote and Brian Jackson—one outstanding lawyer from the Western District of Louisiana, and one outstanding lawyer from the Middle District of Louisiana. They are not technically being held up, but they are not moving forward. So we need to be moving them forward. The chairman of the committee, Chairman LEAHY, has done a wonderful job moving them through. In fact, the Senator from Alabama was extremely complimentary—who is on the Judiciary Committee—of both of those nominees because I happened to be present at their hearing. The Senator from Alabama was extremely complimentary in his views, and he is, of course, the ranking member on that committee.

When we get back, on behalf of Beth Foote and Brian Jackson and Winslow Sargeant, I hope some of my other colleagues will be happy to join me in very open and public discussions on the floor of the Senate about what might be a problem that we should know about so that we can get these people in positions of power and authority and of service, might I say, to the people of the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The Republican leader is recognized.

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

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

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 333, S. 3153, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 3153, Calendar No. 333:

Tom Coburn, Jim DeMint, Mike Johanns, George S. LeMieux, Kay Bailey Hutchison, Lamar Alexander, Saxby Chambliss, Mike Crapo, John Cornyn, Jim Bunning, Michael B. Enzi, John McCain, Judd Gregg, Jeff Sessions, Robert F. Bennett, John Ensign, Mitch McConnell.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are as a nation and what the future is for our children.

We have at this point in time $12.6 trillion worth of debt. We now have equivalent debt for every man, woman, and child in this country of $42,000. For our children who are under 25 years of age, in the year 2030, each one of them will be responsible for $1,113,000 worth of debt and unfunded obligations. If we think about what that means, it means that for our children who are under 25 years of age, the ability for them to experience the opportunity that we as a nation have experienced in the past 230-plus years is going to be put at risk.

We have before us some things that need to get done. They have to get done. We have two options: We can add another $9.2 billion to that $12.6 trillion we have today and bump up more than that $1,113,000, or we can relook into the mirror and say: Should we as Americans start making some of the hard choices that are going to be necessary for us to get out of the mess we have created for our children?

When I travel around the country—and I travel in Oklahoma—Americans are concerned about our future right now. What are their concerns? What does it boil down to in their hearts? In their hearts, they have this gripping sensation that what they have experienced as an American may not be available for their children. It is a painful realization. Their hope for us is that we might change that outcome for their children. We have an opportunity to start that right now.

By way of background, most of us know there is a tremendous amount of waste, fraud, abuse, and duplication in the Federal Government. Oftentimes, it is hard to weed out because every program, whether it is efficient or effective or not, has people who tout it. Our nature as politicians is to offend no one. That is our nature. How in the world do we accomplish what is going to be necessary in the next 5 to 10 years and solve this most difficult problem that we, the politicians, have created? America didn't create this. The States didn't create this. This problem was created in Washington.

As has often been said, the easiest thing in the world is to spend somebody else's money. So the earnestness with which I come to the floor is to say we ought not be doing that, especially when we know there is waste and there is fraud and there is duplication and there is abuse in much of the Federal Government.

I was reminded of the trouble the State of New Jersey is in. What the people of the State of New Jersey have said is: We recognize the problem, and we need to change things. So they elected a new Governor on the basis that he would make the tough decisions about priorities to change the future path—that he might change the path of the future for the citizens of New Jersey. He put forth a bold budget. As a matter of fact, one of the Senate Democratic leaders is helping him fix the problem.

So we have a Republican Governor with a bold plan who has come forward to the people of the State of New Jersey. They elected him by a fairly large margin and said: For us to have this great future we all want for our kids, we are going to have to do some things that aren't necessarily pleasant, but they are necessary. It is kind of like when you have a child and they have to take a medicine, or the first time you take a child to the pediatrician's office for their first set of shots. That is an easy visit. The hard visit is the second visit because they have a memory of getting the injections the first time. So all of a sudden you have resistance, you have resistance, you have resistance to a medicine or a vaccine that actually fixes the problem, but there is a small amount of pain with it.

So the Governor of New Jersey has started out on a bold, fresh course not because he is a Republican—it doesn't matter the label. The fact is, the people in New Jersey, in a bipartisan manner, recognized they had to make changes. So we have unemployment insurance. We have COBRA. We have flood insurance. We have the doc fix for 30 days. We have all of these things in front of us that we all agree we want to get done.

Where lies our disagreement? It is very simple. One says we will declare it an emergency, not pay for it, and send the bill to our grandkids. The other says: Maybe it is time we quit doing that.

What is the expectation of the American people in terms of how we should respond to that? A recent poll said 72 percent of the American people, not divided by party, pretty neutral between both parties, say the No. 1 issue in front of us as a nation is our debt.

We had a warning from the rating agencies just 2 weeks ago that the United States of America is about to lose its AAA credit rating on its bonds. If you watched bond prices yesterday, what you saw was the yield shot up. The interest payment we are going to have to pay for when we borrow a huge amount of money is going to rise.

One of the most significant things we could do to help ourselves is send a signal to the world that we are not going to wait until our bond rating crashes, that we are going to start taking the steps that are necessary for us to get back on a road to fiscal health.

With all good faith, I think the majority leader and the minority leader tried to work out an agreement where we could perhaps accomplish this. We did not get there. Therefore, we find ourselves where we are going to have to have a debate, and we are going to have to discuss in front of the American people if we do these good things—and they are good—should we get rid of things that are a whole lot less good or should we take the immoral choice and not make any choice at all and pass it on to our children and grandchildren.

That is the question of where the American people are today. The majority and the President have had a great victory on health care, with not partisan differences but policy differences with my side of the aisle. That is now the law of the land. Whether you believe CBO and how it is scored, the fact is, even if it saves that amount of money, that does not come close to solving any of our problems.

We have had these multiple month-long extensions, of which none have been paid for, at about $9 billion to $10 billion a month. We find ourselves, because we want to go home or we want to go on a codel or we want to campaign or we want to fundraise, we want to make it easy and just pass it on down to the next generation.

I cannot agree to that anymore, ever again; that, in fact, if we are going to spend money on things we know we ought to do, then the obligation ought to be on us to get rid of funds that are spent on things that are very much less important. That is the hardest thing a political body does, is that they end up isolating and irritating those who are well connected who have an interest in those lower priority items. It is hard for us because, as is our nature, we want to offend no one. But we are going to have to talk that out. I guess we are going to have to talk it out on the floor, and we are going to have to debate it. We are going to talk about what our true long-term future is if we do not change.

I would rather us not be at this point, but when I wrestle with my own conscience and as I visualize my grandchildren and the grandchildren of everybody in this body, I think it would be immoral for us not to have this debate.

I don't know what the outcome of the debate is going to be and the ultimate

result. But I can tell you it is a legitimate debate we ought to be having. We ought to not just be having it on this extender package. We ought to be having it on any new spending, in any form, that the Congress does.

One of the large segments of the Recovery Act that some of us disagreed with was the amount of money that got transferred to the States to help them through this fiscal crisis. When we look at that, when we did that, I believe—and this is my personal belief, and I am sure many of my colleagues would not agree with it—we transferred the worst habit of Washington to the States, saying there are not consequences to your spending more money than you have. Although all these States have balanced budget amendments—in my own State, even though we had to make some tough decisions because of the tremendous amount of money that came through the Recovery Act, we did not make the decisions we should. So now we are going to make them this year, and we are going to make very difficult choices about priorities in the State of Oklahoma, with a Democratic Governor and a Republican House and Senate. They are going to get the job done. They are going to accomplish it because the people of Oklahoma do not allow their government to run their government on the backs of their unborn children. We do not allow it. We forbid it. We see it as immoral.

If you think about it, it is because what we are doing is stealing future opportunity from our children. People can say that is not right, but when you run the numbers—and everybody knows the numbers—it is right.

CBO put out 2 weeks ago that we are going to have a $9.8 trillion deficit this decade, not counting last year. They also put out that $5.6 trillion of that $9.8 trillion is money that is going to be used to pay interest. We are now similar to the person who gets in trouble on their credit card. The analogy does not stop there because what happens to the person with the credit card debt? The interest rate rises because they are not paying, when they only pay the minimum.

We have now gotten to the point where the vast majority of our debt accumulation in the next 9 years is going to be associated with interest payments rather than defending the country, rather than refilling Social Security, the money we have stolen out of there, rather than picking up the deficit that is in Medicare. We are going to spend that money to pay for interest. It is a double whammy. It is money we are paying that is not helping anybody. It is not helping anybody.

I was nominated to be on the Commission President Obama issued by Executive order that has six of our Democratic colleagues in the House and Senate and six of us on the Republican side and six appointed by the President. I have had multiple conversations with many of those people already. Quite frankly, they are worried and scared for our country based on the numbers we are seeing.

How is it we would now start down a road ignoring the reality of what is in front of us?

Let me describe what is in front of us. I wish to talk about it from an international standpoint first, and then I wish to talk about it from a domestic economy standpoint.

We had the Chinese Army say 6 weeks ago to the Chinese Government: Dump a bunch of American bonds; hurt them. You have the Chinese Government that undervalues its currency, stealing our jobs, and we are borrowing money from them. They now have an impact on our foreign policy. All we have to do is talk about Iran.

The sanctions we want to place on Iran that are necessary to be placed on Iran to contain the threat of them developing nuclear weapons are not available to us. The reason they are not available to us is because China and Russia have leverage over our debt. We do not have a clear, clean, crisp foreign policy because we have this little IOU of $900 billion to China and $700 billion to Russia that we are worried might influence their handling of that and the consequences of it.

When we look at history and we look at all the republics that have ever been, the one key thing in common that happens to them that causes them to fail is what? Is that every one of them got in trouble on a fiscal basis before they withered on an international basis or on a dominance basis. Every one of them withered. They, in fact, fell because they could not support their armies, they could not support the networks they put out and developed as a governing body.

The question is, Will that happen to us? There is a potential for that to happen to us. I will tell you, yes, we are in a position now where if we do not change gears and start making priorities on both programs and benefits, drawn in the light of the priorities of our present financial situation, and start making selections about what is most important versus what is least important, we are going to be similar to the Athenian Empire.

The real thing that is going on outside Washington and throughtout America is the fear of what is happening to us. They sense it. They worry about it. We have exaggerated that by at times not paying attention to that fear and that worry. But the consequence of not starting at a point in time in which we are going to make a difference and start doing what we were elected to do, which is to select priorities and eliminate nonfunctioning, poorly functioning duplication and fraud from the Federal Government—I said I was going to talk about the other side.

What does the domestic side look like for us as we go out, having $9.8 trillion worth of more borrowing in the next 9 years, with $5.6 trillion of that in interest payments? What does that do to our domestic economy? What is the impact? The impact is, we will see changes in our standard of living because of it. They are not positive changes.

If we were to stop right now and not borrow another penny and try to manage the debt we have today, we would still see a marked increase in inflation in our country—not immediately, but all you have to do is watch the bond market to see what is going to happen and you watch the yield curve. When you see 10 years go from last year this time 2.4 percent to 3.9 percent, which is a greater than 50 percent rise in yield as we continue to flood $300 billion this week in borrowing from the Fed, what does that mean for the average American?

What that means for the average American is inflation. What that means to that $5.8 trillion in terms of interest payments is that it is a larger proportion because as the interest costs rise, the proportion of interest payments versus total debt rises. We now spend in the United States—last year, per household—$38,980 in Federal programs per household. The median family income in America is $50,000, and the Federal Government is responsible for 80 percent of that as a ratio in terms of money we spend. We only collected—and this is not last year but the year before data—$18,000 per household.

So what do the numbers say? The numbers said that last year, 43 cents out of every dollar that the government spent we borrowed. It is going to be about 48 cents or 47 cents, we don't know for sure, this year. But I would note that we had the highest monthly deficit in our history in the month of February, and we need to send a signal to the international financial market that we are aware——

Mr. REID addressed the chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Through the Chair, I would ask if my friend would yield for a question?

Mr. COBURN. I would be glad to yield for a question.

Mr. REID. Could the Senator give us an idea of how long he is going to talk?

Mr. COBURN. About another 30 or 45 minutes. I will be glad to signal that ahead of time so the Senator would not have to wait on me. I will make sure the Senator is notified before I finish.

I kind of lost my train of thought.

The fact is, about 47 cents out of every dollar that we spend this year we are going to borrow. From whom are we borrowing it? Half we are borrowing from the American taxpayer, but the other half we are floating to the same people who hold our debt today. So we are doing a couple of things that are very dangerous for us. We are increasing our dependency on financing with those who don't have the best interest in mind for us, and we are raising the level of the amount of money we borrow that we have to pay back in interest to where it is not going to be long

that all the money we are borrowing is interest.

Why is that important to the individual family? If you have a savings that has recovered somewhat from the lows of 2009—and I think the average savings has recovered about 60 percent of its losses, or 75 percent of the losses in this country—when we start inflating the value of that retirement, the value of that asset is going to decline in terms of real dollars. We are perilously close to getting into the same situation we got into in the late 1970s and the early 1980s where we had double-digit inflation, double-digit unemployment, and double-digit interest rates.

You will hear everybody say: Oh, that isn't going to happen to us again. Well, I certainly hope it doesn't, but some of the same situations are playing out today that were playing out then. So if in fact you are on a fixed income, a retirement income, and we start inflating because of our debt, who does it hurt the most? It hurts those individuals who are on a fixed income, who don't have the luxury of going back to work or don't have the capability of going back to work. What happens to them? Their standard of living goes down, along with their ability to cope.

As I talk to families across America, what they are doing, still to this day, is they are sitting down at the table and they are visiting with one another and they are saying: Here is the money in, and here is the money out. How do we increase the money in, and how do we decrease the money out? What they are doing is picking what is important. They are picking what is a priority and going without the things that are not as important.

I agree that we have 9.7 percent unemployment and we ought to be helping those people. I agree we ought to be helping with COBRA. I agree we ought to do the doc fix. We had an opportunity last night to fix it for 3 years and 9 months and pay for it, but this body rejected that. I agree those are good things. What I don't agree with is doing those good things on the backs of our grandchildren. When and if we do those good things, and we haven't paid for them, what we will have done is been dishonest with the American people, not only in our action but in our oath.

You see, it is easy to spend other people's money if in fact you are sitting up here secure with a pension and a good salary and there are no consequences to us. We will all do fine. But the vast majority of Americans will not do fine, and the future of America will not shine bright. The future will be a little dimmer because we have this tremendous yoke of heaviness and drudgery on our backs because we, in fact, would not have made the hard choices.

This isn't the first Congress. The Republicans didn't make hard choices when they were in control. It is not partisan. It is a disease of elected officials, that they think they can get away without making the hard choices because the cost for not making the hard choices comes down the road. We have been doing that now for 30 years in this country. We have not made hard choices. We have made a lot of mistakes.

No question, Republicans have made more than their fair share of those mistakes. But rather than point fingers, what we ought to say is: What is the problem? What are the symptoms of the problem, and how do you fix them?

Many economists say it is impossible for us to grow our way out of this situation. We had a nice bump in the fourth quarter, thanks to hundreds of billions of dollars that got pumped into the economy, and there truly were a lot of jobs saved by the stimulus act. Maybe not as efficiently as I would have liked, but there were jobs saved. Nobody can dispute that. The question is, are we going to continue the policies that got us into trouble?

As I practice medicine, the one mistake doctors make and that gets them into trouble is when they treat symptoms instead of the disease. Here is the best example I know. Somebody comes to you with a fever and cough, malaise, and not feeling good. Well, I as a doctor, I can give them medicine for a cough. I can fix that. And I can give them something for the fever and the muscle aches. I can fix that. But if I don't diagnose what is causing the fever, the muscle aches, and the cough, what I have done is covered up the disease. That is what we are doing. The patient may get well because the body is a miraculous part of creation, and it has tremendous defenses. The mortality rate for pneumonia at the turn of the last century was 60 percent. Today, in somebody under 80, it is about 1 percent because we have the drugs to treat the real disease not the symptoms.

What is going to describe our action? Are we going to treat the symptoms or are we going to treat the disease? My hope would be that we could lock hands and say: Here is a start. Here is $9.2 billion that we, in fact, can find a way to come together and pay for and make sure these people get these benefits that are needed in this time of difficult economic situation. We can do that, and we can set a new start—a new start of reaching across the aisle and saying this is an appropriate moral goal, just as it is an inappropriate moral goal to not pay for it. It is immoral.

Let me say it again: To steal from your children and your grandchildren with a wink and a nod and thinking there are no consequences for your borrowing against their future is immoral. It wouldn't be immoral if everything we were doing was working great; that there wasn't $350 billion worth of duplication, fraud, abuse, and waste in the Federal Government every year—$350 billion every year, fully documented. It wouldn't be. But that is where we find ourselves.

So on the one hand over here we have this waste, fraud, abuse, and duplication. Yet because we want to get out of town we don't want to do the hard work of ferreting something out of that, something that is suspected of not being effective, to pay for the $9.2 billion. And I told my leadership that I didn't have any desire to keep anybody here this weekend through Wednesday. That is not my desire. But, in fact, if we are not going to do it, if we are going to take the immoral choice and spend money that we don't have and not eliminate programs that are not effective—programs that would not deliver to the American people, programs that would not accomplish their intended purpose—and just charge that to our grandkids, I feel obliged to stand in the way of that. And it will not be easy.

We didn't have much sleep last night. It will require a lot of effort on my part. But I think the future of our country is worth that. The future of our country is worth taking the consternation of those who will be upset with me because I am taking this stand. And I want to say at the outset, if somebody had plans, I apologize that those plans might be disrupted. I had plans, and they are going to get disrupted. But I don't apologize for having a legitimate debate on whether we ought to grow a spine and start making the same kind of decisions that every family in America is making.

It doesn't matter if you are a liberal or a conservative, you are still making those decisions. It is not about social issues. The greatest moral question in front of us today is not this range of social issues that so often divide us. The greatest moral issue in front of us today is whether we will preserve this wonderful experiment and create an opportunity, through hard work and sacrifice, so that the generations that are to come will have the same benefit from it that we have had. So it may turn into a partisan debate, but that is not my goal. It needs to be a legitimate, intellectual debate about the value of being efficient, the value of doing the hard work of making choices that are of the highest priority, and eliminating those things that, although they might be good, are less good in favor of things that are absolutely necessary.

Unfortunately, in my almost 5½ years in the Senate, my side rarely does that, and neither does the other side.

How do we get out of the problem we have? How do we get out of the gridlock? How do we get out of the anger? How do we then focus on what the real problem, the real danger to the undermining of America is? The real danger to the undermining of America is the fact that we have a government that is entirely too big; the only thing it is effective and efficient at is wasting money; that we can't afford the Government we have today; that we continue to borrow money we don't have

to pay for things we don't absolutely need. How do we get out of that?

I recognize the debate. Unfortunately, I had a drafting error in what I intended to offer so we are offering pay-fors from what I think is not necessarily the best source, but it is better than not paying for it. There is $100 billion in unobligated balances sitting at the agencies in this country. It has already been used to pay for certain things we have already voted on. Nobody would feel the pinch if we did it that way.

I would be inclined to ask for a unanimous consent, but I will not do that until I am sure the other side will not object to it, to have a change in the paperwork in mine from what I originally intended but, because of a drafting error, I cannot use. But nevertheless, the legitimate debate is whether we borrow and steal from our kids or we get out of town and send the bill to our kids for something we are going to consume today.

There is a disease that is called consumption—it is syphilis. It is consumption because it consumes you. We have a disease similar to that. Our disease actions in Congress are consuming away the opportunity of America, much of it because we lack perspective but most of it because we lack the will to make the difficult choices that are in front of us. I wonder—actually, I am sometimes astonished—why people do not go home from here at night tremendously concerned about our future, enough so that it causes us to come together to do the best, right thing for America. Is the best, right thing for America to borrow this $9.2 billion? Is that the best, right thing for America? Or would it be that we eliminate programs that are not nearly as effective or lessen programs that are not nearly as effective as these are going to be for those people who are depending on us today? Not just the best, right thing in the short term, because another disease that plagues us is we fail to consider the long term oftentimes—not all the time. But we become short-term thinkers, thinking about, where is the political advantage? How do I look good? How do I accomplish what I want to accomplish for me or my State? I think it is important that we understand there is no State in this country that can be healthy if our country is not healthy—if the country isn't economically healthy, if it is not socially healthy. If it is not, then we have not done our job.

My apologies to the leader for putting him in this position. It is with a very intended sense of commitment that I want us to try to pay for this. I understand there is disagreement in that regard, but I look forward to trying to solve this problem, and if we can, I look forward to having the debate as it goes forward.

I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I say to my friend from Oklahoma, he has not put me in an awkward position at all. We would have been happy just to vote on this.

That being the case, what I will do—and I alert everybody we are not going to rush this, so people will have time to get here—I move to table the motion to proceed.

I ask for the yeas and nays.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—59

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

NAYS—40

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

NOT VOTING—1

Isakson

The motion was agreed to.

Mrs. MCCASKILL. I move to reconsider the vote.

Mr. BROWN of Ohio. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

UNEMPLOYMENT INSURANCE

Mr. REED. Madam President, even though we have made an extraordinary advance in health care reform, we still have millions of Americans who are without jobs and in need of unemployment insurance. We are in a situation that requires action.

Early this month, we were able to pass a 30-day extension by a vote of 78 to 19. It was overwhelmingly adopted, but it was not quickly adopted because of the delay and the procedures imposed upon the process. We might in this Chamber understand the nuances of rules and procedures, but for the people who have been without work for up to a year or more, the nuances escape them. They need help. The reality is, on April 5 this extension will expire. We will not be in session, so we are here today to continue the work that we must do as Members of this Senate.

We have already passed in this body a year-long extension along with some other tax provisions—again, under the leadership of Chairman BAUCUS. That provision is over in the House, and it is unlikely to move today or tomorrow. The House sent us a provision for another 1-month extension. That is bottled up. But, again, all of these legislative initiatives do not put the check in the mail for those who are without work.

That is what we have to do. We have to pass another extension, at least to get us from April into next month and beyond. Of course, I think the year-long extension until the end of this calendar year is the right approach. It has already been adopted, and I hope we can return and embrace that proposal.

If we do not move, at a minimum, for a temporary extension, approximately 1,200 Rhode Islanders will start losing their benefits each week starting April 5. By the end of April, three-quarters of 1 million unemployed workers across the Nation will lose their benefits.

This is at a moment when we are beginning to see some economic traction, some reports of progress in labor markets. Just today it was reported that initial unemployment claims fell by 14,000—a number much larger than the experts expected. Now we are in a very difficult moment when we look at the good news being that ''the claims fell.'' But that is a prelude to the point we have to achieve: when not only the claims fall but the jobs start growing and growing and growing.

We have come a long ways since President Obama took office: 700,000 people a month who were losing their job—with huge, catastrophic, ramifications throughout the economy. That is beginning to turn around. But until we are back to a robust employment situation, we cannot ignore people who need help through the unemployment compensation system.

I believe the major point at this juncture between the two sides is the issue of how do we pay for this, its cost. We have adopted, as Democrats, what was ignored and then dismissed by Republicans, which is the concept of pay-go, of paying for government activities either by revenue increases or by offsetting reductions. But we have always understood that in emergencies these pay-go rules properly can be suspended;

that we can go ahead and deal with an emergency.

Frankly, this situation we are in today, that is triggering all this concern—and rightfully so—of the deficit is not something that was created by President Obama. He walked in with a $1.3 trillion deficit—in sharp contrast to President George W. Bush, who walked into office with a $5.6 trillion surplus over 10 years. That was not the result of just the economy humming along, that was the result of very difficult choices that were made in this body and in the House of Representatives under the leadership of President Clinton and, once again, under the leadership of my colleagues such as MAX BAUCUS.

But that surplus, that opportunity of a robust employment picture where unemployment was around 5 percent, that was the legacy of President Clinton. Frankly, the legacy of President Bush is significant deficits and significant unemployment and financial crisis. More debt was added in that administration—$3 trillion—than all previous administrations combined, from George Washington all the way up to George W. Bush.

So this deficit is a real problem. But a lot of it was the result of decisions that were made by that administration to finance activities not through pay-go but through just piling it on the deficit. Tax cuts were not paid for, and the tax cuts were skewed in the nature of a progressive tax to the wealthiest. Iraq, Afghanistan—none of those wars were paid for through offsets or anything else. The prescription drug program, Part D, was not paid for. It was, again, added to the tab of future generations. It is interesting, today we have actually tried to fix that with the passage of the health care bill by closing the doughnut hole.

So at this moment, when we face a true employment emergency, when people say: Well, we are now going to insist upon complete offsets, it misses what was done casually and repeatedly during the Bush administration for areas that you could argue were not true emergencies. Now we face a critical emergency. In my State of Rhode Island, we have a 12.7 percent unemployment rate. If we do not start supporting and turning that around, it will get worse rather than better. We have never in recent history—going over several decades—ever suspended emergency unemployment benefits when the unemployment rate was at least 7.4 percent or higher. We are at nearly 10 percent unemployment nationally, and in some States—again, in Rhode Island, it is close to 13 percent. Until we lower joblessness significantly, we are still in an employment emergency.

The other aspect of this, too, is unemployment compensation is one of the major activities for stimulating the economy. The bang for the buck is significant. There is $1.90 of economic activity for every $1 invested in unemployment insurance. It makes sense. People need the money to go to the store to buy food for their children. They need to pay for the gas to look for a job. That money will come in and be multiplied in the economy.

The irony, too, of trying to use, in some respects, the stimulus money to pay for the unemployment is it is basically taking away money we have designed to get the economy moving and spending it for a program that will also help the economy move. But you are going to get a lot less bang for the buck in terms of decreasing our overall commitment to that economic activity in the country.

So we have to move. I would urge an immediate extension of the unemployment compensation legislation to give us a chance to return and work with our colleagues in the House for the legislation that will at least guarantee an unemployment extension until the end of this calendar year. But we have to move. We have to act. We should do so now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

UNANIMOUS-CONSENT REQUEST—H.R. 4851

Mr. BAUCUS. Madam President, I would like to follow up a little bit and address the same subject addressed by my good friend from Rhode Island, Senator REED.

Just a little reminder first. On March 10, the Senate passed legislation to extend both tax provisions and safety net programs through to the end of 2010. That legislation included $34 billion worth of tax cuts, an extension of unemployment benefits, an extension of COBRA health benefits for laid-off workers, and several other items. That legislation was also partially paid for. The Senate bill differs from similar legislation passed by the House, and we have not yet had a chance to reconcile these differences—one bill in each body.

In the next couple weeks, however, several of these programs will expire. Beginning April 5, some laid-off workers will begin losing their unemployment benefits. That is not long from now. Workers laid off after March 31 will lose the 65-percent tax credit currently available to purchase temporary health insurance. After March 31, doctors will see 20 percent reductions in their reimbursements under Medicare.

We should not let these programs expire. Today, we should extend them for a month, at least, while we try to meld the Senate and the House versions into one bill that the President can sign.

I think all of us can recall 2 days at the beginning of this month when Congress did let these programs temporarily expire. It was not our finest hour. I hope we will not do the same this month.

So I ask, what is holding us up from keeping these programs in place? There is no controversy about whether to extend the programs for 1 month. Both Republicans and Democrats have proposed doing that. Both propose extending the programs for at least 1 month until we get the yearlong bill resolved. There is only an honest disagreement over whether to provide offsets for this bill.

Most Republicans believe the package should be fully offset. My good friend from Iowa offered an amendment to do just that. Most Democrats believe unemployment benefits during a recession when we have seen unemployment rates rise to double digits signify an emergency and need not be offset.

We are still in a very dire situation. In a moment, I will propound a unanimous consent request that seeks to resolve these differences. We should do that. Clearly, we should for the benefit of thousands of Americans who are struggling as a result of the downsizing that has occurred across our Nation in this recession.

They are the ones bearing the brunt of our failure. They are the ones bearing the brunt of our inaction and of our—to be honest—partisan differences. It is astounding to me we just cannot get together for the sake of people who otherwise will lose their unemployment checks, who will not have the benefit of COBRA health insurance, and seniors who are in jeopardy because their doctors are not going to get paid for Medicare. There is no one to blame but us.

The COBRA tax credit has helped millions of unemployed workers and their families afford health care while looking for a job. Without this assistance, the average family would need to pay $1,100 per month to keep their health insurance, which is simply unaffordable for most unemployed workers. This provision would extend the COBRA tax credit through April 30 to ensure newly unemployed workers can also receive assistance in affording their health insurance.

Unemployment insurance benefits have helped millions of Americans stay afloat after they have lost their job. We want them to keep those benefits, at least for awhile. Folks who lose a job then face an economy that has few and sometimes no options for returning to work in their community and in their chosen field. In fact, I read recently that there are five people looking for every single job opening—five, at least five—in America.

Approximately 1 million workers—that is about 200,000 per week—will lose their benefits in April alone. Not only will this cause them and their families untold hardship—just think of it, no job, no unemployment insurance—it will also cause important money to stop flowing through their communities, and that could very well lead to an immediate application for food stamps.

Unlike last month, when the program lapsed for just 2 days because of the upcoming recess, the programs will lapse this time for at least a week. The State

agencies will have absolutely no ability to keep their programs up and running. They will have to terminate benefits.

Over 6 million workers are depending on extended benefits and they are distraught. Yet again, this debate is going down to the wire, causing them unnecessary stress, unnecessary anxiety. They have already been through enough. They deserve better. They deserve our support.

Unemployment benefits are used for basic necessities—food and shelter—while the laid-off worker seeks a new job. These benefits are critical to a worker and his or her family and to the economies of the community. I hope we do what is right and find a solution to help the people whom we work for.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs; that the bill be read three times, passed, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, I wish to ask the chairman of the committee a question.

Mr. BAUCUS. I yield.

Mr. COBURN. Is this bill you have just called up and asked unanimous consent to move forward on paid for?

Mr. BAUCUS. This is a bill which requires urgent attention. It is not paid for.

Mr. COBURN. Given that fact, as I stated in my earlier speech, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WEBB. Madam President, I assume we are now in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WEBB. I ask unanimous consent to speak for up to 5 minutes.

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

VETERANS BENEFITS

Mr. WEBB. Madam President, last night we had an issue involving the well-being of our veterans who I think got caught up in the give-and-take of the debate on the health care bill, particularly the procedural aspects of it. An amendment was offered to the bill by Senator BURR, and a counteroffer was made to solve these two disparities, one regarding TRICARE and another regarding a certain section of title 38 with respect to veterans health care through unanimous consent, since one of the bills had already been voted on unanimously in the House and the other one certainly there is no real objection to. The request to pass these bills immediately, which would have made them law today, was objected to. Senator BURR's amendment also went down.

I wish to say first, I don't think there is any debate in this body about the dedication that Senator BURR has to our veterans. I think that goes for all Members of this body. There is no one in this body who isn't fully dedicated to the well-being of our veterans and our Active-Duty military people as well. I think it is a shame that the procedural aspects of what we were debating overcame something that should have been a simple process.

In that spirit, I have been discussing this matter with Senator BURR, and we are going to take two amendments that were offered last night for unanimous consent to see if we can't clear them on both sides and to have these protections, these express protections for the medical care of those who are serving and those who have served take their rightful place as protected in the larger aspect of this health care reform. We are going to work to clear them on both sides, hopefully, to get this matter resolved. We can have our political debates and we will have our political debates, but all of us need to come together to make sure that those who serve fully understand the dedication of this body.

So I hope the other side will help us move these two amendments forward. I appreciate Senator BURR's support in that effort. Also, as I said, I very much appreciate the dedication he has always shown to our veterans. He is the ranking Republican on the Veterans' Committee, and no one is in any way questioning that aspect of his service in the Senate.

So I just wished to again point out that we are going to attempt to clear these today. We can resolve this matter within a day or two. It will become law. Our veterans and those serving will know they are fully protected.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

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

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

Mr. SCHUMER. Madam President, first, I wish to salute my colleague from Virginia. There has been no one in this body who has stood more firmly and more intelligently and more successfully for veterans than the junior Senator from Virginia, and I thank him. I hope the other side will heed what he has asked, which is not anything to do with politics but simply in the benefit of our veterans.

A JOB WELL DONE

Mr. SCHUMER. Madam President, second—and I am going to speak on a local matter in a minute—I wish to compliment Senators REID and BAUCUS and HARKIN and DODD for the great job they have done. What a momentous day it is. Today is a moment to ignore the politics—how it will affect this party or this election or this President. For the next decade and henceforth, there are going to be 1 million people each week whose lives are made better by what we have done today. There is going to be a young person, God forbid, who is in an automobile accident and because she has good health insurance, she will get cured and live a better life; whereas, until now, she wouldn't. There is going to be somebody who has cancer, and in the past their insurance company would have said: Forget it. Now they are going to get that treatment. There is going to be a poor person who walks into a community health center and gets diagnosed early and cured and able to live a productive life. There are going to be countless young people who are worried. My daughter called me right after the House passed health insurance at 1 in the morning and she said: Dad—she is getting out of law school. She is going to have no health insurance until she starts her job 4 or 5 months from now, and she was worried about whether she could afford to buy it. She said: Dad, I got health insurance. I can be on yours.

So it is little instances and big instances. Every day, every week, every month people's lives are going to be made so much better by what we have done. That is what we ought to think about today, regardless of our differences. I am proud to win a small part of that, but again, I salute some of the giants who led us here: the President, whose faith in getting this done never waivered; Speaker PELOSI and her crew over in the House; and, of course, our leader, HARRY REID, who, in his low-key but relentless way, makes sure we do what we have to do and unites our cause.

NASA SPACE SHUTTLE RETIREMENT

Mr. SCHUMER. Madam President, I wish to spend the rest of this time talking about a local matter of some concern. One of the nice things about being a Senator, you work on big matters and small matters and they are all enjoyable and all are important. This isn't small but more local, shall I say.

With NASA searching for a new home for three soon-to-be-retired space shuttles, it is time to convince NASA that the Big Apple has the right stuff to showcase one of these iconic spacecraft.

The perfect location for a retired space shuttle is the Intrepid Sea, Air & Space Museum on Manhattan's West Side in my hometown of New York City.

Yes, it will be a huge boon to New York's economy and a magnet for tourists.

But showcasing a genuine space shuttle will not only bring visitors by the millions, it will inspire multitudes to learn, explore and dream, of adventure.

It is perfect for NASA, too: The agency's explicit goal is to have these magnificent vehicles seen—and their history understood—by the greatest number of people possible.

No other location in the nation can offer the millions and millions of visitors who will stream into the Intrepid to view and experience the shuttle.

Housing an iconic spacecraft in New York City—the media center of the world—guarantees it will appear in countless news and entertainment programs broadcast throughout the nation and world, providing incalculable public-relations value to NASA.

Just yesterday I spoke to NASA Administrator Charles Bolden and he has informed me that the Intrepid is in good shape to be the permanent hangar for one of the shuttles.

The Intrepid is competing with museums in 25 other cities to win one of the shuttles, including Washington's Smithsonian National Air and Space Museum.

NASA has been clear that they intend to award the shuttles to the sites where the most people could view them.

With the Intrepid already drawing one million visitors a year it is clear that the Intrepid is the best possible spot for a shuttle.

NASA also requires any potential host location to raise significant funds.

I have no doubt that the Intrepid's drawing power and New York City's deep and diverse philanthropic community are more than able to compile all the resources needed.

Yet skeptics may ask why a space shuttle should be brought to New York City.

Perhaps they don't know that the Intrepid led the recovery of astronauts during the Mercury and Gemini programs in the 1960s.

The exhibit will be sure to attract heavy foot traffic too: The Intrepid will house the shuttle in a glass enclosure on Pier 86—close to Times Square and many other tourist attractions, accessible from major airports, passenger-ship terminals and highways.

Countless boys and girls, as well as adults, with boundless imaginations, will be able to stroll over to the West Side and take in the truly magnificent icon of science, exploration and innovation.

With 20 institutions across the country competing to receive one of the retired shuttles, *Discovery*, *Endeavour* and *Atlantis*, we should all join the fight to bring a space shuttle to the greatest city in the world. a no-brainer.

It is a non-brainer.

I, along with some of my New York colleagues, are working hard to land the shuttle here, and I hope we are able to convince NASA that we are ready, willing—and very able—to be the home for a shuttle.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. SCHUMER. Madam President, I object until we discuss the order of business.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

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

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I assure my colleagues that——

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Without objection, Madam President.

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

(Mr. SCHUMER addressed the Chair.)

The PRESIDING OFFICER. The Senator from New York.

ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that first the Senator from Oklahoma be recognized for 5 minutes, then the Senator from North Dakota be recognized for 10 minutes and that no motions be in order during the time of their speeches and immediately thereafter we resort back to a quorum call.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Madam President, while the Senator from New York is here, I might go over 5 minutes to 6 minutes or 7 minutes. I wonder if he will object and modify his request.

Mr. SCHUMER. Madam President, I ask unanimous consent that my request be modified so that the Senator from Oklahoma may have up to 10 minutes to speak.

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

UNEMPLOYMENT BENEFITS

Mr. COBURN. Madam President, I wish to spend a short period of time, and hopefully it will not even be 5 minutes.

What we have seen on the floor this afternoon is a motion to accomplish what the chairman of the Finance Committee wanted us to accomplish, without adding to the debt. We did not reach agreement on that motion. It was tabled. Then what we saw was a motion to proceed to take care of these issues by adding $9.2 billion to the debt. That is the real debate: are we going to pay for what we do? There is not an agreement to move forward and pay for it, and there is not an agreement to move forward and not pay for it.

There is a process here called cloture, which means that by Wednesday, if all time is consumed, this problem would be solved and it would be dealt with. It is unfortunate that the potential is that we may go home and not deal with this issue, having us vote against tabling a motion to supply these needed priorities but also making sure we do not add to the debt as we do it.

I look forward to the rest of the afternoon. I will not consume any additional time but will note that I do not care how we pay for it as long as it is legitimate, as long as we do not add to our kids' debt. I am hoping and willing to negotiate on any area of waste in the Federal Government that we can eliminate to pay for it. We cannot pay for part of it; we need to pay for all of it because we violate the principle of stealing from our kids.

I advise the Senator from Alabama that we have unanimous consent and I cannot break off, and the Senator from North Dakota will be recognized after I yield the floor, so I cannot in good conscience yield to the Senator from Alabama.

Mr. SESSIONS. I understand. I am proud of the commitment the Senator from Oklahoma has made and totally recognize it.

Mr. COBURN. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a pretty disappointing thing to see on the floor of the Senate—a discussion about the potential of having unemployment insurance at this point in time lapse, let it lapse during one of the steepest recessions since the Great Depression.

Unemployment insurance is not some abstraction when we have 15 million, 16 million, 17 million people who got up this morning in this country and looked for work, people who lost their jobs and then searched valiantly to find a new job and could not find a new job, and so they pay their rent, they buy food, they provide for their children, they buy school clothes with unemployment insurance.

We are told: We cannot reach an agreement, so we will just let it expire. We will not extend it. It will be OK.

It will be OK for everybody here who gets up and showers in the morning and puts on a nice blue suit and comes to work. There is nobody here who is unemployed, but there are a whole lot of people in this country who are unemployed.

If ever there were a need to extend unemployment insurance, it is now. We cannot do that to the most vulnerable people in this country.

It is very interesting. It was not too many months ago that there was a proposal on the floor of the Senate: Let's give $700 billion to the biggest financial firms in America to bail them out. They ran this country into the ditch with unbelievable greed and speculation and recklessness. Then after running this country into the economic ditch, there is a bill brought to the Congress that says: We need to bail them out, $700 billion—a three-page bill. They said: We need to have it passed in 3 days—$700 billion. I did not vote for it, but there are plenty of people who did who now say it is too much

to extend unemployment benefits to people who are out of work.

It is the same old story, and it has been going on for decades in this country—big shots get in trouble, and you give them an aspirin, fluff up the pillow, put them to bed, and ask if there is anything else you can do for them. Ordinary folks get in trouble, lose their job through no fault of their own, and then when push comes to shove, they are told: You know what, we just cannot agree. Your unemployment insurance has run out. Get along. Tough luck. I find that unbelievable.

Let me go back. The fact is, we have budget deficits. They are serious, and they are unsustainable. We have to deal with them, there is no question about that. But it is important for us to understand how all of this happened.

Now we come to this moment, and we choose to say that unemployment insurance is where we are going to make the stand. Help for people who have lost their jobs—that is where we are going to make the stand.

It was 10 years ago on the floor of this Senate when we were told: We have the first budget surplus in 30 years, and they expect budget surpluses as far as the eye can see.

President Bush came to town and said: We are going to give large tax cuts, and we are going to give the biggest tax cuts to the wealthiest Americans. If you earn $1 million, guess what, we are going to give you something very special. You get an $80,000 tax cut a year.

I said: I will not support that. Let's be a little conservative. What if we do not have these budget surpluses in the outyears? What if they do not exist?

They said: Don't worry about that, it will be fine.

They drove through a tax cut that benefited the wealthiest Americans. Then we were in a recession. Then 9/11, a war in Afghanistan, a war in Iraq, and then supplemental after supplemental request to increase defense spending, none of it paid—none of it—all of it emergency.

Then at the end of that period, when the biggest financial firms ran this country into the ditch, the question was, What is going to happen to this economy? We were told: Now you have to have a $700 billion bailout for the biggest institutions in the country. That was done. Nobody paid for that. That was all ladled right on top of the debt. But today, in this ''let them eat cake'' moment, we are told: No, no, let's just let unemployment insurance expire. Just let it expire. It will be fine.

It will be fine for everybody in this Chamber who wears a suit and claims it will be fine because they are not unemployed. But what about those people who are unemployed and are right at the cusp of losing their home? They have lost their job. They have lost hope. The only thing that keeps them going to pay the rent and to pay for food and to try to help their kids is the unemployment insurance while they are looking for a job. And this Congress has people who stand up to say: We will not allow them to extend unemployment insurance, even after they voted to give $700 billion to the biggest financial firms in America that ran the country into this big economic wreck we have had. I do not understand that at all. How do you go home and tell people that is what your priority is? How do you do that?

If there is anything that ought to represent a priority for us, it is to say to those who are the most vulnerable in our society, those who have lost their jobs with a recession they did not create, those who are looking for work in the morning and cannot find it, those who now have no income because they have lost their jobs, probably lost their homes, and many of them lost hope—we say to them: It will be fine; you do not need this money to get along.

Unemployment insurance is just that—it is insurance. That is why it is called insurance. Every one of their paychecks while they were working paid for a portion of this. I just cannot believe that this afternoon we would decide it is not a priority for us to help the most vulnerable in this country, especially during this period in which we have just ladled money out the door in terms of tens and tens of billions of dollars in emergency funding for almost everything.

I held 20 hearings on the issue of waste, fraud, and abuse in contracting in the war in Iraq. They threw money away. In fact, not just threw it away, they actually loaded $100 bills on pallets and sent them over in C–130s and shoveled them out the back of pickup trucks, for God's sake, wasting taxpayers' money. I did not hear anybody stand up on the floor and say: Here is where we draw the line. No, you draw the line with the most vulnerable people. You won't notice you don't have the funds to buy your food, pay your rent, or for your kids.

We have more responsibility than this, in my judgment. I hope by the end of this afternoon we will decide to meet that responsibility.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 4851

Mr. REID. Madam President, I ask unanimous consent that, at a time to be determined by the majority leader following consultation with the Republican leader, the Senate proceed to Calendar No. 323, H.R. 4851, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, with all time equally divided and controlled between the two leaders or their designees; that the only amendments in order be the following, with no motions to commit in order, and that the amendments be subject to an affirmative 60-vote threshold; that if the amendments achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, then they be withdrawn: Baucus amendment, partial offset; McConnell or designee, full offset; that debate on each amendment be limited to 60 minutes each, with the time equally divided and controlled in the usual form; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Madam President, under this scenario, we will pass this bill and add to the debt. Because of that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I regret that my Republican colleagues have once again objected to giving out-of-work Americans the unemployment and health benefits they need.

Since they have evidently forgotten, I remind them that unemployment is high in every one of our States—it is over 13 percent in Nevada—and 10 percent nationwide.

I understand that Republicans are upset they didn't get their way. I know they are disappointed that Democrats have listened to the American people, and that we succeeded in finally delivering the change our citizens have demanded and deserved for decades.

But Republicans should not take out their anger on the least fortunate, which is exactly what they are doing by objecting to these extensions. They should not kick the unemployed while they are down.

Several Republicans said this week that after health reform became law, they would retaliate by not cooperating with Democrats for the rest of this year. I will trust the American people to judge whether that threat was made in their best interests or in the interests of a political party.

So far, Republicans have made good on that promise by refusing to let committees meet—including, inexplicably and inexcusably, a committee hearing yesterday on police training in Afghanistan.

Republicans then offered amendments to the final health bill on such irrelevant topics as gay marriage and foreign embassies.

And now they are using the unemployed as political pawns. They even objected to holding a vote on their own proposal for this extension.

That is such an unfortunate posture, and such an irresponsible response.

Let us put the other side's newfound principles in perspective:

They refuse to pay the bill for two ongoing wars.

They refuse to pay the bill for entitlement expansions, like their prescription drug program.

They refuse to pay for the bill for the tax giveaways they gave to multi-millionaires who don't need them and didn't ask for them.

But while one out of 10 Americans struggles to pay his or her own bills while trying to find a full-time job, Republicans have suddenly found religion.

These objections are not only disingenuous. They are dangerous.

I hope they can muster the compassion to help families in every one of our States make ends meet for just a few weeks.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Coburn	McConnell	Stabenow
Durbin	Menedez	Thune
Johanns	Reid	Udall (CO)
Kyl	Risch	Vitter
Leahy	Sanders	
Levin	Sessions	

The PRESIDING OFFICER (Mr. BURRIS). A quorum is not present.

The majority leader is recognized.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 58, nays 35, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—58

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

NAYS—35

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Snowe
Cochran	Inhofe	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lugar	

NOT VOTING—7

Bunning	Isakson	Wicker
Byrd	Murray	
Hutchison	Rockefeller	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 323, H.R. 4851, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 323, H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

Harry Reid, Richard Durbin, Patty Murray, Patrick J. Leahy, Jack Reed, Christopher J. Dodd, Mark Udall, Debbie Stabenow, Amy Klobuchar, Sheldon Whitehouse, Max Baucus, Dianne Feinstein, Kirsten E. Gillibrand, Kent Conrad, Byron L. Dorgan, John D. Rockefeller, IV, Jeff Bingaman, Robert Menendez.

Mr. REID. Mr. President, I am soon going to call up an adjournment resolution. But there has always been a misunderstanding as to what an adjournment resolution is. The mere fact we are going to adopt an adjournment resolution tonight does not mean we are going to run to the airports tonight. We have, under this adjournment resolution, the ability to work past tonight, and we are going to do that. We are going to be in a period of morning business tomorrow from 9:30 to 12:30. We are going to be talking about the unemployment compensation extension. That time is going to be equally divided. There is going to be some time spent tonight after this adjournment resolution is adopted, until about 9 or 9:30, talking about unemployment compensation.

So I want everyone to understand, the fact that this adjournment resolution is adopted does not mean we are all leaving here tonight. In fact, we have until Wednesday under the adjournment resolution.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I now call up the adjournment resolution and ask for the yeas and nays on adoption of the concurrent resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 257) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, very briefly prior to the vote, Senator COBURN and other Republicans will be here tonight and tomorrow to discuss the importance of passing the unemployment insurance package, but also the importance of paying for it. So we will be here and engaged in a vigorous discussion about the appropriateness of the measure as well as about the importance of paying for it.

Mr. REID. Mr. President, I ask, has this matter been seconded?

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Georgia (Mr. ISAKSON), the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

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

The result was announced—yeas 49, nays 39, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—49

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bingaman	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Durbin	Lincoln	Webb
Feingold	McCaskill	Whitehouse
Feinstein	Mikulski	
Franken	Nelson (NE)	

NAYS—39

Barrasso	Cornyn	McCain
Bennet	DeMint	McConnell
Bennett	Ensign	Menendez
Bond	Enzi	Merkley
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lugar	Wyden

NOT VOTING—12

Alexander	Dorgan	Murkowski
Boxer	Hutchison	Murray
Byrd	Isakson	Rockefeller
Crapo	Kerry	Wicker

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, March 24, 2010, through Monday, March 29, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 13, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 25, 2010, through Wednesday, March 31, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED—Continued

Mr. DURBIN. Mr. President, I have spoken with Senator COBURN, and he and I reached an agreement about which I will propound a unanimous consent request.

I ask unanimous consent that the time between 8:30 p.m. and 9:30 p.m. be evenly divided between his side and our side in 15-minute segments; the first 15-minute segment will be for our side, the Democratic side, for those Members wishing to speak in favor of the 30-day extension; the next 30 minutes to Senator COBURN on the Republican side for those sharing his position; and the last 15 minutes back to our side until we reach the end of this debate at 9:30 p.m.

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

Mr. DURBIN. Then at 9:30 p.m., there may be some procedural issues unrelated to the substantive issue which we will be discussing between 8:30 p.m. and 9:30 p.m., but that has to be worked out between both sides.

To initiate the debate on this side, I yield to the Senator from Rhode Island, Mr. REED, for such time as he may consume within the 15-minute segment.

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

Mr. REED. Mr. President, on April 5, the extension that was recently voted for extended unemployment compensation benefits will expire. We need to at least provide for a temporary extension while we await the resolution of a much broader piece of legislation that is in the House today which would provide for an extension of unemployment benefits from today until the end of the calendar year, as well as FMAP payments to the States and other provisions.

This is absolutely critical. In my home State of Rhode Island, we have basically a 13-percent unemployment rate—12.7 percent. We have a record number of long-term unemployed people. This is not a situation, as in the past, where there was a temporary labor crisis. This has been going on in Rhode Island for almost 2 years or more, and people have reached the end of their resources and the end of their patience. For many, the only thing that is sustaining them—and not particularly well—is the fact they are still getting some unemployment benefits.

So we have to move very aggressively to provide a solution. We have never, in the last several decades—reaching back at least as far as the 1980s—denied extended unemployment benefits as long as the unemployment rate nationally was at least 7.4 percent. It is 10 percent, and in many States it is higher than that—Rhode Island being one of those States. So this would break tradition in terms of disrupting, interrupting, preventing extended benefits at a time when we have 10 percent unemployment.

We have persistently seen this, accurately and realistically, as an emergency—an emergency that allows us to provide funding without offsets. That is something that I think still is compelling. This is an emergency. Perhaps one of the ironies that will take place on this floor in the next several weeks is that we will call up a supplemental budget from the Department of Defense which, as I understand, will not be offset totally. One of the ironies is that we will be providing benefits—because part of our strategy in Afghanistan and Iraq is civic engagement—we will be providing employment opportunities and investment in infrastructure for Afghans and Iraqis without offset, which is my understanding at the moment. The irony, of course, is that for our own citizens we are claiming: No, we can't do that.

The other side has accumulated, under the Bush administration, a huge debt. In fact, in the term of the Bush administration, the national debt grew astronomically. Part of it was because repeatedly the Republican side refused to provide offsets to the funding for the war in Iraq, the war in Afghanistan, and Medicare Part D, which was an entitlement payment for seniors in terms of their drug prescriptions. They thought that paying for things was an undue constraint on their plans. But now that we are in a crisis that affects Americans, there is the insistence during this emergency of paying for it, which contradicts practice and contradicts the real needs out there.

One final point. We are now beginning to see some very limited progress on the employment front. This week's report about jobs caused a very positive reaction in the marketplace because the number of first-time claimants for unemployment compensation dropped much further than they thought. That suggests we are beginning to bottom out. There are other reports that suggest we will see some job growth beginning. That is because of the stimulus efforts we have undertaken today and in the past.

Part of that stimulus effort has been unemployment compensation insurance. For every dollar we invest in unemployment compensation, there is $1.90 growth in economic activity. That is the result of studies over many years. So when we don't invest in these types of programs, we are not only denying sustenance to many families, we are also not providing the kind of economic stimulus that the country needs to move forward.

So for all those reasons and more, I hope we can move, in the course of this evening or tomorrow, to adopt a measure that will allow us to continue the funding for unemployment compensation.

With that, I thank the Senator from Illinois, and I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I wish to thank the Senator from Illinois for his leadership on this issue, as well as my friend from Rhode Island who has been such a staunch fighter, and other colleagues on the floor.

I can't help but think: Here they go again. One more time we are in a situation where we need to extend unemployment benefits for people who are out of work, through no fault of their own—breadwinners not bringing home the bread, through no fault of their own—and we are right back where we were before with the Senator from Kentucky, who held up the ability for us to move forward to help families, to help people who have lost their jobs or are out of work and looking for work, who are caught up in an economic tsunami, an economic disaster, through no fault of their own. Here we are again.

We just left a debate where we went most of last night with the same kind of effort to block, to stall, to say no, and to try to stop us from moving ahead and doing something very important for families, small businesses, tackling the national debt in this country, and with health insurance reform. We just went through hours and hours and hours with our colleagues on the other side becoming just a party of no and playing games, holding up things politically, finding tricks to make people vote on things they support, knowing if they do, that will stop us from moving forward on health insurance reform.

We finished that. We made it through. We cast the votes and achieved the goal for the American people of saving money for middle-class families, saving money for small businesses, saving money for seniors on their medicines, and putting in place something that will make a difference in bringing down cost and making sure every family can finally have a family doctor. The same day we finally get through all that, here we are again.

I come from the State with the highest unemployment in this country, and it is not because people in Michigan don't want to work. People in Michigan know how to work. They work very hard. They are out looking for work. People are trying to hold it together, some with part-time jobs right now, trying to just get through until they can get back a job that is going to allow them to be able to take care of their families and have some sense of security; to stop holding their breath while they are waiting for things to turn around. But we are in a situation right now where we have six people looking for every job. Six people are vying for every job.

People are caught in an economic disaster that they didn't create, and our job has been to help them get through that so they can keep a roof over their head, food on the table, take care of their kids as we work to create an economic situation, partnering with business, to turn this around. Things are beginning to turn around but not fast enough for any of us. We are working very hard to turn that around, but the reality is we still have more than 700,000 people in Michigan who have lost a job and who want to work. They are out of work, through no fault of their own, and find themselves in a situation where they are looking to their government to understand the situation for their family and place some value on that.

We seem to be able to pay for things when people think it is important. I have been here long enough to live through a situation where tax cuts for the wealthiest Americans somehow were passed even though they weren't paid for—and more than once. My guess is there will be proposals to do it again. But when you are talking about somebody who has worked all their lives and finds themselves in a situation where they do not have a job because of what is happening in the economy, then we say, but for you—for you—we are going to have a different set of rules. We are going to have a different set of rules. We are not going to treat this as a disaster—an economic disaster—as we have at every other time in our country where we move forward with emergency spending. For you, because you are not as important as those folks on Wall Street or the folks who got the big tax cuts, we are going to have a different set of rules.

Well, that is why we are here, because we don't think that is fair. We don't think that is right. It is not right.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Ms. STABENOW. Mr. President, as I yield the floor, I wish to say we are going to be here, and we are going to keep fighting over and over again, as things move forward this year and beyond, on behalf of the people who want a job and who don't have one today, who are counting on us to help them make it through this and do what they need to do to care for their families.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Michigan, and I yield the remaining time of the 15 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I join my colleagues in talking about the challenge that is faced by America's working families. Back home in Oregon, our economy has been hit pretty hard. We have a timber industry, and when you aren't building houses across the country, then you can't sell lumber. So we have mills going out of business across the State of Oregon and a lot of people unemployed—a lot of unemployed people who would be working in the woods cutting down the trees as well as working in the mills. Then we have the challenge of our manufacturing industry that has been hit pretty hard too. We build a lot of RVs and light planes, and those products aren't selling too well in this recession. We have a fruit industry and we have a Christmas tree industry. We ship a lot of that overseas, but the foreign demand is down, and domestic demand is down as well. We have those Mexican tariffs that have been applied to Christmas trees and fruit as well, which has had a pretty strong impact.

You pile up all of this on a State that is on the Pacific Rim and add to that the fact that the entire Pacific Rim economy is depressed, and you have a State that not so long ago was second in the Nation only to Michigan in terms of unemployment.

Well, things have improved a little in Oregon. We are no longer second worst, partly because many other States have continued to get worse. We are at about 11 percent. That is just about twice the unemployment we had not so long ago. That is a lot of struggling families. Unemployment is a program that helps keep the economy in gear during a difficult recession. It helps break the headlong rush into a depression. It helps families stabilize while they are looking for a job.

Unemployment compensation is not a sweet deal. You don't get paid a great deal with unemployment but maybe just enough to get by so your house isn't one more foreclosed property; so you are not one more family on the street, wondering where you are going to live; so there isn't one more set of children whose schooling has been disrupted and their path in life has been disrupted and as a parent you wonder how it will impact them down the road. This is about us watching out for each other here in America.

I can tell you it has been very frustrating to me to watch Members of this body during the last two administrations decide to do things in which they said: You know what, we are going to give away the Treasury to the wealthiest Americans, and we are not going to have any way of paying for it because we just to want give away money to the wealthy. So the wealthy are doing very well in America. But what about the workers in our Nation? The average compensation for a working family plateaued the year I graduated from high school—1974. During the 36 years since, working families have been earning the same amount. Yet the productivity of our Nation has gone up enormously. Where did all that wealth go? All that wealth went to the wealthiest Americans. Then my colleagues across the aisle are going to stand up tonight and self-righteously proclaim we should not do this without paying.

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

Mr. MERKLEY. We need to extend this unemployment for working families, not kick them when they are down.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I think we had an agreement with the majority whip that

some unanimous consent requests would come in; is that correct? I will be happy to yield out of our time to the majority whip.

Mr. DURBIN. Mr. President, I am now going to be asking unanimous consent that would extend the unemployment benefits for an additional 30 days. I make it formally in this form.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 4851, to provide a temporary extension of certain programs; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, it is my understanding if we were to do that we would add $9.2 billion to the debt. I am wondering if that is correct. The same unanimous consent request was asked earlier today, and the head of the Finance Committee said it would add $9.2 billion to the debt. So given the fact that it will add to the debt rather than us making choices, I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. COBURN. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate so much Senator COBURN's leadership on this very important matter. I think we are at a defining moment. I take offense for those who say we have no interest in extending unemployment insurance. My State has high unemployment. We were doing very well, and it has doubled now from where we were in unemployment.

My home area is one of the worst in the State. I am well aware of that. Members of the Senate on this side of the aisle strongly favor extending unemployment insurance and actually extending other benefits, too, such as the doctors fix that we need to do, the COBRA and FMAP and matters of that kind which are in the legislation and we believe should be passed into law. There is just one thing that I would raise, and that is that we want it to be in a way that does not increase, again, the debt because here we go again.

Our colleagues passed an amendment, passed the pay-go law a few weeks ago, and within a few days they were violating it. This violates it again. What we need to ask ourselves, then, is how we are going to help people who are in need. Are we going to do it in a responsible way or will we take the easy way out, pass the debt on to our children and grandchildren without the least concern, it seems, about how we are going to pay for it?

My colleague just recently said we should call it an emergency. Unemployment insurance is fundamentally one of our established government programs, he said, because that allows us to provide this benefit without an offset. That is precisely what the deal is, you understand. He was quite honest about it. We do not have to pay for it; we don't have to look for money; we don't have to cut waste, fraud, and abuse; we don't have to reach into the stimulus bill that we passed, which was announced to be for unemployment insurance as one of its primary motives and use that money that is unspent—and $100 billion or $200 billion still remains unspent. Why don't we use that money? It would not then increase the debt larger than we now have.

We proposed a number of other offsets, offsets that our Democratic colleagues have utilized in legislation they have offered. We have suggested to our colleagues, what other containment of spending would you propose, and we would be willing to consider if you would use that to pay for this. But the day of just continuing to increase our debt is passed.

This Senate needs to face the truth, and the truth is we will double the entire debt of the United States in 5 years, ending 2013. We will triple the entire debt of the United States in 2019. In 2019 the interest on the debt that we will be paying in that 1 year will be $800 billion. Just last year the interest on the total debt of the United States was $170 billion. We cannot continue this. Every economist who has ever testified before our Budget Committee has said repeatedly this is unsustainable. When do we stop if it is unsustainable? Members of our Senate say it is unsustainable, on both sides of the aisle. When do we stop?

Senator COBURN had the courage to say: Now, we can pay for this. We have moneys unspent that we can use to pay for the extension of unemployment insurance, and we will not agree that we will just add more to our debt.

I have in my pocket, I just happened to notice, pictures of three of my grandchildren. I have had three—one born in November, one born 2 weeks ago, one born Sunday. We are talking about hundreds of thousands of dollars that they are going to have to pay off.

It is an addiction and a habit that we must break. This is $9 billion added to the debt. I hope and pray this courage by Senator COBURN that calls us to account and says let's face the music and let's be honest with ourselves is respected, as I respect it. I think the American people respect it. When I am out talking in my townhall meetings and in my communities and in the airplanes, they tell me: You guys are spending recklessly. We can't believe it. What has happened?

The American people understand we cannot do this. There is no free lunch. Nothing comes from nothing. Somebody pays, and we cannot just spend and take the easy way every time without facing the consequences of a debt that we create. When we spend more than we take in, we borrow the money. We borrow it on the open market and we pay interest on the debt.

I want to say my Democratic colleagues are at it again, spending more and not paying for it. Have the Republicans failed in their responsibility when they had the Presidency and a majority in the Senate? Yes, we should have done much better. But we have never seen the deficits we are seeing today—never, ever.

President Bush had a record deficit of $450 billion his last year in office. This year, ending September 30, it was $1.4 trillion—$1,400 billion—three times. This year, when September 30 arrives, our budget experts tell us our annual deficit for this 1 year will be $1.5 trillion, and we will average $1 trillion a year for the years to come, more than twice the highest deficit we have ever had. We cannot do that. This is serious business.

I hope and pray the stimulus package will give us some benefit. I know it will. When we spend $800 billion, every penny of it is borrowed, to be paid back someday, or the interest paid back by our children or grandchildren. This stimulus package, hopefully, will give us some lift, but we will carry the debt.

Do you know what the Congressional Budget Office told us when they analyzed the $800 billion stimulus package? They said: Yes, it will provide a benefit for a few years. You will get a lift in the economy. But over 10 years, just over 10 years, it will have a net negative to the economy, a slight negative because you have to carry this debt, and it is crowding out private sector borrowing because the government borrowed it first. The government has to pay interest to all these people around the world who loan us this money.

There is no easy way out of this. It is time for us to be mature and grown up and make good decisions. It is time to say no to this legislation unless it is paid for, and we can pay for it. There are plenty of places in our budget it can be paid for.

I thank colleagues for allowing me to share these thoughts. I thank Senator COBURN for raising this important issue, for his courage in saying it is time to do better. We can do better. We can do this in the right way. We came close tonight to getting it done, I thought, in a paid-for way—so close. If we stand in there, maybe in a week or 2 we will be able to take care of the unemployment insurance and pay for it in a sound way.

I yield the floor.

Mr. COBURN. I yield 7½ minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I am proud to rise tonight and follow, first of all, Senator SESSIONS. He has come to the floor many times on this issue and talked about the crisis that is building in our Nation relative to the spending and the debt. He always speaks with such eloquence.

I also want to say thank you to my colleague, Senator COBURN, for giving me an opportunity to come down tonight and offer a few thoughts in the

time that we have. I appreciate it immensely.

Senator COBURN puts himself in a very difficult situation by standing on principle because, of course, he makes himself a target of somebody who wants to say he is not caring about the people who are out there and looking for work. I know him and very much that is the opposite. But here is the point. Here is what we are facing in this Nation. We are literally getting to a stage in our history where the cascading amount of debt is like a huge snowball that now is gaining enormous momentum as it comes down the mountain. It is just growing bigger and bigger.

I am going to head back home to Nebraska tomorrow. I am going to have an opportunity to get across the State. I have some—we call them community coffees but townhall meetings. I am going to talk to the people of Nebraska. I will guarantee that one of the first things on their agenda will be to raise concern about the spending and the debt they see going on here in Washington.

Let me, if I might, take a moment and talk about the ethic of the State that I come from because I think it is enormously important in terms of what we are doing. I might add, I have had an opportunity as county commissioner, as city council member, a mayor, and a Governor to represent this great State.

In my job as mayor of Lincoln, I was a strong mayor, so I was the guy responsible for the budget. Here is how we did it. There was only so much money that was available, and what we would do is we would put a list down, page after page, of very important priorities for the community. At some point on this list there would be a line drawn and my budget director would say to me: Mayor, if you want to go below that line and fund some of these other important priorities, you are going to have to look above that line and figure out what you can live without because it is at this line that we have to quit spending. Otherwise, our bond rating will be in jeopardy. Otherwise, the economic stability of this community will be in jeopardy.

You know what. We made some very hard choices. We had some things we would have loved to have done, but we began to realize we just couldn't fit them into the budget.

Then I had the good fortune of becoming the Governor of the State of Nebraska, and it didn't change anything. The Nebraska Constitution says we can only borrow $50,000. Maybe at some point in our State's history that was a handsome sum of money, but in effect what the constitution says is we cannot borrow money.

While other Governors were balancing budgets by issuing bonds and debt, we did not have that alternative. I had really three choices: raise taxes, which I did not like and opposed, cut spending, or do both. And I cut spending.

You could look at many places in that budget and say, well, MIKE, why did you choose this versus that? And you could have a great debate about why this priority versus that priority. But in the end, what we were doing was trying to choose the priorities for our State without borrowing money, without putting our State in debt, while maintaining economic stability.

I want to share that our State has fared as well as any State in the country during this very tough economic time. Our unemployment rate is about 4½ percent. We value our businesses, we create jobs, and we do not spend money we do not have.

I came out here a year ago—a little more than a year ago—to join the Senate. I am as proud today as I was then to be here on the Senate floor. But here is what I will tell you: I am worried about where we are headed with this budget. You see, this $9 billion is very manageable. We want to provide unemployment insurance to the people who need it. We all do. We want to help these people. But we have a multitrillion-dollar budget here, and in effect what we are saying to the American people is that we cannot find $9 billion to offset the cost of that.

We can do better than that because, if that is what we are acknowledging, that we cannot find $9 billion to offset the cost of that important priority, then, my goodness, how will we ever deal with a budget deficit that is over $1 trillion annually—annually—as far as the eye can see.

I see I am running out of time, but I want to end with this thought. I had a wonderful group of schoolkids from Nebraska in today, from Superior, NE. I have been to Superior many times. It is a great community. And these kids are great kids. As I was talking about the various things that had happened here, I said something to them that I hope made the point of the need to take responsible action on this budget. I said this year I will celebrate my 60th birthday. God will not keep me on this Earth long enough to pay the debt that has been incurred.

It is no consolation to Nebraskans that I go home and say to them: I have been here over a year, and I figured out who is at fault, because, you know what, they are not caring about who is at fault. They are saying: MIKE, we elected you to go back there and lend your voice to try to fix these problems.

It will be of no consolation for me to go home and say, well, it was the Democrats or it was the Republicans. It will be no consolation.

The PRESIDING OFFICER (Ms. CANTWELL.) The Senator has used the time that has been yielded to him.

Mr. COBURN. I continue to yield.

The PRESIDING OFFICER. The Senator may continue.

Mr. JOHANNS. I said to those kids: I will not be on Earth long enough to pay this debt. I said to them: That means that will fall to you.

Do you know what I am saying to those kids? I am saying that the quality of their lives will be impacted by the fact that we could not take responsible action to deal with this debt.

I would like to say to them: You will not have any more wars. But they will have their own wars to fight. They will have their own pandemics to deal with. They will have their own recessions they have to somehow fund and finance. And they will have their own challenges they will have to deal with. You know what. If we do not start coming to grips with this debt, they will not have the resources to manage their way through those challenges.

You see, tonight is not about unemployment insurance. We want to help those people. Tonight is about making the statement that we have to take control of this because it is taking control of the future of those young people.

I yield the floor and the remainder of my time to Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will consume the remainder of our time.

I thank Senator JOHANNS and Senator SESSIONS for being here.

We have heard the word ''emergency.'' The emergency that is in front of us is, we are a boat upside down fiscally, and there has to be a set of competing priorities for how we right that boat. But the No. 1 way we do not right the boat is to continue to add to the debt when we have programs that are not working and are wasting money, that are consuming precious resources we need to spend in other areas.

I am particularly interested in the very fast revisionist history that has been presented by the Senator from Michigan.

Let me tell you what happened here today. What happened here today was that a bill was offered and a motion to proceed on a bill that would accomplish this was totally paid for. That motion was tabled, with all of the Republican Senators voting against that, and some Democrats. We worked, through the next couple of hours, negotiating with the majority leader, with great help from Senator DURBIN, the senior Senator from Michigan, and a compromise was reached that we would, in fact, make sure no interruption would happen over the next 2 weeks to those who are dependent on unemployment insurance. That was communicated to the House of Representatives and the majority there, and it was rejected.

Then the final thing that happened is we had an adjournment resolution, for which everyone on our side of the aisle voted against to stay here. Now, that probably was not a truly sincere vote. I would put that out to my colleagues. But the fact is, the Senate does not have to go home. And the reflection for this not passing should not fall on the Senate; it should fall on the fact that the Senate came together and agreed on a solution that was not acceptable to the leadership in the House of Representatives.

So if there is a problem with what we have done today, it is that when we compromised in the Senate, the House would not take it. And we did compromise. We compromised on spending. We compromised on time. We compromised on making sure the people who needed to have this extension were going to get it.

I started out the debate earlier today on the basis of, where are we going in our country and what is our problem? Our problem is that we are drowning in debt, that our foreign policy is affected by it today, our ability to borrow is affected by it, and the manipulation of our ability to stabilize our own economy is affected by it. But, most importantly, what we do today has dramatic impact on those who know us.

It is unfortunate that we did not work out a deal tonight. So we are going to have a week of exposure for people who actually need the help. It is actually going to be harder on the bureaucrats to handle this. But it did not happen.

But I think the bigger question is, Should we just lay down and add more money to the debt because we could not get agreement across the Capitol? And so what we are going to do, when we come back, the day after we get back, we are going to have a cloture vote, which I think will be very difficult to achieve, but it may be achieved, because the same principle is going to lie here.

With over $300 billion worth of waste, fraud, and duplication in the Federal budget every year, there are many of us who believe sincerely that it is time to stop spending money on lower priorities, time to stop calling things an emergency when we actually have the money in waste and fraud and duplication that we can use to pay for this.

We needed to start somewhere. The unfortunate aspect that we did not accomplish that this evening means some people will suffer. But I want you to contrast that with what the suffering is going to be in 2019 within our country when we have double-digit interest rates because we can no longer maintain our borrowing; when we are, in the next 9 years, going to pay $5.6 trillion in interest on $9.8 trillion we are going to borrow. Of that $9.8 trillion, $5.6 trillion is going to be interest payments.

What is coming is a tsunami to our country. So I feel a failure tonight because I could not accomplish both goals, both protecting our children and their future opportunity and taking care of those who need us right now. But the principle is still there.

We have to, in fact, start making tough choices. If we learn to do that together, the country benefits. And the future of our children is at hand. But we can no longer make the decision that we steal from our children to take care of things we are responsible for today. And I understand the resistance to that, but the fact is, our future depends on us starting today. It does not matter if you are liberal in philosophy or conservative in philosophy, the economics will be borne home to everyone. It has to stop. And we have to start with us.

I appreciate the congeniality of my friend from Illinois. Tough week for us all—probably more tough for us than you. I congratulate you on your victory on the yearlong battle with a difference in philosophy on how we fix health care. But I know that 20 years from now, the Senator from Illinois and I will suffer the same pain if our kids are diminished by our lack of action here. So I will say, let's let it not be so. Let's let it not be so. Let's start making hard choices. Let's start doing what is in the best long-term interests of our country.

With that, I yield back a minute of our time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me thank the Senator from Oklahoma for his professionalism and his own decorum during the course of this debate. We want to maintain that on this side of the aisle.

SATELLITE TELEVISION EXTENSION ACT OF 2019

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3186, the Satellite Television Extension Act of 2010.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3186) to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

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

The bill (S. 3186) was ordered to a third reading, read the third time, and passed, as follows:

S. 3186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the ''Satellite Televison Extension Act of 2010''.

SEC. 2. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(B) in subsection (e), by striking ''March 28, 2010'' and inserting ''April 30, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''March 28, 2010'', and inserting ''April 30, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''March 28, 2010'' and inserting ''April 30, 2010''; and

(2) in paragraph (3)(C), by striking ''March 29, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''May 1, 2010''.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3187 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3187) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

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

The bill (S. 3187) was ordered to a third reading, read the third time, and passed, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Aviation Administration Extension Act of 2010''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''March 31, 2010'' and inserting ''April 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''April 1, 2010'' and inserting ''May 1, 2010''; and

(2) by inserting ''or the Federal Aviation Administration Extension Act of 2010'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''April 1, 2010'' and inserting ''May 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

''(7) $2,333,333,333 for the 7-month period beginning on October 1, 2009.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 7-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 42 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''April 1, 2010.'' and inserting ''May 1, 2010.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''; and

(2) by striking ''June 30, 2010,'' and inserting ''July 31, 2010,''.

(c) Section 44303(b) of such title is amended by striking ''June 30, 2010,'' and inserting ''July 31, 2010,''.

(d) Section 47107(s)(3) of such title is amended by striking ''April 1, 2010.'' and inserting ''May 1, 2010.''.

(e) Section 47115(j) of such title is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(f) Section 47141(f) of such title is amended by striking ''March 31, 2010.'' and inserting ''April 30, 2010.''.

(g) Section 49108 of such title is amended by striking ''March 31, 2010,'' and inserting ''April 30, 2010,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''April 1, 2010,'' and inserting ''May 1, 2010,''.

(j) The amendments made by this section shall take effect on April 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $5,454,183,000 for the 7-month period beginning on October 1, 2009.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

''(6) $1,712,785,083 for the 7-month period beginning on October 1, 2009.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

''(14) $111,125,000 for the 7-month period beginning on October 1, 2009.''.

EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4938, an act to provide for a 30-day extension of the Small Business Loan Guarantee Program which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4938) to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4938) was ordered to be read a third time, was read the third time, and passed.

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED—Continued

Mr. DURBIN. Madam President. I yield 5 minutes to the Senator from Vermont.

Mr. SANDERS. I thank my friend for yielding.

Madam President, the Senator from Oklahoma and the Senators who spoke before him are obviously right. This country has a record-breaking deficit, a huge national debt, and it is an issue that has to be dealt with. The debate is, how do we deal with it? Let me very briefly mention some of the factors—not all, but some of the factors, some of the policies that got us into the national debt situation we are in right now. Six years ago or so, President Bush decided to take us to war in Iraq. That war was misguided. It was a mistake. But in terms of the issue of tonight, that war was not paid for and will end up costing this country some $2 or $3 trillion. Many of my friends on the other side who now decry the national debt voted for that war without worrying about how it was going to be paid for.

During the Bush era, despite the growing gap between the very wealthiest people and everybody else, our Republican friends, who then controlled the House, the Senate, and the White House, decided that the very richest people, millionaires and billionaires, needed huge tax breaks, hundreds of billions of dollars in tax breaks. That is what they wanted. I didn't want it. I didn't vote for it.

During the Bush era, we passed a Medicare Part D prescription drug bill, a huge bill written by the insurance companies. We could have had a much better bill, if we negotiated prices with the pharmaceutical industry. We chose not to do that. A prescription drug Part D bill, unpaid for. That is what they voted for.

After the bailout, after the collapse of Wall Street, President Bush and others came together and said: We ought to bail them out. Unpaid for. I brought an amendment on the floor to pay for that. It fell. Unpaid for.

Ironically, within the next couple of weeks or months—I am not sure which—many of our friends are going to come back to the floor and say: We need to loosen up the estate tax. We need to give massive tax breaks to the wealthiest three-tenths of 1 percent of the population, the very richest people in the country. Estimates are it is going to cost $350 billion over 10 years, giving it to the richest people.

My point is, if we are going to deal seriously with our national debt and our deficit—enormous problems—let's be honest and let us get our priorities right.

In terms of today's debate, let us not on the one hand say we are going to give massive tax breaks to millionaires and billionaires by loosening up on the estate tax, but today we cannot regard as an emergency situation extending unemployment compensation to people who are in desperate economic trouble.

Since December of 2007, over 8 million Americans have lost their jobs. Sixteen-and-a-half percent of the American workforce is today either unemployed or underemployed. Here is the important point. Over 6 million Americans have been out of work for more than 6 months, the highest on record. What we are experiencing now is not only unacceptably high unemployment but a level of long-term unemployment this country has never seen before. In other words, people are losing their jobs, but they are not getting them back, not in 2 weeks, not in 4 weeks. Month after month people are wondering how they are going to get a job, how they will feed their family, how they will take care of basic needs. That is what we are talking about today.

When we talk about deficit reduction and dealing with the national debt, in my view we don't do that by denying unemployment benefits to families in desperate need. I think we take into consideration the reality that the top 1 percent of this country now earns more income than the bottom 50 percent. And those very same people, the top 1 percent, over the last number of years have been given huge amounts in tax breaks. We take into consideration the fact that as a nation, we are spending a very significant and growing amount of money on the military. There is study after study which indicates there are significant amounts of money that can be saved, if we take a hard look at military spending, including a number of weapons systems that are not designed to fight international terrorism but to continue the effort in the Cold War which no longer exists.

It seems to me we have two issues we have to address. No. 1, how do we create the jobs this country desperately needs? How do we protect the most vulnerable people? And simultaneously, how do we address the deficit crisis and our national debt?

I suggest now is the time to rethink the priorities that have existed for a number of years. Now is the time to ask the wealthiest people to start paying their fair share of taxes. Now is the time to take a hard look at all of our Federal agencies for waste and fraud and abuse but also including the military.

The issue is not whether we deal with the national debt and our deficit. The question is, how we do it, and how we do it in a way that protects the middle class and some of the most vulnerable people in society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Vermont and those who are gathered this evening. This was such an important day. Some in this Chamber may have heard some cheering in the hall. I believe that signifies that the House of Representatives has finally passed the reconciliation bill which passed this Chamber earlier this afternoon. Now health care reform, with its improvements, is on its way to being signed by the President and becoming the law of the land. It is a day of great celebration for those of us who had the privilege and honor to vote for it but to participate as well in the difficult task of putting this bill together—a controversial bill; lots of people hate it; lots of people love it across America. Many of us believe it is an extraordinary improvement. It is progress in America. It will give families across America a fighting chance to get health insurance they can afford, to be able to fight the health insurance companies that turn them down when they need it the most.

Thirty million Americans will have health insurance who don't have it today. It is going to give seniors on Medicare better assistance to pay for their prescription drugs. It is a plus in many directions.

We left the euphoria and happiness of that moment on the floor, when they announced the vote of 56 to 43, and within minutes, we were told there is another battle. This time the Republicans have come to the floor and refused to extend unemployment benefits to those unemployed in America. The date that occurs is April 5. In State after State, hundreds and then thousands of people will see their unemployment checks stop. These are people who lost a job and they can't find one. We estimate there are five unemployed people for every available job. I have met with the unemployed in my State. They are desperate. They have tried everything they could think of. We think our economy is starting to turn but not quickly enough for them. Out of work for weeks, months, sometimes years, they have exhausted their savings. They are living literally hand to mouth. Some have lost their health insurance. The only thing that keeps them going, that keeps the lights on and the food on the table, is the unemployment check.

The Republicans came to the floor today and said: Cut it off. They said cut it off, because they believe this is the moment and this is the issue to take a stand against the national deficit.

Do we have a national debt that should concern us all? Of course. The deficit we have is growing because of the recession, unemployment, fewer tax revenues by the government, and we understand that. Should we deal with it? Of course. But it is interesting that these Republicans would take their stand on fiscal conservatism and deficit reduction when it comes to unemployment benefits.

Twenty-four hours ago, Senator GREGG of New Hampshire, a Republican, floor manager for their side, offered an amendment on the floor to the reconciliation bill to pay for the compensation of doctors treating patients under Medicare. It added $65 billion to the deficit, and it was not paid for. Every Republican voted for it. I think it is a good thing to do. It is a policy we should support, because we want doctors to treat Medicare patients. But how can these same Republican Senators ignore the fact that they voted to do so last night and then come here tonight and say: Unemployment benefits for a month in America? That will cost $9 billion. It is time to take a stand against the deficit. Sixty-five billion last night, these same Senators voted to add to the deficit; $9 billion for the unemployed today, they say, is the straw that broke the camel's back.

This is unfair and unfortunate. Here is what we know. Every dollar in an unemployment compensation check that goes to an unemployed person is spent directly into the economy. The CBO says there is no faster and better way to inject billions of dollars into the economy that translates into the purchase of goods and services, helping small businesses and creating jobs. For the question of economic development, unemployment compensation is the most valuable thing to do. What happens to these poor people when we cut off their unemployment compensation? I am not sure where they will go.

Bill from Illinois writes: I have been unemployed as a steel salesman since June of 2009. I am sitting in the Naperville library, as I do every day, applying for jobs on line. And still no luck. I will be ruined financially if you stop my unemployment benefits. Please extend them.

Elliot from Illinois writes: As a citizen of the United States and a U.S. Navy veteran, I cannot believe the Senate would let unemployment funding stop for the millions of people struggling to make ends meet. Just one unemployment check not processing will hurt thousands of people and, with the lack of life-supporting employment, will push a bunch of folks closer to the edge of foreclosure and other losses.

I acknowledge this deficit and this debt and what we need to do about it. This issue is a defining issue for this Congress and this Nation. If we have reached the point that we will turn around and walk away from those who have lost their jobs through no fault of their own, if we will turn a blind eye to families who are doing without the basics of life, if we believe this is the best fiscal policy for America, then we have lost our way. We are a caring nation. We care for one another. We are a community, a community that reaches out, through the taxes we pay and the good deeds that many do, to help the less fortunate. Yet when it comes to unemployment benefits, the Republican Senators have said: This is where we make our stand. This is where we enforce our deficit.

Well, I think they have taken off and created more victims in our economy at a time when so many have lost their jobs.

I looked at the States represented by the Republican Senators who spoke earlier today. The Senator from Nebraska is fortunate in one respect. His State has an unemployment rate of 4.6 percent. The Senator from Oklahoma, he, too, is fortunate. His State has an unemployment rate of 6.7 percent. My State is up at 12 percent unemployment, and others such as Michigan are over 14 percent unemployment.

This is a crisis in our State, and it is a crisis that will be made worse when these checks are cut off. I would urge my colleagues to view this unemployment benefit request as the emergency that it is. If nations can rise to the occasion of disasters—unanticipated calamities, natural disasters such as floods and hurricanes—if we can view those as emergencies, shouldn't we look at the hurricanes that have hit the lives of those unemployed Americans and be ready to stand by their side?

I hope when we return after the break over Easter and have our chance to vote, we can finally bring forward enough moderate Republicans on that side of the aisle to join us and say: Yes, we need to fight the deficit, but let's not do it at the expense of the neediest people in America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

COAL MINING PERMITTING PROCESS

Mr. MCCONNELL. Madam President, I rise to sound an alarm about a threat to coal-mining businesses in Kentucky. Coal is a vital part of my State's economy, and a vital part of America's energy portfolio. The coal industry creates over 60,000 jobs in Kentucky, including approximately 15,000 coal miners. More than half the country's electricity is generated by coal, electricity those workers help generate.

But this important sector of the economy now faces a back-door attempt to restrict coal mining, one that was implemented without a hearing or a vote by this administration's Environmental Protection Agency. The EPA is overstepping its authority by using an approval process meant to assess the environmental impact of mining operations as a means to halt those mining operations altogether.

According to one study by the Senate Environment and Public Works Committee, it could be estimated that roughly 3,500 mining jobs in Kentucky are in jeopardy if the EPA does not let go its stranglehold on the growth of that industry. And mining industry jobs are not the only jobs lost thanks to this wrongheaded, bureaucratic overregulation. For every coal-mining job, 11 other jobs are dependent on it. That means up to 38,500 jobs in my State alone could be affected.

Let me give a concrete example of how what the EPA is doing directly affects jobs. Out of 49 Kentucky applicants for permits under section 404 of the Clean Water Act, only one application—that is right, one—is actually under review. 1 out of 49. Actually, that should be 1 out of 42 because seven applicants were kept waiting so long by the EPA's foot-dragging tactic that they had no choice but to withdraw their applications.

After all, during this whole length of time that the EPA unfairly prolongs the process, mine operators must still spend resources to keep their mines ready to operate. Eventually paying these costs while earning no profit in return forces many of these businesses to just give up.

While the rest of the permits are technically pending a review, in reality they are in limbo and essentially dead as long as the EPA refuses to even begin its official review process. This ''run out the clock'' tactic is bad news for Kentucky's economy.

I know I don't have to tell my colleagues we are in a recession. Unemployment is higher than any of us would like it to be. In Kentucky it is 10.5 percent, higher than the national average. My highest priority as the Senator from Kentucky is to help everyone from my State who wants a job to find one.

That is why I must speak out against what the EPA is doing. Their attack on an important Kentucky industry hampers the growth of jobs, and it especially hampers the growth of small businesses—the greatest engines of job creation.

The EPA has turned the section 404 permitting process, already a cumbersome process to begin with, into an illegitimate, backdoor means of shutting down Kentucky coal mines. This is outside the scope of their authority and the law. It represents a fundamental departure from the permitting process as originally envisioned by Congress.

This Senate needs to make it clear to the EPA that they must complete the permit review process in a timely manner, and provide complete transparency along the way to all sides. They cannot continue to impose a backdoor ban on mining operations in Kentucky through an illegitimate process.

Let me add one more thing. The section 404 permit review process is only one aspect of the EPA's war on coal. They are also seeking to impose a backdoor national energy tax by regulating carbon dioxide emissions from coal plants under the Clean Air Act, which will hurt our economy and endanger millions of jobs across the country. The Senate will have an opportunity to vote on the EPA's actions in that regard in the near future.

MINIMUM ESSENTIAL COVERAGE

Mr. AKAKA. Madam President, as chairman of the Senate Committee on Veterans' Affairs, concerns have been raised to me about a technical error in the health care reform bill that was recently passed, the Patient Protection and Affordable Care Act, H.R. 3590. In drafting the PPACA, a provision was included which designates health care provided under VA's authority as meeting the minimum required health care coverage that an individual is required to maintain.

However, due to the way this exemption was worded, this definition may exclude children with spina bifida, who are seriously disabled and to whom VA provides reimbursement for comprehensive health care. The underlying bill gave authority to the Secretary of Health and Human Services to designate other care, which could include the VA spina bifida program, as meeting the definition of minimum essential coverage. This bill would simply clarify what was originally intended.

Chapter 18 of title 38 contains the Spina Bifida Health Care Program, whichis a health benefit program administered by the Department of Veterans Affairs to provide reimbursement for comprehensive health care for children with spina bifida who are born to veterans of the Vietnam War and to some veterans who served in Korea during specified times, as well as children of women Vietnam veterans with certain birth defects. The program provides reimbursement for medical services and supplies.

My legislation corrects this small error. Additionally, this legislation would clarify that recipients of CHAMPVA would also be considered as meeting the requirement for minimum essential coverage. This legislation is currently supported by 59 cosponsors, including my friend from North Carolina, and the ranking member on my Committee, Senator BURR. Additionally, the Veterans of Foreign Wars, Disabled American Veterans, and the Military Officers Association of America have endorsed this bill.

Thank you, Madam President and I thank my colleagues for their support in making this small but important clarification for veterans.

HONORING OUR ARMED FORCES

CHIEF SPECIAL WARFARE OPERATOR ADAM LEE BROWN

Mrs. LINCOLN. Madam President, today I honor Chief Special Warfare Operator Adam Lee Brown, 36, a Navy SEAL from Hot Springs who died in Afghanistan March 18. My heart goes out to the family of Chief Special Warfare Operator Brown, who made the ultimate sacrifice on behalf of our Nation. According to those who knew him best, he was a caring, compassionate individual, who always put others ahead of himself. He was in his eighth tour of duty in Afghanistan and is survived by his wife, two young children, and his parents.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military service members and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning service members and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

CALIFORNIA CASUALTIES FROM IRAQ AND AFGHANISTAN

Mrs. BOXER. Madam President, I rise today to pay tribute to 14 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since December 16, 2009. This brings to 147 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 14 percent of all U.S. deaths in Afghanistan.

PFC Serge Kropov, 21, of Hawley, PA, died December 20, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Private First Class

Kropov was assigned to Marine Aircraft Group 16, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station Miramar, CA.

LCpl Omar G. Roebuck, 23, of Moreno Valley, CA, died December 22, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Lance Corporal Roebuck was assigned to 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

SSG David H. Gutierrez, 35, of San Francisco, CA, died December 25, 2009, at Kandahar Air Field, Afghanistan, of wounds suffered when insurgents attacked his dismounted patrol with an improvised explosive device in Howz-e Madad. Staff Sergeant Gutierrez was assigned to the 2nd Battalion, 1st Infantry Regiment, 5th Brigade, 2nd Infantry Division, Fort Lewis, WA.

SSG Anton R. Phillips, 31, of Inglewood, CA, died December 31, 2009, at Forward Operating Base Methar Lam, Afghanistan. Staff Sergeant Phillips was assigned to G Forward Support Company, 77th Field Artillery Regiment, 2nd Battalion, Task Force Wildhorse, Forward Operating Base Methar Lam, Afghanistan.

LCpl Jeremy M. Kane, 22, of Towson, MD, died January 23, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Kane was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SGT David J. Smith, 25, of Frederick, MD, died January 26, 2010, from wounds received January 23 while supporting combat operations in Helmand Province, Afghanistan. Sergeant Smith was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SSG Mark A. Stets, 39, of El Cajon, CA, died February 3, 2010, in Timagara, Pakistan, from wounds suffered when insurgents attacked his unit with an improvised explosive device. Staff Sergeant Stets was assigned to the 8th Psychological Operations Battalion, Airborne, 4th Psychological Operations Group, Airborne, Fort Bragg, NC.

LCpl Alejandro J. Yazzie, 23, of Rock Point, AZ, died February 16, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Yazzie was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Charles A. Williams, 29, of Fair Oaks, CA, died February 7, 2010, at Camp Nathan Smith, Afghanistan, of injuries sustained while supporting combat operations. Private First Class Williams was assigned to the 97th Military Police Battalion, 18th Military Police Brigade, Fort Riley, KA.

LCpl Joshua H. Birchfield, 24, of Westville, IN, died February 19, 2010, while supporting combat operations in Farah province, Afghanistan. Lance Corporal Birchfield was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG Michael David P. Cardenaz, 29, of Corona, CA, died February 20, 2010, in Kunar, Afghanistan, when enemy forces attacked his unit with rocket-propelled grenades. Staff Sergeant Cardenaz was assigned to the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SPC Ian T.D. Gelig, 25, of Stevenson Ranch, CA, died March 1, 2010, in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Specialist Gelig was assigned to the 782nd Brigade Support Battalion, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

LCpl Carlos A. Aragon, 19, of Orem, UT, died March 1, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Aragon was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

LCpl Nigel K. Olsen, 21, of Orem, UT, died March 4, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Olsen was assigned to the 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

I would also like to pay tribute to a young American who was killed serving our country in Iraq during this same time period. This brings to 883 the number of servicemembers either from California or based in California who have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

PFC Scott G. Barnett, 24, of Concord, CA, died January 28 in Tallil, Iraq, of injuries sustained while supporting combat operations. Private First Class Barnett was assigned to the 412th Aviation Support Battalion, 12th Combat Aviation Brigade, Katterbach, Germany.

EXPIRING DOMESTIC SURVEILLANCE PROVISIONS

Mr. WYDEN. Madam President, the U.S. Senate recently approved a 1-year extension of the expiring provisions of the Patriot Act with a voice vote. The extension was subsequently approved by the House and signed into law by President Obama. As I have argued for years that the Patriot Act is in need of serious reform, I would like to outline the changes I will keep working for as a member of the Senate Select Committee on Intelligence.

Many of my colleagues who agree with me that reforms are needed think it would be difficult to have a constructive debate on domestic surveillance in the Senate right now. They think that next year will be a better time to have this debate, and that waiting will lead to a better opportunity to restore the best possible balance between fighting terrorism ferociously and protecting American rights and freedoms.

Personally, I think that the reforms I am outlining today should have been made years ago. But based on the debate on the Patriot Act that took place in the Senate Judiciary Committee last fall, I agree that those of us who believe in reform need to spend more time making our case to our colleagues and the American people. So I will briefly address those reforms that I think are necessary, and the ways that I would like to see this debate move forward between now and next February, when these provisions will come up for renewal again.

The three expiring provisions all involve domestic surveillance in one way or another. One regards the use of roving wiretaps for intelligence purposes, one regards the surveillance of so-called ''lone wolf'' terrorist suspects, and one involves government access to business records. I have cosponsored legislation that would create additional safeguards on the use of roving wiretaps, and I think that it is appropriate to debate whether the ''lone wolf'' statute should be reformed or repealed, particularly given the fact that it has never been used. But it is the business records provision, section 215 of the Patriot Act, which I believe is most in need of reform.

Section 215 of the Patriot Act is referred to as the ''business records'' provision, but it actually covers any personal information that is held by any sort of institution or third party—including banks, hospitals, libraries, and retail stores of all types. And it doesn't just apply to documents; it applies to ''any tangible thing'', which means it covers things like blood or tissue samples as well.

Prior to 9/11, if the FBI or another government agency was conducting an intelligence investigation and wanted to obtain an individual's personal records from the business or institution that was holding them, the government agency had to have evidence indicating that the person whose records they wanted was a terrorist or a spy. Section 215 of the Patriot Act lowered this standard to permit the government to collect any records deemed ''relevant to an investigation''.

''Relevant'' is an incredibly broad standard. In fact, it could potentially permit the government to collect the personal information of large numbers of law-abiding Americans who have no connection to terrorism whatsoever.

As an alternative to ''relevance'', I and other senators have advocated for what I call the ''nexus to terrorism'' standard. Under this standard, the government could use the Patriot Act to obtain any records pertaining to a terrorist suspect, or the suspect's activities, or any individual that the suspect has been in contact with or directly

linked to in any way. This is a much broader standard than the one that existed before 9/11, and it would give the FBI and other government agencies significant flexibility in terrorism investigations. But it is much tighter than the standard that is currently written into law as part of the Patriot Act, and it would greatly reduce potential intrusions on the privacy of law-abiding Americans.

Switching to a ''nexus to terrorism'' standard is not a radical proposal. In 2005, the Senate passed a bill that would have replaced the ''relevance'' standard with one requiring a ''nexus to terrorism''. In fact, this bill was passed by unanimous consent. And President Obama cosponsored similar legislation in 2007. So this proposal has received significant bipartisan support in the past. And in my judgment, it would go a long, long way toward restoring the balance between security and freedom that is so important to Americans.

I have cosponsored legislation that would make ''nexus to terrorism'' the standard for accessing individuals' business records for intelligence purposes. Over the next year, I will continue to argue for the merits of this standard. I will also continue to press for more transparency about how the Patriot Act has actually been interpreted and applied in practice. As I have said before, there is key information that is relevant to the debate on the Patriot Act that is currently classified. Over the past two and a half years, I have pressed the executive branch to declassify this information in a responsible way, so that members of Congress and the public can have an informed debate about what the law should actually be.

I have raised this issue numerous times, in classified letters and in meetings with high-level Administration officials. Many of these classified letters were also signed by other senators, including Senator FEINGOLD and Senator DURBIN. In a partial response to our requests, the Attorney General and the Director of National Intelligence have prepared a classified paper that contains details about how some of the Patriot Act's authorities have actually been used, and this paper is now available to all members of Congress, who can read it in the Intelligence Committee's secure office spaces.

Providing this classified paper to Congress is a good first step, and I would certainly encourage all of my colleagues to come down to the Intelligence Committee and read it, but by itself this step does not go nearly far enough. Ensuring that members of Congress have information about how the law has been interpreted and applied is obviously essential, but it is just as essential for the public to have this information as well. Most members of the public do not expect to have detailed information about how intelligence collection is actually conducted, but they do expect to understand the boundaries of what the law does and does not allow, so that they can ratify or reject the decisions that public officials make on their behalf.

I am particularly concerned about this because I believe that there is a discrepancy between what most Americans believe is legal and what the government is actually doing under the Patriot Act. In my view, any discrepancy of this sort is intolerable and untenable, and can only be fixed by greater transparency and openness. This is why I think it is so important for the executive branch to declassify the information that I have asked them to take action on.

I expect that convincing the executive branch to take decisive action on this issue will not be easy, and that it will not happen quickly. But I have been engaged on this issue for two and a half years already, so I think it should be clear by now that I do not intend to give up. As Congress prepares to resume debate on the Patriot Act next year, I will continue to press the administration to find a way to release this information in a manner that serves the public interest and does not harm national security. And I hope that my colleagues will join me in this effort.

INDEPENDENT PAYMENT ADVISORY BOARD

Mr. SPECTER. Madam President, I have sought recognition to address transparency concerns with the Independent Payment Advisory Board established in H.R. 3590.

As Medicare enrollment grows, the issue of cost-containment becomes more pressing. To address this issue the Independent Payment Advisory Board was included as part of health reform legislation. The Board's task is to slow the rate of growth in the Medicare Program—a goal which is important if the program is going to remain solvent for years to come. It has been suggested that this Board will operate in secret, without public input and its meetings and decision-making process will not be transparent. This belief is inaccurate. The legislation ensures that the Board operates in an open and transparent way that facilitates open discussion and input from the public at large and from Medicare beneficiaries. The legislation specifically authorizes the Board to hold open and public meetings and I would expect that the Board will do this often as it gathers input from various stakeholders in the health care sector and Medicare beneficiaries.

Further, the bill creates a Consumer Advisory Council to advise the Board of the impact that its recommendations will have on consumers and Medicare beneficiaries. The Advisory Council is directed to meet at least twice a year in a forum open to the public. I fully intend and expect that as the Board creates its recommendations it will give ample weight to the views and concerns of the Consumer Advisory Council, as it is consumers that will ultimately be impacted by the decisions of the Independent Payment Advisory Board.

The Board and the Consumer Advisory Council must engage in an open and transparent decision making process, with ample opportunity for input from Medicare beneficiaries as well as other health care stakeholders as is intended by this legislation.

GLOBAL INTERNET FREEDOM CAUCUS

Mr. KAUFMAN. Madam President, yesterday I was joined by Senators BROWNBACK, LIEBERMAN and CASEY, in introducing the newly formed Senate Caucus for Global Internet Freedom. I ask unanimous consent that the text of my comments be printed in the RECORD.

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

Senator BROWNBACK and I created this caucus—together with Senators DURBIN, LIEBERMAN, CASEY, MCCAIN, JOHANNS, BARRASSO, MENENDEZ, and RISCH—to promote the right to free expression, free press, free assembly, and free speech via the Internet and other forms of connective technology.

The Internet has presented infinite opportunities for communication throughout the world. It is an incredible tool for reaching people of all nationalities, faiths, and ethnicities in their own language, and promoting new channels for education and news. The free exchange of ideas in a globalized world is essential to economic and political progress, and we are gathered here today to reaffirm our commitment to this issue.

The Caucus will provide bipartisan leadership within the Congress supporting robust engagement by the public and private sectors to secure digital freedoms throughout the world. Joining with our colleagues who have established a similar caucus in the House, the Senate will continue to advance global Internet freedom as an essential communications tool. The power to connect and access information is a fundamental right which we seek to protect, and the caucus establishes an additional vehicle for doing so.

Our goals are three-fold. First, we will continue to draw attention to this critical issue. Second, we will continue to highlight attempts by foreign governments to restrict the Internet through resolutions, legislation, and hearings. And third, we will continue to promote methods of evading Internet restrictions, including censorship circumvention technology and tools.

I emphasize that we will ''continue'' to take these steps because—while today marks the formal creation of the Caucus—this bipartisan group of Senators has been working to advocate for global Internet freedom for more than

a year. We have worked together to pass numerous resolutions supporting global Internet and press freedom, and highlighting restrictions in China and Iran. Many of us also authored the Victims of Iranian Censorship, or VOICE Act, which passed as part of the FY2010 Defense Authorization and was the only bill specifically regarding Iran signed into law last year.

The VOICE Act authorized funding for additional U.S. broadcasting into Iran and the development of censorship circumvention tools. This effort was spearheaded by Senators MCCAIN, LIEBERMAN, CASEY, GRAHAM and myself, while Senator BROWNBACK has worked to secure funding for such technology in consecutive Foreign Operations Appropriations spending bills.

The 111th Congress, with strong bipartisan support, has done more to promote Internet freedom than any other Congress in history. We have set a standard that places cyber-journalists on equal footing with the broadcast and print press; we have funded the dissemination and use of censorship evasion technology at an unprecedented level; we have made Internet freedom a foreign policy priority and an integral part of the international agenda on human rights; and we will continue to take important policy positions on this pressing issue.

More remains to be done, and the caucus will fill that role. Internet restrictions, censorship, manipulation, and monitoring continues to rise in China, Iran, and elsewhere around the world. The annual Freedom House Freedom of the Net Report shows a decline of digital freedom every year. Nations around the world are using sophisticated censorship techniques and abusing national security laws to crackdown on access to web-based information, communication, and news.

Today, we reaffirm our commitment to this cause, and look forward to continuing to work together to promote Internet freedom around the globe.

189TH ANNIVERSARY OF GREECE'S INDEPENDENCE

Ms. SNOWE. Madam President, I rise today to commemorate the 189th anniversary of the day in 1821 when the people of Greece declared independence from the Ottoman Empire, launching the country's heroic 8-year struggle to end centuries of political, religious and cultural repression of their proud and ancient culture. This is a truly cherished milestone for the Greek people, Greek Americans, and for all the friends of Greece around the globe.

The ancient Greeks developed the concept of democracy, in which the supreme power to govern is vested in the people, and it was based on this political model and philosophy that our Founding Fathers formed our democratic republic. Today, our two nations are not only faithful allies, but also close friends bound by a shared heritage of democratic values and together we are at the forefront of freedom, democracy, peace, stability, and human rights.

Nearly two centuries after the rebirth of Greek independence, there is much to celebrate, but there are also many significant challenges which we face in the 21st century. Ongoing provocations by Turkey in the Aegean and irredentist actions by the Former Yugoslav Republic of Macedonia thwart Greece's quest for a stable southeastern Europe free of past centuries' often devastating territorial disputes. Protecting the Ecumenical Patriarchate of Constantinople the leader of Greek Orthodox Christians around the world from persecution, and ending the illegal occupation of the north of Cyprus remain as enormous imperatives that will require constructive engagement and a strong commitment from those willing to champion human rights.

Overcoming these hurdles will require us to strengthen the relationship that exists between our two great nations, so as to defend our foundational principles and ensure our vitality in the centuries to come. On this anniversary of Greek independence, let us not only celebrate and congratulate our friends in Greece, but also rededicate ourselves to bolstering the relationship that exists between our countries.

Madam President, as the first Greek-American woman elected to both the U.S. House and U.S. Senate, I extend my warm congratulations and best wishes to the people of Greece and all Greek Americans as we celebrate the 189th anniversary of Greece's independence.

RED CROSS MONTH

Mr. LEMIEUX. Madam President, I rise to commemorate Red Cross Month. The American Red Cross is an exceptional organization, dedicated to helping people in time of need and providing a level of services that no other agencies provide. Led by volunteers and guided by its Congressional Charter and the Fundamental Principles of the International Red Cross Movement, this group provides relief to victims of disaster and helps people prevent, prepare for and respond to emergencies.

The American Red Cross has an expansive and influential reach around the globe and in our neighborhoods at home. From assisting victims of house fires or catastrophic storms here in my home State of Florida to helping those affected by the devastating earthquake that took place in Haiti a couple of months ago, the American Red Cross is there, mobilizing our fellow Floridians in its mission to alleviate human suffering and to assist us in disaster preparedness, lifesaving training and addressing an array of emergencies. Locally, the American Red Cross is also a leader in providing aquatic safety programs—something of great importance to the State of Florida. Every day the Red Cross trains our friends and neighbors in lifesaving CPR, first aid, swimming lessons, drowning prevention and water safety instruction.

Globally, the American Red Cross International Services Program reestablishes communication with loved ones separated by armed conflicts or natural disaster. Recently, the Red Cross provided family linkages from Haiti earthquake survivors to family members living abroad. In addition, our American Red Cross is unique in its mission to use archives located around the world to trace missing Holocaust family members.

A community-funded and supported organization, the American Red Cross provides around-the-clock emergency services, every day, 24/7. When the American Red Cross arrives on the scene, its staff and volunteers are armed with compassion and support. As we saw during the response to the earthquake in Haiti, you can always count on our Florida chapters of the American Red Cross to be in the forefront when our community needs them, time and time again.

I am proud to join with my colleagues in recognizing the Red Cross and thanking the staff and volunteers for their many contributions to our neighborhoods, communities and State.

TRIBUTE TO LANCE MACKEY

Ms. MURKOWSKI. Madam President, I am excited today to congratulate Alaskan dog musher Lance Mackey and his team of dogs that carried him across the Iditarod finish line for a first-place finish in Nome, AK, at 6:59 p.m. on March 16, 2010. The Iditarod is known as the toughest race on Earth. The trail spans across a significant portion of Alaska, and is roughly 1,100 miles long. The race begins in Willow, AK, and mushers cross the finish line in Nome—a small community on the coast of Norton Sound of the Bering Sea. Mackey and his team rode into Nome just 51 seconds short of 9 days on the trail—this is the second fastest time in the 38-year history of the race. He crossed the finish line with 11 of the 16 dogs he started the race with—tired but still strong after the 1,000-mile journey. This victory landed Mackey his fourth win in a row—a title no Iditarod musher has claimed before.

Mackey's trademark strategy of long runs and little or no rest has consistently landed him victories over the other faster dog teams competing against him. His lead dogs this year, or superstars as he calls them, are named Maple and Rev. Alaskans and fans of this great race are well aware that in order to race among the great dog mushers, a pair of lead dogs with endurance and good judgment is just as important as a strong musher. The Iditarod is not for the faint of heart—the trail is made up of some of the harshest terrain in North America and if the musher and his lead dogs are not in sync, there are about a million things that can go wrong. Mackey has

shown a true bond with his team of dogs year after year, and this race was no different.

Lance Mackey's story is not only amazing because of his determination and skill in the sport of dog mushing but his victories over personal life challenges which are also significant. He is a cancer survivor—a victory that preceded his success in the sport of dog mushing. Lance is a lifelong Alaskan and a friend to many. He married his high school sweetheart and they have four children together. His family cheered him on as he took first, and was by his side when he was diagnosed with throat cancer after finishing the 2001 Iditarod race, where he took 36th place. After that race, Lance did not give up. He had extensive surgery and radiation and competed again the very next year. Although he had to drop out of that race to take time off to recover from his cancer and the surgery, Mackey's dedication and love of the sport is clear. He is now cancer free.

Mackey went on to win the Yukon Quest several times, one of the two major sled dog races in Alaska. In 2007 and 2008, he won both the Yukon Quest and the Iditarod, two incredibly difficult races, with only a week and a half in between each race to rest before he moved on to the next event. For the first time in the history of the races, Lance had won both, and he did so 2 years in a row.

I would like to take a moment to highlight just how unique this sport is—not only to Alaska, but to America as well. The Iditarod and the Yukon Quest are the world's two longest sled dog races. Both races span over 1,000 miles of rugged mountains, frozen tundra, and dense forests. These races truly know how to test a man or woman's dedication and determination. Not only does the ruthless terrain of Alaska pose immense obstacles to the mushers, but weather can be a major deterrent. Temperatures on the trail during the race have dropped down to 30 below zero. I don't know how many Members in this Chamber have experienced 30 below zero weather, but I can assure you it is no cakewalk. When that wind kicks up, gusts can shoot down through valleys and across the tundra at 100 miles per hour. You can imagine what the wind chill factor is as you are racing a dog sled team across vast open spaces for 1,100 miles. To give you an idea of just how long this race truly is—the distance between this Chamber here in Washington and Miami, FL, would fall roughly 100 miles short of the length of the trail. And the Iditarod trail spans only a mere portion of our great State.

The Iditarod commemorates the diphtheria serum relay that took place in 1925. The diphtheria vaccine was needed in Nome to counteract an outbreak that was threatening the community. Alaskan mushers came together and ran a series of dog teams to Nome carrying the vaccine to save the lives of those who were infected. This story is treasured in Alaska and each year, during the Iditarod, we remember the true spirit of the Alaska Natives and early pioneers and the obstacles they faced and ultimately overcame.

Today, the Iditarod is no longer run as a relay, but it is a race of individual dog sled teams. The Alaskan wilderness the teams travel through is as exceptionally beautiful as it is difficult. Mackey said after his win that this was the most tiring race yet for his team, and also the toughest in terms of competition. Rookie musher Pat Moon crashed after hitting a tree and falling unconscious and Bruce Linton of Kasilof, AK, who is diabetic, reported that his insulin froze while mushing along the Yukon River. Sixteen of the original seventy-one mushers dropped from the race this year. Many dogs, including five from Mackey's team, were dropped from the race and sent to Anchorage to await their mushers to return. Hans Gatt of Whitehorse, Canada, also a Yukon Quest winner, trailed Lance Mackey by only an hour. He was followed by Jeff King, a four-time Iditarod winner.

Mackey says that what he does well is understand his team, allowing for calculated risks that can change a race in an instant. He said:

> I don't think that I do anything with my running to jeopardize the dogs, or the future of the dogs. I gamble but I'm not going to win the Iditarod at the expense of my team.

Lance Mackey, like all mushers, cares deeply for the health and condition of their four-legged athletes. Last year the Anchorage Daily News stated while covering the race:

> A musher doesn't win by making dogs run. He wins by making dogs want to run.

Lance describes working with his dogs this way:

> The biggest challenge working with a large team of dogs is the individual personalities. Like a classroom full of kids, all with issues, wants, questions, some barking wildly to get my attention, and then there are some who just do what needs to be done and require only a nod or a smile. Every dog is different. Every need is different. That is what I love. The reward is seeing them all come together as a team working for a common goal.

I had the opportunity when I was up in the State for the ceremonial start of the Iditarod to go around and talk with the mushers and visit with the dogs. You can really tell how close the mushers are with their teams and when they come together as a team they can truly go the distance. We should acknowledge and respect them.

On Tuesday, March 16, thousands gathered at the famous burled wood arch on Front Street in Nome, AK, to cheer on Lance Mackey as his dogs carried him to victory over his talented competitors from all over the world. It is my honor today to stand before the Senate to congratulate Lance Mackey and his team, and to recognize this amazing race. The only one of its kind. Lance continues to be a world-class musher and a true Alaskan hero, along with his remarkable team. I join Alaskans in congratulating Lance Mackey on yet another Iditarod victory.

RECOGNIZING MIDDLETON, IDAHO

Mr. RISCH. Madam President, today I congratulate and acknowledge the 100th anniversary of the founding of the city of Middleton, ID. On April 10, 2010, the citizens of Middleton will gather at Roadside Park to commemorate the 100th year of its founding. This is a very historic and special day for this western Idaho community.

From its early days as a settlement in 1863, Middleton's history has embodied the frontier spirit and entrepreneurship that makes the United States a promised land of opportunity. After a gold rush struck Boise Basin, Middleton became the earliest settlement in what is now Canyon County. Middleton was named for its location on the old Oregon Trail midway between Boise City and Olds Ferry on the Snake River.

Primarily an agricultural community, Middleton became a center for milling in the West in 1871 when J.M. Stephenson and J.C. Isaacs opened their flour mill. The turn of the century brought the Idaho Northern Railway to Middleton and with it a bank, hotel and other business development. A few short years later, the town was officially incorporated on April 10, 1910.

Today, Middleton remains rooted in agriculture with potatoes, sugar beets, corn, mint, grains and dairy among its products. At the same time, it is one of Idaho's fastest-growing communities with greater portions of the Treasure Valley workforce moving there to enjoy the amenities of country living and small-town friendliness.

In 2006, Middleton celebrated the election of a hometown girl, Donna Jones, Idaho's first female State controller. Donna was raised in Middleton, went to school there, and married in the historic Methodist church.

Middleton gained national prominence in the summer of 2007, when the community came together to build a home for the Stockdale family on the television show ''Extreme Makeover Home Edition.'' Over the course of a week, hundreds of volunteers worked side by side in 100-degree heat to accomplish the task, demonstrating the true spirit of their community.

Middleton has much to celebrate and look forward to in its next century as it provides important goods and services at home and abroad. Congratulations to the city of Middleton for 100 years of service and success.

ADDITIONAL STATEMENTS

REMEMBERING MIDGE COSTANZA

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in paying tribute to Midge Costanza, a dear friend and great American who passed away this week. This woman of

great passion, compassion, vitality, kindness, and commitment died after a long battle with cancer in San Diego, CA, where she had lived and worked for the past 20 years.

I first heard of Midge in 1976, when President-elect Jimmy Carter made history by making her the first woman ever named Assistant to the President. As President Carter's public liaison, she reached out to Americans who had previously been denied access to the White House.

By the time I first ran for Senate in 1992, Midge had moved to San Diego, where she worked tirelessly on behalf of my campaign. She ran our San Diego office, introduced me to local leaders, and often spoke on my behalf at rallies and other speaking engagements. She was a riveting speaker who inspired even the toughest crowd.

The daughter of Sicilian immigrants, Midge was born in 1932 in LeRoy, NY, and grew up in Rochester. After high school, she went to work and became active in several community organizations. Soon she was volunteering for Democratic political campaigns, including Averell Harriman's successful campaign for governor of New York. In 1964, she served as the Monroe County director for Robert F. Kennedy's Senate campaign.

Midge served a member of the Democratic National Committee from 1972 to 1977. In 1973, she ran for an at-large seat on the Rochester City Council and won in a landslide. In 1974, she lost a congressional race to a popular Republican incumbent. Two years later, she served as State cochair for Jimmy Carter's Presidential campaign. At the 1976 Democratic National Convention, she gave an inspiring speech seconding Carter's nomination.

After leaving the White House, Midge served on the board of directors for several organizations, including the National Gay Rights Advocates and the AIDS research group Search Alliance.

Following my 1992 campaign, Midge worked on the 1994 campaigns of gubernatorial candidate Kathleen Brown and Congresswoman Lynn Schenk. Over the years, she also coached many candidates in strategy and public speaking.

In 2000, she was appointed Special Assistant to the Governor by California Governor Gray Davis and served as his liaison for women's groups and issues.

Since 2003, Midge has been an adjunct professor at San Diego State University and established the Midge Costanza Institute for the Study of Politics and Public Policy at SDSU.

For the past 5 years, Midge has served as public affairs officer for San Diego district attorney Bonnie Dumanis. Last year, when she and the district attorney visited my Washington office, we shared some laughs and stories about our early days together.

Shortly before Midge died, she received a call from President Carter, who expressed his love for her and his gratitude for her outstanding service to the Nation. Today I want to echo those sentiments and bid a fond farewell to my dear friend Midge Costanza. Midge was a great role model for women in public service. Her insight and wit will be missed by all of us who knew her.●

REMEMBERING DR. EDGAR WAYBURN

● Mrs. BOXER. Madam President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary environmental pioneer and wilderness champion, Dr. Edgar Wayburn. Ed was a soft spoken yet remarkably successful conservationist whose legacy is enjoyed by millions. Ed passed away on March 5, 2010, at his home in San Francisco at the age of 103.

Born in Macon, GA, in 1906, Ed made his first trip to California in 1927, at the age of 21. He was immediately struck by the awe-inspiring vistas of Yosemite National Park and the Sierra Nevada. He was captivated by the majestic beauty of California and knew he would one day return. After graduating from Harvard Medical School, Ed served in the U.S. Air Force during World War II. In 1939, Ed joined the fledgling Sierra Club, an organization he would later serve as the president of five times. By 1947, Ed was living in the San Francisco Bay area and had grown active in efforts to protect the beautiful landscapes of coastal California.

Ed's career in conservation spanned 60 years, during which he was never compensated financially for his efforts. Ed maintained his private medical practice while dedicating evenings, weekends, and vacation time to his relentless pursuit of protecting lands for public enjoyment. In California, Ed was instrumental in the creation of Redwood National Park, the Golden Gate National Recreation Area, and Point Reyes National Seashore. Working tirelessly alongside the late Congressman Phil Burton, Ed won support for protecting these parks, which today are some of my great state's most revered natural treasures.

Ed's environmental legacy stretches far beyond California. He and his beloved wife Peggy, who passed away in 2002, worked tirelessly to protect the Alaskan wilderness. After Ed and Peggy's first life-changing visit to Alaska, they inspired a national campaign that ultimately culminated in the passage of the Alaska National Interest Lands Conservation Act, signed into law by President Carter in 1980. As a result, the National Park system nearly doubled in size, adding 10 new national parks with the stroke of the President's pen. To this day, the Alaska Lands Act is the largest public lands legislation in the history of the United States.

Ed Wayburn possessed a deep understanding of the value of our public lands and precious wild places. In Ed's 2004 publication ''Your Land and Mine,'' he states that ''in destroying wilderness, we deny ourselves the full extent of what it means to be alive. In preserving wilderness, we not only recognize our place in the chain of life, but we also invite ourselves to reach, to explore, to wonder, and to make a difference.'' Ed held an unshakable belief in the natural world's ability to provide humanity with critical opportunities for introspection and inspiration. As a doctor, Ed understood the connection between an individual's well-being and the health of the environment. As a leader, he understood the importance of providing the public with wild places to foster that connection.

In August of 1999, President Clinton presented Ed with the Presidential Medal of Freedom. President Clinton said of Ed, ''He has saved more of our wilderness than any person alive.'' The Presidential Medal of Freedom is the highest civilian honor an American can receive, and signifies the magnitude of the legacy left to us by this great and humble man.

Ed has left an indelible mark on the landscape of America. He was a compassionate physician, an inspiring conservationist, and a wonderful family man who served his country both in and out of uniform. Though he will be deeply missed, Ed has left us with so many priceless gifts. The parks he helped to build, and the lands he helped to protect, will be enjoyed by Americans and visitors to our great nation for many generations to come. And as our world continues to change, and wild places grow increasingly rare, the gifts that Ed bestowed upon us will become evermore valuable.

Ed is survived by his daughters Laurie, Cynthia, and Diana; his son William; and his three grandchildren. My thoughts and prayers are with Ed's family during this difficult time.●

REMEMBERING THOMAS F. STROOCK

● Mr. ENZI. Madam President, Diana and I, along with so many of our neighbors, family and friends from every corner of Wyoming were very sorry to learn of the passing of Thomas Stroock. Tom was one of Wyoming's most remarkable citizens, a rugged individualist who wore many hats in life and traveled many roads—all of which always brought him back to the State he loved and called home—Wyoming.

God puts us where He wants and needs us to be and how what we do—and what we fail to do—can have a great impact on the world around us and make the lives of all those we meet very different than they might otherwise have been. That is the kind of lesson you could draw from the life of Thomas Stroock. Born in New York City, Tom quickly showed the kind of character and values that would guide him throughout his many chosen careers. He was an excellent student, and

when the opportunity presented itself, he enrolled at Yale University, and then enlisted in the U.S. Marine Corps so he could serve his country at a time when tensions were running high around the world.

After he completed his service in the Corps and graduated from Yale, he made what he would always say was the most important and the smartest move of his life when he married Marta. Marta was to be a strong and powerful influence as she helped to give his life balance and direction. Thus began a marriage that was to last for 60 years.

Now that Tom had found the love of his life, it was time for Tom and Marta to start making plans for their lives together. A business opportunity had brought them to Casper, WY, but they had no plans to stay. Fortunately, the beauty of the surrounding area, and the spirit and hospitality of the people they met soon changed their minds. So much so that when Tom's employer wanted to transfer him from Casper he decided instead to try his hand at running his own firm. That is how the Stroock Leasing Corporation came to be born.

Tom, to no one's surprise, soon proved to have an excellent mind for business. In just a few years, Tom had founded other business entities and he was making even greater strides on the path to success.

For many people that would have been enough. They would have been content to just sit back and enjoy all that life had already brought their way. That is how it would have been for most people, but not for Tom and Marta.

Tom's unshakeable determination to do everything he possibly could to improve the lives of those around him—to make his part of the world a better place wherever he happened to be—which had always served as his internal compass—now became stronger than ever. It became part of his personal mission statement that he worked very hard to fulfill time and time again, at home and abroad.

That is why, now that his businesses were doing so well, Tom decided to take that philosophy to the next level. He ran for and won a seat on the Natrona County School Board so he could help to make the local schools more effective and efficient. Tom knew from his own life the benefits that a good education can provide and he wanted all of our state's young people to have that same chance.

Then, after serving on the school board, he was elected to represent Natrona County in the Wyoming State Senate—a post to which he was reelected several times. In both positions Tom showed that he was a master strategist. In the State legislature, no one ever paid closer attention to Wyoming's resources and our stream of revenue than Tom did. He watched every penny—how each one was earned and how each one was spent. Wyoming was then placed on better and more sound financial footing because of what he did.

Throughout his life Tom was profoundly influenced by his years at Yale. It was there that he met George H.W. Bush and the two soon became good friends. He must have been impressed with Tom because, when he was elected President and the opportunity presented itself, he named Tom Stroock to serve as our Ambassador to Guatemala.

Tom preferred Guatemala to the other available posts because it was in the midst of a great civil war and of all the nations in the area, Tom felt that he could do the most good there.

At the conclusion of his service in Guatemala, Tom and Marta headed right back home to Wyoming. To no one's surprise, Tom hit the ground running and was once again involved in a wide variety of issues that ranged from the status of our energy industry to the future of the University of Wyoming. He even wrote some guest columns for the Star-Tribune. Never one to mince words or water down his ideas and views, his columns often raised eyebrows—and the attention of people with other points of view!

During these years, he also found the time to start and fund the Stroock Forum on Wyoming Lands and People. The Forum, which was held every year, brought an interesting speaker to Wyoming to share their views on many different issues.

As we look back in the years to come, we will always remember Tom as one of our state's strongest leaders. He led the best way—by example—and by so doing encouraged others to follow his lead and do their best at whatever they felt called to do in life.

Tom's service can best be summed up by the words Mike Leon of Sheridan used when he was in the Legislature to emphasize the importance of maintaining the individuality of our state. Tom quoted them himself in one of his speeches—''We don't want to make Wyoming like every place else, when every place else wants to be just like Wyoming.''

That was Tom's No. 1 goal in life—to make things better in Wyoming or wherever he happened to find himself, but, as he did, to ensure that each place maintained its own style and character so that it would never become a place that was just like every other.

In their travels, and throughout their lives, Tom and Marta have made everywhere they have been a better place for their having passed by. Together they were a remarkable team and they produced tremendous results and touched more lives than we will ever know.

Diana and I join with all those who knew and loved Tom in expressing our great sympathy for the loss we all share. We will keep all of Tom's family, his many friends and all those who were a part of his extended family in our prayers. He has gifted our state and our people with a legacy of which we can all be very proud. He will be greatly missed and he will never be forgotten.●

CONGRATULATING STEVENS POINT POINTERS

● Mr. FEINGOLD. Madam President, I am pleased to offer my congratulations to the University of Wisconsin—Stevens Point Pointers men's basketball team on capturing their third national title after their exciting win in the 2010 NCAA Division III Basketball Championship. The Pointers' hard work year-round has made them widely respected, and this achievement has made many Wisconsinites and Pointers fans very proud.

The team's perseverance and commitment to excellence throughout the season were on display during their journey to this year's title game, where guts and determination produced a thrilling game from start to finish. Despite being down by 10 points in the second half, the Pointers came back and defeated Williams College 78–73 to win the title and finish the year with a record of 29–4.

These remarkable student-athletes, as well as Coach Bob Semling and his coaching staff, have continued the Pointers' winning tradition and admirably represented Wisconsin at the very highest levels of athletic competition. The Pointers represent the best of Wisconsin's competitive spirit. Congratulations once again to the University of Wisconsin—Stevens Point community, and Head Coach Bob Semling, Assistant Coaches Lance Randall and J.R. Blount, and the student athletes of the 2010 NCAA Division III Champions Pointers basketball team.●

RECOGNIZING WASHBURN & DOUGHTY ASSOCIATES, INC.

● Ms. SNOWE. Madam President, today I honor a small business in my home State of Maine that has faced substantial adversity and demonstrated incredible resolve and determination. Located on the beautiful Damariscotta River in midcoast Maine, Washburn & Doughty Associates, Inc., has manufactured steel and aluminum commercial vessels since 1977. Founded by Bruce Doughty, Bruce Washburn, and Carl Pianka, the company delivers an assortment of tugboats, commercial passenger vessels, fishing boats, barges, ferries, and research vessels to a wide variety of clients.

In July of 2008, at their facility in East Boothbay, a fire torched the company's central construction location, leaving the operation in shambles. The company faced a steep uphill climb as they began seeking grants, loans, and insurance funds to recover their operation. Following the blaze, the company battled the Maine winter and forged ahead to continue building its vessels outdoors.

With fortitude and grit the company was the only boatyard in Maine to win

a grant under the American Recovery and Reinvestment Act. The boat maker earned a $2.6 million grant under the Maritime Administration's Small Shipyards Grant Program which it has put to use in helping to design a new, state-of-the-art construction building. The spacious facility, which was unveiled in September of last year, measures 42,000 square feet and is able to maneuver vessels up to 200 feet long and 50 feet wide. It features two construction bays, each equipped with two, 20-ton cranes. A central mezzanine contains shop space and offices for production support, supervision, design, and engineering. The company also purchased modern shipbuilding tools and equipment to sharpen their boatmaking skills.

In conjunction with this critical Federal aid, many members of the local community collaborated to help the company, raising an astonishing $140,000 to help replace tools and provide general assistance to the employees. Indeed, the town of Boothbay joined countless organizations like the Boothbay Harbor Region Chamber of Commerce and the Boothbay Region Land Trust to support Washburn & Doughty and its outstanding workers. Their working in concert is truly a testament to Maine's culture of cooperation and its deep sense of community values.

Since the fire of 2008, Washburn & Doughty Associates, Inc. has rebounded at an incredible pace. Late last year, the company posted positive job growth, having gone from 92 employees during early 2008 to 125 employees at present. This 35-percent increase in employment can be directly attributed to the steely resolve and dedicated work ethic of the men and women of Maine's working waterfront.

Undeniably, Bruce Doughty and Bruce Washburn embody these attributes as evidenced by their deep and abiding commitment to the firm's dedicated workforce and their unwavering resolve to rebuild. When times were bleak, they maintained their unyielding focus, and despite encountering countless hurdles along the way, persevered, rebuilt the company, and further solidified its reputation as one of the top steel construction shipyards in the Northeast. I applaud the strong efforts of everyone at Washburn & Doughty to rebuild their company in such an impressive manner, and wish them a smooth road forward full of success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:56 a.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 1879. An act to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, and Michael Schwerner Federal Building''.

H.R. 4098. An act to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes.

H.R. 4899. An act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 4849. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes.

At 5:17 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. 4938. An act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

At 9:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the amendments of the Senate to the bill (H.R. 4872) entitled ''An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).''.

MEASURES REFERRED

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

H.R. 1879. An act to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, and Michael Schwerner Federal Building''; to the Committee on Environment and Public Works.

H.R. 4098. An act to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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–5206. 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 ''Cloquintocet-mexyl; Pesticide Tolerances'' (FRL No. 8816–3) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5207. 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 ''Clopyralid; Pesticide Tolerances'' (FRL No. 8814–2) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5208. 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 ''Ammonium Salts of Fatty Acids (C8–C18 Saturated); Exemption from the Requirement of a Tolerance'' (FRL No. 8809–6) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5209. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Chief Management Officer, Department of Defense, received in the Office of the President of the Senate on March 24, 2010; to the Committee on Armed Services.

EC–5210. A communication from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting, pursuant to law, the annual National Guard and Reserve Equipment Report for fiscal year 2010; to the Committee on Armed Services.

EC–5211. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to the Department's annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2009; to the Committee on Armed Services.

EC–5212. A communication from the Deputy to the Chairman for Legal Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Deposit Insurance Regulations; Temporary Increase in Standard Coverage Amount; Mortgage Servicing Accounts; Revocable Trust Accounts; International Banking; Foreign Banks'' (RIN3064–AD36) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments and an amendment to the title:

S. 1635. A bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes (Rept. No. 111–166).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1830. A bill to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David A. Capp, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Anne M. Tompkins, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Kelly McDade Nesbit, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

Peter Christopher Munoz, of Michigan, to be United States Marshal for the Western District of Michigan for the term of four years.

(Nominations without an asterisk were reported with the recommendations 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. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. SANDERS, Mr. MERKLEY, and Mr. CARDIN):

S. 3164. A bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. MENENDEZ, Mr. WICKER, Mr. KERRY, Mr. COCHRAN, Ms. LANDRIEU, Mr. BURR, Mrs. GILLIBRAND, Mr. BOND, Mr. NELSON of Florida, Mr. LEMIEUX, Mrs. LINCOLN, Mr. SPECTER, Mr. LIEBERMAN, Mr. DODD, Ms. CANTWELL, and Mr. VITTER):

S. 3166. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for persons with investment losses due to fraud or embezzlement; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY:

S. 3168. A bill to authorize the Secretary of the Interior to acquire certain non-Federal land in the State of Pennsylvania for inclusion in the Fort Necessity National Battlefield; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY:

S. 3169. A bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. INOUYE):

S. 3170. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. RISCH):

S. 3171. A bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself and Mr. KERRY):

S. 3172. A bill to support counternarcotics and related efforts in the Inter-American region; to the Committee on Foreign Relations.

By Mr. COBURN:

S. 3173. A bill to fully offset the cost of the extension of unemployment benefits and other Federal aid; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3174. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, Mrs. GILLIBRAND, and Mr. UDALL of New Mexico):

S. 3178. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 3179. A bill to amend the Public Health Service Act to designate certain medical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEMIEUX (for himself, Mr. HATCH, Mr. SESSIONS, Mr. WICKER, and Mr. COCHRAN):

S. 3180. A bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3182. A bill to provide for equal access to COBRA continuation coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MENENDEZ):

S. 3183. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. BROWNBACK, and Mr. CARDIN):

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes; to the Committee on Foreign Relations.

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

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 3186. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes; considered and passed.

By Mr. ROCKEFELLER:

S. 3187. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; considered and passed.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BEGICH, and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND):

S. Res. 469. A resolution recognizing the 60th Anniversary of the Fulbright Program in Thailand; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN):

S. Res. 470. A resolution recognizing the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX):

S. Con. Res. 56. A concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1500

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1500, a bill to amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 2728

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2728, a bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent.

S. 2985

At the request of Mr. PRYOR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2985, a bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. AKAKA) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3081

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 3081, a bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3148

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3148, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage.

S. 3162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3162, a bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

AMENDMENT NO. 3574

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3574 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3575

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3575 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3697

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to join the Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, and my distinguished colleague from Illinois, Senator RICHARD DURBIN, in introducing the Small Business Community Partners Relief Act of 2010. This bi-partisan legislation will provide much-needed relief to Women's Business Centers, WBCs, and SBA Microloan intermediaries—two Small Business Administration, SBA, resource partners that provide critical assistance to our Nation's 29 million small businesses.

For my colleagues who may not be familiar with these programs, let me first explain the vital role of WBCs and Microloan intermediaries and the importance of aiding the small businesses these centers target.

Women's Business Centers provide quality counseling and training services to all entrepreneurs, primarily women, and especially those who are socially and economically disadvantaged. More than 110 centers across the country help more than 150,000 clients annually on a vast array of topics—from how to write a business plan to where to get financing. Many WBCs provide multilingual services and a number offer daycare services, allowing mothers with children to attend training classes.

Microloan intermediaries provide small, short-term loans to start-ups or small growing firms that cannot access credit through traditional loan programs. Like WBCs, the 160 Microloan

intermediaries throughout the nation also help entrepreneurs manage their start-up and expand while creating or saving thousands of jobs. Also like WBCs, the Microloan intermediaries tend to serve disadvantaged businesses in areas of the country that have been hit the hardest by the recession. About 48 percent of microloans go to small businesses owned by women, and about 53 percent to minority-owned small businesses.

Aiding women and minority small business owners is vital to the economic success of our nation because women-owned and minority-owned businesses are the fastest growing segments of the small business community—creating hundreds of thousands of jobs. Women-owned businesses contribute nearly $3 trillion to our economy and create or save 23 million jobs each year, according to the Center for Women's Business Research. Minority-owned firms contribute nearly $700 billion to the economy and create or save 4.7 million jobs, according to the Department of Commerce's Minority Business Development Agency.

While minority and women-owned firms do contribute greatly to the economy, they still need our help. Even though the number of minority-owned firms has grown by 35 percent, the average gross receipts for those firms dropped by 16 percent. Women-owned firms meanwhile have lower revenues and fewer employees than their male-owned counterparts—although 6 percent of men-owned businesses have revenues of $1 million or more, only 3 percent of women-owned firms reach the $1 million marker.

In this economic downturn, minority and women-owned businesses are struggling even more than usual. When they go to their local WBC or Microloan intermediary they are finding these centers of aid and counseling struggling as well. That's because, in order to receive Federal money, the centers and intermediaries must also find matching local funds. This funding often comes from local governments, universities and private entities. But these partners have had to tighten their belts, cutting much of their funding to the WBCs and Microloan intermediaries.

Without matching funding from their local partners, some WBCs and Microloan intermediaries have had to reduce or refuse Federal money. Nine WBCs have closed or requested reduced funding in the last year and many intermediaries are struggling to keep their doors open, even in the face of record demand for their services.

The Small Business Community Partner Relief Act would enable the SBA Administrator to temporarily waive the non-Federal match funding requirement, allowing struggling WBCs and Microloan intermediaries to receive the full amount of Federal support available. This change will make it possible for the centers and intermediaries to continue serving those small businesses that need help the most in these difficult times.

I look forward to working with Ranking Member SNOWE, Senator DURBIN and my colleagues in the Senate to make this necessary change a reality for the hundreds of centers and intermediaries throughout the country, and the millions of small businesses that rely on these programs to help them survive, grow and create jobs.

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

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

S. 3165

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 ''Small Business Community Partner Relief Act of 2010''.

SEC. 2. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may not waive the requirement for a recipient organization to obtain non-Federal funds under this paragraph for more than a total of 2 fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.''.

By Mr CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I introduce the Census Oversight Efficiency and Management Reform Act of 2010.

With exactly one week left until Census Day, I think we can all take pride in the excellent work that the Census Bureau has done over the past few months to get the 2010 Census back on

track. The Census Bureau's significance and the importance of its work cannot be overstated.

In fact, the requirement to enumerate the population is enshrined in the American Constitution. And the founding fathers asked us to do this each 10 years, as a cornerstone of their aspiration for effective representative democracy. They even went so far as to levy a $20 fine for noncompliance in 1790. They knew the fairness of our government required everyone to participate in the census.

Over the time, the Census process and procedure has changed remarkably from when the very first Census was conducted on horseback to today where Census workers utilize cutting edge technology to collect and transmit data. Even as the technology surrounding the Census has evolved the importance of its work has remained constant throughout American history. Yet despite its critical importance, the past three censuses have been deemed ''at risk'' and have been the subject of great controversy under Democratic and Republican administrations alike.

Just over 2 years ago, there were serious last-minute census design changes due to the failure of a project involving the census takers using handheld computers which threatened to derail the 2010 Census. Further, the cost of census taking has continued to escalate over the years. The cost of the 2010 Census is estimated to be $14.7 billion, making it the most expensive census in history.

Looking ahead, research and development for the 2020 Census is already underway and we must begin to think now about how we can advance the Census Bureau into a 21st century statistical agency.

The legislation that I am introducing today would make the Director of the Census Bureau a presidential appointment of 5 years, creating continuity across administrations. The bill would also require annual reporting on the Bureau's performance goals and risk mitigation strategies.

This will provide Congress with regular updates throughout the decade on the progress being made and an earlier warning when there are problems on the horizon. Further, encouraging the use of the Internet for data collection in the decennial census presents important opportunities for cost reductions and improvements in data quality.

I believe that these legislative reforms will ensure that the 2020 Census will be conducted without the operational problems we have seen in the past and with the most efficient use of taxpayer dollars possible.

I urge my colleagues to support this legislation.

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

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

S. 3167

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 ''Census Oversight Efficiency and Management Reform Act of 2010''.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; Deputy Director of the Census; authority and duties

''(a) DEFINITIONS.—As used in this section—

''(1) 'Director' means the Director of the Census;

''(2) 'Deputy Director' means the Deputy Director of the Census; and

''(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

''(b) DIRECTOR OF THE CENSUS.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

''(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in management and experience in the collection, analysis, and use of statistical data.

''(2) GENERAL AUTHORITY AND DUTIES.—

''(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

''(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.

''(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

''(3) TERM OF OFFICE.—

''(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(C) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 30 days before the removal.

''(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

''(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

''(6) ADVISORY COMMITTEES.—The Director may establish advisory committees to provide advice with respect to any function of the Director. Members of any such committee shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

''(9) BUDGET REQUESTS.—At the time the Director submits a budget request to the Secretary for inclusion in the President's budget request for a fiscal year submitted under section 1105 of title 31, and prior to the submission of the Department of Commerce budget to the Office of Management and Budget, the Director shall provide that budget information to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as the Committees on Appropriations of the House of Representatives and the Senate. All other budget requests from the Bureau to the Secretary shall be made available to the Committees on Appropriations of the House of Representatives and the Senate.

''(10) OTHER AUTHORITIES.—

''(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

''(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

''(c) DEPUTY DIRECTOR.—

''(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

''(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

''(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

''21. Director of the Census; Deputy Director of the Census; authority and duties.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

''§ 17. Annual reports

''(a) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

''(1) A description of the Bureau's performance goals for each significant decennial operation, including the performance measures for each operation.

''(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

''(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

''(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

''(5) A detailed description of all contracts over $50,000,000 entered into for each significant decennial operation, including—

''(A) any changes made to the contracts from the previous fiscal year;

''(B) justification for the changes; and

''(C) actions planned or taken to control growth in such contract costs.

''(b) For purposes of this section, the term 'significant decennial operation' includes any program or information technology related to—

''(1) the development of an accurate address list;

''(2) data collection, processing, and dissemination;

''(3) recruiting and hiring of temporary employees;

''(4) marketing, communications, and partnerships; and

''(5) coverage measurement.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

''17. Annual reports.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation in the Senate that has already been introduced in the House of Representatives by Alaska Congressman DON YOUNG to clarify federal mining law and remedy a problem that has arisen with the extension process for ''small'' miner land claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at $100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen to $125 per claim. But Congress also has provided a claim maintenance fee waiver for ''small'' miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor by Dec. 31st each year, certifying that they had performed more than $100 of work on the claim in the preceding year, 30 U.S.C. 28f(d)(1). The waiver provision further states: ''If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the $100 claim maintenance fee due for such a period.''

Since the last revision to the law last decade, there have been a series of incidents where miners argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff or for unexplained reasons the applications or documents were not recorded as having been received in a timely fashion—and that BLM has then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM resulted in loss or the late recording of claim applications.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case, and claims in another incident were reinstated following a U.S. District Court case in the 10th Circuit in 2009 in the case of Miller v. United States.

This bill is intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should they not be received and processed by BLM officials. If all defects are not cured within 60 days—the obvious intent of Congress in passing the original act—then claims still will be subject to voidance.

The transition rule included in this measure will solve two pending cases in Alaska, one where a holder of nine claims on the Kenai Peninsula, near Hope, Alaska, has lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline, not just a record that the affidavit of annual labor had arrived. In the second case Don and Judy Mullikin of Homer, Alaska, is in the process of losing title to nine claims on the Seward Peninsula outside of Nome in Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork five months before the deadline, but no other evidence of filing to meet BLM regulations in support of an appeal. These are claims that have been worked in Alaska yearly since 1937 and are the main livelihood for the Mullikins.

This legislation, supported by the Alaska Miners Association, clearly is intended to remedy a simple drafting error in congressional crafting of the small miner claim defect process. While only a few cases of potential clerical errors have occurred over the past decade, it still makes sense for Congress to clarify that claim holders

have a right to know that their applications have not been processed, in time for them to cure application-claim defects prior to being informed of the loss of the claim rights forever. Simple equity and due process requires no less.

Given the minute cost of this administrative change to the Department of the Interior, but its big impact on affected small mineral claim holders, I hope this bill can be considered and approved promptly this year.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today I am introducing the Department of Justice Global Advisory Committee Authorization Act of 2010. This legislation will make it easier and less costly for local, state, tribal and federal agencies to share public safety and criminal justice information and to better protect our communities. I am pleased to be joined by Senator ARLEN SPECTER, the chairman of the Crime and Drugs Subcommittee, and Senator PATTY MURRAY in introducing this legislation. I look forward to working with all my colleagues to see it enacted into law.

Ensuring the public's safety often depends on effective information sharing. In recent years, criminal gangs, fugitives, illegal trafficking networks, cybercriminals and terrorist organizations have increased their ability to operate across jurisdictional boundaries. However, too often the public safety agencies charged with combating these threats have operated without all the information that should be available to them. Inconsistent information-sharing protocols and databases that are not interoperable with one another are barriers the law enforcement and public safety communities have identified. Quite simply, if we want to combat the threats of the 21st century, we need a 21st century information-sharing framework.

The U.S. Department of Justice has long recognized the need to bring law enforcement and public safety stakeholders together to take on this challenge of improving information sharing. In 1998, the Justice Department established the Global Justice Information Sharing Initiative Advisory Committee, also known as the ''Global Advisory Committee''. Chartered under the Federal Advisory Committee Act, the Global Advisory Committee brings together key representatives from law enforcement, judicial, correctional, and public safety agencies to advise the Attorney General on information-sharing policies, practices and technical solutions.

Over the years, the Global Advisory Committee has developed a strong track record of consolidating stakeholder views and developing consensus information-sharing solutions that local, state, tribal and federal agencies all agree upon. The Committee has recruited experts on a pro bono basis to develop new interoperable technological standards, and they have already developed a criminal justice information sharing standard—the Global Justice XML Data Model—and a broader justice and homeland security information exchange—the National Information Exchange Model—that enable agencies to convert their own database information into a common format which can be shared.

The Global Advisory Committee also created the ''National Criminal Intelligence Sharing Plan,'' a blueprint for agency intelligence-sharing procedures that has been endorsed by the Departments of Justice and Homeland Security. And the Committee has drafted ''Fusion Center Guidelines'' which have helped communities throughout the country establish information-sharing ''fusion centers'' for responding to security threats. The Justice Department plans to involve the Committee in crafting new information-sharing strategies and protocols for combating gang violence, improving correctional information, and sharing fugitive information.

In addition to its work developing information-sharing standards, the charter and bylaws of the Global Advisory Committee prioritize civil liberties and privacy protection and promote database security and shared information accuracy. The Committee has established a working group specifically dedicated to protecting privacy and information quality, and has also created resources to help jurisdictions develop privacy and civil liberties programs.

The Global Advisory Committee's work has already led to cost savings in the design and procurement of interoperable information systems. These cost-saving benefits are likely to grow if the Committee's information-sharing standards become increasingly adopted and if interoperability among local, state, tribal and federal databases increases. With Congress's help, the Committee can revolutionize efficient information-sharing among public safety and law enforcement agencies, which will both lower information technology costs and help prevent and fight crime.

While the Global Advisory Committee's value has been recognized throughout the law enforcement and public safety communities, it has not yet been recognized by Congress. The legislation I am introducing today will give Congress's blessing to the Committee by authorizing the Justice Department to provide it with technical and financial support and dedicated funding.

Currently, under the Federal Advisory Committee Act, the Global Advisory Committee must terminate and reestablish itself every two years, but my legislation will keep the Committee in continuous operation. The bill also directs the Committee to make recommendations to the Attorney General on interoperability and information-sharing practices and technologies, and to report to Congress at least annually on its recommendations. My legislation also expresses the sense of Congress that agencies across the country should adopt the Global Advisory Committee's recommendations in order to improve their information sharing. The bill further directs the Attorney General to submit a report to Congress regarding the state of information sharing between corrections and law enforcement agencies through the Interstate Compact for Adult Offender Supervision, including suggestions for improvement.

This legislation has been endorsed by the National District Attorneys Association, the National Sheriffs Association, the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Association of Counties, the American Probation and Parole Association, the American Correctional Association, the Association of State Correctional Administrators, and the National Consortium for Justice Information and Statistics, SEARCH.

The Global Advisory Committee has already achieved great success in bringing together local, state, tribal and federal agencies to develop consensus information-sharing solutions. With Congressional authorization and a consistent funding stream, the Committee can build upon that success in a way that will benefit justice and public safety agencies across the nation. I urge my colleagues to support this important legislation.

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

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

S. 3176

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 ''Department of Justice Global Advisory Committee Authorization Act of 2010''.

SEC. 2. GLOBAL JUSTICE INFORMATION SHARING INITIATIVE ADVISORY COMMITTEE.

(a) DEFINITION.—In this section, the term ''Committee'' means the Global Justice Information Sharing Initiative (Global) Advisory Committee established by the Attorney General.

(b) AUTHORIZATION.—Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall not terminate unless terminated by an Act of Congress. The Attorney General is authorized to provide technical and financial assistance and support services to the Committee to carry out the activities of the Committee, including the activities described in subsection (c).

(c) ACTIVITIES.—In addition to any activities assigned to the Committee by the Attorney General, the Committee shall—

(1) gather views from agencies of local, State, and tribal governments and the Federal Government and other entities that work to support public safety and justice;

(2) recommend to the Attorney General measures to improve the administration of justice and protect the public by promoting practices and technologies for database interoperability and the secure sharing of justice and public safety information between local, State, and tribal governments and the Federal Government; and

(3) submit to Congress an annual report regarding issues considered by the Committee and recommendations made to the Attorney General by the Committee.

(d) SENSE OF CONGRESS.—It is the sense of Congress that local, State, and tribal governments and other relevant entities should use the recommendations developed and disseminated by the Committee in accordance with this Act to evaluate, improve, and develop effective strategies and technologies to improve public safety and information sharing.

(e) FUNDING.—There are authorized to be appropriated to the Attorney General for the activities of the Committee such sums as may be necessary out of the funds made available to the Department of Justice for State and local law enforcement assistance.

SEC. 3. REPORT OF THE ATTORNEY GENERAL ON INFORMATION SHARING BETWEEN CORRECTIONS AGENCIES, LAW ENFORCEMENT AGENCIES, AND THE INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION.

(a) REVIEW.—The Attorney General, based on input from local, State, and tribal governments through the Committee and other components of the Department of Justice, shall review the state of information sharing between corrections and law enforcement agencies of local, State, and tribal governments and of the Federal Government.

(b) CONTENTS.—The review by the Attorney General under subsection (a) shall—

(1) identify policy and technical barriers to effective information sharing;

(2) identify best practices for effective information sharing; and

(3) assess ways for information sharing to improve the awareness and safety of law enforcement and corrections officials, including information sharing by the Interstate Commission for Adult Offenders Supervision.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report regarding the review under this section, including a discussion of the recommendations of the Committee and the efforts of the Department of Justice to address the recommendations.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased to join Senator WARNER and Senator GRAHAM in introducing the Home Star Energy Retrofit Act of 2010. This legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR will have a two-tiered approach that will offer flexibility to homeowners when choosing retrofits to install. Under the Silver Star program, rebates averaging $1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of $3,000 per home. Under the Gold Star program, there will be performance-based grants of $3,000 for a 20 percent reduction in home energy consumption and $1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

HOME STAR will also create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300-megawatt power plants.

In the interest of time we will postpone our remarks on this important bill until the Senate is back in session. Meanwhile, members will have an opportunity to review the legislation with their constituents. We hope that many members of the Senate will become cosponsors of the bill.

Mr. President, I ask unanimous consent that 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. 3177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Star Energy Retrofit Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 4.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established by—

(i) the BPI;

(ii) the North American Technician Excellence; or

(iii) the Laborers' International Union of North America; or

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term ''DOE'' means the Department of Energy.

(7) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 3(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Gold Star Home Energy Retrofit Program'' means the Gold Star Home Energy Retrofit Program established under section 8.

(11) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star energy efficiency loan program established under section 15(a).

(13) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 3(a).

(14) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(15) NATIONAL HOME PERFORMANCE COUNCIL.—The term ''National Home Performance Council'' means the National Home Performance Council, Inc.

(16) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State

agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor that meets minimum applicable requirements established under section 4.

(18) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this Act or recognized by the Secretary under this Act, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this Act.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(19) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 6.

(20) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 5.

(21) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(23) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Silver Star Home Energy Retrofit Program'' means the Silver Star Home Energy Retrofit Program established under section 7.

(24) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

SEC. 3. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(B) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(i) how to determine whether particular efficiency measures are eligible for rebates; and

(ii) how to participate in the program; and

(C) make available, on a designated website, model forms for compliance with all applicable requirements of this Act, to be submitted by—

(i) each qualified contractor on completion of an eligible home energy retrofit; and

(ii) each quality assurance provider on completion of field verification.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

SEC. 4. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this Act with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this Act; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

SEC. 5. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors by—

(1) reviewing the proposed rebate application for completeness and accuracy;

(2) reviewing measures for eligibility in accordance with this Act;

(3) providing data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) as soon as practicable but not later than 30 days after the date of receipt, distributing funds received from DOE to contractors, vendors, or other persons who have been approved for rebates by a quality assurance provider, if funding to contractors, vendors, or other persons is required by the Secretary.

(b) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(c) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from the participation of the utilities toward State-level energy savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 6. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this Act if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this Act.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this Act if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 7. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of a total conditioned space floor area.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows or skylights, or 75 percent of the exterior windows and skylights in a home, whichever is less, with windows or skylights that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows and skylights under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under section 25(c) of the Internal Revenue Code of 1986.

(8)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home;

(bb) has a distribution system (such as ducts or vents) that allows heat to reach all or most parts of the home; and

(cc) in the case of a wood stove, replaces an existing wood stove; and

(II) an independent test laboratory approved by the Secretary certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 4.5 grams per hour for stoves.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(9) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(10) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (9) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(11) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (11) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of energy savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) windows or skylights described in subsection (b)(6);

(D) a heating system described in subsection (b)(8); and

(E) an air-conditioner or heat-pump replacement described in subsection (b)(9).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $250 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(10)(C) for each home;

(C) $250 for rim joist insulation described in subsection (b)(5)(B);

(D) $50 for each storm window described in subsection (b)(11); and

(E) $500 for a desuperheater described in subsection (b)(10)(G)(ii).

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(1) the product—

(A) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(B) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(C) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator; and

(D) is not part of—

(i) an energy savings measure described in paragraphs (1) through (5) of subsection (b); and

(ii) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; or

(2) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 8. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) AMOUNT OF GRANT.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

(1) $3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(A) $8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to subparagraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 9. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this Act;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program; and

(6) the costs of carrying out the responsibilities of the State or Indian tribe under

the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 16.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this Act, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe; or

(5) a unit of local government.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this Act with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this Act to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 10. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this Act, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

(A) accreditation;

(B) legal compliance procedures;

(C) proper classification of employees;

(D) use of a certified workforce;

(E) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the program.

SEC. 11. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this Act.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this Act;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this Act;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this Act were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this Act; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 12. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 16(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this Act.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this Act.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this Act.

(e) CONTRACTING.—In carrying out this Act, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may adjust the rebate amounts provided in this section based on —

(1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and

(2) other program data.

SEC. 13. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this Act—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3(b)(1)(C).

SEC. 14. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this Act), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this Act shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this Act.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this Act.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this Act shall be subject to criminal prosecution.

SEC. 15. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 7 and 8; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

SEC. 16. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title $6,000,000,000 for the period of each of fiscal years 2010 through 2012 to remain available until expended.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 9.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C.6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this Act.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this Act.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this Act.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this Act and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $3,417,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $1,683,000 for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this Act.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that have not sufficiently benefitted from the Home Star Retrofit Rebate Program.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this Act in accordance with section 15.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, I am proud to join Senator BROWNBACK in introducing bipartisan automotive right to repair legislation.

Our bill, the Motor Vehicle Owners Right to Repair Act, allows consumers the freedom to choose which repair shops they use for auto repairs and routine vehicle maintenance.

Consumers today have many choices when it comes to the vehicle they drive, but not necessarily when it comes to the maintenance or repair options for those vehicles.

Most cars today rely on computers to perform many of the automobile's vital functions including brakes, airbags, ignition and other operating systems.

If an electronic component of a car fails or needs tuning, an access code is often needed in order to repair or replace the necessary part. These codes are currently provided on a voluntary basis to repair shops by car manufacturers.

Unfortunately, many local independent repair shops are provided only limited or incomplete information by manufacturers to access and repair most elements of those vehicles. This lack of information puts consumers at a disadvantage, forcing many to pay premium prices to repair simple parts at dealerships or travel long distances to reach repair shops that take valuable time away from families and work.

There are over 219,000 employees working in over 26,000 independent repair shops in California, providing those workers with good paying jobs. In this economy, we can't afford to disadvantage small businesses working hard to support their families.

The Boxer-Brownback bill will require car manufacturers to provide all information and tools necessary to diagnose, service, maintain and repair a motor vehicle, including all safety alerts, access codes and recalls. This information must be provided to all repair shops, not just dealers or manufacturers' designated shops.

Our bill also protects the integrity of manufacturers' concepts and systems by not requiring manufacturers to make public any information that is entitled to protection as a trade secret.

As cars become more complex and expensive to repair, consumers deserve to have choices when it comes to repairing their auto vehicles. This bill provides consumers that choice, while ensuring small businesses have the information they need in these difficult economic times.

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

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Temoak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Elko Motocross and Tribal Conveyance Act of 2010.

As you may know, the Federal Government manages more than 87 percent of the land in Nevada, which equates to more than 61 million acres. This fact makes it necessary for our communities to pursue Federal remedies for problems that can be handled in a much more expeditious manner in States that have more private land than we do. This bill, for instance, would transfer one small parcel of land to Elko County and another to the Elko Indian Colony. Both conveyances will provide important benefits to the residents of northeastern Nevada, and both conveyances require congressional action.

The first title of this Act would convey approximately 300 acres of public land managed by the Bureau of Land Management, BLM, Elko Field Office to Elko County. This proposal, which is strongly supported by the local community, would clear the way for the construction of a BMX, motocross, off-highway vehicle, and stock car racing area. It is worth noting that Elko County tried for many years to work

through the normal administrative process to get a recreation and public purposes lease on this land, but the local BLM field office has been unable to process the request due to a very high workload.

Off-road vehicles are an important part of life in rural Nevada. In response to this interest, Elko County has attempted to provide a variety of motorized recreational opportunities for both residents and visitors. This legislation will help the City of Elko develop a centralized, multipurpose recreational facility on the western edge of the city with easy access to Interstate-80. The new Elko Motocross Park will eliminate traffic and noise issues caused by the existing stock car racing track. The new park will also draw OHV enthusiasts from across northeastern Nevada, which will, in turn, provide an economic boost to local businesses.

Beyond the convenient location, economic benefits, and potential for diverse recreational opportunities at the Elko Motocross Park site, this new complex will provide a place for people to learn responsible use and enjoyment of recreational vehicles. I believe this facility will be a model for other communities in the West that are interested in creating safe, centralized recreation areas for motorsports. I would also like to commend Elko County, the State of Nevada, the Nevada Association of Counties and many others for working together on recent statewide initiatives that will encourage the sustainable use of off-highway vehicles on public lands.

Title II of this Act directs the Secretary of the Interior to make a reasonable expansion of the Elko Indian Colony by taking approximately 373 acres of land into trust for the Elko Band to address their need for additional land. The Elko Band is one of four constituent bands that make up the Te-Moak Tribe of Western Shoshone Indians of Nevada. Each band has a separate reservation or colony in northeastern Nevada. While the Elko Band's population has steadily grown, their land base has remained the same for over 75 years.

The histories of the City of Elko and the Elko Indian Colony have long been intertwined. Elko was established as a railroad town in 1868 with the construction of the Central Pacific, part of the first transcontinental railroad. Shoshone families lived nearby and worked on the railroad as well as in the nearby mines and on local ranches. Despite government efforts to relocate the Elko Band in the late nineteenth century, these families persevered and remained in the Elko area. In 1918, President Woodrow Wilson created the Elko Indian Colony when he reserved 160 acres near Elko for the Shoshone Indians by executive order.

The Elko Indian Colony has always been a thriving part of the greater Elko community. Unfortunately, while more than half of the Elko Band's enrolled members live and work in Elko, the Elko Colony has one of the smallest land bases of the four constituent bands. Over 350 tribal members must live outside of the colony because it lacks land for additional housing and housing related community development. Our legislation would address this need by making land available for residential and commercial development, or for traditional uses, such as ceremonial gatherings, hunting and plant collecting.

I also want to highlight that this legislation is designed to protect the city's rights-of-way that cross the land in question. We have also received letters expressing strong support for this tribal conveyance from both the City of Elko and Elko County.

It is always encouraging when communities come together to support projects like these and we are grateful for their collective work on this effort. This bill is vital to the growing communities we serve. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished committee members to move this bill through the process.

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. 3185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Elko Motocross and Tribal Conveyance Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.
Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

Sec. 201. Definitions.
Sec. 202. Land to be held in trust for the Te-moak tribe of Western Shoshone Indians of Nevada.
Sec. 203. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) CITY.—The term ''city'' means the city of Elko, Nevada.

(2) COUNTY.—The term ''county'' means the county of Elko, Nevada.

(3) MAP.—The term ''map'' means the map entitled ''Elko Motocross Park'' and dated January 9, 2010.

SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 300 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as depicted on the map as ''Elko Motocross Park''.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under subsection (a) shall be used only—

(1) as a motocross, off-highway vehicle, and stock car racing area; or

(2) for any other public purpose consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the county to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

TITLE II—ELKO INDIAN COLONY EXPANSION

SEC. 201. DEFINITIONS.

In this title:

(1) MAP.—The term ''map'' means the map entitled ''Te-moak Tribal Land Expansion'', dated September 30, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) TRIBE.—The term ''Tribe'' means the Te-moak Tribe of Western Shoshone Indians of Nevada, which is a federally recognized Indian tribe.

SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 373 acres of land administered by the Bureau of Land Management and identified on the map as ''Lands to be Held in Trust''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) CONDITIONS.—

(1) RIGHTS-OF-WAY.—Before taking the land into trust under subsection (a), not later than 120 days after the date of enactment of this Act, the Secretary shall—

(A) complete any applicable environmental review for conveyance of a right-of-way for Jennings Road, as depicted on the map; and

(B) subject to the environmental review under subparagraph (A), convey the right-of-way to the City of Elko.

(2) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(3) USE OF TRUST LAND.—With respect to the use of the land taken into trust under subsection (a), the Tribe shall limit the use of the land to—

(A) traditional and customary uses;

(B) stewardship conservation for the benefit of the Tribe; and

(C)(i) residential or recreational development; or

(ii) commercial use.

(4) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary, in consultation and coordination with the Tribe, may carry out any fuels reduction and other landscape restoration activities on the land that is beneficial to the Tribe and the Bureau of Land Management.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BEGICH, and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I rise today to introduce legislation that will help grow the U.S. manufacturing base in alternative energy technologies, create jobs and help get our country running on clean energy.

We have known for decades that our Nation's dependence on foreign oil undermines our economic and national security.

According to the Department of Energy, New Hampshire households are some of the most petroleum dependent in the country due to our reliance on heating oil to provide heat. Almost 60 percent of homes in New Hampshire use oil for heating purposes. Many New Hampshire businesses—large and small—are also dependent on heating oil.

In fact, thermal energy, or heat, accounts for roughly 30 percent of total U.S. energy consumption. Thermal energy is used every day by homes, businesses and industrial facilities across the country for a variety of needs—most commonly for space heating, heating water and industrial processes that require heat.

We need to move away from our dependence on fossil fuels and I am convinced that biomass, used effectively and sustainably, can help to do that by, in part, meeting our country's thermal energy needs.

Forests are one of our Nation's greatest assets. In my home State of New Hampshire, the second most forested State in the country, forestry is an important part of our economy. Forestland supports a thriving forest products industry and provides many outdoor recreational opportunities that play a key role in attracting tourists to the State. But I think greater potential exists for our forests in New Hampshire and across the country to help meet our energy challenges—using biomass to meet the heating needs of our homes, businesses and communities.

New Hampshire and a number of other States are already leading the way to address how high efficiency biomass systems can cut our energy dependence on foreign oil and support our forest industry. Communities and businesses across New Hampshire are putting our State's immense biomass resources—from forestry and agricultural residues—to use for creating electricity and thermal energy. These investments in clean, renewable biomass energy are supporting our forest industry and also creating new industries and jobs across New Hampshire.

There is so much untapped potential for biomass energy, and that is what my legislation is about.

The American Renewable Biomass Heating Act would provide an investment tax credit, ITC, of 30 percent of the cost of installing a high efficiency biomass system in commercial and industrial buildings. The tax credit would be available for biomass heating systems placed in service on or before December 31, 2013.

By incentivizing high efficiency biomass boilers and furnaces, we can help to replace our reliance on fossil fuel with clean, domestically produced renewable energy.

This bill would also put biomass on an even playing field with other alternative energy technologies and fuel sources, such as wind, solar, and geothermal. Thus far, Federal policies to promote the development and use of alternative energy have focused largely on transportation fuels, such as ethanol and biodiesel, and electricity from hydro, wind, and solar. My legislation puts high efficiency biomass on an even playing field with other alternative energy technologies.

Most importantly, my legislation will help jumpstart the domestic manufacturing base. For years, European countries have invested in and incentivized the development of these technologies. There is no reason why we cannot build this equipment right here in the U.S.

The bipartisan legislation I am introducing today with Senators LISA MURKOWSKI, MARK BEGICH and MIKE CRAPO will provide the incentives businesses are looking for to invest in clean energy. Our legislation is about American power—clean energy technologies and equipment that are made right here in America and create jobs for American workers.

Mr. President, I want to thank my colleagues for joining me in introducing this important, job-creating legislation. I urge my colleagues in the Senate to pass the American Renewable Biomass Heating Act.

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

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

S. 3188

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 ''American Renewable Biomass Heating Act of 2010''.

SEC. 2. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) biomass heating property, including boilers or furnaces which operate at output efficiencies greater than 75 percent and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2014,''.

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

''(V) energy property described in paragraph (3)(A)(viii), and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—RECOGNIZING THE 60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy: Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

SENATE RESOLUTION 470—RECOGNIZING THE 40TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 470

Whereas the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.), when enacted, provided more comprehensive protections for the health and safety of coal miners than any previous Federal legislation governing the mining industry;

Whereas the Federal Coal Mine Health and Safety Act of 1969—

(1) increased the Federal oversight powers for coal mines in the United States;

(2) included inspection provisions for surface and underground coal mines that required—

(A) 2 inspections of each surface coal mine each year; and

(B) 4 inspections of each underground coal mine each year;

(3) required the development of stronger health and safety standards for coal mines;

(4) provided compensation for coal miners permanently disabled by black lung disease, the progressive respiratory disease caused by the inhalation of fine coal dust; and

(5) held employers of coal miners accountable for health and safety violations in the workplace through—

(A) monetary penalties for all violations of health and safety standards in the workplace; and

(B) criminal penalties for knowing and willful violations of health and safety standards in the workplace;

Whereas, as a direct result of the Federal Coal Mine Health and Safety Act of 1969—

(1) health standards for coal mines were adopted; and

(2) safety standards for coal mines were strengthened;

Whereas the Federal Coal Mine Health and Safety Act of 1969 is the foundation for the mine and workplace safety standards in place in the United States as of the date of agreement to this resolution;

Whereas the Federal Coal Mine Health and Safety Act of 1969 stands as a tribute and a memorial to the workers and families who have lost loved ones in the mining industry; and

Whereas the people of the United States should not only remember the historic enactment of the Federal Coal Mine Health and Safety Act of 1969, but also commemorate the role of the Federal Coal Mine Health and Safety Act of 1969 in the establishment of the mining and workplace safety standards in place as of the date of agreement to this resolution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.);

(2) observes and celebrates the 40th anniversary of the Federal Coal Mine Health and Safety Act of 1969;

(3) remains committed to advancing and updating mining and workplace safety and health standards as—

(A) industry technologies advance; and

(B) advancements in technology make resources that have been difficult to access more accessible; and

(4) encourages all people of the United States to reflect upon the sacrifices that miners have made—

(A) to provide power and resources to the industry and economy of the United States; and

(B) to assist the United States in growing and thriving.

SENATE CONCURRENT RESOLUTION 56—CONGRATULATING THE COMMANDANT OF THE COAST GUARD AND THE SUPERINTENDENT OF THE COAST GUARD ACADEMY AND ITS STAFF FOR 100 YEARS OF OPERATION OF THE COAST GUARD ACADEMY IN NEW LONDON, CONNECTICUT, AND FOR OTHER PURPOSES

Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 56

Whereas the School of Instruction to the U.S. Revenue Cutter Academy was established at Fort Trumbull in New London, Connecticut, in 1910, which later became known as the Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915;

Whereas the Coast Guard Academy moved to its present location along the banks of the Thames River in 1932;

Whereas in 1946, the former German Navy training vessel HORST WESSEL was acquired by the United States for use by the Coast Guard and renamed EAGLE, which today travels around the world each year;

Whereas for 100 years, the Coast Guard Academy has called New London, Connecticut, home, where it has trained and shaped the leadership of the Coast Guard;

Whereas today, the Coast Guard Academy is a highly competitive educational institution that attracts driven, committed leaders who go on to serve our Nation in the many diverse roles played by our Coast Guard;

Whereas the rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character, and leadership, and that trains cadets in the multiple roles of the Coast Guard's multimission responsibilities;

Whereas the Coast Guard Academy is an integral part of the southeastern Connecticut community and its cadets participate in many community service projects throughout the region, working with school systems and serving as mentors for children;

Whereas the Coast Guard Academy is a vital link to the maritime legacy of Connecticut and our Nation, and an important part of our Nation's defense; and

Whereas in 2010, in honor of its 100th year in New London, Connecticut, the Coast Guard Academy will open its gates to the public for events highlighting this milestone, including concerts, art exhibits, an open house, and other events to allow Americans to learn more about this unique educational institution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut;

(2) honors the countless men and women who have graduated from the Coast Guard Academy and served on behalf of our Nation over the last 100 years; and

(3) encourages all Americans to learn more about the Coast Guard Academy, its mission, and its long history of training the men and women of the Coast Guard.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3700. Mr. COBURN proposed an amendment to the bill H.R. 4872, supra.

SA 3701. Mr. SESSIONS proposed an amendment to the bill H.R. 4872, supra.

SA 3702. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3703. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3704. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3705. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3706. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3707. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3708. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3710. Mr. ENSIGN (for himself and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, supra.

SA 3711. Ms. MURKOWSKI proposed an amendment to the bill H.R. 4872 , supra.

SA 3712. Mr. CORNYN proposed an amendment to the bill H.R. 4872, supra.

SA 3713. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3714. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3715. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3716. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

SA 3717. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3700. Mr. COBURN proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end, add the following:

TITLE III—SECOND AMENDMENT PROTECTION

SEC. 3001. VETERANS SECOND AMENDMENT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Veterans 2nd Amendment Protection Act''.

(b) CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

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

SA 3701. Mr. SESSIONS proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. PROVISIONS TO ENSURE EFFECTIVE ELIGIBILITY VERIFICATION SYSTEM.

(a) ELIGIBILITY FOR CREDITS AND COST-SHARING REDUCTIONS.—

(1) CREDITS.—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (c) (1), by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) by striking paragraph (3) of subsection (e).

(2) REDUCED COST-SHARING.—Section 1402 of the Patient Protection and Affordable Care Act is amended—

(A) by striking the last sentence of subsection (b),

(B) by striking paragraph (3) of subsection (e), and

(C) by adding at the end of subsection (f) the following:

''(4) SUBSIDIES TREATED AS PUBLIC BENEFIT.—Notwithstanding any other provision of this Act or any other provision of law, for purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), the following shall be considered a Federal means-tested public benefit:

''(A) The ability of an individual to purchase a qualified health plan offered through an Exchange.

''(B) The premium tax credit established under section 1401 of this Act (and any advance payment thereof).

''(C) The cost sharing reductions established under this section (and any advance payment thereof).''.

(b) ELIGIBILITY DETERMINATIONS.—Section 1411 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)—

(A) by striking so much of such subsection as precedes paragraph (1) and inserting:

''(a) VERIFICATION PROCESS.—The Secretary shall ensure that eligibility determinations required by this Act are conducted in accordance with the following requirements, including requirements for determining:'', and

(B) by inserting ''eligible'' before ''alien'' in paragraph (1),

(2) in subsection (b)(1)—

(A) by inserting ''the Exchange with the following'' after ''provide'',

(B) by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following:

''(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that each enrollee is either a citizen or national of the United States or an eligible lawful permanent resident meeting the requirements of section 1402(f)(3) of this Act and identifying the applicable eligibility status for each enrollee; and'', and

(C) by inserting ''and documentation'' after ''information'' in subparagraph (C) (as so redesignated),

(3) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

''(A) In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, the enrollee shall provide satisfactory evidence of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

''(B) In the case of an individual whose eligibility is based on attestation of the enrollee's immigration status—

''(i) such information as is necessary for the individual to demonstrate they are in 'satisfactory immigration status' as defined and in accordance with the Systematic Alien Verification for Entitlements (SAVE) program established by section 1137 of the Social Security Act (42 U.S.C. 1320b–7), and

''(ii) any other additional identifying information as the Secretary, in consultation with the Secretary of Homeland Security, may require in order for the enrollee to demonstrate satisfactory immigration status.'',

(4) by striking so much of subsection (c) as precedes paragraph (3) and inserting the following:

''(c) VERIFICATION OF ELIGIBILITY THROUGH DOCUMENTATION.—

''(1) IN GENERAL.—Each Exchange shall conduct eligibility verification, using the information provided by an applicant under subsection (b), in accordance with this subsection.

''(2) VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS.—

''(A) VERIFICATION OF ATTESTATION OF CITIZENSHIP.—Each Exchange shall verify the eligibility of each enrollee who attests that they are a citizen or national of the United States, as required by subsection (b)(1)(A) of this section, in accordance with the provisions of section 1903(x) of the Social Security Act.

''(B) VERIFICATION OF ATTESTATION OF ELIGIBLE IMMIGRATION STATUS.—Each Exchange shall verify the eligibility of each enrollee who attests that they are eligible to participate in the exchange by virtue of having been a lawful permanent resident for not less than 5 years, as required by subsection (b)(1)(B) of this section, in accordance with the provisions of section 1137 of the Social Security Act.'',

(5) by striking subparagraph (B) of subsection (c)(4),

(6) by striking subsection (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively, and

(7) by striking ''under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010)'' in subsection (d)(3) (as redesignated under paragraph (6)) and inserting ''in accordance with the secondary verification process established consistent with section 1137 of the Social Security Act (as is in effect as of January 1, 2009)''.

SA 3702. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1002, insert the following:

(c) EXEMPTION FOR INDIVIDUALS PEOPLE WHO ARE UNEMPLOYED.—Section 5000A(e) of the Internal Revenue Code of 1986, as so added and amended, is amended by adding at the end the following:

''(6) INDIVIDUALS WHO ARE UNEMPLOYED.—Any applicable individual for any month if such individual is receiving unemployment compensation for any week during such month under any Federal or State unemployment compensation.''.

SA 3703. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3704. Mr. CRAPO submitted an amendment intended to be proposed by

him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 14___. EXEMPTION OF MIDDLE INCOME INDIVIDUAL AND FAMILIES FROM INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(e) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new paragraph:

''(6) MIDDLE INCOME INDIVIDUALS AND FAMILIES.—Any applicable individual for any month during a calendar year if the individual's household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act is less than $200,000 ($250,000 in the case of a joint return), determined in the same manner as under subsection (c)(4).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2013.

SA 3705. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, insert the following:

SEC. ___. PRESERVING MEDICARE BENEFICIARY ACCESS TO SKILLED NURSING CARE.

(a) IN GENERAL.—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 3401(b) of such Act (and the amendments made by such section) are repealed.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended by striking ''8 percent'' and inserting ''5 percent''.

SA 3706. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 99, between lines 9 and 10, insert the following:

(e) EXCLUSION OF MEDICAL DEVICES FOR CANCER DIAGNOSIS AND TREATMENT.—

(1) IN GENERAL.—For purposes of section 4191(b)(1) of the Internal Revenue Code of 1986, as added by subsection (a), the term ''taxable medical device'' shall not include any device which is primarily designed to diagnose or treat any form of cancer.

(2) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended by striking ''8 percent'' and inserting ''5 percent''.

(3) APPLICATION OF PROVISION.—The amendment made by paragraph (2) shall apply as if included in the Patient Protection and Affordable Care Act.

SA 3707. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of section 1402(a), add the following:

(5) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986, as added by paragraph (1), is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2013, each of the dollar amounts under paragraphs (1) and (3) of subsection (b) shall be increased by an amount equal to—

''(1) such amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under this subsection is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.''.

(B) RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,400,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3708. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition'', and

(ii) by striking ''and which are in excess of'' and all that follows and inserting ''and which are in excess of—

''(i) in the case of a joint return, $250,000,

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof .

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof .

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting ''(after the application of subparagraph (B))'' after ''subparagraph (A)''.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3709. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 113, after line 21, add the following:

SEC. 1502. TRANSPARENCY IN GOVERNMENT.

Not later than 180 days after the date of enactment of this Act, to ensure transparency in Government—

(1) the Librarian of Congress shall make publicly available, in the same accurate, timely, and complete manner as made available to Members of Congress and congressional staff, the Legislative Information System website and the Congressional Research Service website operated by the Library of Congress;

(2) the Secretary of the Senate shall make publicly available, in the same accurate, timely, and complete manner as made available to Members of Congress and congressional staff, the Amendment Tracking System website of the Senate; and

(3) the Sergeant at Arms of the Senate and the Chief Administrative Officer of the House of Representatives shall enter into a

contract with C-SPAN, under which C-SPAN shall—

(A) provide television cameras for and make a video recording of any legislative meeting of a committee of either House of Congress, a joint committee of Congress, or a committee of conference of Congress at which a quorum is present, except to the extent necessary to protect national security; and

(B) make the video recordings publicly available.

SA 3710. Mr. ENSIGN (for himself and Mr. BROWN of Massachusetts) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF PENALTY FOR FAILURE TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by striking subsections (b), (c), (e), and (g).

SA 3711. Ms. MURKOWSKI proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

On page 94, between lines 20 and 21, insert the following:

(2) INFLATION ADJUSTMENT.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act and paragraph (1), is amended—

(i) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition'', and

(ii) by striking ''and which are in excess of'' and all that follows and inserting ''and which are in excess of—

''(i) in the case of a joint return, $250,000,

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, one-half the dollar amount determined under clause (i), and

''(iii) in any other case, $200,000.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(B) SECA.—

(i) IN GENERAL.—Paragraph (2) of section 1401(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2013, the $250,000 and $200,000 amounts under subparagraph (A) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(ii) CONFORMING AMENDMENT.—Subparagraph (C) of section 1401(b)(2) of such Code, as added by section 9015 of the Patient Protection and Affordable Care Act and redesignated by subparagraph (A), is amended by inserting ''(after the application of subparagraph (B))'' after ''subparagraph (A)''.

(C) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A such Act (other than under title X of such division A), there is rescinded $1,600,000,000 of any remaining unobligated amounts. The Director of the Office of Management and Budget shall apply the rescission in a pro rata manner with respect to such amounts. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3712. Mr. CORNYN proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle C of title I, add the following:

SEC. 1207. FMAP REDUCTION FOR HIGH PAYMENT ERROR RATE.

Section 1905 of the Social Security Act, as amended by section 1202(b) of this Act, is amended by adding at the end the following:

''(ee) DECREASED FMAP FOR HIGH PAYMENT ERROR RATE MEASUREMENT.—Notwithstanding any other provision of this title, beginning January 1, 2014, in the case of a State for which the payment error rate measurement (commonly referred to as 'PERM') is at least 10 percent, the Federal medical assistance percentage otherwise applicable to the State with respect to payments for medical assistance for individuals enrolled in the State plan under subclause (VIII) or (IX) of section 1902(a)(10)(A)(i) or subclause (XX) or (XXI) of section 1902(a)(10)(A)(ii) shall be reduced by 1 percentage point until the date on which the Secretary determines that the PERM for the State is below 10 percent.''.

SA 3713. Ms. SNOWE submitted an amendment itnended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. 1006. SMALL BUSINESSES WITH UP TO 100 EMPLOYEES TO ACCESS THE SHOP EXCHANGES IN 2014.

(a) IN GENERAL.—Section 1304(b)(3) of the Patient Protection and Affordable Care Act is repealed and such Act shall be applied and administered as if such provision had not been enacted.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 3714. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 1___. MULTI-STATE PLANS.

Section 1334 of the Patient Protection and Affordable Care Act (as added by section 10104(q) of such Act), is amended by adding at the end the following:

''(j) ADDITIONAL REQUIREMENTS.—In implementing this section, the Director—

''(1) notwithstanding subsection (a)(4)(B), shall not in any way limit the profits of any entity offering a multi-State plan;

''(2) shall ensure that multi-State plans are offered in all States; and

''(3) shall ensure that the rating rules provided for under part A of title XXVII of the Public Health Service Act apply with respect to multi-State plans, except that a State may enact a State law to impose more restrictive rating rules.''.

SA 3715. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 11, beginning with line 19, strike all through page 12, line 9.

SA 3716. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. REPEAL OF INDIVIDUAL MANDATE.

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 3717. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); which was ordered to lie on the table; as follows:

On page 92, between lines 16 and 17, insert the following:

''(f) TAX NOT IMPOSED UNTIL SGR REPEALED.—No tax shall be imposed under this section for any taxable year beginning in a calendar year before the calendar year in which the repeal of sustainable growth rate methodology under the Medicare physician fee schedule under section 1848 of the Social Security Act first takes effect.''.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Tuesday, April 13, 2010, at 4:00 p.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Derron Parks on 202–224–6154.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on March 25, 2010, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Doubling U.S. Exports: Are U.S. Sea Ports Ready for the Challenge?''

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

SIGNING AUTHORITY

Mr. DURBIN. Madam President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions through Friday, March 26, 2010.

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

ORDERS FOR FRIDAY, MARCH 26, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., tomorrow, Friday, March 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with the time until 12:30 p.m. equally divided and controlled between Senators STABENOW and COBURN or their designees.

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

PROGRAM

Mr. DURBIN. Madam President, tomorrow, we will continue to try to reach an agreement to take up and pass legislation to extend for 30 days the important unemployment and COBRA benefits that expire soon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 9:33 p.m., recessed until Friday, March 26, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARY HELEN MURGUIA, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MICHAEL D. HAWKINS, RETIRED.

DEPARTMENT OF JUSTICE

JERRY E. MARTIN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE EDWARD MEACHAM YARBROUGH.

JAMES A. LEWIS, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE RODGER A. HEATON.

MELINDA L. HAAG, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE JOSEPH P. RUSSONIELLO.

FRANK LEON-GUERRERO, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHALL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE JOAQUIN L. G. SALAS.

ROBERT R. ALMONTE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE LAFAYETTE COLLINS.

DALLAS STEPHEN NEVILLE, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE STEPHEN GILBERT FITZGERALD.

THE JUDICIARY

TODD E. EDELMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE CHERYL M. LONG, RETIRED.

JUDITH ANNE SMITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE GEOFFREY M. ALPRIN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DINO J. BESINGA
KENNETH M. BOLIN
THOMAS A. BROOKS
JAMES P. COVEY
MICHAEL C. COX
DANIEL S. DUNN
DONALD W. EHRKE
ANTHONY W. FLORES
JONATHAN W. FOWLER
PAUL D. FRITTS
SHAWN P. GEE
DAVID S. GOLDSTROM
DENISE A. HAGLER
JAMES P. HALL
JERRY D. HALL, JR.
DANIEL W. HARDIN
MICHAEL J. HART
MICHAEL R. HENDERSON
LOREN B. HUTSELL
ALAN M. IRIZARRY
EDWARD A. JACKSON
GREGORY S. JACKSON
ANTHONY S. KAZARNOWICZ
JAMES D. KEY
HYEONJOONG KIM
HYOKCHAN D. KIM
JESSE R. KING
SCOTT B. KOEMAN
LUIS V. KRUGER, JR.
CHARLES H. LAHMON
MONICA R. LAWSON
LINDA LESANE
FERDINAND E. MADU
TIMOTHY E. MARACLE
WALTER MARSHALL
JEFFREY T. MCKINNEY
DAVID W. MEYER
STEVEN C. MICKEL
JOHN M. MORGAN
JASON K. NOBLES
BRIAN G. PALMER
CHARLES S. PAUL
SEAN A. PHILLIPS
STEPHEN PRATEL, SR.
ANTHONY P. RANDALL
JOSE R. SALCIDO, JR.
CHARLES E. SCOTT
STEVEN A. SLAUSON
HENRY C. SOUSSAN
DAVID R. STONER
VIRGIL J. THOMAS
WILLIAM B. TRIPP
PETER M. UHDE
TIMOTHY S. VALENTINE
JEFFREY T. VANNESS
CODY J. VEST
KEVIN E. WAINWRIGHT
GEORGE L. WALLACE
ERNEST P. WEST, JR.
TIMOTHY E. WILSON
SANG J. WON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES J. AIELLO
FORREST BANKSTON, JR.
JOHN W. BUFFINGTON
ANGELO M. CAPOLUPO
PABLO ESTRADA, JR.
GERARD FRIDMANN
VERNE C. MCMOARN
WALTER C. PEREZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BETH A. HOFFMAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN W. CHEATHAM
DAVID R. GOFF

To be lieutenant commander

DARREN S. BEASLY
JOHN E. BISSELL
JAMES C. MEEHAN
CHRISTIAN T. MINSHALL
DOUGLAS G. NESS
ERIC C. PETERSON
ANNA A. ROSS
NOBURO YAMAKI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

GREGORY M. SARACCO

To be commander

MARSHALL D. BEDDER
CHRISTOPHER B. CHISHOLM
HARRIS B. FEDERICK
DENNIS M. WEPPNER

To be lieutenant commander

JARED D. BERNARD
JOSEPH A. BUGLISI
JUSTIN J. BURDICK
MICHAEL A. BURT
LESLY A. DOSSETT
WILLIAM C. FOX
ANDREW J. FRIESSEN
JONATHAN S. GLASS
CAVIN H. GLENN
RYAN T. GOCKE
JANET C. JACOBSON
BRIAN J. KARLOVITS
SCOTT T. KING
BRIAN S. KNIPP
JUAN G. LOPEZ
KAREN L. MATTHEWS
JOHN M. MONTMINY
JOEL N. PETERSON
JUNEWAI L. REOMA
DARIAN C. RICE
MICHAEL D. SCHORR
BRIAN W. SHIPPERT
CHARLES J. SIEGERT
ASHER O. SMITH
ROBERT B. SPENCER
NICHOLAS A. SPINELLI
DOUGLAS W. STORM
GUS THEODOS
IAN L. VALERIO
EZEKIEL J. WETZEL
PAUL R. WOMBLE
WHITNEY B. YOU
HEATHER G. YURKA
LUKE A. ZABROCKI