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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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# House of Representatives

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

# Senate

MONDAY, AUGUST 3, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

## PRAYER

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

Let us pray.

God our help of the ages past, our hope for years to come, in Your secret places we find our faith and strength. Help us to know ourselves for who we are, people who too often seek our own way instead of striving to fulfill Your purposes. Cleanse the inner foundations of our hearts from any hint of pretense and use our Senators for Your glory. In this challenging hour of human destiny, deepen in our Senators a sense of surpassing opportunity to do their full part in building a better nation and world. Lord, fit them to protect this land from outward evil and from inner corruption. Make the words of their mouths and the meditations of their hearts be acceptable in Your sight, O God, our rock and our Redeemer. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, August 3, 2009.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for up to 1 hour. Senator BEGICH will give his maiden speech. We all look forward to this. He will have the first 30 minutes of morning business time. I note before he starts his speech, we are all so pleased with the work he has done. He has done an outstanding job for the people of the State of Alaska and our country, and I look forward to his remarks. The Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the Agriculture Appropriations Act. At 5:30 the Senate will proceed to a cloture vote on the substitute amendment to the bill. Additional votes in relation to the amendments are possible following the cloture vote. The deadline for filing first-degree amendments is 3:30 today.

In speaking to Senator BROWNBACK and on our side Senator KOHL, who is the comanager of the bill and who, of course, would love to finish it today, Senator BROWNBACK said on Thursday that he thought we could finish the bill this evening and I hope that in fact is the case. The longer we are on this bill the less time there will be for Sotomayor speeches, so we look forward to completing this Agriculture appropriations bill so we can go to the Supreme Court nomination and listen to what people have to say about the new Supreme Court Justice.

## HEALTH CARE REFORM

Mr. REID. Mr. President, the American people wake up every morning worrying about real problems. They go to bed every night with real concerns. They worry about the agonizing sacrifices they have to make so they can afford to stay healthy, and their fear is sincere.

Our response and responsibility to the American people should be equally grounded in reality. That reality is that our health care system is in serious distress. I believe serious problems

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



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deserve serious efforts by serious legislators to develop serious solutions.

Unfortunately, much of what we have seen from the other side is simply one radical distraction after the next. For months, Republicans have perpetuated a pollster- and consultant-created myth that our plan and our goal is to have the government run your health care. It is not. Let me repeat: It is not. In fact, one of our core principles is that if you like the health care you have, you can keep it. But the other side simply won't let the facts get in the way of a good story.

A Republican Congressman recently claimed that our plan to improve health care would ''put seniors in a position of being put to death by their government.''

A Republican Senator made a similar statement to mislead his constituents. He actually accused Democrats of proposing a plan that would kill Americans. It is hard to imagine that. Rather than having a serious and real debate about a serious and real crisis, some Senators and Congressmen want the American people to believe their colleagues are proposing a plan to kill them.

These distortions and distractions are revolting, and they are not limited to health care.

An artificial controversy is getting far too much attention lately—one that ignores the undeniable and proven fact that President Obama was born in the United States of America. Last week, one of the Republican leaders in the House of Representatives continued to give this false and misleading claim credence. Let's be clear: It is a phony issue that does not deserve even a minute of our attention on the floor of the Senate. It is absurd, irresponsible, and baseless, and the false claims have long ago been refuted.

The American people have every right to expect we will solve real problems before creating fake problems. They should know that rather than helping them get ahead, some of our colleagues would rather spew ludicrous conspiracy theories.

The other side hasn't stopped at fake arguments and fake issues. We also have seen them resort to fake letters. Some Members of Congress have recently received forged letters purporting to be from the NAACP. Others have received a similar letter signed by a fake name with a fake job title purporting to be from a local Hispanic group. The bogus letters have been tracked back to employees of a Republican lobbying firm. This behavior is sick, it is shameful, it is dishonest, and it is undemocratic.

When we passed the economic recovery plan this winter, some opposed it. They didn't believe we needed an aggressive plan in response to a grave crisis that now is putting people back to work, ensuring middle-class families can get ahead, and investing in our future. But objecting to that legislation is their right. As we start to see a return on our investment, many of those who tried to block this bill have since sought credit for the good it is doing. Others who opposed the plan outright—those who wish we weren't investing in their States and districts—now complain they wish to see us invest more quickly. Well, you can't have it both ways. It is yet another embarrassing example of misinformation and misrepresentation upon which some on the other side tend to rely.

I cannot blame people for wondering why, with an issue as important as health care now before us, bipartisan consensus sometimes seems so elusive. So I say to them: This extreme brand of strategy and the extreme tactics that come with it are what we have to contend with.

First, Rush Limbaugh happily admitted he wants our President to fail. Then a Republican Senator openly admitted he wants to block the health insurance reform for millions as a way to ''break the President.'' Another Republican Senator admitted that at least half of the other side's opposition to reform is purely political. And an influential commentator advised Republicans to avoid consensus at all costs and instead ''go for the kill.''

These partisan tactics have consequences. These consequences will be evident at any kitchen table, in every family budget, and every American's peace of mind.

And they are watching. A poll released last week found that a majority of Americans credit President Obama with putting partisanship aside and trying to work with congressional Republicans to get this done for the good of the country. Republicans, they found, weren't returning the favor.

Others may be focused on delaying and denying health insurance reform, but we will make sure we don't let that happen. We already have seen what happens when we do nothing. The costs of sitting this one out are far too high and not acting is not an option.

The American people appreciate those Republicans who have come to the negotiating table in good faith. I am sorry to say that there simply aren't enough of them. At this stage, out of 100 Senators, we have 3 Republicans who are willing to work with us on health care. I am very happy to have them, but I wish we had more.

Rather than having a serious and real debate about a serious and real crisis, some would prefer to deploy tactics to scare the American people. But what scares the American people is that under the status quo, they live just one illness, one accident, or one pink slip away from losing everything.

This is no time to let partisanship get the best of us. This is no time to obsess over fake controversies or oppose ideas simply because they were proposed by people who sit on the other side of this Chamber. This is no time to instill unfounded fears and incite the hope that our Nation's leaders fail. This is the time to get serious about making it easier for American citizens to afford to live a healthy life.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the distinguished Senator from Alaska, Mr. BEGICH, controlling the first 30 minutes and the Republicans controlling the final 30 minutes.

The Senator from Alaska is recognized.

Mr. BEGICH. I thank the Chair.

(The remarks of Mr. BEGICH pertaining to the introduction of S. 1560, S. 1561, S. 1562, S. 1563, S. 1564, and S. 1565 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## LU YOUNG

Mr. BEGICH. Mr. President, before yielding the floor, I wish to mark the passing of a great Alaskan—Lu Young, the wife of Alaska's long-time Congressman DON YOUNG.

Lu passed away suddenly over the weekend. Lu was an Alaskan of true distinction. I am proud to have shared a friendship with her for several decades.

Our State is better because of her service and many contributions. The thoughts and prayers of Alaskans and me are with Representative YOUNG and his family.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

## SENATOR BEGICH'S MAIDEN SPEECH

Ms. MURKOWSKI. Mr. President, I rise this afternoon to congratulate my colleague from Alaska, Senator BEGICH, and recognize his maiden speech on the Senate floor. The tradition of giving a maiden speech is one that perhaps in recent years has not been followed as intently as it has in days gone past. Senator BEGICH has highlighted with his remarks today and with the collection of bills he has introduced on the Senate floor—the significance of America's role as an Arctic nation and the key that Alaska holds as a leader in that responsibility.

I appreciate what he is doing to shine a spotlight on these issues, whether it is how we deal with the impact of climate change, whether it is how we deal with the health consequences, how we

dealt with renewed and increased commerce in an Arctic that is potentially ice free.

I applaud him for his efforts and, again, shining the light on this issue. It seems every day the rest of the country, the rest of the world, is looking to the Arctic for our science, looking to the Arctic for the knowledge of our elders and researchers, and looking to the Arctic as a true leader in global environmental policies.

I applaud him, and I am privileged to be able to support him in so many of these efforts, working on the issues that are important to, of course, our State but to the Nation as a whole.

## LU YOUNG

Ms. MURKOWSKI. Mr. President, my colleague mentioned the passing of a very dear friend. I wish to take a moment this afternoon to also acknowledge the passing of Lu Young.

This is a sad day for us in Alaska as we come to grips with the very sudden passing of Congressman YOUNG's wife. They have been a team for some 46 years. She died this weekend at their home in Great Falls, VA. She was only 67 years old.

Lu Young was an Athabascan Indian from the village of Fort Yukon. Fort Yukon, you may have seen on Senator BEGICH's map, is in the interior part of the State. It sits 7 miles above the Arctic Circle on the north bank of the Yukon River. It is about 145 air miles north from Fairbanks.

Congressman YOUNG met Lu in Fort Yukon. This is back in the days when he was a tugboat captain operating a barge, carrying products and supplies up and down the river. DON taught in the wintertime at the BIA schools. Lu was the bookkeeper there in the village. They met, they married, and had 46 years of honest wedded bliss.

I have to tell you, it is not often one can look at a couple after 46 years of marriage and still see the love and the gleam and the warmth between two individuals, one for another. Every day we saw that. If Lu wasn't with DON, DON was talking about Lu.

He used to joke when he was in his campaigns: ''You get two for the price of one.'' He wasn't kidding. DON was in his office every day, and Lu was also in the office every day over at the Rayburn Building. She would greet Alaskans as they would come in. She would make sure they were comfortable or if she thought they were taking too much of DON's time, she would tell them that too. She would take people over to the restaurant for lunch. She welcomed Alaskans as part of their family.

We have a very close and intimate relationship with those we represent in Alaska. As my new colleague is recognizing, we are a long way from home, so we kind of band together. We are part of an extended family.

Lu was a constant in DON YOUNG's office. She ensured that Alaskans who traveled to Washington, DC, would know that the Congressman for all Alaska was going to take care of you. She was also reminding DON every day: Don't forget where you come from. Anyone who has ever been to DON's office knows it looks and feels very much like Alaska. Lu made sure that was never going to change.

Today the people of Alaska are not thinking of Lu's contributions to DON's political career. They are reflecting on the truly remarkable love between the two of them. In a statement this morning, Congressman YOUNG summed it up. He said: ''Lu was my everything, and I am heartbroken.'' That loss breaks the golden hearts of all Alaskans as we remember our own experiences with Congressman YOUNG's partner, his best friend, and his heart.

Congressman YOUNG has lost the love of his life, and Alaskans have lost a great friend. Regardless of political persuasion, all of Alaska grieves with Congressman YOUNG, his daughters, Joni and Dawn, and their husbands, 14 grandchildren, and an extended family of lifelong friends throughout the great land.

I yield the floor.

Mr. ALEXANDER. Mr. President, of course, all of us extend our sympathies to Congressman YOUNG and his family. The remarks of the Senators from Alaska spoke for all of us.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

## ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 23½ minutes remaining.

Mr. ALEXANDER. Will the Chair please let me know when 10 minutes remain?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Senator KYL and I be permitted to engage in a colloquy during our time.

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

## MIDDLE-CLASS TAX INCREASE

Mr. ALEXANDER. Mr. President, a few minutes ago, I was waiting to give a television interview with MSNBC. The White House press secretary, Robert Gibbs, was on. He said a most astonishing thing. He was there, obviously, for the purpose of an impromptu press conference to correct what I thought was a truthful impression left yesterday by two members of the Obama administration. Both Mr. Summers and Mr. Geithner yesterday did not rule out the possibility of a middle-income tax increase. That was widely reported all over the country today. Apparently, they were taken to the woodshed this morning, and Mr. Gibbs was sent out to say: Oh, no, we are not going to raise taxes on middle income Americans.

But that is misleading, at best, to the American people. Most people know that. An article in the New York Times on August 1, was titled: ''Obama's Pledge to Tax Only the Rich Can't Pay for Everything, Analysts Say.''

Among those quoted is Leonard Burman, ''a veteran of the Clinton administration Treasury and director of the nonpartisan Tax Policy Center.''

''This idea,'' he says, ''that everything new that government provides ought to be paid for by the top 5 percent, that's a basically unstable way of governing.''

I am sure the Senator from Arizona remembers Isabel Sawhill's distinguished service. She had some comments on tax increases as well. ''There is no way we can pay for health care and the rest of the Obama agenda, plus get our long-term deficits under control, simply by raising taxes on the wealthy,'' said Isabel V. Sawhill, a former Clinton administration budget official. ''The middle class is going to have to contribute as well.''

I wonder if the Senator from Arizona, who is a veteran member of the Finance Committee, is surprised to see, first, the two top finance people for the Obama administration say we are not going to rule out a middle-class tax increase, and then all of a sudden today, the Obama administration says no, nope, we are going to rule that out again. What is going on?

Mr. KYL. Mr. President, I say to my colleague, I had the same impression yesterday when I saw Mr. Geithner and Mr. Summers on television. They, frankly, were recognizing the reality of the situation. I did not think that much of it because the truth is, the people my colleague has quoted are absolutely right. You cannot do all the things the President wants to do without raising taxes, and inevitably that will be on the middle class.

To put in the RECORD what both Treasury Secretary Geithner and Mr. Summers said—this is as reported by George Stephanopoulous, ''This Week'' host for ABC. He said:

> To get the economy back on track, will President Obama have to break his pledge not to raise taxes on 95 percent of Americans? In a ''This Week'' exclusive, Treasury Secretary Tim Geithner told me, ''We're going to have to do what's necessary.'' Then Stephanopoulous continues:
>
> When I gave him several opportunities to rule out a middle-class tax hike, he wouldn't do it. ''We have to bring these deficits down very dramatically,'' Geithner told me. ''And that's going to require some very hard choices.''

Of course it is. Secretary Geithner is right. It is pretty hard to deny.

Then the National Economic Council Director, Lawrence Summers, was asked by Bob Schieffer on CBS if taxes could be raised for middle-income Americans. Summers said:

> There is a lot that can happen over time. It is never a good idea to absolutely rule out things no matter what.

Then he said that what the President has been completely clear on is he is

not going to pursue any of these priorities—not health care—in ways that are primarily burdening middle-class families. That is something that is not going to happen.

There seems to be a subtle switch here to, first of all, never say never and, secondly, say the tax burden is not going to primarily fall on middle-class Americans.

I say to my colleague, when you look at some of the provisions that are in the House of Representatives bill on health care, in the Senate HELP Committee on health care, and some of the things that are being considered by the Finance Committee, in all three situations, you do have taxes on working American families, middle-class families.

I think that what the Secretary and Mr. Summers said Sunday is actually more true than what the press secretary tried to make it out to be. It is simply the recognition of a reality—that you can't pay for all of this and not impose taxes on middle Americans.

Mr. ALEXANDER. Mr. President, I agree with the Senator. His point is a valid one. It is not a matter or are they going to propose middle-income tax increases. In the health care plans, we already see that happening. For example, in the proposed payroll tax or jobs tax on employers to pay for the proposed health care plan coming out of the House of Representatives, there is a very large tax. It could be up to 8 percent of payroll. Quoting from the Wall Street Journal editorial of July 30:

> So who bears the burden of this tax? The economic research is close to unanimous that a payroll tax is tax on labor and is thus shouldered mostly if not entirely by workers.

This is a middle-income tax increase already proposed. Then there is another issue that bothers me, especially as a former Governor. Our current Governor of Tennessee called it the ''mother of all unfunded mandates.'' If we add, as is proposed by both bills, another 20 million people to Medicaid—which is for low-income people, and the States help pay for that—that is more than 300,000 new people for Tennessee.

The estimates we have gotten from Tennessee's department of Medicaid, TennCare, is that would cost enough money to equal the amount raised by a 5-percent new State income tax. If we actually pay doctors a sufficient amount to cause them to see these people who are dumped into Medicaid, then Tennessee would need a total of a 10-percent new State income tax. That is another middle-income tax increase.

Mr. KYL. Mr. President, I would just ask my colleague also if he is aware that there are some other proposals in these various Democratic bills. One is that all individuals would be required to buy medical insurance. There would be a penalty if they refused to do so that would go directly to their income tax. I believe the latest proposal I saw was 2.5 percent of your income tax. There would be a penalty imposed if you didn't buy insurance.

Now, what happens to, let's say a young man or woman who has just graduated from college, who are no longer on their parents' insurance policy and they are now going to be required to go into a risk pool along with everybody else? Or let's say they have been paying a modest amount for their insurance through their college, perhaps. What is likely to happen when they are thrown into the pool of other Americans, all of whom are required to purchase insurance? Will their premiums go down, or what is the estimate of what will happen to the premiums of these young people?

Mr. ALEXANDER. The Senator makes a good point. If you are young and in America and you are forced into the health plan that is passing the House, your costs are going to go up, and that is a mandate or a tax that absolutely will go up. So the Senator is exactly right.

For every young person in America who is in this plan, their health care costs are, by definition, going to go up. Their health care costs are going to go up to help pay for older Americans whose benefits, I might add, are going to go down because half of the health care plan is going to be paid for by Medicare cuts. These Medicare cuts will not make Medicare solvent, but grandma's Medicare benefits are going to be cut to help pay for this new health program.

Whether it is a benefit cut or a tax increase, there are a lot of middle-income Americans who are already looking at a very big change in their economic circumstances.

Mr. KYL. Mr. President, I know we just have a couple of minutes left. There are several other examples—one that is being considered by the Finance Committee, I know. It is to amend the provision of the Tax Code by which if you itemize your deductions and you have medical expenses that exceed 7½ percent of your adjusted gross income, you would get to deduct that from your income tax.

There are two different proposals pending in the Finance Committee. In both cases, there would be a new tax imposed. The problem is, according to the Joint Committee on Taxation, replacing the existing deduction with the new provision would increase taxes by $48 billion over 10 years. Who does it hit? Fifty-two percent of the taxpayers who claim the deduction earn under $50,000 a year. These are not the wealthy Americans the President was speaking of. Forty percent of the taxpayers who claimed the deduction are over the age of 65.

I guarantee you in Arizona we are going to look at that provision because a lot of our folks are over 65 and they rely upon the income-tax code to ensure if they have a catastrophic expense in any given year that they have the ability to deduct a portion of that.

Mr. ALEXANDER. As the Senator knows, we have heard about limited taxes before. We actually have a millionaire tax on the books, passed in 1969, 40 years ago, where 155 high-income Americans were avoiding paying Federal income tax. There was the cry: So let's tax them. And so we did.

Well, today that is called the alternative minimum tax. Every year we have to change it because this year it was going to affect 28 million Americans. People who are making $46,000 or $47,000 as individuals or $70,000 filing jointly were suddenly affected by the millionaires tax. So beware of the millionaires tax because it soon catches us all.

Mr. President, I thank the Senator from Arizona for his time. I see Senator MCCAIN, and I yield the remainder of my time to him. But before doing so, Mr. President, I ask unanimous consent to include the August 1 New York Times article and the July 30 editorial from the Wall Street Journal, to which I referred.

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

[From the Wall Street Journal, July 30, 2009]

THE PELOSI JOBS TAX

Even many Democrats are revolting against Speaker Nancy Pelosi's 5.4% income surtax to finance ObamaCare, but another tax in her House bill isn't getting enough attention. To wit, the up to 10-percentage point payroll tax increase on workers and businesses that don't provide health insurance. This should put to rest the illusion that no one making more than $250,000 in income will pay higher taxes.

To understand why, consider how the Pelosi jobs tax works. Under the House bill, firms with employee payroll of above $250,000 without a company health plan would pay a tax starting at 2% of wages per employee. That rate would quickly rise to 8% on firms with total payroll of $400,000 or more. A tax credit would help very small businesses adjust to the new costs, but even a firm with a handful of workers is likely to be subject to this payroll levy. As we went to press, Blue Dogs were taking credit for pushing those payroll amounts up to $500,000 and $750,000, but those are still small employers.

So who bears the burden of this tax? The economic research is close to unanimous that a payroll tax is a tax on labor and is thus shouldered mostly if not entirely by workers. Employers merely collect the tax and then pass along its costs in lower wages or benefits. This is the view of the Democratic-controlled Congressional Budget Office, which advised on July 13: ''If employers who did not offer health insurance were required to pay a fee, employee's wages and other forms of compensation would generally decline by the amount of that fee from what they otherwise would have been.''

To put this in actual dollars, a worker earning, say, $70,000 a year could lose some $5,600 in take home pay to cover the costs of ObamaCare. And, by the way; this is in addition to the 2.5% tax that the individual worker would have to pay on gross income, if he doesn't buy the high-priced health insurance that the government will mandate. In sum, that's a near 10-percentage point tax on wages and salaries on top of the 15% that already hits workers to finance Medicare and Social Security.

Even Democrats are aware that his tax would come out of the wallets of the very workers they pretend to be helping, so they inserted a provision on page 147 of the bill prohibiting firms from cutting salaries to pay the tax. Thus they figure they can decree that wages cannot fall even, as costs

rise. Of course, all this means is that businesses would lay off some workers, or hire fewer new ones, or pay lower starting salaries or other benefits to the workers they do hire.

Cornell economists Richard Burkhauser and Kosali Simon predicted in a 2007 National Bureau of Economic Research study that a payroll tax increase of about this magnitude plus the recent minimum wage increase will translate into hundreds of thousands of lost jobs for those with low wages. Pay or play schemes, says Mr. Burkauser, ''wind up hurting the very low-wage workers they are supposed to help.'' The CBO agrees, arguing that play or pay policies ''could reduce the hiring of low-wage workers, whose wages could not fall by the full cost of health insurance or a substantial play-or-pay fee if they were close to the minimum wage.''

To make matters worse, many workers and firms would have to pay the Pelosi tax even if the employer already provides health insurance. That's because the House bill requires firms to pay at least 72.5% of health-insurance premiums for individual workers and 65% for families in order to avoid the tax. A Kaiser Family Foundation survey in 2008 found that about three in five small businesses fail to meet the Pelosi test and will have to pay the tax. In these instances, the businesses will have every incentive simply to drop their coverage.

A new study by Sageworks, Inc., a financial consulting firm, runs the numbers on the income statements of actual companies. It looks at three types of firms with at least $5 million in sales: a retailer, a construction company and a small manufacturer. The companies each have total payroll of between $750,000 and $1 million a year. Assuming the firms absorb the cost of the payroll tax, their net profits fall by one-third on average. That is on top of the 45% income tax and surtax that many small business owners would pay as part of the House tax scheme, so the total reduction in some small business profits would climb to nearly 80%. These lower after-tax profits would mean fewer jobs.

To put it another way, the workers who will gain health insurance from ObamaCare will pay the steepest price for it in either a shrinking pay check, or no job at all.

[From the New York Times, Aug. 1, 2009]

OBAMA'S PLEDGE TO TAX ONLY THE RICH CAN'T PAY FOR EVERYTHING, ANALYSTS SAY

(By Jackie Calmes)

WASHINGTON.—Behind Democrats' struggle to pay the $1 trillion 10-year cost of President Obama's promise to overhaul the health care system is their collision with another of his well-known pledges: that 95 percent of Americans ''will not see their taxes increase by a single dime'' during his term.

This will not be the last time that the president runs into a conflict between his audacious agenda and his pay-as-you-go guarantee, when only 5 percent of taxpayers are being asked to chip in. Critics from conservative to liberal warn that Mr. Obama has tied his and Congress's hands on a range of issues, including tax reform and the need to reduce deficits topping $1 trillion a year.

''You can only go to the same well so many times,'' said Bruce Bartlett, a Treasury official in the Reagan administration.

In the budget, Mr. Obama and Congress have already agreed to let the Bush tax cuts for the most affluent expire after 2010, as scheduled, but to extend them for everyone else. The top rates, now 33 percent and 35 percent, will revert to Clinton-era levels of 36 percent and 39.6 percent.

The critics do not have a beef with the government's taking more from the wealthiest Americans, especially given the growing income gap between the rich and everyone else. They object to doing so for health care over other pressing needs.

''I want to tax the rich to reduce the deficit,'' said Robert D. Reischauer, a former director of the Congressional Budget Office who heads the Urban Institute, a center-left research group. Similarly, Mr. Bartlett, a conservative analyst who often chastises Republicans for their antitax absolutism, supports overhauling the tax code to raise revenues.

As these analysts recognize, taxing the rich has its limits both economically and politically, such that members of Congress are not likely to tap that well again and again.

Polls show strong majorities supporting higher taxes on those earning more than $250,000 a year, Mr. Obama's target group. Yet some Congressional Democrats are fearful of Republicans' attacks that ''soak the rich'' tax increases will douse small-business owners, too, even if the number of those affected is far less than Republicans suggest.

Also, higher rates like those in the House health care legislation could lead to tax avoidance schemes, reducing the government's collections and warping business decisions, analysts say.

The House measure calls for surtaxes ranging from 1 percent on annual income of $280,000 to 5.4 percent on income of $1 million and more. The millionaires' surtax would push the top tax rate to 45 percent, the highest since the 1986 tax code overhaul lowered all rates in return for jettisoning a raft of tax breaks for businesses and individuals.

But the effective top rate would be higher still, counting the 2.9 percent Medicare payroll tax and state and local income taxes. In the highest-tax states of Oregon, Hawaii, New Jersey, New York and California, it would be 57 percent, according to the conservative Heritage Foundation.

In the health debate, Democrats emphasize that they are not just raising taxes on the rich, but cutting spending, too, mostly for Medicare payments to doctors, hospitals and insurance companies.

Also, the Democrats say, at least they are trying to pay for the health care initiative, rather than letting the deficit balloon as the Republicans, along with President George W. Bush, did when they created the Medicare prescription drug benefit in 2003. That program will add a projected $803 billion to the national debt in the decade through 2019, according to the White House budget office.

''They charged theirs on the government's credit card,'' Rahm Emanuel, the White House chief of staff, said of the Republicans.

Even so, Mr. Obama's vow to tax only the rich is a variation ''of Bush's policy that nobody has to pay for anything,'' said Leonard Burman, a veteran of the Clinton administration Treasury and director of the nonpartisan Tax Policy Center.

''Democrats are more worried about the deficits,'' Mr. Burman added, but ''they put the burden on a tiny fraction of the population that they figure doesn't vote for them anyway.''

Mr. Burman and others recall that in the creation of Social Security and Medicare, Presidents Franklin D. Roosevelt and Lyndon B. Johnson insisted that beneficiaries contribute through payroll taxes, both to finance the programs and to give all Americans a vested interest. The same philosophy should apply to seeking universal health coverage, they say.

This idea that everything new that government provides ought to be paid for by the top 5 percent, that's a basically unstable way of governing,'' Mr. Burman said.

Mr. Obama recently dismissed concerns that taxing the rich to pay for health care would foreclose that option when he and Congress turn to deficit reduction. ''Health care reform is fiscal reform,'' he said.

''If we don't do anything on health care inflation, then we might as well close up shop when it comes to dealing with our long-term debt and deficit problems, because that's the driver of it—Medicare and Medicaid,'' Mr. Obama said.

But his no-new-tax admonition for most Americans even now complicates the behind-the-scenes work of the panel he established to recommend ways to simplify the tax code and raise more revenue.

The panel, which is led by Paul A. Volcker, a former chairman of the Federal Reserve, is to report by Dec. 4. Overhauling the code, as in 1986, generally creates winners and losers across the board; leaving 95 percent of taxpayers unscathed will not be easy.

That has already proved true in the health care deliberations. Proposals to raise about $50 billion over 10 years by taxing sugared drinks foundered partly because the levy would hit nearly everyone.

And when Congressional leaders opposed Mr. Obama's chief idea for raising revenues—limiting affluent taxpayers' deductions—his campaign vow against taxing the middle class made finding an acceptable alternative difficult.

While the president endorsed House Democrats' surtax idea, saying it ''meets my principle that it's not being shouldered by families who are already having a tough time,'' he could not embrace a bipartisan Senate proposal to tax employer-provided health benefits above a certain amount. He had criticized a similar idea as a middle-class tax during his presidential campaign.

Yet taxing at least the most generous employer-provided plans above a threshold amount would meet two elusive goals for Mr. Obama: It would raise a lot of money and, economists say, cut overall health spending by making consumers more cost-conscious.

Administration officials recently began promoting a fallback. Rather than tax individuals, it would single out insurance companies that sell ''Cadillac'' plans. David Axelrod, a White House strategist, has described the proposal in populist terms, saying it would hit ''the $40,000 policies that the head of Goldman Sachs has'' and ''not impact on the middle class.''

That position, analysts predict, cannot hold over time.

''There is no way we can pay for health care and the rest of the Obama agenda, plus get our long-term deficits under control, simply by raising taxes on the wealthy,'' said Isabel V. Sawhill, a former Clinton administration budget official. ''The middle class is going to have to contribute as well.''

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

## SOTOMAYOR NOMINATION

Mr. McCAIN. Mr. President, it is with great respect for Judge Sotomayor's qualifications that I come to the floor today to discuss her nomination to the U.S. Supreme Court. There is no doubt that Judge Sotomayor has the professional background and qualifications that one hopes for in a Supreme Court nominee. As we all know, she is a former prosecutor, served as an attorney in private practice, and spent 12 years as an appellate court judge. She is an immensely qualified candidate. And, obviously, Judge Sotomayor's life story is inspiring and compelling.

As a child of Puerto Rican parents who did not speak English upon their arrival in New York, Judge Sotomayor took it upon herself to learn English and became an outstanding student. She graduated cum laude from Princeton University and later from Yale Law School. Judge Sotomayor herself stated that she is ''an ordinary person who has been blessed with extraordinary opportunities and experiences.''

However, an excellent resume and an inspiring life story are not enough to qualify one for a lifetime of service on the Supreme Court. Those who suggest otherwise need to be reminded of Miguel Estrada. Mr. Estrada also was a supremely qualified candidate, and he, too, has an incredible life story. Miguel Estrada actually emigrated to the United States from Honduras as a teenager, understanding very little English. Yet he managed to graduate from Columbia University and Harvard Law School magna cum laude before serving his country as a prosecutor and a lawyer at the Department of Justice. Later, he found success as a lawyer in private practice. However, Miguel Estrada, in spite of his qualifications and remarkable background, in spite of the fact that millions of Latinos would have taken great pride in his confirmation, was filibustered by the Democrats seven times—most recently in 2003—because many Democrats disagreed with Mr. Estrada's judicial philosophy. This was the first filibuster ever to be successfully used against a court of appeals nominee.

I supported Mr. Estrada's nomination to the DC Circuit Court of Appeals, not because of his inspiring life story or impeccable qualifications but because his judicial philosophy was one of restraint. He was explicit in his writings and responses to the Senate Judiciary Committee that he would not seek to legislate from the bench.

In 1987, I had my first opportunity to provide ''advice and consent'' on a Supreme Court nominee. At that time, I stated that the qualifications I believed were essential for evaluating a nominee for the bench included integrity, character, legal competence and ability, experience, and philosophy and judicial temperament.

When I spoke of philosophy and judicial temperament, it is specifically how one seeks to interpret the law while serving on the bench. I believe a judge should seek to uphold all actions of Congress and State legislatures, unless they clearly violate a specific section of the Constitution, and refrain from interpreting the law in a manner that creates law. While I believe Judge Sotomayor has many of these qualifications I outlined in 1987, I do not believe she shares my belief in judicial restraint.

When the Senate was considering Judge Sotomayor's nomination to the Second Circuit in 1998, I reviewed her decisions and her academic writings. Her writings demonstrated that she does not subscribe to the philosophy that Federal judges should respect the limited nature of the judicial power under our Constitution. Judges who stray beyond their constitutional role believe judges somehow have a greater insight into the meaning of the broad principles of our Constitution than representatives who are elected by the people. These activist judges assume the Judiciary is a superlegislature of moral philosophers.

I know of no more profoundly antidemocratic attitude than that expressed by those who want judges to discover and enforce the ever-changing boundaries of a so-called ''living constitution.'' It demonstrates a lack of respect for the popular will that is at fundamental odds of our republican system of government. Regardless of one's success in academics and government service, an individual who does not appreciate the commonsense limitations on judicial power in our democratic system of government ultimately lacks a key qualification for a lifetime appointment to the bench.

Although she attempted to walk back from her long public record of judicial activism during her confirmation hearings, Judge Sotomayor cannot change her record. In a 1996 article in the Suffolk University Law Review, she stated:

> A given judge (or judges) may develop a novel approach to a specific set of facts or legal framework that pushes the law in a new direction.

This is exactly the view I disagree with. As a district court judge, her decisions too often strayed beyond legal norms. Several times this resulted in her decisions being overturned by the Second Circuit. She was reversed due to her reliance on foreign law rather than U.S. law. She was reversed because the Second Circuit found she exceeded her jurisdiction in deciding a case involving a State law claim. She was reversed for trying to impose a settlement in a dispute between businesses, and she was reversed for unnecessarily limiting the intellectual property rights of free-lance authors.

These are but a few examples that led me to vote against her nomination to the Second Circuit in 1998 because of her troubling record of being an activist judge who strayed beyond the rule of law. For this reason, I closely followed her confirmation hearing last month. During the hearing, she clearly stated, ''As a judge, I don't make law.''

While I applaud this statement, it does not reflect her record. As an appellate court judge, Judge Sotomayor has been overturned by the Supreme Court six times. In several of the reversals of Judge Sotomayor's Second Circuit opinions, the Supreme Court strongly criticized her decision and reasoning. In a seventh case, the Supreme Court vacated the ruling, noting that in her written opinion for the majority of the Second Circuit, Judge Sotomayor had ignored two prior Supreme Court decisions.

While I do not believe reversal by the Supreme Court is a disqualifying factor for being considered for the Federal bench, I do believe such cases must be studied in reviewing a nominee's record. Most recently, in 2008, the Supreme Court noted in an opinion overturning Judge Sotomayor that her decision ''flies in the face of the statutory language'' and chided the Second Circuit for extending a remedy that the court had ''consistently and repeatedly recognized for three decades forecloses such an extension here.''

Unfortunately, it appears from this case—Malesko v. Correctional Services Corp.—that Judge Sotomayor does not seek ''fidelity to the law'' as she pledged at her confirmation hearing. As legislators, we must enact laws. The courts must apply the law faithfully. The job of a judge is not to make law or ignore the law.

Further, in Lopez Torres v. N.Y. State Board of Education, the Supreme Court overturned Judge Sotomayor's decision that a State law allowing for the political parties to nominate State judges through a judicial district convention was unconstitutional because it did not give people, in her view, ''a fair shot.'' In overturning her decision, the Supreme Court took aim at her views on providing a ''fair shot'' to all interested persons, stating:

> It is hardly a manageable constitutional question for judges—especially for judges in our legal system, where traditional electoral practice gives no hint of even the existence, much less the content, of a constitutional requirement for a ''fair shot'' at party nomination.

In her most recent and well-known reversal by the Supreme Court, the Court unanimously rejected Judge Sotomayor's reasoning and held that white firefighters who had passed a race neutral exam were eligible for promotion. Ricci v. DeStefano raised the bar considerably on overt discrimination against one racial group simply to undo the unintentionally racially skewed results of otherwise fair and objective employment procedures. Again, this case proves that Judge Sotomayor does not faithfully apply the law we legislators enact.

Again and again, Judge Sotomayor seeks to amend the law to fit the circumstances of the case, thereby substituting herself in the role of a legislator. Our Constitution is very clear in its delineation and disbursement of power. It solely tasks the Congress with creating law. It also clearly defines the appropriate role of the courts to ''extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties.'' To protect the equal, but separate roles of all three branches of government, I cannot support activist judges that seek to legislate from the bench. I have not supported such nominees in the past, and I cannot support such a nominee to the highest court in the land.

When the people of Arizona sent me to Washington, I took an oath. I swore to uphold the Constitution. For millions of Americans, it is clear what the

Constitution means. The Constitution protects an individual's right to keep and bear arms to protect himself, his home, and his family. The Constitution protects our right to protest our government, speak freely and practice our religious beliefs.

The American people will be watching this week when the Senate votes on Judge Sotomayor's nomination. She is a judge who has foresworn judicial activism in her confirmation hearings, but who has a long record of it prior to 2009. And should she engage in activist decisions that overturn the considered constitutional judgments of millions of Americans, if she uses her lifetime appointment on the bench as a perch to remake law in her own image of justice, I expect that Americans will hold us Senators accountable.

Judicial activism demonstrates a lack of respect for the popular will that is at fundamental odds with our republican system of government. And, as I stated earlier, regardless of one's success in academics and in government service, an individual who does not appreciate the common sense limitations on judicial power in our democratic system of government ultimately lacks a key qualification for a lifetime appointment to the bench. For this reason, and no other, I am unable to support Judge Sotomayor's nomination.

I yield the floor.

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

Mr. MCCONNELL. Mr. President, before I address the matter I came to the Senate floor to address today, I congratulate the Senator from Arizona for his thoughtful description of the process by which he has made a decision on the extraordinarily important issue we will have before the Senate later this week; that is, the confirmation of Judge Sotomayor for the Supreme Court. PERSONAL COMPUTER[J]079060-A03AU6-003-*****-*****-Payroll No.: 96940 -Name: b7 -Folios: 303-303/4 -Date: 8/3/09 -Subformat:

## HEALTH CARE WEEK IX, DAY I

Mr. MCCONNELL. Mr. President, over the past 2 months, I have come to the floor time and again to talk about one of the most important issues we face as a Nation: and that is the need for commonsense health care reforms which address the serious problems that all Americans see in the system as it is. I have done this in the context of a larger debate about a proposed reform that, in my view, could actually make our current problems worse. And I have had solid support for that view from a number of well-respected sources.

First and foremost is the independent Congressional Budget Office, which has refuted several estimates by the administration about the effect its health care proposals would have on the economy in general and health care costs in particular.

The Director of the CBO has said the Democrat proposals we have seen would not reverse the upward trend of health care costs and would significantly increase the government's share of those costs. The CBO says these proposals would add hundreds of billions of dollars to the national debt. It says that one section of one of the proposals would cause 10 million people to lose their current health plans. And it says a so-called Independent Medicare Advisory Council designed to cut costs probably wouldn't.

These findings have helped clarify the debate over health care—and they have added to a growing perception that, though the administration is trying very hard, economic estimates are not the administration's strong suit.

First there was the stimulus. In trying to account for rising unemployment after a stimulus bill that was meant to arrest it, the administration said it misread the economy. It also said the stimulus would ''create or save'' between 3 and 4 million jobs, though now it says it can't measure how many jobs are created or saved. Meanwhile we have lost 2 million of them since the stimulus was passed.

Last week we saw the administration's tendency to miss the mark on economic estimates again with the so-called cash for clunkers program.

We were told this program would last for several months. As it turned out, it ran out of money in a week, prompting the House to rush a $2 billion dollar extension before anybody even had time to figure out what happened with the first billion.

There is a pattern here, a pattern that amounts to an argument—and a very strong argument at that: when the administration comes bearing estimates, it is not a bad idea to look for a second opinion. All the more so if they say they are in a hurry.

Americans are telling us that health care is too important to rush. They are saying it is too important to base our decisions on this issue solely on the estimates that we are getting from the same people who brought us the stimulus and cash for clunkers.

The American people want to know what they are getting into when it comes to changing health care in this country. And while I have no doubt the administration is trying, Americans need some assurance that the estimates they are getting are accurate. And if recent experience is any guide, they have reason to be as skeptical as the car dealer who said this to a reporter last week:

> If they can't administer a program like this, I'd be a little concerned about my health insurance.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

## CONCLUSION OF MORNING BUSINESS

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mr. MCCAIN. What time does the Senate intend to move back to consideration of the fiscal year 2010 Agriculture appropriations bill?

The ACTING PRESIDENT pro tempore. The majority still has 8 minutes remaining in morning business.

Mr. MCCAIN. Mr. President, I ask unanimous consent that at this time we return to the Agriculture appropriations bill that was pending before the Senate.

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

Mr. MCCAIN. I thank the Chair.

The ACTING PRESIDENT pro tempore. Morning business is closed.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2997, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

> Kohl/Brownback amendment No. 1908, in the nature of a substitute.
>
> Kohl (for Tester) amendment No. 2230 (to amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program.
>
> Brownback amendment No. 2229 (to amendment No. 1908), to establish within the Food and Drug Administration two review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world.
>
> Kohl (for Murray/Baucus) amendment No. 2225 (to amendment No 1908), to allow State and local governments to participate in the Conservation Reserve Program.
>
> Kohl (for Nelson (FL)) amendment No. 2226 (to amendment No. 1908), to prohibit funds made available under this act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination.

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

AMENDMENT NO. 1910 TO AMENDMENT NO. 1908

Mr. MCCAIN. I ask unanimous consent to call up amendment No. 1910 which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1910 to Amendment No. 1908.

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

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

The amendment is as follows:

(Purpose: To strike a setaside for certain grants authorized under the Rural Electrification Act)

On page 49, strike line 7 and all that follows through ''U.S.C. 918a):'' on line 12.

Mr. MCCAIN. Mr. President, I intend to have three amendments considered. I discussed with the majority leader and the Republican leader how we would proceed. So at this time, after I make a brief remark about amendment No. 1910, I will be calling up amendment No. 1912 and amendment No. 2030, both of which are at the desk.

Amendment No. 1910 eliminates, as suggested and recommended strongly by the President of the United States, the U.S. Department of Agriculture's High Energy Cost Grant Program. This is a $17.5 million subsidy designed to pay for energy generation systems in rural areas. This program was proposed for termination by the administration because it is duplicative of existing programs, including USDA's own Rural Utilities Service Loan Program.

Under the fiscal year 2010 budget, the Rural Utilities Service Program would provide $6.6 billion in electric loans at no cost to the taxpayers. In comparison, providing $17.5 million in grants, as opposed to a loan, actually costs the taxpayer $17.5 million. Moreover, Senators should know there is $20 million in unobligated high energy cost grants still available from the previous year.

This is the submission to Congress, the budget of the U.S. Government for fiscal year 2010, by the Office of Management and Budget. Guess what. In there is a page that is titled ''Termination: High Energy Cost Grant, Department of Agriculture.'' It goes on to say:

The administration proposes to eliminate the High Energy Cost Grants program because it is duplicative of and less effective than the Rural Utilities Service's electric loan program.

Those are not my words, those are the words of the Director of the Office of Management and Budget, who, at the direction of the President of the United States, prepared this document of certain programs that should be eliminated.

It goes on to say:

The 2010 budget proposes elimination of the duplicative High Energy Cost Grants program in favor of electric loans, which are more cost effective from the standpoint of the taxpayer. Using loans to provide support is less expensive than using grants because loans provide more support . . . with fewer appropriated dollars. For example, the 2010 budget provides for $6.6 billion in electric loans at no cost to the taxpayer. In comparison, providing $18 million in grants costs the taxpayers $18 million. In addition, the funds for High Energy Cost Grants have not been obligated in a timely manner and $20 million in balances from previous year funding are still available.

In other words, this amendment eliminates a duplicative, unnecessary program, according to the Director of the Office of Management and Budget, and at the President's request, he has sent over one of the programs they want eliminated. So somehow it ends up back in the appropriations bill.

It seems to me it is a pretty clear-cut case again that at some point we have to try to make some kinds of cost savings. I admit, as we are throwing around billions and trillions of dollars, as we do here lately, $17.5 million is probably not much money given the kind of behavior the Congress and the administration have been up to lately. I would still argue, though, to millions of Americans, including those in my home State of Arizona, $17.5 million—in the view of the administration and a clear argument, it is not a complicated issue—should be eliminated.

I hope we will be able to vote on this amendment.

AMENDMENT NO. 1912 TO AMENDMENT NO. 1908

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1912 which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1912 to amendment No. 1908.

The amendment is as follows:

AMENDMENT NO. 1912 TO AMENDMENT NO. 1908

(Purpose: To strike a provision relating to certain watershed and flood prevention operations)

On page 31, strike line 20 and all that follows through page 32, line 10.

Mr. MCCAIN. This amendment eliminates the U.S. Watershed and Flood Prevention Operations Program, also known as the Small Watersheds Program.

This program is a textbook example of how reckless earmarks can devastate a government program. Like the previous four Presidents' budgets, the administration proposes to terminate this account because Congress has earmarked virtually all of this program in recent years, meaning that the agency is unable to prioritize projects on any merit-based criteria such as cost effectiveness.

According to the Congressional Research Service, the Small Watersheds Program was 97 percent earmarked in fiscal year 2009, which severely marginalized the USDA's ability to evaluate and prioritize projects. Earmarks may partly be to blame for the findings of a 2003 Office of Management and Budget study that showed this program has a lower economic return than any other Federal flood prevention program, including those in the Army Corps of Engineers and the Federal Emergency Management Agency.

The onslaught of earmarks over the years has almost certainly contributed to the current backlog of about 300 unfunded authorized small watershed projects totaling $1.2 billion. As it was originally intended, the Small Watersheds Program may be a worthwhile program. I am sure we will hear a vigorous defense of this program. But by inundating it with so-called congressionally designated projects, the program is challenged to function properly to the point where the administration would rather see it gone.

Note this. Our friends on the Appropriations Committee have not given up on plundering it yet. This bill provides $24.3 million for this program, including $16.5 million in earmarks for projects such as $2 million for the Pocasset River in Rhode Island, which is not authorized; $1.5 million for Dunloup Creek in West Virginia, which is not authorized; and $1 million for the DuPage County Watershed in Illinois, which is not authorized, to name a few.

I refer back again to the Office of Management and Budget publication entitled ''Terminations, Reductions and Savings,'' where the administration proposes to terminate watershed and flood prevention operation programs. Congress has earmarked virtually all of this program in recent years, meaning that agencies are unable to prioritize projects on any merit-based criteria such as cost effectiveness.

So, again, these first two amendments, the President of the United States, the Office of Management and Budget, most any casual observer would argue need to be eliminated.

AMENDMENT NO. 2030 TO AMENDMENT NO. 1908

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2030, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2030 to amendment No. 1908.

The amendment is as follows:

AMENDMENT NO. 2030

(Purpose: To prohibit funding for an earmark)

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Iowa Vitality Center, Iowa State University.

Mr. MCCAIN. This amendment is very simple. It prohibits funding of the $250,0000 earmark for the Iowa Vitality Center at Iowa State University.

This earmark is a textbook example of how difficult it is to stop funding for

an earmark once it starts. According to the Web site of the earmark sponsor, since fiscal year 2001, the Iowa Vitality Center has received $2,579,000. For what? What is so vital about the Iowa Vitality Center that it has required over $2.5 million of scarce taxpayer funds?

Well, according to their own Web site, the purpose of the Iowa Community Vitality Center is to serve as a catalyst in fostering collaborative public-private partnerships among nonmetro community interests to stimulate vitality and address barriers to growth.

I am not making that up. I am not making it up. That is what the Web site says. Let me repeat. We spent $2.5 million. The purpose of the Iowa Community Vitality Center is to serve as a catalyst in fostering collaborative public-private partnerships among nonmetro community interests to stimulate vitality and address barriers to growth.

Is there anyone who has a clue as to what that means? I wanted to be clear. I am not questioning the merits of this program, but I am questioning the process. Why was this funding earmarked? If the Vitality Center is such a critical national priority at this time, why wasn't the funding authorized since 2001 or requested by the President in his budget submission?

The funding for the Vitality Center is often justified as helping communities ''plan strategically'' and as ''representing diverse interest across the state.'' However, the sponsors of the earmark neglect to explain why 10 years of strategic planning have been insufficient to accomplish this center's stated purpose.

Our current economic situation and our vital national security interest concerns require, now more than ever, that we prioritize our Federal spending. We need to prove to the American people that we are serious about changing the way we do business and we should start with ending the practice of earmarking. We need to put our national priorities first and eliminate unnecessary wasteful earmarks such as the Iowa Vitality Center.

The Agriculture appropriations bill for the year 2010 spends about $123 billion in direct and mandatory spending, an amount that is approximately $234 million above the administration's budget request. We debate this legislation in the shadow of the fiscal year 2009 omnibus bill, the omnibus bill which doled out $108 billion for U.S. Department of Agriculture programs, as well as the infamous economic stimulus package which provided another $26.5 billion in agricultural spending. So 2009 is certainly a good year to be a U.S. Department of Agriculture program office.

I acknowledge that many of the programs funded by this are valid for providing important services to the agricultural community at large. I commend the members of the Senate Appropriations Committee for reporting this bill in a timely manner. I agree we should ensure that our farmers stay out of the red and that some Federal involvement is necessary to assist low-income families under the nutrition programs.

Unfortunately, Congress once again has conformed to the practice of diverting precious taxpayer dollars into an array of special interest projects which have not been authorized or requested, and in the case of two of these, they have been requested to be terminated by the administration.

The committee report accompanying this bill contains 296 congressionally directed spending items, a fancy new term for ''earmarks,'' totaling over $220 million. None of these projects was requested by the administration. Many of them were not authorized or competitively bid in any way. No hearings were held to judge whether these were national priorities worthy of scarce taxpayer dollars. They are in this bill for one reason and one reason only—because of the prerogatives of a select few Members of the Senate to serve their own interests over those of the American taxpayer.

Let's take a look at some of the earmarks. Let's take a look at some of the earmarks that are in this bill and its accompanying reports. There is $250,000 for gypsy moth research in New Jersey. Don't gypsy moths travel all over the country? Why just New Jersey? Over the past 10 years, the taxpayer has funded $42.8 million worth of gypsy moth research.

There is $500,000 for the hemlock woolly adelgid at the University of Tennessee. This is an aphid-like insect. That is a lot of money for that bug.

There is $235,000 for noxious weed management in Nevada. I think a better term for this one is obnoxious. Over the past 10 years, over $15.4 million has been earmarked for Nevada noxious weed management.

There is $200,000 for cotton research at Texas Tech University. Congress subsidizes the industry, the cotton industry, to the tune of $3 billion a year.

There is $300,000 for floriculture at the University of Hawaii. Nearly $3.5 million has been earmarked for floriculture in the past 10 years.

There is $165,000 for the Maple Research Center at the University of Vermont. According to the center's director, Tim Perkins, Maple syrup science is a nose-and-mouth science. The technical term is organoleptic, which means you put it in your mouth and taste it, says Perkins. We get people who know the flavor of maple syrup, and off-flavors, and they try each one. Laboratory tests using gas chromatography provide a breakdown of the many compounds in the syrup, which supplements the tastebud approach. Since 1998, the University of Vermont Proctor Maple Research Center has received over $2.1 million in earmarks.

There is $75,000 for farm safety education for children in Iowa. Who better than a bureaucrat in Washington to teach a farmer's children to be safe. The 10-year total for earmarks for Iowa farm safety education—over $4.2 million.

There is $300,000 for shrimp aquaculture research at the University of Southern Mississippi Thad Cochran Marine Agricultural Center. Over the past 10 years, we have earmarked over $30.4 million on shrimp aquaculture research.

There is $1 million for potato research at Oregon State University. We have earmarked, over the past 10 years, $7.1 million for potato research.

There is $600,000 which is gobbled down by the National Wild Turkey Federation for projects in Nebraska, Georgia, Mississippi, and South Carolina. Since fiscal year 2004, the National Wild Turkey Federation has received over $1.7 million in earmarks.

There is $265,000 for minimizing blackbird damage to sunflowers in North and South Dakota. This is an earmark ''regular'' for the Agriculture appropriations bill. Evidently the South Dakota sunflowers have a rather serious Alfred Hitchcock ''Birds'' problem. According to the USDA, blackbird management in North and South Dakota has received over $1.2 million over the past 5 years.

There is $200,000 for Washington State University to study goatgrass. Since 2003, $767,000 has been earmarked for goatgrass research.

There is $372,000 for the University of Pennsylvania to study dairy farm profitability. If you are relying on a federally mandated study to make your dairy farm profitable, you might want to find a new business plan, because nearly $3.8 million has been earmarked for dairy farm profitability over the last 10 years.

There is $288,000 for the Iowa Soybean Association. Since 2002, over $3.3 million has been earmarked for the Iowa Soybean Association. There is $1 million for Mormon cricket control in Nevada; the 10-year total for Mormon cricket control, nearly $13.7 million. There is $260,000 for wine grape research at Washington State University. According to Washington State University's own Web site, the wine industry generates $3 billion in their State, so we are going to pour another $260,000 into it. There is $350,000 for the Wisconsin Department of Agriculture to support the ''specialty meats industry.'' Specialty meats industry? Since 2004, the Wisconsin specialty meats industry has received over $12.7 million in earmarks. There is $340,000 for the Center for Beef Excellence in Pennsylvania. According to their own press release, the center was established by the Pennsylvania Department of Agriculture just last year. At least we can agree that a $340,000 handout from Congress is quite a good start. Over $1 million has been earmarked to the Center for Beef Excellence since 2005. There is $450,000 for the University of Northern

Iowa to study agriculture-based lubricants. They have received over $3 million in the last 10 years.

It is not surprising that the largest earmark in this bill goes to Hawaii. The Aloha State bags $5 million to continue construction of an Agricultural Research Service center to study agricultural practices in the Pacific. As my colleagues might know, ARS construction is one of the most heavily earmarked accounts in government, so much so that the President's budget actually proposed zeroing out Agricultural Research Service center construction for fiscal year 2010 because ''Congress routinely earmarks small amounts of funding for [these projects] located throughout the nation. The result of scattering funding in this manner is that . . . few, if any, of the projects are able to reach the critical threshold of funding that would allow construction to begin. Funding construction over such a long time significantly increases the amount of money needed to fully complete these projects as well as postponing their completion for many years.''

So here we have a program that is earmarked so severely that it delays and drives up the cost of approved construction projects. Not only are we defiantly funding this Hawaiian facility, the bill provides a total of $47 million for a list of 15 of these facilities ranging from $4 million for a fruit lab in West Virginia to $2 million for an animal waste research facility in Kentucky.

Another amendment I have filed proposes striking the $50.7 million contained in this bill for USDA's Resource Conservation and Development Program, known as RC&D. The RC&D Program was created in 1962 to promote resource conservation through community-based conservation leadership councils. The RC&D councils have helped to leverage local funding for efforts such as soil mapping or erosion control for rural areas. The administration supports terminating this program because, in their own words:

After 47 years, the goal of the RC&D program has been accomplished. These councils have developed sufficiently strong state and local ties . . . and are now able to secure funding for their continued operation without Federal assistance. The program has been in operation for decades and these councils have a proven track record of success, showing that they have outlived the need for Federal funding.

A half-century-old program proposed for termination by this administration, yet retained by appropriators for its spoils.

I could go on for a long time.

This bill funds several other government programs that were proposed for termination in the President's budget. I filed amendments to strike these programs as well as zero out the ARS construction account. If successfully adopted, these amendments would save taxpayers over $144.5 million. As I have said throughout my comments, some of these programs may have merit and may be helpful to the designated communities. But considering our current budgetary crisis, it is inappropriate to include them in this year's agricultural spending bill, especially when they have been identified for termination or reduction.

I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this Agriculture bill. This bill is intended to address farmers, women, children, and rural communities with the greatest need and should not be used as a vehicle for piggybacking pet projects to get the support of special interest constituents.

It is no surprise that many of these earmarks are not included for practical purposes. I know many of my colleagues have spoken about the economic struggles of America's hard-working farmers and low-income families. The farmers and struggling families I know are tired of watching their hard-earned money go down the drain. I intend to fight every single unnecessary, unrequested, unauthorized earmark in this and every other appropriations bill.

I filed 313 amendments to this bill. The bulk of those amendments seek to strike the 296 earmarks, now humorously called ''congressionally directed spending items,'' in the committee report on this bill. I have now offered only three of these amendments. Let me assure my colleagues I have no problem with offering, debating, and voting on each and every one of the amendments I have filed. The time has come to end this practice.

This first amendment, which we may vote on today, I want to emphasize, eliminates, as recommended by the President and the Office of Management and Budget, the U.S. Department of Agriculture's High Energy Cost Grants Program, a $17.5 million subsidy designed to pay for energy generation systems in rural areas. It was proposed for termination by the administration because it is duplicative of existing programs. Under the fiscal year 2010 budget, the rural utility service program would provide $6.6 billion in electric loans at no cost to the taxpayers. Senators should know there is $20 million in unobligated high energy cost grants still available from last year.

I urge a ''yes'' vote on my amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KOHL. Mr. President, the Senate began work on the Agriculture appropriations bill last Thursday. Senator BROWNBACK and I were here then to consider amendments Senators might wish to offer. We were back on the bill Friday, and we were again prepared to consider amendments. It is my hope we can complete action on the bill today. The filing deadline for first-degree amendments was 3:30, and a cloture vote is scheduled for 5:30. Once we finish this bill, the Senate still has important work to do this week before the start of the August recess. I hope any Senator who has an amendment to offer will come to the floor in the next few hours to see if we can dispose of all remaining issues and make it possible to go to final passage as early as this evening.

AMENDMENT NO. 2233 TO AMENDMENT NO. 1908

I ask unanimous consent to set aside the pending amendment and call up the following amendment which is at the desk and ask for its immediate consideration: Kohl amendment No. 2233.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 2233 to amendment No. 1908.

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

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

The amendment is as follows:

(Purpose: To provide the Food and Drug Administration the ability to collect user fees as authorized by the Family Smoking Prevention and Tobacco Control Act)

On page 59, line 22, strike ''2,995,218,000'' and insert ''3,230,218,000''.

On page 60, line 9, strike ''and''.

On page 60, line 12, after ''expended'', insert ''; and $235,000,000 shall be derived from tobacco product user fees authorized by the Family Smoking Prevention and Tobacco Control Act (Public Law 111–31) and shall be credited to this account and remain available until expended''.

On page 60, line 14, strike ''and'', and insert after '', and tobacco product'' after ''generic drug''.

On page 61, line 12, strike (7) and insert ''(8)''; after ''Research;'' insert ''(7) $216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs;''; and strike ''$115,882,000'' and insert ''$117,225,000''.

On page 61, line 15, strike ''(8)'' and insert ''(9)''.

On page 61, line 16, strike $168,728,000'' and insert ''$171,526,000''.

On page 61, line 17, strike ''(9)'' and insert ''(10)''.

On page 61, line 18, strike ''$185,793,000'' and insert ''$200,129,000''.

Mr. KOHL. I ask unanimous consent for the adoption of this amendment and the Tester amendment No. 2230 which has been approved by both sides.

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

The amendments (Nos. 2233 and 2230) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BROWNBACK. Mr. President, I ask my colleagues, if people have amendments, that they come down to the floor now and start working on these. It would be my hope we can move through this bill as fast as possible so that we can get to the debate on Judge Sotomayor and have as much time as possible to deal with that. I urge colleagues to start working with us on these issues. By unanimous consent, the cloture vote has been scheduled for 5:30 today. There are things we need to get resolved; they should be taken care of now.

AMENDMENT NO. 2229, AS MODIFIED

Mr. BROWN. I send a modification to my amendment No. 2229 to the desk and ask unanimous consent that it be accepted as modified.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) The Commissioner of Food and Drugs may establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided,* That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further,* That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs may establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: *Provided,* That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further,* That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further,* That for the purposes of this section the term ''neglected disease of the developing world'' means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the establishment of review groups under subsections (a) and (b), a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

Mr. BROWNBACK. This is an amendment that has been cleared by both sides. It is on neglected and rare diseases. Senator BROWN has asked to be a cosponsor. I ask unanimous consent that the pending amendment be set aside and that this be considered the pending amendment and that it be passed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. If there is no further debate on the amendment, the question is on agreeing to amendment No. 2229, as modified.

The amendment (No. 2229), as modified, was agreed to.

Mr. BROWNBACK. What we are trying to do is to work through the amendments to the degree we can. We certainly want to. I ask our colleagues to bring those to the floor as soon as they possibly can.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HAGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

SOTOMAYOR NOMINATION

Mrs. HAGAN. Mr. President, today I am pleased to rise in support of Judge Sonia Sotomayor's nomination to be an Associate Justice of the Supreme Court of the United States. Judge Sotomayor's background demonstrates that she is an extremely well-qualified, mainstream judge who has the utmost respect for precedent and believes in fidelity to the law.

I have always said I do not believe in a litmus test for judicial nominees, and I will look at the nominee's record as a whole. Judge Sotomayor's record, in its entirety, is nothing short of impressive. With 17 years on the Federal bench, she has more Federal judicial experience than any Supreme Court nominee in 100 years.

Judge Sotomayor has a compelling, ''pull yourself up by your bootstraps'' personal story. She was raised by a single mom who emphasized education as she struggled to support her family while working as a nurse. With her mother's strong work ethic and focus on education deeply ingrained in her, Judge Sotomayor went on to graduate summa cum laude from Princeton University, and she received her law degree from Yale Law School, where she was editor of the Yale Law Journal.

She then became a prosecutor in the Manhattan District Attorney's office, where she was tough on criminals and gained valuable perspective for her later career as a judge. She also became active in many areas of her community, showing her desire to serve others and promote justice in society. Having served as a volunteer for many efforts in my hometown of Greensboro, North Carolina, I know how serving others can enhance one's understanding and appreciation of the world.

After her time as a prosecutor, Judge Sotomayor went into practice as a commercial litigator, where she dealt with business and finance law—an area of importance to my State of North Carolina. In 1991, upon the recommendation of then-Senator Daniel Patrick Moynihan of New York, she was nominated by President George H.W. Bush to serve as a Federal judge for the Southern District Court of New York, and in 1992 she was unanimously confirmed for that position by the Senate.

While serving as a district court judge, she was known for her toughness, fairness, and dedication to the law—characteristics of a strong judge. Because of her outstanding record on the district court level, Judge Sotomayor was nominated, in 1997, by President William Jefferson Clinton, to serve as a judge on the U.S. Court of Appeals for the Second Circuit. In 1998, the Senate confirmed her by a wide margin.

Among the Senators voting for her confirmation was former North Carolina Senator Jesse Helms. I would like to think that Senator Helms saw in Judge Sotomayor the same qualities President Obama saw: fairness of mind, supreme intellect, and an unsurpassed devotion to the law and to our system of government.

Some opponents have repeatedly brought up a few select comments made by Judge Sotomayor to suggest that she will not be impartial. However, Judge Sotomayor has made it clear she does not let her background influence her interpretation of the law. Her statements to the Judiciary Committee and her 17-year record on the bench confirm this.

As Judge Sotomayor has said:

> My record shows that at no point or time have I ever permitted my personal views or sympathies to influence an outcome of a case. In every case where I have identified a sympathy, I have articulated it and explained to the litigant why the law requires a different result.

Judge Sotomayor has also said that as much as her experiences influence her perspective, they have also taught

her to be aware of other people's perspectives. In 2001, she said:

I am reminded each day that I render decisions that affect people concretely and that I owe them constant and complete vigilance in checking my assumptions, presumptions and perspectives and ensuring that to the extent that my limited abilities and capabilities permit me, that I reevaluate them and change as circumstances and cases before me require.

As Judge Sotomayor said in her confirmation hearing, her underlying judicial philosophy is ''fidelity to the law.'' In an independent study, Supreme Court expert Tom Goldstein looked at 97 race-related cases in which Judge Sotomayor participated while on the Second Circuit. He found that she and the rest of her panel ''rejected discrimination claims roughly 80 times and agreed with them 10 times.'' The circuit rejected discrimination claims by a margin of 8 to 1. Goldstein wrote: ''Of the 10 cases favoring claims of discrimination, 9 were unanimous'' and ''of those 9, in 7, the unanimous panel included at least one Republican-appointed judge.''

''Given that record,'' Goldstein concluded, ''it seems absurd to say that Judge Sotomayor allows race to infect her decisionmaking.''

Judge Sotomayor has also demonstrated she does not legislate from the bench, and she gives deference to Congress in clarifying the intent of laws. In her dissent to the majority's opinion in Hayden v. Pataki, Judge Sotomayor wrote:

The duty of a judge is to follow the law, not to question its plain terms. I do not believe that Congress wishes us to disregard the plain language of any statute or to invent exceptions to the statutes it has created.

She also said:

I trust that Congress would prefer to make any needed changes itself, rather than have courts do so for it.

Additionally, a comprehensive study of Judge Sotomayor's criminal appellate decisions by the majority staff of the Senate Judiciary Committee found, as an appellate judge, Sotomayor sat with Republican-appointed judges on more than 400 criminal cases. In those cases, she agreed with all Republican-appointed judges 97 percent of the time; and she agreed with at least one Republican-appointed judge 99 percent of the time.

Judge Sotomayor's sensible attitude toward following the law and her ability to objectively evaluate all angles of her cases has resulted in high ratings and endorsements by numerous organizations.

The American Bar Association unanimously found Sotomayor to be ''well qualified,'' which is the highest rating the ABA gives to judicial nominees. The Congressional Research Service conducted an analysis of her opinions and concluded:

As a group, the opinions belie easy categorization along any ideological spectrum. . . . Perhaps the most consistent characteristic of Judge Sotomayor's approach as an appellate judge has been an adherence to the doctrine of stare decisis, i.e., the upholding of past judicial precedents.

Judge Sotomayor has an impressive list of law enforcement endorsements and supporters, including the International Association of Chiefs of Police; the National Association of Police Organizations; the National District Attorneys Association; the Fraternal Order of Police; the National Latino Peace Officers Association; the Federal Law Enforcement Officers Association; the Federal Hispanic Law Enforcement Officers Association; the National Organization of Black Law Enforcement Executives; and the National Sheriffs' Association.

Judge Sotomayor has also been endorsed by the U.S. Chamber of Commerce, which stated:

The Chamber evaluated Judge Sotomayor's record from the standpoint of legal scholarship, judicial temperament, and an understanding of business and economic issues. Based on the Chamber's evaluation of her judicial record, Judge Sotomayor is well-qualified to serve as an Associate Justice of the U.S. Supreme Court.

The nonpartisan Brennan Center for Justice reviewed all of Judge Sotomayor's constitutional law decisions and said:

Based on this exhaustive review, the conclusion is unmistakable: in constitutional cases, Judge Sotomayor is solidly in the mainstream of the Second Circuit.

Judge Sotomayor's former law clerks wrote a letter endorsing her nomination, in which they said:

As former law clerks to Judge Sotomayor, each of us can attest to her intellectual prowess, extraordinary work ethic, and commitment to the rule of law. Working for Judge Sotomayor is an awe-inspiring experience. We each had the privilege of working closely with her as she confronted, and resolved, incredibly complex and intellectually demanding legal challenges. Judge Sotomayor approaches each case with an open mind and arrives at her decision only after carefully considering all of the pertinent facts and applicable rules of law.

The law clerks said they agree with many of Judge Sotomayor's other colleagues, who ''respect her intellectual dynamism, collegiality, and balanced, fair jurisprudence.''

I would like to thank and congratulate the members of the Judiciary Committee for holding an extraordinarily civil and open Supreme Court nomination process. I commend President Obama for selecting a woman, a Hispanic, and, above all, an extremely well-qualified nominee. I am thrilled to have the opportunity to be a part of this historic moment, and if she is confirmed, I believe she will serve our country well.

Based on my conversations with the nominee, her statements in her confirmation hearings, and my review of her record, I intend to support her confirmation when it is voted upon later this week, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I join my colleagues in congratulating Senator LEAHY and Senator SESSIONS for their work on the Sotomayor nomination. The process was fair to both sides, and, most importantly, fair to the nominee.

I am pleased to rise in support of Judge Sotomayor, an individual whose life story is an inspiration to millions of Americans. A child of immigrants with modest means, Judge Sotomayor has risen by dint of exemplary academic accomplishment and hard work to the cusp of confirmation to our Nation's highest Court.

But Judge Sotomayor is much more than just a story of accomplishment. She has shown herself to be a judge truly worthy of elevation to the Supreme Court. Both on the bench and before this committee, Judge Sotomayor has proved she has the necessary character, competence, and integrity to serve on the Supreme Court. Her distinguished 17-year record on the bench demonstrates a commitment to fair and impartial application of the law and respect for the values which make up our Constitution.

At her hearing, Judge Sotomayor assured us she will listen with an open mind to all sides of an argument and that she will be mindful of the very real impact her decisions will have on each and every American. She pledged fidelity to the Constitution and to the Court's precedent, as well as a responsibility to cautiously review precedent when justice requires.

As we conclude the Senate's action on Judge Sotomayor's nomination this week, I believe we need to reflect upon the role that confirmation hearings play in the Senate's duty to advise and consent. While I have no reservations about my support for Judge Sotomayor, I share the concerns expressed by many Americans, legal commentators, and others on the Judiciary Committee about our committee's ability to have candid and substantive conversations with nominees about the issues Americans care about.

We all know the confirmation process is crucial. It is the public's only opportunity to learn about a nominee before he or she serves for life on the highest Court in our land. But, for many years now, we have seen a familiar pattern from nominees—Democratic and Republican alike—who have learned the path of least resistance is to limit their responses and cautiously cloak them in generalities.

Understandably, nominees do not want to risk their confirmation by saying anything that might provoke potential opponents. We cannot ask nominees to disclose how they would vote on cases that might come before them. But it is reasonable for us to ask them to speak more openly about past Supreme Court decisions and how they would decide cases that are close calls—what reasoning they would use and what factors they would consider.

The concerns I raise do not reflect any personal criticism about Judge

Sotomayor. I think she responded to our committee's questions with great intellect and sincerity and that she has rightly earned bipartisan praise.

However, going forward, I hope together we can explore ways to achieve the greater candor that the confirmation process demands and deserves. For example, we could convene a bipartisan group of Judiciary Committee members, members of the bar, constitutional scholars, and perhaps even members of the media who have experience following the Court and our hearings to help us determine what specific questions we can and should expect substantive answers about. If we can do this, then the committee's unique opportunity to engage nominees in the great legal questions facing our Nation will more effectively serve the Senate as we fulfill our constitutional duty.

In the meantime, I commend President Obama for nominating Judge Sotomayor—a woman of great ability who has demonstrated an enduring commitment to public service and to the law. I look forward to her tenure on the Court.

AMENDMENT NO. 2241 TO AMENDMENT NO. 1908

Mr. JOHANNS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 2241.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS], for himself and Mr. NELSON of Nebraska, proposes an amendment numbered 2241 to amendment No. 1908.

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

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

The amendment is as follows:

(Purpose: To provide funding for the tuberculosis program of the Animal and Plant Health Inspection Service)

On page 19, line 9, before the period, insert the following: "': *Provided further*, That of the amount available under this heading, at least $17,764,000 shall be used for the tuberculosis program (including at least $3,000,000 for tuberculosis indemnity and depopulation)".

Mr. JOHANNS. Mr. President, I rise to discuss my amendment to increase funding for USDA's tuberculosis program by $2 million.

In early June, TB was discovered in a beef cattle herd in Rock County, NE. As many of my colleagues know, this is a disease that can spread very quickly among cattle. It is also transmissible to humans.

This is not just a Nebraska issue or a Midwest issue. As I speak, California, Michigan, Minnesota, and New Mexico are battling the effects of TB. Other States, including Colorado, South Dakota, and Texas have had TB scares as well. Although, thankfully, up to this point they have not seen any change in their TB status. This problem could impact the beef industry nationwide, and it is critical that we do everything we can to eliminate it immediately when it is discovered.

In Nebraska, thankfully, only two animals in the entire herd tested positive for the disease, and they were put down to prevent further spread. Since that time, Nebraska State officials have worked side by side with USDA officials to test the infected herd, as well as several neighboring herds, which is the process. Based on the latest reports from home, 8,900 cattle have been tested to date, and all have, thankfully, tested negative for TB. That is great news.

I commend the efforts of the veterinarians and the government officials on the ground in Nebraska. I thank those officials for their efforts. They have been aggressively dealing with this issue every day since the initial discovery. I wish to thank the USDA specifically for providing significant expertise and personnel to assist with the ongoing testing. The Department's assistance has been sound and it has been steady. We greatly appreciate it, but the work is not yet done. The testing is not quite complete. Hopefully, the results will keep coming back negative, but, regardless, we are going to remain vigilant.

We must make sure the USDA has the resources on hand to respond in the event that further cases of TB are discovered. That could be anywhere in this country. TB can have a crippling impact on a State's beef industry. It can negatively impact the ability of State producers to shift cattle State to State, and, of course, potentially it can have an impact on export markets.

Ranchers cannot afford to have their State lose its TB-free status. Anytime a disease such as TB is discovered in a herd, it is absolutely critical the infected herd be depopulated immediately. I say that from my experience as a former Secretary of Agriculture. Depopulation is oftentimes essential. Doing so significantly decreases the likelihood of the spread of the disease. It also reassures the rest of the beef industry that we will always respond decisively to combat the spread of the animal disease.

We need to send a strong signal to our producers that they will have our support if they come forward when they discover the herd has a problem. If depopulation indemnity funds are not available, a producer literally may hesitate to disclose the information. Then the problem festers and it festers and it spreads. We simply cannot take that kind of risk. Consumer confidence and producer trust are far too important.

It is imperative that we make sure USDA has the funding and the tools on hand to deal with existing TB problems and to take swift action in the event of future TB discoveries. That is why I am offering this amendment—to make sure the resources are there.

At this point I ask unanimous consent that a letter supporting my amendment from the National Cattlemen's Beef Association be printed in the RECORD.

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

NATIONAL CATTLEMEN'S BEEF ASSOCIATION,
*Washington, DC, August 3, 2009.*

Hon. MIKE JOHANNS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR JOHANNS: I am writing today in support of your amendment to the Fiscal Year 2010 Agriculture Appropriations bill that increases United States Department of Agriculture (USDA) funding for bovine tuberculosis (TB) indemnity and depopulation. Bovine TB is a contagious animal disease that the cattle industry and Federal government have been working to eradicate for close to 100 years. In order to eventually eradicate this disease, infected herds must be depopulated quickly and the fanner or rancher must be compensated in a fair and equitable way for the value of lost cattle. Your amendment will go far in helping with this effort.

The work done by the Animal and Plant Health Inspection Service (APHIS), the Food Safety Inspection Service (FSIS), and state and industry partners, has been critical in containing and managing this disease. FSIS maintains a robust TB surveillance program at harvesting facilities to ensure that no cattle with TB enter the food supply. This illustrates the effectiveness of the food safety measures utilized in the beef industry. In recent years, APHIS has intensified their TB surveillance and has indicated that the disease has nearly been eradicated. We also know that wildlife play a critical part in the transmission of the disease, and industry is working with both Federal and state governments to address this.

In our combined effort for eventual eradication, the national tuberculosis eradication program has successfully reduced the incidence of the disease in U.S. cattle. There continues, however, to be a low incidence of TB as evidenced by the handful of newly identified infected herds over the past several years. These additional cases are in part due to intentional intensified surveillance activities, and the infected animals, along with their herd mates, are then quarantined in order to control the disease and minimize its impact on cattle movement and markets. This has proven to be the most effective method to protect our domestic cattle herd since the national program began in 1917.

We support USDA's efforts to eradicate this disease, but historically we have not seen enough funding to adequately compensate farmers and ranchers for cattle that had to be depopulated. It is evident with the limitations of current technology, the wildlife vector, and the complicated nature of TB, that the current amount of Federal funding is not adequate. More funding and research is needed to provide better answers and solutions. Until those solutions are found, we need timely and adequate funding to depopulate any current beef herds and compensate cattle producers for their losses. Since TB is a concern across the country, this amendment will help to provide that needed compensation and allow the TB eradication program to be successful.

We urge the Senate to vote YES on your amendment during floor consideration of this bill. Thank you for your leadership and support of U.S. cattle producers.

Sincerely,

GARY VOOGT,
*President.*

Mr. JOHANNS. Finally, I urge my colleagues to support this very important amendment to make the resources available to the USDA, and I urge my colleagues, if they have any questions, to get in touch with us. This is a very important issue.

With that, I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Mr. President, the Senator's amendment would increase the amount in this bill from $15.7 million to $17.7 million. The amendment would require at least $3 million to compensate producers for losses. The Secretary currently has access to the Commodity Credit Corporation to compensate producers, and we hope the Secretary will use those funds as needed.

Since this amendment would reduce other animal and plant health activities, I must oppose it at this time.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

GUANTANAMO BAY

Mr. BROWNBACK. Madam President, the reason I ask that on this bill—and I do urge my colleagues to come forward to speak on the Agriculture appropriations bill. We have already cleared some amendments, and we need to move forward.

Something happened yesterday that affected my State directly, and that was the statement by the administration—or leak from the administration—that they are considering moving Guantanamo Bay detainees to my State, associated with Fort Leavenworth. This has riled up everybody. I was just there this morning, and we had 100 people who came out after very short notice. It is virtually unanimous in their opinions—not everybody but close to everybody is opposed to this idea for a multiple set of reasons.

Moving the Guantanamo Bay detainees to Fort Leavenworth and the Fort Leavenworth area would not work, to start off with, and will significantly hurt the core educational and international mission of the fort. On top of that it is totally unnecessary. I hope the administration will start to rethink this idea of moving the Guantanamo Bay detainees. I think it is a bad idea that we replicate the facility we already have at Guantanamo Bay somewhere in the United States because we already have a facility to hold the detainees. We already have a facility to try the detainees. It is all set up. I was there. I led a congressional delegation a couple of months ago. They are being humanely treated, and if they are not, and if there are credible reports that they are not, then let's work on fixing Guantanamo Bay rather than moving the detainees to the United States.

If there are problems, let's fix them rather than just say we are going to change the name of the place and we are going to move the detainees from Guantanamo Bay to Leavenworth. We are not going to change the opinion of the world of the United States one iota by substituting the name ''Leavenworth'' for the name ''Guantanamo Bay,'' creating a replica of what we already have at Guantanamo Bay, only somewhere else. It would cost hundreds of millions of dollars we don't have when we already have an $11 trillion debt, and it is growing at a rate of nearly $2 trillion a year. So why would we spend hundreds of millions of dollars doing something that is not going to change world opinion, replicating a facility that we already have, that slows the process? This doesn't make any sense.

On top of that, what is being considered at Leavenworth would not work. The fort at Leavenworth—if I could just talk to my colleagues about this, and I hope they will look at the factual setting. Fort Leavenworth is one of the smallest Army bases we have around the world. It is 8 square miles. It butts up in and is a part of an urban area of Kansas City. It has on its border a river and a train that goes through about every 25 minutes. It is not the secure facility one would need to have for these detainees. We don't have any setbacks like we have in a number of other facilities, and it has one of the highest population densities per square mile or square foot of any of our military bases because it houses the Command and General Staff College of the military.

If I could just point out that facility to my colleagues—and I hope some of them come and attend and address the Command and General Staff College. We get students from around the world on a regular basis at that facility. Generally, some 90 countries at any one point in time have students at the Command and General Staff College. Of these 90 countries that send students for their Army training for their military, half of those students will become general flag officers before their career is done. A number of them will become civilian leaders in their own country as well. So you get the cream of the crop from around the world. They come here. They also meet with our future military leaders, and this is the training center they have. It is the Command and General Staff College at Fort Leavenworth.

The primary mission of Fort Leavenworth is that training as well as that relationship and integration between our U.S. Army forces and forces of militaries, Army forces from around the world, which is critically important when you go into places such as Pakistan or Afghanistan or you are working with the Jordanians or the Egyptians, just to name a few. They send leaders from all of those countries, future flag officers to Fort Leavenworth to be trained. We have already heard in canvassing students from Jordan, Egypt, and Pakistan that they will pull their students from Fort Leavenworth if the detainees are moved there. They don't want to have their military leaders, their future military leaders at the same place that the detainees are being held in the United States, and they have already stated that to us.

So we are going to hurt the core mission of Fort Leavenworth in a facility that doesn't have setbacks to safely handle this for no gain. I would point out that I spoke with the commanding general at Fort Leavenworth yesterday. I called him after I heard about this report on MS-NBC. That was how I got the news of it. My wife was on the Internet, and she was on MSNBC's Web site and she sees that they are thinking about moving the Gitmo detainees to either Leavenworth or Michigan. That didn't set very well with me, that that is how I learned about this to start off with.

As I started calling around, I called the commanding general, and he said he learned about it pretty late as well and has difficulties, although he is a military man. He will salute and take orders and do what he is directed to do, but he is not—he needs to be asked and brought in to testify about what his opinion would be about this issue. I talked to the Governor in Kansas last night. The Governor, a Democratic Governor, has issued a statement previously opposed to this move taking place to Fort Leavenworth. The Congresswoman from the area was there this morning opposed to this move. The mayor of Leavenworth was there opposed to this move.

We have voted in this body virtually unanimously—close to a unanimous vote—that you have to work with local officials before the Gitmo detainees can be moved anywhere into the United States. Well, the local officials are uniformly opposed to this at Leavenworth, and we wake up and it is in the morning paper and nobody has been consulted about it.

I wish to say the detainees in my estimation deserve appropriate humane treatment. They deserve to be treated under our international obligations. If they are not getting that, then that needs to be changed, and it needs to be changed at Guantanamo Bay. I hope we would have international investigations to tell us what is not being met that we are required to do, that is not being done. I have not seen any credible international reports that say there are things we are not doing that we should do at Guantanamo Bay. There is a gray category that is involved where you have enemy combatants who don't represent a foreign country, and that is a big part of our problem. There is also a very tough area, and that is—I saw this when I was at Guantanamo Bay—a number of the detainees are continuing the fight

today. While in prison, at Gitmo, they continue the fight. So whoever gets these or takes these detainees is going to have to be prepared to have the continuation of the war on terrorism happening near them and happening in the prison facility. That is not everybody, but some of them continue to fight in prison. That is going to be a difficult situation for whoever is to handle it.

On top of that, our folks at Leavenworth—we have prisoners in there, and the town is proud of their ability to handle various prisoners. Their concern is not keeping the detainees in, because you can staff up for that, but it is keeping out people who seek to get in or make a statement in that area. Plus, they would have to scale up their facilities.

We have a medium-security Bureau of Prisons facility. It is not maximum security. We have a dominated medium-security disciplinary barracks there, and we have space for 25 maximum-security prisoners—only 25. You would have to move out all of the current military personnel convicted in military courts who are held in the disciplinary barracks. We are not situated to handle this. It would cost a huge amount of money, and it would not be safe to do it at Leavenworth. It is a bad idea for us to do that there.

I ask the President to come to Leavenworth. He was invited by the mayor this morning. He can look at the facility and examine it himself. The Attorney General can come and examine the facility, look at it, and see what estimation they come up with after examining and looking at the facility. I understand they are looking at some sort of hybrid facility. We don't have the situation to be able to house it in Kansas.

On top of that, I ask the President to really listen to the American people. The American people don't want these detainees moved to the United States. They don't want to hurry up artificial timelines set for moving the detainees to the United States, and they feel the President should be listening to them and not to European leaders or somebody around the world who doesn't like the Guantanamo Bay facility and thinks it has a bad name. Listen to the American people on this issue.

I ask that the President come and talk to the Members of Congress who may be impacted by this and ask our opinions and look at what is taking place. This is being rushed. It is on an artificial time deadline. It doesn't need to happen. It is replicating a facility we have, at a cost of hundreds of millions of dollars, and it will slow the process down. It is a bad idea chasing a bad idea with an artificial time limit. I ask that the President not do that.

My colleague and I from Kansas will fight every step of the way to keep this facility from being moved to Kansas. We are representing our constituents, who don't want these detainees moved to Kansas. We are going to fight it every step of the way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. 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. KOHL. Madam President, I received a Statement of Administration Policy from the Executive Office of the President relating to the Agriculture appropriations bill. I will read from that document at this time:

> The administration strongly supports Senate passage of H.R. 2997, with the Committee-reported text of S. 1406, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010.
>
> A strong, vibrant rural America is central to the Nation's future. The bill, as reported by the Committee, makes important investments in infrastructure so economic progress does not bypass rural communities. The legislation also provides the resources necessary to keep food and medicines safe and reliable. It provides critical support for farmers to continue the Nation's leading role in feeding the world. In addition, this legislation addresses chronic problems facing Americans, including poverty, nutrition, and housing.
>
> Moreover, the legislation responds to the President's call for investments in programs that work while ending programs that do not. This legislation gives priority to merit-based funding in critical infrastructure programs. The Administration urges the Congress to continue to apply high standards to funding decisions so taxpayer money is spent efficiently and effectively.

Madam President, I am grateful that the executive branch has recognized the good work done to craft this bill in a way that meets the serious requirements of our country. Again, I thank the ranking member, Senator BROWNBACK, for his help. This is a good bill, and I urge all Senators to support its passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. 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. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 12 minutes.

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

SOTOMAYOR NOMINATION

Mr. UDALL of New Mexico. Madam President, I rise today to talk about Judge Sotomayor's experience, and I also want to talk about empathy.

In the period since President Obama nominated Sotomayor, some of her opponents have done their best to give empathy a bad name. I think that is a shame. It would be sad for us to confirm Sonia Sotomayor but allow her empathy to be discredited as a human emotion and a judicial asset.

During his confirmation hearings, Clarence Thomas said:

> What I bring to this Court, I believe, is an understanding and the ability to stand in the shoes of other people across a broad spectrum of this country.

Justice Thomas's description of empathy captures one thing Sotomayor would bring to this Court: a diversity of experience and the ability to stand in the shoes of other people.

During her opening statement before the Judiciary Committee, Judge Sotomayor talked about her experience as a prosecutor in New York for legendary district attorney Bob Morgenthau. She said:

> I saw children exploited and abused. I felt the pain and suffering of families torn apart by the needless deaths of loved ones. I saw and learned the tough job law enforcement has in protecting the public.

According to those who knew and worked with her, Judge Sotomayor was an excellent prosecutor. She knew the law, she studied the facts, and she did the hard work to keep people safe from crime. In this difficult job, she benefited from her empathy. Judge Sotomayor felt the pain and suffering of families destroyed by crime. She felt the difficulties law enforcement officers face, and she understood that her job was not just about enforcing the law, it was about ending the suffering crime brings.

During her testimony, Judge Sotomayor talked about the ''Tarzan'' case, a famous burglary and murder case she prosecuted. A quarter century later, she still feels deeply the impact of that crime. I was struck by her description of how the murder of a son devastated the lives of his mother and grandmother, how one act of violence produced ripples that destroyed a family and weakened a community, and how the family and the community demanded justice.

When I served as a Federal prosecutor, I learned that empathy is every bit as important as legal knowledge and good judgment. A prosecutor who reads the facts of a crime and cannot empathize with those involved is not just a strange person, he or she is likely to be an ineffective lawyer. A proper respect for the law demands a recognition that individuals involved in a legal dispute are not abstractions; they are sons, daughters, sisters, and brothers, men and women who deserve justice. Empathy allows us to recognize that, and that is essential to the practice of law. It is also an essential quality for judges.

Some Members of this body have suggested that empathy is inconsistent with impartial judgment. I disagree. Judges must, first and foremost, apply law to facts. But this process is not a mechanical calculation; it requires attention to the human impact of legal decisions. Legal reasoning that ignores

the human dimension risks inhuman outcomes to human problems. Law without empathy produces decisions such as Dred Scott and Plessy v. Ferguson. It gives you reasoned arguments and unreasonable results.

When the Supreme Court ruled in Dred Scott, its members were applying the law to the facts as they saw them. One fact they took for granted was that Dred Scott was so different as to be unworthy of legal protections. The Taney Court could not put themselves in Scott's shoes, and the result was such a rebuke to the values of this Nation that it helped drive us to civil war.

When the Court wrote in Plessy that ''the enforced separation of the two races [does not stamp] the colored race with a badge of inferiority,'' they were not misinterpreting the law. They just could not feel the sting of segregation. Or to put it another way, they failed to show empathy, and generations of Black citizens paid the price.

Of course, a judge with empathy must also determine with whom to empathize. One of my colleagues has argued that empathy for somebody is always discrimination against somebody else. Again, I disagree. I believe that justice is not a zero-sum game. Equal justice for minorities does not mean less justice for others. A judge who feels compassion for those who face the legacy of codified bigotry is not less able to sympathize with a White firefighter who has been denied a promotion. The law respects the humanity of every individual. Judges can and should do the same.

Judge Sotomayor has explained that her experience has helped her to ''understand, respect and respond to the concerns and arguments of all litigants who appear before me.'' All litigants.

As a prosecutor, Judge Sotomayor sympathized with the victims of crime. But she could also look at a defendant and see a fellow human being—somebody who deserves fairness, if not freedom. As a judge, she has ruled for civil rights claimants, and she has ruled against them. She has ruled for prosecutors and for defendants. Her compassion has not led her to come down on one side or the other. It has helped her to be both wise and fair—to treat every individual with the respect he or she deserves.

President Obama has nominated a Supreme Court Justice with a wealth of both personal and professional experience. Her experience has given her the intelligence to understand the law and the wisdom to apply it.

But it has also given her something more. Judge Sotomayor has seen housing projects and Ivy League dorms. She has defended those whom society ignores and prosecuted those who ignore society's rules. At the trial and appellate level, she has seen the human drama of American law play out in countless ways.

This experience has given her compassion for the diverse experiences that make up the American experiment. She understands in a deep and personal way that we all deserve equal justice under law. I can think of no more important qualification for a Supreme Court Justice.

She has earned her right to serve on the Nation's highest Court. I look forward to supporting her confirmation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2253, AS MODIFIED, TO AMENDMENT NO. 1908

Mr. BROWNBACK. Madam President, we are attempting to work through some amendments. I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 2253 on behalf of Senator CHAMBLISS, and the amendment be modified with the changes at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. CHAMBLISS, for himself and Mr. HARKIN, proposes an amendment numbered 2253, as modified, to amendment No. 1908.

Mr. BROWNBACK. 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 require a report on the status of the reorganization of the Foreign Agricultural Service and future plans to modify office structures)

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

Mr. BROWNBACK. Madam President, it is my understanding this amendment has been cleared on both sides, so I ask unanimous consent that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment No. 2253, as modified.

The amendment (No. 2253), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. 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. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 15 minutes.

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

CLEAN ENERGY JOBS

Mr. UDALL of New Mexico. Madam President, as I rise today, the world is engaged in a high-stakes competition. The country that wins this competition will not only produce jobs today, it will dominate the industries of the future. The competition is the race to create clean energy jobs. I want America to win, and the Congress will play a key role in deciding whether we do.

But before I talk about the decision we have to make, I want to be clear about a decision that America does not have to make. We don't have to decide whether clean energy will be the industry of the future. It will. The clean energy industry is primed to produce millions of jobs in the coming years. The question is whether these jobs will be in America. We have to answer this question now.

If we put our minds to it, Americans can produce the clean energy technologies that will power the future. The country that invented the light bulb, the automobile, and the Internet is not going to finish last when it comes to developing new ideas. But we need policies that promote innovation. Right now, we are falling behind.

Progressive policies have given other countries a lead. With a population roughly one-quarter as large as America's, Germany has more than twice as many workers developing wind energy and solar photovoltaic technologies. By 2020, more Germans will be producing clean energy than are producing German cars. Spain has almost five times as many workers in the solar thermal industry as the United States. China has more than 300 times as many. Do we want to lose this race to Germany, to Spain, to China?

Some have argued that America cannot lead on climate change; that we need to wait for countries such as China and India to act first. This would be incredibly shortsighted. If America solves its energy problems first, every country on Earth will be begging for the technologies we develop. If we don't, we will be begging for technologies developed elsewhere.

Americans always prosper by being one step ahead. We mass produced the car, and American manufacturing built the middle class. We sparked the IT revolution, and our high-tech industry still gives us high-paying jobs. Today, being one step ahead means developing

the clean energy technologies of the future before anybody else does. Waiting for China to address its emissions problems before we address ours is like waiting for an opponent to finish the race before we start to lace up our shoes.

China is not waiting for America to act. It has already implemented strong policies to promote clean energy. Chinese fuel efficiency economy standards are higher today than ours will be in 2020. They have already set a 15-percent renewable energy standard for 2020, and their government recently said they could reach 20 percent. In 2009, China became the world's largest clean energy investor. It plans to spend nearly half a trillion dollars over 10 years to ensure clean energy jobs come to China.

China's policies have already begun to pay off. It is now the leading manufacturer of wind turbines and it has 65 percent of the world's solar thermal water heating market. China even beats us in industries we created. America invented solar photovoltaics, but China now dominates that market, while America comes in tenth.

I am not content to let other countries keep beating us at our own game. It is time to act. The clean energy bill currently being developed in Congress is the kind of action we need. It is a distinctly American solution to this global problem because it relies on private markets and private businesses, and that is why it provides real change with minimal cost.

Of course, some people will claim this plan breaks the bank. Defenders of the status quo never run out of excuses to do nothing. They have made huge profits polluting our air, and clean energy is a threat to them. The same people who denied the science of global warming will tell you that a clean energy solution is too expensive. They were wrong about the science then, and they are wrong about the economics now.

In 1990, polluters told America we could not afford the Clean Air Act, a bipartisan bill signed by a Republican President. History has shown that the act actually cost one-fortieth of what they said it would. The best independent estimate about this bill comes from the nonpartisan Congressional Budget Office, and they say it will cost Americans less than 50 cents per day, and the CBO numbers likely overestimate costs. To keep their analysis simple, they ignore the impact of increased efficiency. When you factor in efficiency, New Mexicans will probably end up ahead about $4 per month on their energy bills, and low-income New Mexicans will save even more. The most expensive energy policy America can pursue is the status quo.

In 2006, I introduced a clean energy bill similar to the bill we are considering now. The month I introduced it, gas prices were at about $2.25 per gallon. Critics claimed clean energy would drive up prices and Congress never acted. By 2008, the price of gas had nearly doubled to a high of $4.11.

Much of the money America spends on gas flows right out of this country. Today, the United States is importing nearly 70 percent of its oil. We sent roughly $4,280 per U.S. family out of the country in 2008 to pay for oil, and too much of that money goes to individuals who finance terrorism and regimes that don't like Americans.

Some will say the solution is increased oil production, and I support increased production. My home State of New Mexico is one of 10 that produces more oil than it consumes, and I am proud that we help meet America's energy needs. But increased production alone is not enough. America has only 3 percent of the world's oil reserves. More than 66 percent of those reserves—those that are left—are in Russia, Iran, and six other countries in the Middle East. The more we depend only on fossil fuels, the more American money will flow to these countries.

When it comes to energy, we have to do it all and we have to do it now. Since comprehensive clean energy legislation was first introduced in 2003, we have sent trillions of dollars abroad every year to pay for oil—in fact, $700 billion a year. We cannot afford 6 more years of delay.

But the status quo doesn't just threaten our economy and our security; it threatens the basis of our way of life. Scientists predict that global warming could give my home State of New Mexico the same climate as the Sonoran Desert in Chihuahua, Mexico. If that happens, farmers who have worked the land for generations will be forced out of business. Forest fires will become more common and more dangerous. Our communities will face a bleak economic future. For the children of my State and our country, we cannot afford to stay on this path.

Fortunately, America has what it takes to change course. Even without progressive policies on the national level, New Mexico has begun to create massive numbers of clean energy jobs. Between 1998 and 2007, clean energy jobs grew 25 times faster than other jobs. We call these the jobs of the future. Increasingly, they are also the jobs of today.

There are too many success stories to tell, but I want to mention one. Three weeks ago, a company called Schott Solar opened its second renewable technologies plant in Albuquerque, NM. The plant currently employs 300 people, and it comes 2 months after the company opened a plant that will eventually employ 1,500. Schott decided to locate these plants in New Mexico after our State passed a series of clean energy incentives.

What I like most about this story is that Schott is a German company. It looked at New Mexico's policies and decided to invest German money in creating American jobs. For years, while American policymakers failed to act, American investors sent our capital to Germany. New Mexico's forward-looking policies are helping to reverse the flow. What that tells me is that with the right policies, America can lead the world in this crucial industry. We can stop creating jobs in Saudi Arabia and start creating them in Socorro, NM. We can stop letting China develop our technologies and sell them back to us.

We can win the clean energy revolution the same way we won the high-tech revolution—by getting there first—or we can wait and watch the world pass us by. I think the choice is clear. I hope my colleagues do as well, and I hope they will join me in supporting the Senate's clean energy legislation when it comes to the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1910

Ms. MURKOWSKI. Madam President, I would like to take a few minutes this afternoon to speak to an amendment to the agriculture bill that has been introduced. This is amendment No. 1910. It has to do with the high energy cost grants. This is a program within the rural utility service.

I would like to lay out for my colleagues a bit about this program. The high energy cost grants are available for improving and providing energy generation, transmission, and distribution facilities that serve communities with average home energy costs that exceed 275 percent of the national average. So 275 percent of the national average—you have to see your home energy costs exceed this level in order to make yourself available to this High Energy Cost Grant Program.

These grant funds can be used for on-grid and off-grid renewable energy projects, energy efficiency, and energy conservation projects serving these eligible communities.

Some have suggested this is somehow an Alaska aid program. It certainly does help in my State, but it has provided aid to utilities in more than a dozen States, including Alabama, Arizona, California, Florida, Hawaii, Idaho, Kentucky, Maine, Massachusetts, Nevada, New Mexico, New York, and Washington. In addition to these States, applications have been submitted by other eligible communities in more than eight States. This is in Colorado, Minnesota, Montana, North Dakota, Rhode Island, South Dakota, Wisconsin, Wyoming, and also out in Puerto Rico, the Virgin Islands, Guam, and American Samoa.

In addition, these are community-driven projects. They reflect the local priorities for addressing energy challenges. Some of the projects that are

currently underway with these high energy cost grants are replacing failing transmission and distribution lines that serve communities in my State and in Arizona, Idaho, Maine, and Nevada.

As we think about how we are going to move our energy, particularly our renewable energy sources, we have to do more within our transmission systems. This program allows us to replace our older or failing transmission and distribution lines.

Some of the other projects extend electric distribution lines to connect homes in rural communities in States such as Alaska, Arizona, California, and Washington, including some homes on Indian reservations.

The other projects replace old inefficient diesel generators in many of the remote Alaska villages with more efficient, less polluting units, with heat recovery systems. These funds from the high energy cost grants go toward constructing community-owned renewable energy projects, including wind and solar, small hydroelectric and biomass systems. Again, the States where you see these projects are Alaska, Arizona, Hawaii, Maine, New Mexico, New York, Washington, to the Marshall Islands.

The last area of the program provides cost savings, energy efficiency, and weatherization upgrades for rural homes and community facilities in Alabama, Alaska, Florida Hawaii, Kentucky, and Massachusetts.

I go through this list of where these projects are to ensure that Members know we are not just talking about a benefit to a State such as Alaska, where our energy costs are enormously high, but States such as Alabama, where they might not be facing the cold winters but they are certainly facing the hot summers and how they, too, can be more energy efficient; how they, too, can benefit from programs that help to reduce the high energy costs they face in their State.

This program has been one of the smartest things Congress has done since the passage of the rural electrification programs back in the 1930s. It has provided assistance to run modern power lines on Indian reservations, helped to propel economic activity where it is needed most in this country. It has provided aid to towns off the interstate transmission grid and a number of towns in the West that are isolated and not so connected to that grid, thus more subject to the blackouts and brownouts.

This program also motivated many States to step up their individual efforts to increase funding for these programs. In my home State of Alaska, despite the very dramatic decrease in revenues, we are investing tremendous resources toward energy solutions. In the State's fiscal year 2010 capital and operating budgets, they include $25.5 million for Alaska energy authority projects; $25 million for renewable energy; $38 million for power cost equalization; and $26.4 million for heating assistance. That is a total of about $115 million in funding that is coming from the State to help, alongside funding for the high energy cost grants.

If funding sources continue to be eliminated or reduced, the Nation's efforts to address the high cost of energy by increasing energy efficiencies and renewable resource development are going to be severely hindered. This is at a time when we can least afford to do this.

This program has helped with installation of renewable energy systems, whether it be solar or wind or hydro, biomass or geothermal projects. These are generally financed through guaranteed loans. This is exactly in keeping with existing congressional intent and the intent of this administration to expand renewable energy and to reduce carbon emissions and greenhouse gas emissions and their potential climate impacts. It has done so economically. The program has a 4-percent cap on planning and administrative expenses. I wish all Federal programs did this.

The program has an excellent track record. According to the Congressional Research Service, it has such a low default rate on its loans that the guarantee program has a zero subsidy cost; loans being secured by the borrower's electric system and assets.

Earlier on the floor it was argued that this program is somehow duplicative of other existing programs, but it is not. The existing USDA Rural Utilities Service Loan and Grant Program cannot make loans to school districts or to Indian reservations, such as the Navajo projects that have been made in Arizona or to off-grid utilities. The program can only make loans for electricity programs, not for renewable energy projects to tie into grids.

This is exceptionally important, the fact that the programs currently can only make those loans to electricity programs and not the renewable energy projects.

The program was authorized, the High Energy Cost Grant Program was authorized by Congress back in the 2000 Rural Electrification Act, simply because it covered a gap in existing programs that desperately needed to be filled.

This amendment might not only kill this program in the future, but it also might pull the rug out from under the projects that have expended funds and which have started and which are waiting for the Federal funds to be delivered.

This program actually lowers Federal unemployment and economic assistance costs over time because helping to reduce our energy costs is one of the best things we can be doing in government to support sustainable economic development in a State or in the region.

I certainly support the need for fiscal responsibility—absolutely, especially given the size of our deficit. Cutting the High Energy Cost Grants Program is likely to not only lessen economic activity in rural areas but also worsen our overall economy and unemployment across the Nation. There is no reason to delete the continuation of funding that is proposed for this program.

I urge my colleagues to vote against this amendment when the time comes.

I yield the floor.

Madam 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. KOHL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. KOHL. I ask unanimous consent the Senate proceed to vote in relation to the McCain amendment, No. 1910, after the cloture vote with respect to the Kohl-Brownback substitute amendment No. 1908, and that prior to the vote with respect to amendment No. 1910, there be 4 minutes of debate, equally divided and controlled in the usual form, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, I was asked to come down and get my amendments pending. I checked with the staff. All I would like to do is get several amendments up, have them pending, and then we will have the debate after the cloture vote. Is that agreeable?

Mr. KOHL. That is agreeable.

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

The Senator from Kansas is recognized.

AMENDMENT NO. 2240 TO AMENDMENT NO. 1908

Mr. BROWNBACK. Madam President, I have been asked by Senator BARRASSO to ask unanimous consent the pending amendment be set aside so I may call up amendment No. 2240 on behalf of Senator BARRASSO.

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

The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mr. BROWNBACK], for Mr. BARRASSO, for himself, and Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNS, proposes an amendment numbered 2240 to amendment No. 1908.

Mr. BROWNBACK. 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 require the Secretary of Agriculture to conduct a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House by Representatives on June 26, 2009)

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009) (referred to in this section as ''H.R. 2452'').

(b) In conducting the analysis under subsection (a), the Secretary shall—

(1) use a range of peer-reviewed analyses of H.R. 2454 conducted by public and private entities, including land grant universities;

(2) consider a scenario in which the fertilizer industry does not receive any free allowances under H.R. 2454;

(3) consider the impacts of H.R. 2454 on a range of fishing, aquaculture, livestock, poultry, and swine production and a variety of crop production, including specialty crops; and

(4) analyze projected land use changes, afforestation patterns, and other market incentives created by H.R. 2454 that may impact food or agriculture commodity prices, including specific acreage estimates of parcels of land planted with trees in the United States.

Mr. BROWNBACK. I wanted to get this for Senator BARRASSO. We will be handling that at a later point in time.

I yield the floor.

AMENDMENT NO. 2243 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2243 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2243 to amendment No. 1908.

Mr. COBURN. 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 eliminate double-dipped stimulus funds for the Rural Business-Cooperative Service account)

At the appropriate place, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided under the heading ''RURAL BUSINESS—COOPERATIVE SERVICE'' in title III is reduced by the pro rata percentage required to reduce the total amount provided under that heading by $124,800,000.

AMENDMENT NO. 2244 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and amendment No. 2244 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2244 to amendment No. 1908.

Mr. COBURN. 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 support the proposal of the President to eliminate funding in the bill for digital conversion efforts of the Department of Agriculture that are duplicative of existing Federal efforts)

On page 51, beginning on line 10, strike '': *Provided further,*'' and all that follows through ''technologies'' on line 20.

AMENDMENT NO. 2245 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2245 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2245 to amendment No. 1908.

Mr. COBURN. 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 strike a provision providing $3,000,000 for specialty cheeses in Vermont and Wisconsin)

Beginning on page 75, strike line 16 and all that follows through page 76, line 3.

AMENDMENT NO. 2248 TO AMENDMENT NO. 1908

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2248 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2248 to amendment No. 1908.

Mr. COBURN. 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 prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. ____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

Mr. COBURN. I now call for the regular order on amendment No. 2226 and send a second-degree amendment to the desk, ask for its immediate consideration, and ask any consideration be delayed until after the cloture vote and that the second-degree amendment is my amendment No. 2246.

The PRESIDING OFFICER. Was there a unanimous consent request?

Mr. COBURN. Yes, unanimous consent is requested for that.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. I object and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor. Objection is heard.

The Senator from Oklahoma.

AMENDMENT NO. 2246 TO AMENDMENT NO. 2226

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2246 be called up.

The PRESIDING OFFICER. Is there objection?

The amendment is drafted as a second-degree amendment to amendment No. 2226.

Mr. COBURN. I will change the drafting.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. I call for the regular order on amendment No. 2226, and I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2246 to amendment No. 2226.

The amendment is as follows:

(Purpose: To provide additional transparency and accountability for spending on conferences and meetings of the Department of Agriculture)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7____. (a) In this section, the term ''conference'' means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) Not later than September 30, 2011, the Secretary of Agriculture shall submit to the appropriate committees of Congress and post on the public Internet website of the Department of Agriculture (referred to in this section as the ''Department'') in a searchable, electronic format, a report on each conference for which the Department paid travel expenses during fiscal year 2010 that includes—

(1) the itemized expenses paid by the Department, including travel expenses and any Department expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference; and

(4) in the case of a conference for which the Department was the primary sponsor, a statement that includes—

(A) a justification of the location selected;

(B) a description of the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department; and

(E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the Department.

(c) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Department relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed $12,000,000.

Mr. KOHL. I send to the desk a second-degree amendment to amendment No. 2246.

The PRESIDING OFFICER. Amendment No. 2246 is a second-degree amendment.

Mr. KOHL. I ask unanimous consent that amendment No. 2248 be pending.

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

AMENDMENT NO. 2288 TO AMENDMENT NO. 2248

Mr. KOHL. I send to the desk a second-degree amendment to amendment No. 2248.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 2288 to amendment No. 2248.

The amendment is as follows:

(Purpose: To provide requirements regarding the authority of the Secretary of Agriculture and the Commissioner of Food and Drugs to enter into certain contracts)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture or the Commissioner of Food and Drugs to enter into any Federal contract unless the contract is—

(1) entered into in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)); or

(2) otherwise authorized by law to be entered into without regard to the laws cited in paragraph (1).

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

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

AMENDMENT NO. 2289 TO AMENDMENT NO. 1908

Mr. KOHL. I ask unanimous consent to set aside the pending amendment, and I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. BROWNBACK, proposes an amendment numbered 2289 to amendment No. 1908.

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

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

Mr. KOHL. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2289) was agreed to, as follows:

(Purpose: To ensure the compliance of the United States regarding obligations under international trade agreements)

On page 85, line 16, strike ''inspections.'' and insert the following:

inspections: *Provided further*, That this section shall be applied in a manner consistent with United States obligations under international trade agreements.

Mr. KOHL. Madam President, I move to reconsider that vote.

Mr. BROWNBACK. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENTS NOS. 2254 AND 2255 TO AMENDMENT NO. 1908

Mr. BROWNBACK. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 2254 on behalf of Senator CHAMBLISS and 2255 on behalf of Senator VITTER en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. CHAMBLISS and Mr. VITTER, proposes amendments en bloc numbered 2254 and 2255.

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

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

Mr. BROWNBACK. I understand these amendments have been cleared on both sides. I offer them for Senators CHAMBLISS and VITTER. I ask unanimous consent that the amendments be agreed to en bloc.

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

The amendments (Nos. 2254 and 2255) were agreed to, as follows:

AMENDMENT NO. 2254

(Purpose: To prohibit the use of funds to assess greenbook charges to agencies or to use previously assessed funds)

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

AMENDMENT NO. 2255

(Purpose: To require the Commissioner of Food and Drugs to conduct a study on imported seafood)

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

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

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

AMENDMENT NO. 2259, AS MODIFIED

Mr. KOHL. I ask unanimous consent to set aside the pending amendment and call up the following amendment, which is at the desk, and ask for its immediate consideration: Landrieu amendment No. 2259, as modified.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Ms. LANDRIEU, proposes an amendment numbered 2259, as modified, to amendment No. 1908.

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

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

The amendment, as modified, is as follows:

(Purpose: To require a report on increasing the participation of rural small businesses in tourism activities)

On page 85, between lines 16 and 17, insert the following:

**SEC. __745. REPORT ON TOURISM FOR RURAL COMMUNITIES.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

Mr. KOHL. This amendment has been approved by both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2259, as modified.

The amendment (No. 2259), as modified, was agreed to.

Mr. KOHL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1908 to H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

John D. Rockefeller, IV, Tom Udall, Mark L. Pryor, Edward E. Kaufman, Blanche L. Lincoln, Kent Conrad, Kay R. Hagan, Mark Begich, Byron L. Dorgan, Max Baucus, Ben Nelson, Herb Kohl, Daniel K. Inouye, Michael F. Bennet, Mary L. Landrieu, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1908 to H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010, shall be brought to a close?

The yeas and nays are required under the rule.

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 Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

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

The yeas and nays resulted—yeas 83, nays 11, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—83

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

NAYS—11

| | | |
|---|---|---|
| Barrasso | Ensign | Kyl |
| Bunning | Enzi | McCain |
| Corker | Gregg | Vitter |
| DeMint | Johanns | |

NOT VOTING—6

| | | |
|---|---|---|
| Byrd | Kennedy | Menendez |
| Cochran | Lieberman | Mikulski |

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 1910

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided on the McCain amendment No. 1910.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, this amendment eliminates the U.S. Department of Agriculture's High Energy Cost Grant Program which is a $17.5 million subsidy that is designed to pay for energy generation systems in rural areas.

The 2010 budget from the President of the United States and the Office of Management and Budget have recommended a number of programs be eliminated. Concerning this High Energy Cost Grant Program, it says:

The administration proposes to eliminate the High Energy Cost Grant Program because it is duplicative of and less effective than the Rural Utility Services Electric Loan Program.

This recommendation by the administration to eliminate this program is because it is both duplicative and unnecessary and there is a $6.6 billion program in electric loans at no cost to the taxpayer.

I recommend we agree with the President of the United States and eliminate this unnecessary $17.5 million subsidy.

I yield.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I stand in opposition to this amendment. The funds contained within this High Cost Energy Program are designed to improve energy generation, transmission, and distribution. These are designed to do exactly what we are working so hard in this body to do: to improve our energy generation, our transmission facilities, our distribution facilities, and we are doing this through a program where the qualifications in order to comply are you have to serve communities in which the average residential home energy costs are 275 percent of the national average.

There are 14 States across the country that have projects that focus on these very high energy areas. We are trying to reduce our energy costs for renewables and through the standard energy mechanisms but, quite honestly, when your energy costs are 275 percent above the national average, it is pretty darn tough.

So these are funds made available to communities in the State of Alaska, but also communities in Arizona, California, Florida, Hawaii, Idaho, Kentucky, Maine, Massachusetts, Nevada, New Mexico, Washington, and the Marshall Islands, and it allows them to have energy at a more affordable cost.

I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, this bill includes the programs the amendment would strike. The Senator from Alaska has spoken eloquently and I believe correctly. So I do oppose the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—41

| | | |
|---|---|---|
| Alexander | Enzi | McCain |
| Barrasso | Feingold | McCaskill |
| Bayh | Graham | McConnell |
| Bunning | Grassley | Menendez |
| Burr | Gregg | Merkley |
| Cardin | Hutchison | Nelson (NE) |
| Chambliss | Inhofe | Sessions |
| Coburn | Isakson | Shaheen |
| Conrad | Johanns | Thune |
| Corker | Kaufman | Udall (CO) |
| Cornyn | Klobuchar | Vitter |
| DeMint | Kyl | Voinovich |
| Dorgan | Lugar | Whitehouse |
| Ensign | Martinez | |

NAYS—55

| | | |
|---|---|---|
| Akaka | Feinstein | Reed |
| Baucus | Franken | Reid |
| Begich | Gillibrand | Risch |
| Bennet | Hagan | Roberts |
| Bennett | Harkin | Rockefeller |
| Bingaman | Hatch | Sanders |
| Bond | Inouye | Schumer |
| Boxer | Johnson | Shelby |
| Brown | Kerry | Snowe |
| Brownback | Kohl | Specter |
| Burris | Landrieu | Stabenow |
| Cantwell | Lautenberg | Tester |
| Carper | Leahy | Udall (NM) |
| Casey | Levin | Warner |
| Cochran | Lincoln | Webb |
| Collins | Murkowski | Wicker |
| Crapo | Murray | Wyden |
| Dodd | Nelson (FL) | |
| Durbin | Pryor | |

NOT VOTING—4

| | |
|---|---|
| Byrd | Lieberman |
| Kennedy | Mikulski |

The amendment (No. 1910) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Madam President, I ask unanimous consent to speak as in morning business for 12 minutes.

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

HEALTH CARE REFORM

Mr. WICKER. Madam President, in the ongoing debate on health care reform, it has become clearer and clearer that this is a competition of two very different philosophies of government. On the one hand, there are those who think government ought to be the primary sponsor of almost everything, including our American health care system. These persons basically hope and fervently believe things would be better in this country if only the Federal Government took control of more aspects of our society.

The other approach is one that I have advocated. It is the philosophy held by those of us who look at history and realize that government doesn't run things very well. We believe government can and should set standards, establish goals, and create incentives for the right behavior, but we do not believe the Federal Government should run health care or, for that matter, is capable of running the American health care system.

The debate so far this year has been very instructive for this Congress and for the taxpayers. Here are some things we have already learned as a result of the very thorough process we have gone through.

First, we know instead of saving money for our economy, as we were promised during the 2008 campaign, health care spending will actually go up under the Democrats' proposal. This is true both short term and in the long run.

Second, we have been informed by the nonpartisan Congressional Budget Office that both the House and Senate bills would add to the Federal deficit.

Third, according to a CBO letter, dated July 17, ''millions of Americans would lose their private health care coverage if these plans are enacted, and millions more would be forced into a government plan.'' That is not me talking, it is the nonpartisan Congressional Budget Office.

Fourth, small businesses and other job creators will pay higher taxes, including specifically $163 billion in penalties and $543 billion in other taxes if the Democrats' plans are enacted.

Fifth, the provisions of these risky schemes could reduce job creation. Again quoting the nonpartisan CBO:

> The play or pay provision could reduce the hiring of low-wage workers.

One has to wonder, if you are a job applicant out there in our economy looking to earn a living, applying for a job, would you rather see a Federal takeover of the health care system or would you rather have a job? I think most American job seekers, given that choice, would say: I want a job. Don't reduce my chances of getting that job.

Then we learned just a few days ago that the Medicaid provisions of these proposals could amount to a massive cost shift to the States. The outcry against this has been loud and it has been bipartisan.

Here is what two-term Democratic Tennessee Governor Phil Bredesen had to say recently. He called the proposal ''the mother of all unfunded mandates.'' Governor Bredesen went on to say:

> Medicaid is a poor vehicle for expanding coverage. It is a 45-year-old system originally designed for women and children. It's not health care reform to dump more money into Medicaid.

The words of Democratic Governor Phil Bredesen of Tennessee.

And Governor Bredesen is not an isolated example. At the National Governors Association meeting in Biloxi, Gov. Brian Schweitzer, a Democrat, said the legislation currently making its way through Congress would unfairly burden States. Here is some good advice from Governor Schweitzer:

> What we need Congress to do is cost control.

Cost control is something that would actually help in health care reform. I appreciate Governor Schweitzer calling for it. I am grateful to Governor Schweitzer for his honest assessment.

In fact, the American people owe a debt of gratitude to Democratic and Republican Governors for speaking the truth. These Governors may have saved us from a catastrophe by speaking out and telling us what the consequences are, as States struggle to meet their current obligations. Indeed, there is a great deal of bipartisanship emerging on the issue of health care reform, and that bipartisanship is coming in the form of alarm—alarm about what the bill proposes to do to State budgets, to small businesses, to job creation, and to choice in health care.

We are also learning that when it comes to the discussion of the so-called public plan or public option, there is a great amount of bait and switch lurking about. Bait and switch is basically a form of fraud or trickery that, unfortunately, goes on in our economy. It is such a problem that the U.S. Federal Trade Commission has issued guidelines warning the public about this practice.

Here is a direct quote from 16 CFR part 238 entitled ''Guides Against Bait Advertising.'' The FTC says this:

> Bait advertising is an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised merchandise in order to sell something else. . . .

One thing is advertised and the other is attempted to be sold. I think this is exactly what is going on in the debate over the public option. We are being offered the promise of genuine competition between the public plan and private insurance plans when, in fact, the purpose is to switch Americans to a European-style, single-payer plan down the road.

By now, it is abundantly clear that citizens of the United States do not want to risk putting our country on a path toward a single-payer plan such as the ones in Canada or Great Britain.

Americans do not want a single-payer system. The leadership of both parties, House and Senate, understands this fact. The American public does not want a wholesale government takeover of one-sixth of our economy. We do not want waiting lists such as in Canada. We do not want rationing such as in the United Kingdom.

Realizing where public opinion is on this pivotal issue, the advocates of these congressional Democratic plans have gone to great lengths to assure people they do not want a single-payer option either. These reassurances have come from as high as the White House itself. Just last week in North Carolina, President Obama said:

> Nobody is talking about some government takeover of health care. . . .These folks need to stop scaring everybody.

I wish that were true. But with due respect to our Chief Executive, there is a reason people are frightened. They are paying attention, and they see that sponsors of this legislation are, in fact, advocating a government takeover.

I found it interesting that just 1 day after the President's remarks, I turned on the news to see one of the most senior Democratic chairmen in the House of Representatives seem to contradict the President. Here is the exact quote from this leading Member of the House on the consequences of a public option. He said:

> I think if we get a good public option, it could lead to a single payer and that is the best way to reach single payer.

I wonder what the Federal Trade Commission would say about that type of advertisement. To me, it says: Let's lure people into going along with a public plan when we know it will eventually lead to a single payer down the road. I don't want to take that risk.

Another leading House advocate of the public option had this to say about a path to a single-payer system:

> This is a fight about strategy about getting there——

Meaning the single-payer option——

and I believe we will.

I think most folks would call this a classic legislative bait and switch.

I recently ran across a blog from Dr. Michael Swickard of New Mexico, cautioning about this very tactic. Here is what Dr. Swickard said:

> Given the track record of our government in bait and switch, all of the promises of national health care are just that—promises to be broken. Maybe there will be a few years before the full impact of the bait and switch is felt by citizens. But given the past actions of our government when implementing programs, our future is clear.

I hope we can avoid that future for our country, but the writer's point is this: It may take a while, but the pattern is there. The future he fears includes a single-payer takeover that very few Americans would vote for today.

I say to my colleagues, there is much to be said about the ill effects of the health care proposals being put forward by the House and Senate committees. But among the most troublesome aspects of this so-called reform is the enactment of a public plan which will inevitably lead to a single-payer system Americans don't want and don't need.

Don't take my word for it on the cost, on the loss of choice, and on the effect on small business job creators. Just read the words of the nonpartisan Congressional Budget Office. On the issue of massive, unsustainable cost shifting to State governments, don't take my word for it. Listen to the experienced Democratic Governors pleading with us not to go down this road. And when it comes to whether the goal of this whole exercise is to move us to a European single-payer plan, it is no longer necessary to heed the warnings of the political conservatives. When you listen closely, the leading advocates of the House and Senate legislation, in their unguarded moments, are willing to admit that a single-payer government takeover is their ultimate dream. I hope we do not go down that road.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield to my colleague from Vermont.

AMENDMENTS NOS. 2276 AND 2271 TO AMENDMENT NO. 1908

Mr. SANDERS. Madam President, I seek unanimous consent to set aside the pending amendment so that I may call up my amendments Nos. 2276 and 2271.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. SANDERS] proposes amendments numbered 2276 and 2271, en bloc, to amendment No. 1908.

The amendments are as follows:

AMENDMENT NO. 2276

(Purpose: To modify the amount made available for the Farm Service Agency)

On page 24, line 12, strike ''$1,253,777,000'' and insert ''$1,603,777,000''.

AMENDMENT NO. 2271

(Purpose: To provide funds for the school community garden pilot program, with an offset)

On page 52, lines 22 and (23), strike ''$16,799,584,000, to remain available through September 30, 2011,'' and insert ''$16,802,084,000, to remain available through September 30, 2011, of which $2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for the National Animal Identification program''.

Mr. INOUYE. Madam President, the Senate is considering the fiscal year 2010 appropriations bill for the Department of Agriculture, rural development, the Food and Drug Administration, and related agencies. I thank our two managers, Senators KOHL and BROWNBACK, for their hard work on this measure.

The bill was reported by the Appropriations Committee more than 3 weeks ago on a bipartisan basis with all members voting in support of the measure.

As my colleagues are aware, as the new chairman of the Appropriations Committee this year one of my goals was to increase transparency and accountability in the appropriations process. In many respects I have followed the lead of former Chairman Senator BYRD in this regard. To this end, the Agriculture bill and report have been available on the Internet and in printed form for several weeks. All Members have had ample time to review the material in this bill.

As the Senate considers this measure it will find a bill that will meet our Nation's critical requirements to support agriculture and related programs which are vital to our economy and, frankly, our Nation's livelihood.

Our Nation has been blessed with a wealth of natural resources which allows us to be the world's leader in agriculture. This bill offered by Senators KOHL and BROWNBACK will help to ensure that we maintain that position.

There is a total funding of $123.9 billion included in this bill, of which $23.05 billion is for discretionary programs, the same as the 302(b) allocation. While this represents an 11-percent increase in funding when compared with fiscal year 2009, not including supplemental spending, my colleagues should recognize that for too long funding for our Agriculture and Rural Development Subcommittee has been severely constrained.

Even with this level of funding, the subcommittee has had to find savings in farm programs to live within this allocation.

I very much thank our two managers for their work in preparing this bill. The Committee on Appropriations has offered its unanimous support. I believe the full Senate should do the same.

## MORNING BUSINESS

Mr. DODD. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## HEALTH CARE REFORM

Mr. DODD. Madam President, I thank my colleagues this evening. I am going to momentarily turn to my colleagues from Iowa, Ohio, Vermont, and Rhode Island—all of whom participated with us nearly 3 weeks ago in the markup of our bill, the Affordable Health Choices Act, which took up an inordinate amount of time, longer than I think any markup certainly in the history of our committee, maybe the longest in the history of this body. We actually spent about 56 hours, 23 sessions, and 13 days on this bill. We considered just shy of 300 amendments, of

which 161 amendments were offered by our colleagues from the minority and contributed significantly and substantively to the outcome of that bill. They did not support the bill in the end, unfortunately, but any definition of ''bipartisan'' would have to include whether or not their ideas were incorporated in any significant degree in this bill, and they were. I am appreciative of their efforts.

I am particularly grateful to Senators HARKIN, MURRAY, WHITEHOUSE, and BROWN for their contributions, along with others on the committee: Senator SANDERS, who is here; Senator MIKULSKI played such an important role; Senator CASEY, Senator MERKLEY, Senator BINGAMAN, Senator REED, Senator HAGAN—all of whom contributed to the outcome of that legislation.

We thought it might be worthwhile this evening to talk about exactly what is in this bill. We will be adjourning in a few days. We will be gone for a month. Unfortunately, during that month, nothing will happen on this bill. But I think it is an important month to educate our constituents and people across this country as to what is in this bill, what we are trying to accomplish with our reform efforts.

Senator HARKIN led the effort on prevention in our committee. The Senator was asked by our chairman, TED KENNEDY—who, as we all know, is struggling with his own illness, a brain tumor. We pray and hope he will be back to work with us and to chair his committee. But the distinguished Senator from Iowa, along with Senators MIKULSKI, BINGAMAN, and MURRAY, worked on various ideas. Prevention was the matter in which Senator HARKIN became an expert. He developed very sound ideas in our legislation to promote the improvement of prevention ideas as part of our health care reform efforts. Senator MIKULSKI worked on quality. Senator BINGAMAN worked on coverage. Senator MURRAY worked on workforce issues, which are all so critically important. Senator HARKIN brought to the committee his more than three decades' long commitment to prevention and wellness. He is no newcomer to this issue. In a minute, I am going to ask him, if he would, to go into detail about the prevention aspects of this bill and what is included.

People ought to know what we have done. I am so sick and tired of hearing about socialized medicine, government takeover—nothing but absolute falsehoods about what is in this legislation and what we are promoting.

I say at the outset, if you like what you have, you get to keep it, choose your doctor, hospital, choose the insurance program you have. What people don't have is a sense of stability and certainty that they are going to have the coverage they deserve if a crisis hits them in health care and that they will get the care they need. That is what people are uncertain about today. So many millions of our fellow citizens worry every night that the coverage they have and the coverage they would like to have is unavailable to them because the costs are rising almost on an hourly basis, and they worry about their families.

Before I turn to my colleague from Iowa and my other colleagues, as well, to share some thoughts with us, I made an announcement last Friday which has become quite well known—the fact that I have been diagnosed with prostate cancer. It is in the very early stages. I am confident the outcomes are going to be great and all is going to work out well. I have known about this since June when I was diagnosed with it and did what I could to learn all about prostate cancer and what treatments and options will be available to me.

The point I want to make is this: When I discovered in June that I had prostate cancer, I didn't lose a moment's sleep over whether I had the coverage to pay for it. I didn't lose a moment's sleep as to whether I have quality care. I am a Member of Congress. I have a great health care plan. I have great coverage. I never lost a moment's sleep over whether or not I would be able to access that coverage.

What bothers me is it should not just be me or Members like me in this body. If every Member in this body had to go through what millions of Americans do every day, and that is wonder whether the quality is going to be there, the care is going to be there, maybe they would worry. But that is not the case. Our efforts over these days have been to try to bring, at long last, that sense of stability and certainty to our fellow citizens that we have in this body and that the other body has and that thousands and thousands of Federal employees and others who have good health care coverage have.

I am confident everything is going to be fine. That is not the point of bringing this up. The reason I bring it up is because too many of our fellow citizens lack the kind of security and stability that those of us who are here have. I hear my colleagues—some of them—say: Well, we ought to wait a while longer. We can't afford to do this.

We can't afford not to do this. The cost to the average American is rising by the hour.

I had one insurance company in my State of Connecticut, a few weeks ago, announce a 32-percent increase in premiums. They announced it right in the middle of this debate, to jack up those prices. Of course, it goes on all across the country. We have working families who are losing their jobs, losing their homes, and we find that 62 percent of people who are in bankruptcy are there because of a health care crisis. We find 50 percent of the foreclosures that are occurring are occurring because of a health care crisis.

So my interest in raising this is to bring home the point that we have an obligation, it seems to me, in this body, to address this issue; to do it carefully, do it well but to get the job done. We have a President committed to that. Our leadership is committed to it. The members of our committee who have worked so hard are committed to it. All we are missing is some folks willing to come to the table and help us resolve these matters in a way that will allow us to have some votes and decide whether to go forward with accessible, affordable, quality health care.

No one is talking about socialized medicine or talking about big government-run plans. They use those words over and over and over again. You ought to be suspicious when they have nothing else to say about health care but scare tactics and fear. That is what they have done day after day in this debate, and it is a disservice to the American people to suggest that after 70 years, with millions of our fellow citizens uninsured or underinsured tonight, the only answer they have to our health care problems is to wait longer, do nothing, and be scared.

What is more, if they were more serious about some of these issues, we might be engaged in more of a significant debate. As I said, that is not true for the 47 million without health insurance, the 30 million underinsured in our Nation or the 14,000 in America who lost their health insurance today. Every day we wait, another 14,000 people lose health coverage. Since we marked up our bill—and we finished marking up our bill in that committee back 3 weeks ago this Wednesday—266,000 people in the United States, more than a quarter of a million people, have lost their health insurance. That is what has happened in less than 3 weeks.

My hope would be that while we are going to debate this issue at home over the month of August, we would come back with a renewed sense of commitment to getting this job done. But tonight, my colleagues and I would like to spend a few minutes talking about what is in our bill, what we tried to do with this, how we tried to increase access, quality, as well as affordability.

I have heard my distinguished colleague from Iowa say on so many occasions—and I am confident he will probably say it tonight—we don't have a health care system, we have a sick care system. I think he coined the phrase in talking about it. I have heard him say it so many years in this body, talking about what we need to do to develop sound health care programs. So I wish to thank my colleague and ask if he would share with us his thoughts on this.

Is it not the case that chronic disease accounts for about 75 percent of our health care costs, and these are preventable diseases in our country, such as diabetes and heart disease, among other things? I wonder if my colleague from Iowa could take a moment or two to talk about the cost savings achievable through increased prevention, not to mention what it means to individuals. It can lead to a longer life and a

better quality of life. I thank him for his thoughts on the subject matter.

Mr. HARKIN. I thank our chairman, the leader on this issue. Would the Senator yield?

Mr. DODD. I yield to my colleague from Iowa.

Mr. HARKIN. First, I say to Senator DODD, I heard all this talk about socialized medicine. Socialized medicine. These are scare tactics. There are a lot of scare tactics going on.

I was in my State over the weekend, and people were talking about euthanasia in the bill. We hear all this crazy stuff going on out there, and I got to thinking about this. There is a lot of money on the table. We spend $2.3 trillion a year, if I am not mistaken. There is a lot of money, and a lot of people have a vested interest in not changing the system because they are making a lot of money. Obviously, what they are trying to do is scare people.

People elected us—and I think elected President Obama—to make some changes in the way we do things, but there are a lot of vested interests out there that don't want to change. There are a lot of scare tactics going on out there. They are unduly scaring people and obviously by people who don't want to change the system. They want the status quo.

The other thing I might say, as to all this talk about socialized medicine, historically, when President Harry Truman first proposed a kind of national health insurance program, that is the issue that was raised in 1951, I think it was. I could be off a year. Maybe 1950 or 1951 it was raised, when he was proposing this. The origins go back to an individual whose name I forget right now, but he was an advertising executive hired by the AMA at that time to stop Harry Truman's program. So he came up and he coined this whole phrase ''socialized medicine.'' It was picked up by then-Senator Robert Taft, and he kept harping on the Truman program was socialized medicine. Well, that was in 1949–1950, I think it was, and here we are, all these many years later, and we hear the same arguments coming up again. It wasn't socialized medicine then and it is not socialized medicine now.

What we are trying to get is a system that is stable, that people can rely on, that they know is going to be there for them and that is affordable and gives them a quality health program—as my colleague, Senator DODD, said—as we have. What we are trying to get for the American people is the same kind of system all Federal employees have. We are on the same system as your local postal employee in a small town in Connecticut or a small town in Iowa or somebody who works for the Farm Service Agency in the Federal Government. We are all on the same plan. We have a lot of choices, don't we? Every year, I think we get 20-some plans to pick from. We sort of have an exchange out there, where every year, if we don't like what we have, we can go to something else. Why shouldn't the rest of the American people have that kind of access?

I spoke with a small businessman in Iowa last week. He has 12 employees and spends 15 percent of his gross revenue on health care. He has 12 employees, and one of his employees had a kidney transplant. Another came down with cancer. In 2 years, his insurance premiums went up 100 percent. In 2 years. He has a $5,000 deductible, and he said he needs some work done. He wanted to go in for a colonoscopy because he turned 50, but a colonoscopy costs $3,000. Well, that is out of pocket because he has a $5,000 deductible.

I am trying to get to my point of prevention. Because we know if he has a colonoscopy and something happens, they can stop it. It is one of the most preventable forms of cancer, this colon cancer, but it is one of the most deadly if you don't get it in time. So I asked Art: Why don't you get a different plan? He said: I can't. We only have one in rural Iowa I can go to.

What we are trying to do is get more plans for people out there in small towns in Iowa, in Connecticut, and everywhere else so they do not have to be stuck with one plan; they can shop around and get other plans.

He asked me if he could get on the public option plan that we have in our bill. I said: Sure. Small businesses such as you? Absolutely. That means he can get in a pool with everybody else around the country and reduce his costs. I just remembered that, and I remembered him talking about trying to get a colonoscopy. This kind of gets to the nexus of what I wanted to talk about, briefly, which is the focus on keeping people healthy.

President Obama said very clearly, when he addressed a joint session of Congress earlier this year, that we have to make a major investment in prevention and wellness because that is the only way we are going to keep people healthy and reduce medical costs. Well, President Obama gets it. He understands we have to make a major new investment. That is what we have done in our bill—our Affordable Health Choices Act—which Senator DODD so greatly led through our committee. We make a major investment in prevention and keeping people healthy.

My colleague is right. I started out saying we have a sick care system instead of health care. I started saying that in 1992; that we have a sick care system, not a health care system. If you get sick, you get care, one way or the other. But there is not much there to try to keep you healthy in the first place and to focus on prevention. Again, our bill has a very strong prevention provision in there.

Some ideas on what we have tried to do. The real health reform starts with prevention, it does. If we don't do prevention and wellness, you can jiggle the payment system all you want and you are not going to save a dime, unless we start focusing on keeping people healthy in the first place. Is there support for that out there? Sure. The American people get it. They understand this. They were asked: Should we invest more or not invest more in prevention and wellness? Well, you can see that 76 percent of the American people said we had to invest somewhat or strongly; invest more, 53 percent; invest somewhat, 76 percent; not invest any more, 10 to 16 percent.

The American people get it. They get it. You can talk to anyone you want about health care and ask them: Would you rather just have something that takes care of you when you get sick or would you rather have more focus on keeping you healthy? I will tell you the response will be: I want to stay healthy. People want to stay healthy. But in a lot of cases, they don't know how. There are not the support systems there to do that.

Again, on saving some money; a lot of times we hear that: Oh, this won't save money, and the CBO—Congressional Budget Office—doesn't score it. But we asked voters. The poll question was: Will prevention and wellness save us money? Seventy-seven percent said yes. Yes, it will save us money. Again, the American people get it, that we have to focus more on prevention and health.

We have some problems with CBO. That is the Congressional Budget Office, for those who don't understand the jargon around here. The Congressional Budget Office doesn't score us very well. Score means they do not give us much savings when we invest in prevention and wellness. Well, I have gone over that with the Congressional Budget Office, and the problem is they do not give a savings because they do not give savings on what they call secondary savings. Secondary savings is what prevention provides. It saves you money from going to the hospital or getting sick. But they do not give us a good score for that on savings. But do we have data on that? Do we know if it saves money? Sure, we do.

This is from the Trust for America's Health. They did a big survey of community-based interventions and for $10 per person, in 1 to 2 years, they save $2.8 billion; 5 years, $16.5 billion; 10 years, $18.5 billion. That is just $10 per person, and that is just community programs. So we address the whole gamut. We address the community-based programs and the clinical-based programs.

For example, what we do in our bill is we set up an investment fund to do a number of different things. Let me give one example. We are going to train health professionals in how to work with prediabetic individuals, people who have tested high, who look like they are prediabetic. We will train them to work with them to manage their condition, to get them on the proper diet, to manage them as they go along. What is so important about that? Well, what is important about

that is that right now, for example in Medicare, Medicare will pay $30,000 to amputate your foot if you have diabetes. They will not reimburse one cent for nutrition counseling before so you don't get diabetes. But they will pay for nutrition counseling after you get diabetes. That doesn't make any sense.

Right now, the cost of diabetes in our society is $174 billion a year. That is $174 billion a year on diabetes. Well, it doesn't take a genius to figure out that if we can get hold of people who test prediabetic and get them on a well-managed program so they do not come down with diabetes, we will save money. But the Congressional Budget Office doesn't score that as any savings.

So at the clinical level we will do that. We will reimburse, for example. There will be a reimbursement for cancer screenings, for smoking cessation, nutrition counseling, colorectal screening. There will be reimbursements for that, and you will not have to pay any deductibles or copays. So for my friend who is now facing $3,000 for a colorectal screening, this will not cost him anything. No copays, no deductibles, and the insurance company has to reimburse for that.

Again, if we catch these things early, it is just like mammogram screening. We know if we get breast cancer early, it is curable. Again, let me say something that is public. The mayor of Cedar Rapids is a woman. I was in Iowa this weekend, and it was announced she has breast cancer. She went in today for a small surgery, and she will be back to work tomorrow because they got it early.

Mr. DODD. If my colleague will yield at this point, again, because I am exhibit A. I had an annual physical this year. At my annual physical, my PSA score spiked—shot up. That was a signal to the doctors that maybe something more serious was happening.

They decided a biopsy was appropriate. A biopsy showed I had cancer. But I had the annual physical, which my health care plan pays for. If you don't have a health care plan, that physical can be very expensive, so people don't get their annual physical. Prostate cancer is the slowest growing form of cancer, it is the easiest to manage. If you have to have cancer, it is the best one to have. If you have to have one, that is the best one—if you catch it early. A number of our colleagues have had prostate cancer. But the important thing, as my colleague pointed out, is to have an annual physical, get the screening, and detect it early. I will be able to deal with this, and I am told I will have a very healthy life for many more years to come.

If I had gone years without detecting this and it migrated or metastasized into my lymph nodes or bones, I could be in serious trouble. Spark Matsunaga, our former colleague from Hawaii, died of prostate cancer. John Kerry, our colleague, his dad died of prostate cancer. Thirty thousand people a year die of prostate cancer, because they never caught it. That is what screening does. That is why what you are saying has such value.

(Mr. MERKLEY assumed the chair.)

Mr. HARKIN. I appreciate the Senator saying that, and that is why we have to have more focus on this prevention and getting people in for early screenings. If you get it early, you are cured. We know that. So we want to remove any of the obstacles people have going in and getting screening.

Again, the Congressional Budget Office says they cannot figure out the savings. I said: Why don't you go look at Pitney Bowes. It is a big company, 200-some thousand employees, scattered all over the United States—

Mr. DODD. Headquartered in Connecticut.

Mr. HARKIN. I didn't know that. Pitney Bowes, and their CEO, Mike Critelli, went on a big program of wellness and prevention for all their employees. I think they called it Health Care University or something such as that. Here is what they found.

They found, through their wellness and prevention program, they reduced their number of hospitalizations for all their people by 38 percent—38 percent. Think of the savings. They reduced their disability payments and claims by 50 percent, just through their wellness and prevention programs.

Again, this will save us money. It will make people healthier. Not only that, I say to my friend, just the productivity level—people will work harder, they will work better when they are healthy and they are well.

One other thing I wish to mention. We have a fund in the prevention title of the bill that will increase over the years to a significant amount of money. People say: What are you going to use that money for?

Right now at the Centers for Disease Control and Prevention, for cardiovascular disease prevention and heart disease prevention, the current funding is $50 million for all States. That is barely enough to even print a pamphlet to get information out to people—$50 million for cardiovascular disease. Yet angioplasties alone and bypasses, we spend over $90 billion a year—just on those two items. But if they are caught early and if there are prevention programs out there, we can cut those down.

You mentioned diabetes. Right now diabetes costs us $174 billion a year—for diabetes. So the current funding is $62 million a year for diabetes prevention and control in the entire United States.

Arthritis, the current funding is $13 million. For nutrition, physical activity and obesity, right now $42 million is all we spend through the Centers for Disease Control and Prevention—$42 million a year.

You get my point. My point is, we are not focusing enough on prevention and wellness. That is what this bill does.

I thank our chairman, I thank Senator DODD for his great leadership. That is what people have to understand. In our bill, we have defined what we want to do on prevention and wellness. Frankly, I think we had good support on both sides of the aisle for that. I think the American people support putting more emphasis on keeping people healthy.

Andrew Weil, Dr. Andrew Weil has come out with a new book, ''Why Our Health Matters.'' One of the things Andrew Weil pointed out to me a while ago—he said the natural state of the human body is to be healthy. It is in our DNA. Our body wants to be healthy. Yet everything we do lends itself to be unhealthy. We have to do things to make it easier to be healthy and harder to be unhealthy. Right now we do the opposite. It is easy to be unhealthy and hard to be healthy—especially after you find you have to make all these copays and deductibles. There is not much out there if you are prediabetic. Where do you go to get the kind of counseling and help you need so you don't get diabetes? I suppose if you have a lot of money you can probably do it, but for the average person, they have no idea where to go.

The last thing I might mention, I say to Senator DODD, also in our appropriations we have, and we hope we get some more in other bills, but: workplace wellness programs, to buttress what Pitney Bowes and Safeway and others have done in that area.

For this bill, it is key to reducing costs and changing the structure of health care in America. I am grateful for my colleague's leadership in pulling this together and making sure in this bill we have a very strong investment in prevention and wellness.

Mr. DODD. I thank my colleague, Mr. President. Before I turn to Senator BROWN and Senator WHITEHOUSE—and there are a lot of things to talk about in the work Senator HARKIN and the committee did on prevention—one of the great successes in this bill is a matter he worked out with our friend and colleague from New Hampshire, JUDD GREGG. You mentioned Pitney Bowes and Safeway. The Presiding Officer is, of course, a member of our committee as well and will recall this conversation. But the amendment we worked out will allow for companies to reduce by as much as 50 percent the premium costs of employees who decide to take personal responsibility for improving their health care: getting involved in smoking cessation programs; those who can lose weight will go on programs to take that poundage off.

I will never forget Steve Burd, the CEO of Safeway, telling us that for every pound a person who could lose weight loses in a year, it is a $50 savings in premium costs—for every 1 pound. Think about what that can mean in terms of not only a healthier employee but also bringing down that cost of health care, not to mention, of course, that person is less likely to contract diabetes or related problems.

You get a cost savings, you get a healthier person, you get a more productive worker. That language exists in this bill because of what TOM HARKIN did with JUDD GREGG on a bipartisan basis to make this a better and stronger bill. I commend the Senator and thank him for it.

Mr. DODD. Mr. President, I see our colleagues from Ohio and Rhode Island are here.

Mr. BROWN. I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. I ask my distinguished colleague from Iowa a question about prevention because it strikes me, if you are a community health center and you want to invest in a health prevention strategy that will help the community you serve have healthier lives and therefore lower the costs to the system for everyone—you put out the money for that program if you are the community health center, you have to staff it, you take all the risks, you do all the work, and yet the benefit of what you have done doesn't come back to you. It goes to private insurers, it goes to the Federal Government, it goes to patients and better health. But it makes it a very unfortunate business proposition for anybody who is doing this on their own, which suggests this is an important place for the Federal Government to invest because the market, by itself, will not take care of this because you invest and you don't get it back. You invest and it goes to the insurance company. You invest and it goes to Medicare.

I know Senator BROWN wishes to make some statement. I wish to make that point because Senator HARKIN's work has been so important on this, and I think that is an important thread.

Mr. HARKIN. I thank my colleague. I think that is a very good point.

Mr. BROWN. I appreciate the leadership of Chairman DODD and Senator HARKIN on the whole bill. Senator HARKIN has led the way on prevention. Senator WHITEHOUSE and I worked together on writing the public option which provides a choice—not any government mandates, not as the other side would like to create, this fear in the public that it is going to lead to single payer.

Also, I thank the Presiding Officer for his work on tobacco and other issues on the HELP Committee too.

I listened as we began this evening. Before Senator DODD spoke, we heard from a colleague, a Republican colleague from the South, from Mississippi, I believe. We heard over and over all these scare tactics, all the kinds of words they use about single payer, about government takeover, about socialized medicine. It just serves to scare the public, to confuse the public.

What they have done especially is trying to scare senior citizens into thinking we are going to do something to their Medicare, require them to come in and not just have a living will but have a plan on how they are going to die. Some of the things they are saying are absolutely amazing.

I wish to kind of cut through that for a moment because I know we tend to use words—we talk about exclusivity and single payer and the gateway and the exchange, all these words we use around here. I wish to cut through that. I wish to share tonight, as I have every night we have been in session for the last week or so, some letters I have gotten from people in Ohio. I know the Presiding Officer gets these from Portland, OR, and Eugene and Senator DODD gets these from West Hartford and New London and New Haven and I know Senator WHITEHOUSE and Senator HARKIN get letters such as these from their States. But this is the reason we are doing this health care bill. This is the reason we have worked hard, doing our jobs, as we should, to pass legislation that will protect what works in our health care system and fix what is broken.

We know many people want to keep their health care plans that they have. If they are satisfied and want to keep them, we want to help them keep them, but we want to build some consumer protections so they cannot be denied care when they call their insurer when they need a health care treatment; so they can't be discriminated against; they can't have a community rating system gamed. That is what people have seen. So if you have your own health insurance and are happy with it, we want you to keep that, but we want some consumer protections around it.

This bill is full of assistance for small business that works so very hard to help people, small businesses that want to insure their employees but often cannot afford it. This bill will work so well to encourage and assist people who want health insurance to get that health insurance.

Let me stop talking, except to read a few of these letters I have received in the last few days.

Jon, from Franklin County—central Ohio, Columbus area—writes:

> I am a self-employed 28-year-old with Type I diabetes. After being denied coverage by many health insurance companies, the only plan I could find charged outrageous monthly premiums.
>
> After having a policy for 5 months, the insurance company increased my monthly premium by another $100.
>
> It is vital I have health insurance. I was diagnosed with Type I diabetes at age 12, and I have taken very good care of my health with diet and exercise.

As Senator HARKIN talks about.

> I didn't ask for this disease but ask you to vote for reform—especially the public insurance option.
>
> We need realistic premiums and choices without penalties.

That is what the public option does. If you don't have health insurance or you have inadequate insurance or insurance you are dissatisfied with, you can go into what is called this exchange. You have a choice, a menu of options. You can go with Aetna or with an Ohio medical mutual fund, mutual company, or you can go with the public option. Nobody forces you to do anything, but providing you a wide range of options will give you much better insurance than you might now have if you are dissatisfied.

Thomas from Knox County, a Navy veteran—that is about 25 miles from where I grew up, in Mansfield:

> I would like to urge you to support health care reform that includes a public insurance option. While private insurance is adequate in many cases—

Thomas, the Navy veteran, writes—

> there are far too many instances where private insurance is denied or is inadequate to meet the needs of the insured.
>
> A neighbor of mine, a retired minister, was forced to sell his home and move in with his son after battling cancer and having tremendous debt as a result. And he was insured.

We know how often that has happened. As Chairman DODD has pointed out, people who so often have declared bankruptcy because of their illness often had insurance, but their insurance had lifetime caps. One of our consumer protections we are building into the health care system with this bill is no more lifetime caps so people can get the insurance they thought they had, can get the coverage they thought they had.

Why we would allow, in this country, that a retired minister has to sell his house and has to move in with his son because the insurance he had when he got seriously ill would not cover his illness?

What does that say about our failures in the past in enacting health reform?

Thomas from Knox County, a Navy veteran, says:

> Please do not vote for any plan that would only fatten the wallets of the insurance and drug industry without significantly fixing the problem for the average American citizen.

What Thomas is talking about is what has happened in this body and what happened in the other body, where I was a Member, 5 years ago when the Bush administration pushed through a Medicare plan that betrayed the middle class. It was a plan that the drug companies wrote, the insurance companies wrote. It was a Medicare plan that simply did not work for the middle class. It worked very well to fatten the wallets, as Thomas said, of the drug and insurance companies.

Let me share a couple more.

Lia from Miami County writes:

> Recently our daughter graduated with her masters degree and was ready to join the workforce. Last summer between semesters she had major back surgery. We are so proud that along with her recovery, she managed to carry her full curriculum with great grades. But she developed complications and subsequently endured three surgeries and 2 weeks in the hospital.
>
> Her student health insurance expires at the end of July. During her recovery, she was not able to search for a job and has been denied from multiple insurance carriers due to her preexisting conditions. We are now faced with additional medical expenses and no insurance coverage.

I fully understand the need for healthcare reform to assist those who are facing the same issues that we are with our daughter. Please stand up for those in Ohio and other states that are doing their best to create a better life. Please support healthcare insurance reform with a public and a private option.

She understands we want both. A public option will, frankly, make private insurance companies more honest. Private options help make the public option work better too. It will make it more flexible, and it will make it respond better to market conditions. Having them compete with each other will work for Lia from Miami County, from Piqua, or Troy, that area of the State north of Dayton.

The last letter I would like to share is from Mary from Cuyahoga, from the Cleveland area:

Please, please, please, do whatever you can to get the healthcare reform bill through Congress this year, and stop the insanity we are experiencing now. My husband and I are retired. He has had diabetes for the past 28 years. Thank God for Medicare. But he is part of the doughnut hole generation.

What that means is, again, what happened 5 years ago when the Bush administration pushed their partial privatization of Medicare through the House and through the Senate, the bill that was written by the drug companies for the drug companies, the bill that was written by the insurance companies for the insurance companies, it simply did not provide senior citizens who had high drug expenses with their drug benefits. There was something called a doughnut hole where people simply lost the coverage for which they were paying.

My husband has now reached the limit of the payments that Medicare will make on his medications. Now he has to spend thousands of dollars out of his pocket to stay healthy. Why would you pay for only a half year of his medications? What is he supposed to do the rest of the year? Hope for the best?

My husband had taken charge of his health through better diet and exercise. Yes, we need to take responsibility for our health, especially a disease such as diabetes, but we need healthcare that will help when all of our efforts fall short and illnesses take over. Please vote for healthcare reform.

All of us get letters like this every day. Thousands of these letters are sent to the Capitol every single day from people who are struggling. Most of these letters, I have found, come from people who have had health insurance, they have lost it because of a preexisting condition, they have seen it fall far short of what they were promised because they had a very expensive illness, or they have sometimes seen their health insurance go away because they have lost their job.

In every one of these cases I have read tonight, in every letter I have read, the dozen or so, couple dozen letters I have read here on the floor of the Senate, in every single one of these cases the legislation that those of us—Senator WHITEHOUSE and Senators HARKIN and DODD and the Presiding Officer, the Senator from Oregon, Mr. MERKLEY—the legislation we wrote will take care of this. It will protect what works in our system. It will fix what is broken. It will give people who already have their insurance and are satisfied with it more consumer protection so they can keep their insurance they are satisfied with. It will give those who do not have insurance an opportunity to buy decent health insurance, with a public option, if they so choose, or to go to a private insurance career.

I yield the floor.

Mr. DODD. I thank my colleague and thank him for making that contribution on so many points, particularly on the public option. As our colleague from Ohio has pointed out, and some may find it somewhat alarming—but the whole idea of competition is about as basic in America as any I can think of. The idea that people can have choices out there is something we cherish in this country.

In fact, what exists today in so many case is the lack of choice. I listened to my colleague from Iowa talk about western Iowa, rural Iowa, where you only get one or two choices. In the State of Virginia, almost 70 percent of all insurance is written by two companies in the entire State—two companies in the entire State of Virginia. That is not untrue in most places. I cannot speak specifically State by State, but it is not uncommon that in many areas the choices are very limited. So today, for most Americans, the ability to shop for the best health care plan that serves their needs and the needs of their families is very limited.

What is being discussed here is not a subsidized plan, not taxpayer subsidized in any way, but a plan that would offer an option, a safety net in many cases, probably for some kind of illness that can afflict someone, which most people worry most about that could ruin them financially. It is a pretty straightforward kind of a plan that would provide some basic coverage, at a competitive price, a nonprofit operation that would take the element of profit out. I know that may be intimidating to people, to have someone out there competing with an idea. If it is not a good plan and people don't like it, they will not go to it, in which case it will not work very well. If it is a well-drafted plan that does what many would like it to do, it might just have the effect of bringing down the cost in a competitive environment.

I mean, under a capitalistic system, competition is what contributes to price fairness. If one company controls the whole game, or two do, you get a predictable result—price fixing—and you pay an awful price as a consumer, whether you are buying shoes or automobiles or any other product or service.

So the idea of injecting a level of competition—I find it somewhat ironic that our Republican friends are frightened of this idea. I traditionally think that all of us embrace the free enterprise system as providing the best results for our country throughout 200 years of history. Why in the 21st century should that be any different from the 20th or the 19th century, where competition helped produce the greatness of this country?

I appreciate the Senator from Ohio today raising the point about the value of injecting some competition. We all know ultimately that could have the desired effect of bringing down those costs and making insurance or health care coverage more affordable. At some point, I hope someone might explain to me why competition is a bad idea. I though quite the contrary, and it is almost un-American to suggest that we ought to make this a noncompetitive environment, that everything else ought to be competitive but not health care. It seems to me that quite the opposite ought to be the case.

I see my colleague from Rhode Island here, who made a significant contribution in crafting the public option and the very public option that was praised by the so-called Blue Dogs in the House, the more conservative Democrats in the House who were reluctant to be supportive of that specific health care package. But to their great credit, they took a good look at what we had created in our bill on the public option, and they were so impressed by the work done by our committee—specifically, our colleagues from North Carolina, Senator HAGAN, Senator BROWN from Ohio, and Senator WHITEHOUSE from Rhode Island, who were the principal authors of this provision in our bill—that the House Blue Dogs insisted that this language be incorporated in part of their health care effort in the House. I thank my colleagues from Rhode Island and Ohio and Senator KAY HAGAN from North Carolina for their work in this regard.

Possibly my colleague from Rhode Island would like to talk about that or some other aspect of this bill.

Mr. WHITEHOUSE. I would be delighted to talk about that. But the first thing I would like to do is react to a point the distinguished chairman has just made regarding how ironic it is that some of our friends on the other side are so opposed to increasing competition in the insurance industry. One of the things that is particularly ironic is that a great number of our colleagues on the other side go home to their home States to a health insurance system that already is a public option for their business community, their workers' compensation system.

The two places you get health care are from the general health insurance marketplace and from the workers' compensation marketplace. You can get workers' compensation coverage, and it will cover small workplace injuries, it will cover catastrophic workplace injuries, it will cover temporary conditions, and it will cover lifetime chronic conditions. It has all of the elements of health insurance coverage and the need for it.

Well, when our colleague from Wyoming, the distinguished ranking member of the HELP Committee, goes home to Wyoming, he goes home to a single-payer public option for workers' compensation health insurance. So it can hardly by anathema to have a choice public option.

The distinguished gentleman, Senator MCCAIN, who was the Republican candidate for President, goes home to Arizona to a competitive public plan providing workers' compensation health insurance in his home State.

The Republican leader himself, Senator MCCONNELL, goes home to Kentucky, to a State where there is a public plan that delivers health insurance, a competitive public plan. And I suspect his employers like it and the people are comfortable with it.

Our colleague, KAY BAILEY HUTCHISON, is shortly to go home to Texas to run for Governor. When she does, she will go home to a State that has a competitive public plan that delivers health care through the worker's compensation system.

Our distinguished friends in Utah, Senator BENNETT and Senator HATCH, who have done so much work on health insurance issues over the years, go home to Utah, where their business community has a competitive public plan for delivering health insurance.

So, in addition to the irony of being against competition, their business communities, I believe, are highly favorable to a public plan that competes in the market to deliver health insurance that the business community funds, the workers' compensation health insurance market. So I guess ironies abound here.

I would also like to compliment Senator BROWN for keeping it real here on the Senate floor and reading those letters and reminding us that when push comes to shove around here, it is not the nametags and the labels that matter, it is not ''socialized medicine,'' it is not ''government takeover,'' it is people who have real problems.

I was struck by a letter that was brought to my attention today. I do not know exactly what day it came in, but I saw it today. A working couple with a son, sort of the ideal American family, doing nothing wrong, doing everything right, playing by the rules, working hard. The son becomes grievously ill, has a very grave illness. Over the years, his condition worsens, and ultimately his disease takes his life. They were insured through this whole period, but the insurance was not enough. There were copays, there were limits, there was cost sharing. As a result of all of this, they are deeply in debt. They had to take time off work and spend time caring for him, and so they have had employment issues.

Now, this is, again, sort of the ideal American family. They are both working hard. They have a son whom they love. They are doing everything right, and they are playing by the rules. And because he got sick and because our health insurance system is such a nightmare for a family in that situation, they have lost their son, they have lost their savings, and they are about to lose their home. They are about to be put out of the house that has all of the memories of their son.

You know, there are people for whom this is very real, and we have to keep our eye on that ball and not on all of the smoke and all of the fear mongering that is happening around here. A lot of that smoke and fear mongering is happening around our public plan.

Well, it is not that complicated. It is competitive. It is fair. It has no special subsidies for people who are in that plan versus in competing private plans. It has no special advantage. And it honors President Obama's programs and the promise of all of the Presidential candidates that if you like the plan you have, you get to keep it. You are not forced out of anything.

So if it has no special advantages, if it has no special subsidies, why do we support a public option? Why is it better? Well, I would say that there are three reasons we can have some confidence that a public option will make a difference for the kind of people Senator BROWN was talking about, the family I was talking about, people who suffer through our existing health care system.

The first is, a public plan does not need to take profit out of the system.

In 2007, in Rhode Island, one of our insurers, United Health Care, asked permission to remove $37 million as its profit in that year from Rhode Island back to its home headquarters. My State isn't as big as Ohio. It is not as big as Iowa or Connecticut. It is a small State. It has a million people. In one year to take $37 million out of that State, when they only had a 16-percent market share, think of that. A 16-percent market share in a State of a million people is about 160,000 folks they cover, assuming that everybody had coverage; $37 million out of those 160,000 people in 1 year gone for profits.

Stop doing that. Stop paying exorbitant salaries such as United Health Care's chief executive who got $124 million in salary. That is a lot of money that could go back into other things in health care. That could help families either get better coverage or pay lower premiums. So there is one thing—no profit, no excess cost.

The second is, you could have better dealings between insurers and providers and hospitals than we have right now. Fifteen percent of our health care costs from the insurance side goes to overhead and administration. Most of that goes to denying claims and making life difficult for providers, doctors, and hospitals, when they submit their bills. There is a war, a claims war going on right now between the insurance industry and doctors and hospitals. And 15 percent of what we pay for health care gets burned up on the insurance company side of that war. The insurance companies are bigger and smarter, and they set the rules. So you can bet that the doctors' side of responding to that costs more than 15 percent.

In fact, the Lewin Group has estimated that 36 percent of a provider's overhead cost goes to fighting with the insurance industry. Everybody in this place has had the experience or somebody they know or love has had the experience of trying to get a claim paid, having it be denied, submitting a bill, having it be denied, having to wait for treatment that you need while your doctor tries to get prior authorization from the insurance company that says: No, we need more papers. All of that is expensive. None of it provides any health care value, zero. It is all administrative overhead and nonsense.

In some cases it is big. I was at the Cranston, RI community health center. It is not a big organization. Rhode Island is not a big State. Cranston is not our capital city, not our biggest town. Its community health center does not have an enormous budget. They spend $300,000 every year on the consultants who help them try to negotiate this payment claims war they are stuck in—$300,000 a year. On top of that, 50 percent of their personnel time, half of their personnel time, goes to fighting with insurance companies. So you take a little place such as the Cranston community health center and you can tell them: Half of your personnel costs can go away or can be devoted to prevention, as the Senator from Iowa has suggested, instead of fighting with the insurance industry. That is an improved model. That is something the public option can pursue.

You don't have to fight the providers that way, and the amount of waste that is burned up on all of that warfare for no health care value whatsoever is an opportunity for this public option to achieve.

The third area is to more broadly change the busines model. There is a failed private insurance business model right now. It is pretty simple to summarize. No. 1, if they think you are going to get sick, they deny you insurance. You don't even get in the door. No. 2, if they make a terrible mistake and let you in the door and then you have the temerity to get sick, they look for a way to deny coverage. They go through the form and look for a mistake you might have made so they can throw it out. They find something that might have been a preexisting condition. They look for a loophole. If they are stuck, if they can't find a loophole, then they deny payment. They tell you that the coverage you need isn't what you need or they refuse to honor the doctor's bill when it comes through the door. But a business model for an entire industry of denying insurance to the people who they think will get sick and then denying coverage to the people who actually do get sick and, when they can't dodge their coverage responsibilities, denying payment to doctors or hospitals or trying

to have some person who is not even a doctor second-guess the coverage that your doctor tells you you need, that is a terrible business model. It has caused immense pain across the country, and it has been a disaster. There is a better business model. A public option can pursue it.

Mr. DODD. If my colleague will yield on that point, those very fact situations the Senator describes would be totally prohibited under the bill we marked up in our committee nearly 3 weeks ago. Every one of those fact situations would be prohibited under the legislation we sent to the body for its consideration.

Mr. WHITEHOUSE. Yes, it would. And it is an important piece of this legislation that has received far too little attention so far in the debate. It has caused an immense amount of personal pain, human anguish, and suffering that our health care system causes.

The distinguished Senator from Ohio, Senator BROWN, and I wrote an article about this. We wrote: Your health insurer should be your advocate, not your adversary. The community health insurance option will invest in prevention so that when you are healthy, you stay that way. It will invest in care management coordination, if you have a chronic condition, and it will fight for you, not with you, to get you the best possible care with the least possible hassle.

That is what this is all about. The new business model can look in these areas: Quality improvement. We know that improvement in the quality of care in this country can save dollars. But as we were saying earlier in our colloquy, it doesn't save money for the person investing in the quality. It saves it for the system. A public option will have the public purpose necessary to pursue those quality improvements that will drive down cost.

Health information infrastructure. We have the worst health information infrastructure in this country of any industry. The only industry that has worse information infrastructure is the mining industry. It is pathetic. But the same principle applies. The doctor investing in that equipment on their desk puts out all the money, takes all the risk, absorbs all the hassle, and the savings go to the insurance companies. So we are underinvested. A public option can make those investments in our electronic health record infrastructure.

Prevention strategies. I won't dwell on that because the Senator from Iowa has done such a good job already. Same principle: A public option can pursue the public purpose of protecting public health through prevention in a way that insurers never will because they don't have the financial interest at stake. Finally, you can develop new models of payment to make all those happen, because the way we pay for it now is piecework. Procedure by procedure, the more you do, the more you get paid. Not the healthier your patients are, the more you get paid; the more you do, the more you get paid.

There is enormous hope for the whole system. In fact, it may be the only hope for our whole system is to change that business model to a model that works on quality improvement, prevention, investment, payment reform, and electronic health record infrastructure for everybody. A public option will lead us in that way.

Perhaps you can trust the private insurance industry to do this, although they never have so far. But perhaps now suddenly something will change and you can trust them to start doing this for the first time, when they never did before. But I don't think it is a wise bet to put all of our eggs in that one basket. Give us a public option and let them compete. I think they can help transform this world.

The last thing I will say it is cost control. We have heard a lot about cost control on this subject. There is no better way to have cost control than to get a public option out there doing all these things—stripping the excess profit out of the system, lowering the administrative costs, ending the warfare with providers that provides no value, and working to a business model founded on quality, prevention, electronic infrastructure, and clearer payment signals. That is where we need to go. The public option takes us there.

Nobody cares more about this than the distinguished chairman and particularly the people he has heard from in Connecticut. I would revert back to the chairman to discuss the personal aspects of this on the part of the people he serves.

Mr. DODD. I thank my colleague. There will be many more opportunities for us to go over this, but I want to make some points that are important and are part of the legislation that came out of our committee and that are now available for colleagues and others to consider.

Under our legislation, you can never discriminate again for a preexisting condition. So when someone comes in and says, I am sorry but that condition precludes you from getting coverage, under our legislation, drafted and approved by our committee, that would not happen. Never again can a preexisting condition be used to deprive coverage.

No exorbitant out-of-pocket expenses, deductibles, or copays. Insurance companies will have to abide by yearly caps on how much they can charge for out-of-pocket expenses. There will be minimal or no cost sharing for preventive care. The insurance industry would fully cover regular checkups and tests that help prevent illness such as mammograms or eye and foot exams for diabetes, the kind of thing Senator HARKIN talked about. It doesn't make sense to pay $30,000 to amputate your leg instead of paying for the coverage to determine if you are susceptible to the illness.

No dropping coverage for the seriously ill. Companies would be prohibited from dropping or watering down insurance coverage for those who become seriously ill. No gender discrimination. There has been a problem of tremendous discrimination in the cost of coverage based on gender. Under our legislation, insurance companies would be prohibited from charging you more because of your gender. No annual or lifetime caps on coverage. Again, you have coverage. You have never had to use it. All of a sudden you get that crisis in your family, and then you start reading the fine print and discover all you get are two hospital visits or three doctor visits. You have a serious problem on your hands. That coverage you have been paying for month after month, year after year, all of a sudden might as well not exist at all. Under our bill, the industry would be prevented from placing annual and lifetime caps on coverage that you receive.

Extended coverage for young adults: Children would continue to be eligible for family coverage, not stopping at age 21 but up to 26. That is a huge gap, 21 to 26. Then we have young adult plans that would allow another option. Young people often think they will live forever and never have any problems. We are trying to help out this age group that too often slips through the cracks. This group often doesn't think coverage is that important and, as a result, suffers when they are faced with illnesses or accidents.

Lastly, guaranteed insurance renewal is the point I wanted to raise—when you discover all of a sudden that you are no longer covered. Under our legislation, the industry would be required to renew any policy as long as the policyholder pays premiums in full. The companies wouldn't be allowed to refuse renewal because someone became sick. Every one of these provisions is now written into our legislation. Our bill absolutely makes major reforms that will make a difference on behalf of the citizenry who are counting on a program that would not deprive them of the coverage they deserve.

I see our colleague from Oregon is here. I want to say that RON WYDEN has been a tremendous advocate of health care reform for so long. He has written a bill that has attracted a lot of bipartisan support. He and I have had long conversations about some of his ideas. I have asked him to take a look at what we have done as well. I am confident we will end up with health care reform. And I want to thank RON WYDEN for his energy and passion about this issue and the very creative ideas he has brought to the table.

Mr. WYDEN. Mr. President, I wanted to come tonight as a member of the Finance Committee and particularly highlight the extraordinary contributions that those on the HELP Committee have made in the prevention area. This is going to be a landmark bill. This is going to be an absolute turning point in American history

when we finally say that instead of spending loads of money on various health care services, we will start keeping people healthy. You look, for example, at the Medicare Program. Medicare Part A will pay thousands and thousands of dollars on senior citizens' hospital bills. And then Medicare Part B, the outpatient portion, can't do anything to reward somebody for staying healthy. Along comes Senator HARKIN, who has consulted very extensively with the private sector, worked on a bipartisan effort. Senator ENZI and Senator GREGG were very involved. And you found the sweet spot. Prevention.

What you all were able to do in the preventive area is to show that you could give very dramatic incentives to reward people for staying healthy, lowering their cholesterol, lowering their blood pressure, picking up on some of the good work that is being done in the private sector but not getting into where one could, in effect, be said to be discriminating against an individual who would have a lot of health problems and would have difficulty just with an incentive-based system.

That is a very thoughtful approach, in my view, to moving this country forward. I hope we will be able to pick up on it in the Senate Finance Committee. There is a lot of bipartisan support for it. I came to the floor tonight to particularly highlight that.

There is time, perhaps, for one other thought. I was struck—as we talk about the lack of choice in this country—the distinguished Presiding Officer and I woke up this morning to our statewide newspaper, the Oregonian, which described, in great detail, our health insurance as Members of Congress. Senator HARKIN and I have talked about this, Chairman DODD as well. It described how Senator MERKLEY and I have access to 23 health care packages, which, by the way, understand the HELP lesson. They cannot discriminate against you if you have a preexisting condition. You go into a big group so you can play hardball with the insurance companies.

What is striking about this—and Senate MERKLEY and I heard about this on the front page of our newspaper—is most of the country thinks this is some kind of ''Cadillac,'' gold-plated operation. But, as the newspaper pointed out today, that is what somebody who works for the Forest Service gets in central Oregon, that is what somebody who is a janitor, for example, the paper said, gets at the Bureau of Engraving.

I very much look forward to working with all of you on the HELP Committee, as Chairman DODD and I have talked about, to make sure everybody can have a wide array of choices, have a lot of clout to take on the insurance companies, get reduced administrative costs, which is what you get with the big groups, and, by the way, have a financial incentive to choose one of these Harkin-type packages that reward prevention.

One of the things that is troubling about this debate is if we do not get the choice issue right, a lot of Americans are not going to be able to choose those kinds of packages. I think, under the Senator's leadership, we will be able to do it.

The last point I would make is—and I thank the Senator for all the time—I think working together over the next few months we can close the sale with folks who have insurance. This is going to be the key to getting health reform passed.

Mr. President, 150 million-plus people say: Not only do I want to make sure I am not worse off, I want to be better off. Well, we want to make sure they are going to be able to choose a package such as Senator HARKIN has been able to advance in the HELP Committee, where they get rewarded for prevention. We want to make sure they can choose a package where they can get lower premiums. We want to make sure everybody can keep what they have, but if they do not like what they have they can go somewhere else, which is what we can do as Members of Congress.

So I think tonight's program, particularly focusing on prevention and the incentives you all have laid out—and as Senator WHITEHOUSE has talked about, changing this insurance model, which in many respects is inhumane to reward all this cherry-picking and, in effect, sending the sick people over to government programs more fragile than they are—you all have done some very good work, particularly in prevention and making sure the consumer gets a fair shake with the insurance industry.

Working together, particularly by adding choices, we are going to be able, over the next few months, to show we can close the sale with those who have insurance in this country and come back in the fall and win bipartisan support to go where this country has not been able to go for 60 years; that is, quality, affordable coverage for all Americans.

We have already made it clear that in any legislative effort we are a part of, we will mandate good health for the Dodd household because we are all thinking about you, and we want you to know how much affection we have for you and how much support both personally and professionally we have for you from all of us in the Senate.

Mr. DODD. I thank the Senator.

Mr. WYDEN. I thank the Senator for giving me all this time.

(Mr. WHITEHOUSE assumed the chair.)

Mr. DODD. I thank my colleague.

Mr. HARKIN. Mr. President, I wish to thank my friend from Oregon, with whom I have had numerous conversations, going back over years, on the whole wellness ethic and how we can kind of get this big ship of health care moving in a different direction. Senator WYDEN has been one of the great leaders in this area, and I have consulted with him often on this issue. I look forward to his work on the Finance Committee.

Of course, on workplace wellness, we have to make sure small businesses are able to help their employees in wellness programs. We know from other businesses and what they have done—some larger businesses but some smaller ones that have done good workplace wellness programs—it pays off immensely in savings but also in productivity. Of course, that is something the CBO does not look at—increased productivity. They do not look at that.

But I say to Senator WYDEN, he is absolutely right. What we have done, what we anticipate will be coming now from the Finance Committee, and in putting these together, we will have a whole new—what is that fancy word called Paradigm—a new paradigm in health care in this country, where people will have a lot of choices. They will be able to shop. They will not be like my friend Art in Storm Lake, IA, who only has one place to go with a $5,000 deductible.

Now we will be able to take a lot of these small businesses and they will be able to go on these exchanges and they can be in a pool with a lot of other people all over the country. We know a principle of insurance—I say to Senator WYDEN, he knows this very well—one of the basic principles of insurance is: The more people in the pool, the cheaper it is for everybody.

So we set up the bigger pools with our small businesses, my farmers and farm families to get into bigger pools, and not just these small pools that cost them so much money. But the idea behind it, of course, the one big paradigm, is to start focusing on wellness and health promotion, keeping people healthy. We have to put more incentives in there for people.

You talk to anyone. Go out and talk to anyone and ask them would they like to be healthier or would they like to be sick. That answer is easy. They want to be healthy. What kind of help do you get? When you go to your doctor, when you talk to your doctor and stuff, do they tell you how to be healthy? Well, I do not know. I do not think so. When is the last time you went to a doctor and walked out without getting a prescription? So the doctor gave you a prescription. Go get a drug. We have to change this. In our bill, we do.

Again, part of our prevention package is to focus on medical schools and how we get more people in general practices and family practices and residencies in prevention and wellness so they begin to understand how they can start working with people to keep them healthy.

So this is a way we are going to try to shift this so the person can say: Yes, I want to be healthy. And do you know what, I went to my health care practitioner—maybe a doctor, maybe a nurse

practitioner, maybe a physician's assistant, and it could be a host of different people; it could be a chiropractor—and, do you know what, they spent a lot of time with me, and they gave me a program to follow to stay healthy. And guess what. They check up on me and they find out: Are you following your program? Come in. You come in here in 6 months. I am giving you this program to show you how to stay healthy. And they call me up after a month. Someone in the office called me up, asking: Are you doing this? In 6 months, I have to come back in to make sure I am doing it.

No one has ever done that before. But in our bill, you see—in our bill—they will be able to get reimbursed for that. They will be able to get reimbursed for keeping someone healthy and not just taking care of you when you are sick.

I wish to thank my friend from Oregon. He has been a great leader in this area for so many years. I look forward to working with the Senator to get us over that finish line sometime this year.

I thank Senator DODD again for all his great leadership. I say to the Presiding Officer, the Senator from Rhode Island—talking about the public option, to digress for 1 second away from prevention—here is one of the reasons we need a public option: From 2003 to 2007, the combined profits of the five largest health insurance companies went up 170 percent. Their profits went up 170 percent. The CEO compensation for the top seven health insurance companies right now: $14.2 million a year.

Well, that is why we need a public option out there, to kind of put some brakes on that, to give some competition out there so these health insurance companies know they have to be a little bit more stringent on maybe what they pay their CEOs, and maybe the profits will not be so high because they will have a public option out there that will act as a check both on their profits but also a check on the quality of care they provide. That is why the public option is so vital and necessary.

Well, again, I say thank you to Senator DODD for having us here tonight, and I thank him again for his great leadership on this health care bill.

I say to my friend from Oregon, we are going to get it done. We are going to make this a wellness society, not a sick society.

Mr. DODD. Mr. President, I thank our colleague from Iowa, and I thank, again, RON WYDEN for his contributions.

I wish to reintroduce a constituent of mine, Kevin Galvin. I spent the morning with Kevin today. He is a true American hero, in many ways. He did not want to become an American hero.

Kevin employs, I think, 13 people. He has a small business in Hartford, CT. He started out in a hardware business about 27 years ago and changed his business model to meet the needs and times of our country. He was never able to provide health insurance for his people, and it bothered him deeply because he did not have enough business, and health care coverage, even years ago, was more expensive than he could afford.

Students sometimes ask: Can one person make a difference? This person—I suppose the legislative leaders in my State would acknowledge this as well—this one person, on his own, over 2 years, organized 19,000 small businesses in my small State to lobby my State legislature about doing something at long last to make a difference for small businesses on health care. They achieved it about a week ago, in no small measure because one guy, who employs about 13 people, got fed up.

The average small business pays 18 percent more for health care than larger businesses and gets a lot less coverage than others do as well for the very reason Senator HARKIN pointed out: pooling, the idea of being able to work together, get together. They can hardly lift up their heads. In a small business, you are struggling every day to survive.

Seventy-five percent of our employers employ fewer than 25 people in our country. The majority of people in our Nation get a job in a small business. Yet they work so hard every day trying to keep that business afloat, particularly in times such as these.

It bothered Kevin Galvin so much, that employees of his, in some cases, had to leave him. They did not want to leave but had to because their spouse lost their job, which is what they were relying on for health insurance. He told us about one fellow today, who I think was with him 20-some-odd years, who had to go off and find a job that paid 30 percent less in income but because they had a health care plan. He left the job he loved to take a 30-percent pay cut so his family could have health care.

A young man whom we talked to today, an employee, a Hispanic American, in Hartford, CT, is raising a family on his own and has a child with a severe disability and his parents have Alzheimer's and there is no coverage under this guy's plan, Kevin Galvin's plan, in his workplace. But they are doing everything. Kevin does whatever he can to help that family out because he loves that young man who has worked with him. He cares about him. But he cannot afford to do it forever. He cannot survive as a businessperson that way.

So we need to pay attention. Our bill does. We talked about prevention. But one of the things I am most proud of in our bill is providing those credits to small businesses so they can afford coverage, giving them the option of going to those alternative plans out there that may suit their needs the best, which they do not have today, allowing them to come together, so they have an opportunity to drive down those costs when they bargain together for the best cost for their employees, as the Senator from Rhode Island pointed out.

But I wished to point out Kevin Galvin. Today we met in his shop in Hartford, CT. The Secretary of Health and Human Services, Kathleen Sebelius, was there. The new Administrator for the Small Business Administration, Karen Mills, was there. Congresswoman ROSA DELAURO was there. The speaker of the State house was there. The president of the State senate was there. The head of the small business community was there. They were there to say thank you to Kevin Galvin for what he had done.

If one person like that can make a difference, we ought to listen to them. When the Kevin Galvins of this country—he is a small business guy with 13 employees, struggling every day. He decided he was going to do something about it, and we ought to listen to him. He made a difference in my State. But if we listen to him, we can make a difference with small businesspeople all across this country. If we will take the language we wrote in our bill that can make a difference with small business—13 million people in this country who work for small business every day don't have health insurance. Of that 47 million, 13 million—being able to make a difference in their lives, giving them the kind of coverage, the accessibility and the affordability to health care, can make a huge difference.

One thing we don't mention enough: This week is the 44th birthday of Medicare—this week. It is a great program. It took the poorest sector of our society out of poverty, the elderly. It also did something else. How many of us in our generation were able to do other things and make investments in other things because in 1965, this Congress, the men and women sitting in this Chamber—mostly men in those days—passed Medicare? All of a sudden, that financial burden children had to look at—the cost of pharmaceutical drugs their parents needed, going to the doctor with their parents—all of a sudden, a lot of it got taken care of. It was a financial benefit to their children.

I don't know if there are any economic models that look around and say: How much did that program not only benefit the elderly who got Medicare, but how did it benefit their children who were then able to make investments in their own children's education and in that better home and that better neighborhood, buying that second car? How much did our economy actually grow and improve because we invested in Medicare? We always talk about what it did for those who receive Medicare, but how about those who didn't receive Medicare but had removed from them—or at least partially removed—the burden of those costs they would otherwise pay?

How many people today, because of the uncertainty about their health insurance, are not making the kinds of investments in other things because

they are trying to protect themselves against that crisis that could befall them? We don't talk about that.

All I hear about is how expensive this is. It is going to be expensive, but if we don't do something about it, it will be lot more expensive—expensive to our economy, expensive to individuals, and expensive to our Nation.

So when we talk about these issues, it isn't just those who benefit as a result of having access; it also is the relief, it is the sense of comfort, that sense of confidence that, Lord forbid, something happens to me and my family, I am protected against catastrophic ruin—catastrophic ruin that can happen. I don't think we talk about that enough here. One of the reasons is because none of us here—none of us here—have to worry for one single second about that. None of us are going to be economically ruined as Members of the U.S. Congress if a health care crisis befalls us. Not one of us. Yet the millions of people we represent worry about it every single day.

That is at the heart of all of this, to be able to establish a system in our country which protects our Nation—the greatest, the wealthiest Nation in the history of mankind—from the absolute and very predictable knowledge that you have either been sick, you are sick, or you are going to get sick. I guarantee you, if you are a human being living in this country, that is going to happen to you. To what extent does that occasion, that event put you and your family in financial ruin? It happens to millions in this country. So that as much as anything else ought to motivate us to get back here and do the job.

I see my colleague from Oregon is here, Senator MERKLEY of our committee, who has done a great job as well.

Mr. MERKLEY. Mr. President, I thank the Senator very much for his presentation and leadership on health care.

The Senator was just talking about Medicare, and when our HELP Committee was meeting, I heard a very interesting statistic; that is, while Americans spend 17 to 18 percent of our GDP on health care—more than any other country on the planet—our health outcomes overall are significantly less than several dozen other nations in the world. That is part of the puzzle we are addressing. But then I heard another piece of the puzzle; that is, for American citizens who are 65, their health prospects are among the best in the world. The question was posed before the committee: What is the difference? The difference is very simple, as the Senator from Connecticut has so described, and that was the creation of the Medicare Program. All of our citizens 65 and older have health care. If we can take it and make it a nation where all of our citizens 65 and under have health care, wouldn't it make a tremendous difference?

Mr. DODD. My colleague is absolutely correct. This is the point. People probably know, but the younger generation may not realize it. Prior to 1965, the poorest population of our country were our elderly. It was a great tragedy—the generation that grew up and then contributed so much. The 20th century—of course, by 1965, those were the veterans of World War I. They were the people who had lived through the Depression and held us together as a nation time after time, and here they were reaching their retirement years, and, as we all know, when health care problems become pretty routine.

A generation that came before us sitting in this very Chamber decided we could do better than that, and so crafted Medicare. The leadership again began with President Kennedy and culminated with the work of Lyndon Baines Johnson putting a package together with Hubert Humphrey and others, putting together that Medicare Program and taking a substantial portion of our population and giving them the assurance and the confidence that as they grow older and face health care problems, the Nation would be there to back them up and to say thank you as a gesture of gratitude for the contribution they made.

Also, there was a note of selfishness in that it relieved that younger generation from the burden of financially caring for parents beyond their economic means, in many cases. So it freed up their children to provide for that generation's grandchildren. In so many ways we have benefited from that.

So while we talk about the recipients of Medicare—and that is extremely worthwhile—we all benefited from that. It was a great economic relief to an entire Nation, not just the recipients of Medicare's assistance and support.

Mr. MERKLEY. Mr. President, if I could carry on a second point related to the Senator's comments, and that is simply as you address small business and Kevin Galvin, your constituent, to help organize small business, whereas we did a tremendous job in regard to our seniors 65 and older, we haven't done such a good job for our small businesses.

I know that over the past many years, small business owners have been coming to me and saying: JEFF, we just can't afford these double-digit increases we are getting every year in health care premiums, and we are having to shift some of the cost to our employees. We are having to consider shutting down our insurance program completely. We as small businesses can't get the same good deal the large businesses are able to get. Can't you do something about that?

I think with the bill the Senator from Connecticut has steered through committee, he has done such great work in laying out a plan that will help our small businesses in several different ways.

First is to create a pool where they will have the negotiating power of hundreds of thousands of individuals rather than having to go as a small business of 5 or so or 25 employees to the health care market, because when you go by yourself with 5 or 10 or 25 employees, it is like leading a lamb to slaughter. Now they will be able to go to the health care marketplace where they will be able to be a part of a larger pool and negotiate a much better deal.

The second is, they will have so many options when they get to that health care marketplace, whereas now there may be only one company that will hear them out and give them a possible plan, and then they will have many more to choose from.

So I think those pieces are a tremendous improvement to what I think has been a long neglected part of the health care puzzle.

Mr. DODD. Again, I thank my colleague for mentioning that. He is absolutely correct. As I mentioned earlier, the average small business pays a lot more for insurance than larger businesses do, and they get far less coverage than others do as well. That is why we provide new credits in this bill: $2,000 per employee, family coverage; $1,500 for couples; and $1,000 for individuals. That may not satisfy all of their health care costs, but it is a major break and an assistance to small businesses and guys such as Kevin Galvin who would like to be able to buy that coverage for his employees out of loyalty to their family.

One thing about small business is it becomes a family. Everybody knows everybody. You know about what their kids are doing. You know what is going on in their homes. There is a far greater deal of flexibility in trying to meet the needs because it is a family in so many ways. So being able to jump in and help them provide, as Kevin has tried to do with his own employees over the years, we open up the insurance gateway to all small businesses to give affordable insurance options to employers.

This gives small businesses the same bargaining leverage as I mentioned earlier, protection from hiking up rates on small businesses, watering down coverage, or denying coverage altogether just because one worker gets really sick—and you heard cases of that. I think Senator HARKIN talked about that small business where one employee contracted a very serious illness and the industry then jacked up the premiums for everyone, thus making it impossible for other employees to get coverage. Our bill, as our colleague from Oregon, Senator MERKLEY, mentioned, bans that case.

We exempt businesses from having to pay any penalty if you employ 25 or fewer employees, and that is a great asset. Again, 75 percent of all employers employ 25 or fewer in our country. We don't count seasonal workers. Our colleague Senator KAY HAGAN offered that amendment in our committee to exclude seasonal workers toward the

total size of a small business, which is important in small agricultural communities where seasonal workers become absolutely critical. But if you start adding them all up, it would drive that small business into a larger number category. I assume in Oregon that could be a major problem, I know in the agricultural sector of your State, and it helps self-employed workers by allowing them to purchase health insurance through the gateways.

So a lot of businesses are single employers. They employ themselves. That could be tremendously costly, and by pooling, it makes it possible for those people to drive down those costs.

So a major part of our bill, as Senator MERKLEY has pointed out, is focused on small business—again, the great engine of our economic success in this country, and we pay a lot of attention to their needs in this bill.

Mr. MERKLEY. There is just one last point I wish to make, but I am happy to yield to my colleague.

Mr. HARKIN. I thank my friend from Oregon.

Mr. President, I can't thank Senator DODD enough for getting the information out on what our bill does. A lot of people don't know that we have a very comprehensive bill. This one dealing with small businesses is so important.

Now, it is true we excepted businesses that employ fewer than 25, as we should. However, I just told the story about my friend in Iowa who employs 12 people, and they buy health insurance but they only have one plan, and this would give them more.

I believe that with the bill we have and setting up these exchanges and letting different insurance companies come on the exchange, and with a public option there are a lot of small businesses out there that would like to cover their employees; they just simply can't afford it or the deductible is so high that it is not even worth it. Now I believe they will be able to take, with our bill, after it is fully implemented—it takes about 3 years to phase in, if I am not mistaken—there will be a lot of small businesses out there that employ 10 or 15 people that now will be able to get an insurance policy for their people that will be a heck of a lot more reasonable than what they can get now, and they will be able to shop for that.

So even though we have exempted them, I think a lot of small businesses want to cover their employees. They live in the same community; they go to the same church; they know one another, and they want to buy some health coverage for their employees. They can't now, but I believe under the bill we have through our committee, once we get it fully implemented, we will have that public option out there, we will have the exchange with all of the insurance programs out there, and they will be able to now shop around and find one that can fit their needs. So we will have a lot more support for small businesses that way.

Mr. DODD. Absolutely.

Mr. HARKIN. I thank the Senator.

Mr. MERKLEY. I thank the Senator very much.

The distinguished chair, Senator DODD, mentioned earlier that this bill is not just for the uninsured; this is for the insured because we have a broken health care system for the insured. My colleague from Oregon made this point, that we need to close the deal for insurance in this country.

I can tell you that folks with insurance have been telling us lots of stories about the challenges they face under our current broken status quo health care system. The first is that right now, their insurance is largely tied to their job, so if they should lose their job, it is a huge calamity—not just because they lost their job but also because they lost their insurance. It is a double whammy. This bill would change that for our families who currently have insurance.

Second, our families who currently have insurance, their costs are being driven up, in part because they are covering the costs of the emergency room treatment for those who don't have insurance. In the last couple of years, we have had more and more people without insurance transferring more costs in the emergency room and, therefore, more costs to the insurer. Therefore, more companies—particularly small ones—are saying we cannot afford health insurance anymore.

This is a downward cycle, a death cycle in insurance that we break with this bill—helping out those who have insurance by taking away the burden of paying for the emergency room for those who don't.

A third factor is that other pieces are driving up health care more than 10 percent a year of health care premiums. That means health care is going to double every 7 years. That is unsustainable in this country for those of us who are fortunate enough to have insurance.

Then, also, citizens have been recognizing that they would like to have portability—to be able to take the insurance they have and, should they change jobs—as Americans do, on average, every 3 years—be able to have the same insurance plan, the same set of choices, the same doctors, the same doctor for themselves and their spouse and their children. That portability becomes an inherent feature of the bill, helping those who have insurance.

The list goes on. Those who currently have insurance sometimes get it at a very poor deal. As the chairman pointed out, it is 18 percent more for an individual than a small business. Now they will be able to be part of a larger pool and get a much better deal.

Finally, many of those who currently have insurance don't have existing conditions covered. If they have a bad back or a heart condition or cancer or diabetes, and they cannot have that fundamental health care issue covered by their insurance, then they don't have any form of health care insurance that matters for the issue they are wrestling with.

So in so many ways, the plan the committee has put together profoundly improves on our broken health care system for those who have insurance today in America.

Mr. DODD. I thank my colleague. There is so much to talk about, and there are so many pieces of this. I was listening to Secretary Sebelius today, and I am sure all of us have mentioned this in our own States, and we hear colleagues talk about this ''tax'' being imposed as a result of this bill. There is no tax being imposed by this bill. However, there is a tax that exists today, which is $1,100 for the average family, and that is the amount the average family pays in health care premiums every year to cover the uncompensated care—that is, for those of the 47 million who show up in emergency rooms for health care. We take care of them.

If you show up in a hospital, just walk in, and you have a problem, there is not a hospital in America that doesn't take you into that emergency room. They don't throw you out on the streets and say: I am sorry, you don't have any money, so you are going to have to suffer.

Communities all across the country do this job every day. We need to understand that, of course, it is not free. That care costs. It is the most expensive health care in the country that occurs in an emergency room. The cost of that, on average, is $1,100 per family in the United States. If that is not a tax, I don't know what is. You are not getting anything for it. You are helping to pick up the cost of the people who don't have coverage who are showing up—usually in a critical state, because they have waited until such a point that it is catastrophic, and they haven't had any prevention, as Senator HARKIN talked about earlier, and they waited forever.

Now it has come down to a crisis, and they show up in the emergency room with the child at 1 or 2 in the morning. It is not just filled with car accidents and violence. People walk in every night because they have a child or a spouse who needs care. They are reaching out in desperation, and that is expensive health care. We are paying a tax of $1,100, and the average family pays that.

Mr. WYDEN. If the chairman would yield on that point, the reason I wanted to speak at this point is, in fact, today there is an entrepreneurship tax in America. What it means is, if you have a health care problem and you work in a small business and you have a good idea and you would like to go out and set up your own small business, you are not going to be able to do it because you have a preexisting illness. You are locked into your job. What your insurance reforms do in the HELP legislation, and what I think a lot of Senators want to do, is lift that entrepreneurship tax.

This is very appropriate that you talk about taxes because that is what

this always comes down to. Your insurance reforms specifically, as a result of making sure that person who has a good idea—perhaps that gentleman's business the Senator just described—they are going to be able to do what makes America great, which is use their ingenuity and talent because when they go to their next job, they are not going to face insurance discrimination.

I appreciate the Senator bringing up the entrepreneurship tax. I am looking forward to working with the chairman over the next few weeks. I think there is additional work we can do on the exchanges. The Senator from Oregon, Mr. MERKLEY, my colleague who is doing such a good job, talked about some of those options. I think we can get additional people more bargaining power, and in effect build on the good work done in the HELP Committee.

Thanks for all the time tonight. You have done a first-rate job on prevention. Again, I appreciate lifting that entrepreneurship tax. That is why I wanted to take a minute to point that out.

I look forward to working specifically with my colleagues on the HELP Committee. Let's expand those exchanges because that makes the system work for us and Members of Congress.

I checked the other day. My pool—put on the front page of our paper—is 1 million people. That is a lot of folks to spread costs and risk among. Senator HARKIN and I have talked about it. It is not possible to replicate that exactly, for a variety of reasons. We can get close. We can get pretty close because we can build on the good work Senators have done in the HELP Committee, expand the exchanges, and give more people choices and more opportunities to lower their premiums and, in my view, close the sale with the insured people over the next few months.

I thank the Chairman for all the time.

(Mr. MERKLEY assumed the chair.)

Mr. DODD. I thank my colleague from Oregon, a great advocate. We appreciate his involvement this evening with us. As a member of the Finance Committee, it will be critically important that we come together.

Mr. WHITEHOUSE. I wanted to follow up on Senator MERKLEY's discussion of the different ways in which somebody who is watching this, and who is insured, can look forward to some benefit from all of this. A simple one would be to think, in your own experience, how often you have gone into your doctor's office and maybe been referred to a specialist or you brought a family member in and you had to take a clipboard and fill out on paper for the umpteenth time your personal health insurance, your billing information, your Social Security information, and whatever it is they want. You have to fill it out over and over again. That is the experience many people have with our health care system.

Compare that to going online at—pick one—say, Amazon. You log into Amazon and they say: Welcome, SHELDON WHITEHOUSE. Good to have you back. Here are all the books you bought in the last year or so. Based on that, we think here are more books you might like. Choose something you would like, and your billing information is here.

Put those experiences side by side and show where our bill can take the American health care consumer, and what that means for quality of care, and not just for the convenience of not filling out the form, but when you are a pharmacy, it is connected to your laboratory, it is connected to your doctor, it is connected to the hospital, and you are the center of it, and all of it is private and secure. That is a new and better world for everybody, including those who have insurance.

Who has not had somebody they know go into a hospital and come out with a hospital-acquired infection? It has happened over and over. I have had a friend who went in for a simple knee surgery, arthroscopic surgery. He was a big athlete in college, and he needed a simple surgery on his knee. He got a hospital-acquired infection—a strong, big guy—and it nearly killed him. It took him out of work for weeks. Mercifully, he recovered and everything is fine. It was touch and go for a while, and the cost of all of that was tremendous from that hospital-acquired infection. He required weeks of medical care. Everybody has had that experience. About 100,000 people every year—Americans we represent—die every year because of hospital-acquired infections.

Senator HARKIN tells me that it is the fourth leading cause of death—hospital-acquired infections. They don't care if you are insured when it comes to hospital-acquired infections. The insured will get one just as quickly as the uninsured. The quality provisions of this bill will prevent that and diminish that. That number should be under 5,000. It should be a rarity. Instead, it is a commonality. The system has to change for that to happen.

If you have an illness, try to find a prevention program. Ask anybody you know where they can go to find somebody who will support them in getting an appropriate, sensible, supported prevention program for themselves. It is rare to find. It is almost impossible. As I said earlier, when I was talking about the person who had a leg removed for $30,000 because there was nobody there to prevent them from letting that disease get to that stage, there are big savings there. It is a human consequence. You can have all the insurance in the world, but if it doesn't have a prevention option, you are not helped.

The last thing I will say is that so many of us who feel comfortable right now with our insurance only feel that way because we have had the good luck not to have the experience of having some loved one or ourselves get very sick. People's viewpoints change when they have had that experience. They find the limits of their policy. They see how fast the copays add up. They see the fine print in what they thought was a great policy when times were good and they were healthy, with just a little injury here and there, and everything was taken care of fine; but when they got really sick they found that policy they thought they could count on wasn't there for them.

Now the leading cause of families going into bankruptcy and losing everything in this country is somebody in the family having a health care disaster that wiped them out. That should not be. It happens over and over and over. It happens to the insured. That is not the uninsured. If you are uninsured and you have medical bills, you know you will have problems, but it is the insured who are caught by surprise. They have their homes, their stock portfolios, perhaps, on the side; they have a nest egg, and maybe they help support their children a little bit. And, boom, comes the illness and suddenly they have all these costs and these bills and it is piling up and they cannot keep up and they start to get behind. Before you know it, they have lost it all, and they are in bankruptcy.

Americans have that experience every day and every one of us have heard from somebody in our State who is right there. So I think the point the chairman has been making, and Senator MERKLEY made, about how important it is for people who have insurance, in terms of improving their lives, their quality, and their care and prospects is very poor. I applaud the Senator for having made that point.

Mr. DODD. I thank my colleagues from Rhode Island, Iowa, Senators WYDEN and MERKLEY, and Senator BROWN who spent a little time talking about this. There is a lot more to talk about, such as the quality issues that Senator MIKULSKI of Maryland spent a long time helping to develop, and Senator MURRAY from Washington on workforce and the coverage questions that JEFF BINGAMAN worked on, as well.

We hope in the few days we have between now and adjournment—and we know a good part of the time will be taken up with the Sotomayor nomination—we will have a chance to talk further about this bill and say to our colleagues: We welcome your comments. There are five committees of Congress charged with the responsibility of health care. Four of the five have met and completed their work. Our committee, the HELP Committee, has completed its work. We know the Finance Committee is working to complete its work. I want to make clear that the HELP Committee product will be very much a part of this effort. We welcome the work of the Finance Committee. But much of health care coverage is the shared purview and responsibility of the Health, Education,

Labor, and Pensions Committee, under the leadership of Senator KENNEDY of Massachusetts, as well as the Finance Committee. Senator KENNEDY has championed for four decades this effort. Regrettably, he cannot be with us because of his own struggles with illness. But he has helped frame this. It has been a bipartisan effort over the years.

We are determined as we move forward in this debate that the product my colleagues have worked on so diligently over these past number of months is going to be very much a part of our health care program.

I express my gratitude to each member of the committee who helped produce this result that took so long. We have taken this time to explain to our fellow citizens what we tried to incorporate in our bill that will get us to the point of increased accessibility, increased quality, and affordable products. That is what we are gaining. That is the purpose we are driving at to get those three goals met.

I think we achieved a good part of it with this bill. More needs to be done, but, obviously, it is a great step in the right direction.

I see another partner of ours in this effort. He played a critical role with community health care centers. I say to my colleague from Vermont, last week I was in New Britain, CT. I have many community health centers in Connecticut. As a result of the stimulus package, several of them received some real help to expand because they are overcrowded. Getting electronic records is critically important. Their patients have greater needs, but they have a medical home now.

I have three volunteer clinics in Connecticut, one in Norwalk, CT, one in Danbury, CT, and one in Bridgeport, CT, under AmeriCares. That program only serves the uninsured. It is completely voluntary.

In Norwalk, I have 60 physicians in the area who volunteer their time to come in and serve the needs of the people of the greater Norwalk area, not to mention retired doctors, nurse practitioners, and others who help.

I say to my colleague, that he has been a tremendous voice—in fact, our bill increases by 400 percent the commitment to community health centers across our country. We can expand community health centers and provide that medical home for so many people. They are a source of prevention, early detection, providing for the needs of families—all of these things that occur in these remarkable facilities called community health centers.

The best champion, other than TED KENNEDY, who helped author the idea to begin with, is our colleague BERNIE SANDERS from Vermont. I thank him for that effort.

Mr. SANDERS. Mr. President, I thank Senator DODD for his kind words and extraordinary efforts over the last several months to lead the fight in health care reform.

Let me pick up on one issue Senator DODD raised. Most Americans do not understand this, but in the midst of a disintegrated health care system, we have 60 million Americans who do not on a regular basis have access to a physician—60 million. What happens when those people get sick? If you are in Vermont and you are kind of stubborn, you delay going to the doctor when you should go, and you wait and you wait. And 6 months after you first were feeling badly, you go crawling into the doctor's office, and the doctor says: Why weren't you in here 6 months ago?

And the person says: Well, I felt awkward. I didn't have any health insurance. I was embarrassed.

The doctor says: I am getting you to the hospital because you are really sick.

So instead of treating people when they are initially ill, what we end up doing for people who do not have access to a doctor on a regular basis or do not have any health insurance is we wait until they become very ill and then we send them to the hospital and spend tens of thousands of dollars, in some instances, when we could have treated them with much less suffering and at much less cost.

There is another point that is not widely known, and that is, according to the Institute of Medicine, in this country today, we lose about 18,000 Americans every single year who die because they do not go to a doctor when they should go to the doctor. That is six times the number of people who were killed on 9/11 every single year.

What Senator DODD is talking about and what many of us have worked on is significantly expanding the federally qualified health center program, started by Senator KENNEDY four decades ago, widely supported in a bipartisan manner.

What studies tell us is, if, in fact, we can do what is in this legislation and provide a community health center with physicians, with dentists, with low-cost prescription drugs, with mental health counseling, do you know what we would end up doing, amazingly enough? We save money. We save money. We invest over a 5-year period about $8 billion, and we end up saving money because we keep people out of the emergency rooms, we keep people out of hospitals, we keep people alive. If that is not a good investment, I don't know what is.

So the fight to make sure that every American has access to a doctor, to a dentist, to low-cost prescription drugs is certainly, in my mind, one of the crowning achievements of the Health, Education, Labor, and Pensions Committee piece of health care reform.

A month ago, I asked people on my e-mail list, which is not only Vermont, but all across the country, to write to me and tell me their relationship, how they are dealing with private health insurance companies. Within a week, we had over 4,000 responses. The booklet is available on my Web site, sanders.senate.gov. I urge people to take a look at it. If you want to know what is wrong with health care in America, this booklet will tell you.

People are writing from their hearts, from their own suffering, describing the health care crisis. I want to read and comment on a few of the statements sent to my office. This is from a fellow in Swanton, VT, a small town in the northern part of Vermont:

> My younger brother, a combat decorated veteran of the Vietnam conflict, died three weeks after being diagnosed with colon cancer. He was laid off from his job and could not afford COBRA coverage. When he was in enough pain to see a doctor, it was too late. He left a wife and two teenage sons in the prime of his life at 50 years old. The attending doctor said that if he had only sought treatment earlier, he would still be alive.

People talk about waiting lines in Canada or in Great Britain. Let's talk about over 18,000 Americans dying every year because either they do not have any health insurance or, if they do, they cannot get access to a doctor.

When we talk about the health care crisis in America, it is not just the pain that millions of Americans are experiencing, the fear, or the tens of millions of people who stay at their job today. Do you know why they are staying at their job? Not because they particularly want to stay at their job, but because they have good health insurance and their wife has an illness that needs to be covered. Talk about economic nonsense, absurdity—millions of people staying at work because they do not want to give up their health insurance. What President Obama says, because of the economic crisis, we have to address health care, is absolutely right.

Some of our friends on the other side say what they have always said: Let's do nothing. You want to do nothing? Within 10 years, the amount of money you are paying for health care today will double. If you are a small business person today in Vermont or around the country and having a hard time providing health care to your workers or maybe your family, think about what happens when the cost of health care doubles. Think about large corporations that have to compete with European, Scandinavian countries, and companies where health care becomes a right of all people and not something placed on the employer.

In this year, amazingly enough, when we talk about health care and economics—and Senator WHITEHOUSE was alluding to this a moment ago—there are 1 million people this year, it is estimated, who will go bankrupt because of medically related illnesses. Most of those people have health insurance—1 million Americans. And our friends say: We can't go forward; now is not the time to go forward on health care reform. Tell that to 1 million American families who have suffered bankruptcy.

In my view, the evidence is overwhelming that our current system is extraordinarily wasteful and bureaucratic; that in a very significant way,

the function of our current health care system is not to provide quality health care to every man, woman, and child, but, in fact, to allow people within the industry—the private insurance companies, the drug companies, the medical device suppliers—to make as much money as they possibly can.

Amazingly enough, according to the papers in the last few days, the health care industry has spent over $130 million in the last quarter on lobbying. There are 100 Members in the Senate and 435 Members of the House—to spend $130 million?

Where do they get that money? They get that money, if they are a drug company, by charging the American people the highest prices in the entire world. I was the first Member of Congress to take Americans over the Canadian border a number of years ago where women with breast cancer who were fighting for their lives were able to pick up breast cancer medicine at one-tenth the price. The drug companies cannot lower prices in this country—they have to charge us the highest prices in the world—but somehow they do manage to come up with tens and tens of millions of dollars to try to buy Members of the Congress.

While more and more people are losing their health insurance, we are seeing many of these private insurance companies seeing huge increases in their profits. We are seeing the insurance companies, the drug companies paying, in some cases, tens of millions of dollars in compensation packages to their CEOs.

For anybody to suggest that this country does not need health care reform is simply not to understand what is going on from one end of this country to the other. We are a great nation. There is no reason in the world why we should end up spending almost twice as much per person on health care as any other nation and yet have inferior health care outcomes in terms of infant mortality, in terms of life expectancy, in terms of preventable deaths.

We can do better. And right now, despite all of the lobbying money coming in from the health care industry, the moral imperative is for Members of Congress to think about the folks back home, the people who have no health insurance, the people who are underinsured, the people who are going bankrupt, the people who are staying at their work, not because they want to but because they have a decent health insurance program or the small business people who cannot invest in their company because they are busy spending all of their money on health care. We can do better than that. We must do better than that. Now is the time.

I hope the American people work with us in standing up to very powerful special interests and moving us toward real health care reform.

I yield the floor.

Mr. DODD. Mr. President, I want to briefly, before he leaves the floor, commend my friend and colleague from Vermont. He has been a remarkable advocate, and this evening is yet one more example of it. He speaks with that passion I love to hear about these issues and talks about real people and what they go through every day.

I was thinking as he was talking, I say to Senator SANDERS, there is a wonderful small business guy in Connecticut named Penn Ritter. I have known his family a long time. He got up and talked about his business and how difficult it has been to buy health care for his employees. He talked about one particular case which is very moving.

They were laying people off. The economy was down. They didn't need people. One of the people they were going to lay off had terminal cancer. He knew if he laid him off, he would have no access to the kind of health care coverage he would need to go through the difficult period he was about to go through. But the verdict was clear. This small business decided this was not going to happen. So they kept the man on, not because they could afford to keep him on—because they couldn't afford it—but in good conscience they couldn't do that. There are people like that in small businesses all across our country, in every community in which we reside, who make a difference every day. There are wonderful providers and hospitals and places that take in people and treat them every single day. I would like to see us, in this Congress, at least rise to the level of our citizenry who do these things every day—the Penn Ritters of America, the doctors who work at Manchester Memorial Hospital in Connecticut, those people who work at AmeriCare, those volunteer doctors who show up every day. I could go down a long list, and every one of us can talk about what happens in our communities by caring people who help people maneuver and navigate in a difficult time during this health care crisis.

The least we should be able to do is to figure out how to meet the challenges they meet every single day, and my colleague from Vermont is as eloquent as any other Member on this subject matter, and I thank him for his comments.

Mr. SANDERS. I thank my colleague very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDER OF PROCEDURE—H.R. 2997

Mr. DODD. Mr. President, I ask unanimous consent that on Tuesday, August 4, at 10:30 a.m., the Senate proceed to vote in relation to the following amendments in the order listed; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form; and that the time for the second vote be limited to 10 minutes: McCain amendment No. 1912 and McCain amendment No. 2030; that no amendment be in order to either amendment prior to the vote; and that following the second vote, the Senate then recess until 2:15 p.m.

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

## COMMENDING NEVADA ASSOCIATION FOR LATIN AMERICANS, INC.

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the Nevada Association for Latin Americans, Inc. NALA is a Las Vegas-based organization that strives to provide low to moderate income families educational and social services to enhance their quality of life. NALA aids the people in the Silver State with exceptional services in education, language immersion, health prevention and immigration.

NALA was established as a nonprofit organization in 1969. As a Hispanic social-service organization, NALA acquired a small daycare center in 1978. At the time it was serving mainly African-American families, but now the center serves all low-income members of the community. The Social Services that NALA offers include emergency rental, utility assistance, food vouchers, and food pantry assistance to individuals who qualify for assistance. During these difficult economic times where many families are in dire need, we are grateful for NALA's excellent services and resources.

The association's affordable preschool/childcare program benefits more than 400 children annually. The preschool program includes an exceptional ESL program and meals for the children. Many of these children become so well versed in English, that most become teachers to their limited-English speaking parents. NALA offers HIV prevention services and outreach to those living with AIDS through counseling, health care, and job training. In addition to their educational and health outreach, NALA offers immigration services through their targeted program that assists with application processing, naturalization preparation and employment referrals.

I praise the Nevada Association for Latin Americans, Inc. for their 40 years of support to the low-income community of Nevada. It is through the hard work of organizations like NALA that low-income families across Nevada and the United States will be able to overcome the challenges of our current economy.

## BURUNDI

Mr. FEINGOLD. Mr. President, Burundi is a country that should receive much greater attention from this Congress and the Obama administration in the months and year ahead. As many of my colleagues will recall, Burundi was devastated by political violence throughout the 1990s, leaving over 100,000 people dead. Yet with the mediation of the late Tanzanian President Julius Nyerere and then South African President Nelson Mandela, and the active engagement of President Clinton, a peace agreement was finally signed in August 2000. Several armed groups refused to accept the agreement, but they were brought into the fold over subsequent years. And in 2005, Burundi held multiparty national and local elections, a major milestone on its transition to peace.

In 2010, Burundi is set to hold its next round of elections. These elections have the potential to be another milestone in Burundi's path toward reconciliation, lasting stability and democratic institutions. Over the last 4 years, Burundi has made significant progress in that direction. However, there are still persistent tensions within Burundian society, which could be strained during this electoral period.

Despite all the progress that has been made, Burundi remains a fragile state and regularly appears on watch lists of countries vulnerable to internal conflict. For example, the Brookings Institution's Weak States Index last year listed Burundi as the fifth weakest state in the world, behind Iraq, the DRC, Afghanistan, and Somalia. Moreover, according to the U.N. Human Development Index, Burundi continues to be one of the poorest countries in the world.

I have been particularly concerned by reports that both the Burundian government and the armed opposition Forces for National Liberation—FNL—continue to resort to violence, intimidation and repression. According to the State Department's ''Country Reports on Human Rights Practices,'' members of the army, the police, and the National Intelligence Service were responsible for killings, torture, and beatings of civilians and detainees in 2008, although there were fewer such reports than in the previous year. Human Rights Watch has documented a number of abuses committed against democratic political opponents by state agents and unofficial proxies in the first few months of 2009. Meanwhile, the FNL reportedly continues to abduct civilians and use violence against local officials.

In the run-up to the 2010 elections, it is quite possible that these abuses and killings will increase as the parties compete for political power. Therefore, it is critical that the international community speak out now against human rights violations and the importance of maintaining the rule of law. We need to press the Burundian government to ensure it is not participating in any abusive behavior and help it to improve the independence and capacity of its judicial institutions. We also need to engage with and help strengthen the Electoral Commission so it can guard against any manipulation actual or perceived of the electoral process. Finally, we need to continue working with the United Nations Integrated Office in Burundi and the new Partnership for Peace in Burundi to advance disarmament and demobilization, transitional justice, reconciliation and development efforts. Burundi's peace process has come a long way, but the process is far from complete.

The United States has a unique role to play in these efforts. Because of our role in helping to broker the Arusha peace accord, the United States has significant good will in Burundi and is seen by many as a credible arbiter. In the years since, we have continued to work with regional stakeholders in support of peace. In the months leading up to Burundi's election, we need to increase that support and amplify our voice against abuses and political violence. I know President Obama's nominee to be our next ambassador to Burundi, Ambassador Pamela Slutz, understands these challenges and I look forward to working with her. Working together, regional leaders and the international community can help Burundians avert an electoral crisis and keep the peace process on track.

## COMMENDING RICHARD ''DICK'' PEMBROKE

Mr. LEAHY. Mr. President, I would like to salute Richard ''Dick'' Pembroke, of North Bennington, VT, for his years of service and dedication to the State of Vermont.

Dick has been chosen as this year's honoree at the fourth annual Living History Day that will be held August 9, 2009. Dick's friends and family will pay tribute to him in downtown Bennington, for his many achievements and contributions to Bennington and to the State of Vermont.

I have had the good fortune to have known Dick for many years. Born and raised on a family farm in my hometown of Montpelier, Dick and I also share St. Michaels College in Vermont as our alma mater. He is a good friend and I am delighted for him and the recognition that he is being given.

In honor of Dick Pembroke, I ask unanimous consent that a copy of the Bennington Banner's story, ''Pembroke will be honored August 9 as 'Living History,' '' be printed in the RECORD.

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

[From the Bennington Banner, July 23, 2009]

PEMBROKE WILL BE HONORED AUGUST 9 AS ''LIVING HISTORY''

NORTH BENNINGTON.—Richard ''Dick'' Pembroke of Harrington Road will be this year's honoree for the fourth annual Living History Day to be held on Aug. 9 in front of Powers Market.

A different resident is chosen each year to be recognized for their achievements and contribution in shaping the local community. The two-hour event offers others a venue to share stories about the honoree and enjoy time with neighbors and friends. In addition to stories, there will be music, Kevin's hot dogs and much more. The event takes place from noon to 2 p.m., is free and open to all ages.

Pembroke has lived a spiritually rich and diversified private and public life. He was the eldest of four children, born and raised in Vermont on the family farm in Montpelier. He attended St. Michael's College in Winooski and subsequently served in the Navy during the Korean War and afterward, from 1951 to 1955. He met and married his wife, MaryAnn, while stationed in Pensacola, Fla. Upon returning to Vermont a short time later, he was employed at the First National Grocery Store Corp.

Pembroke managed several stores before opening one in Bennington in 1962. His love of horticulture and the outdoors was insatiable. To fulfill this passion, he began a landscaping business on the side, which gradually grew. In 1973, he left the grocery business and directed his full attention to Pembroke Landscaping.

Being the father of one daughter and three sons kept him busy and involved with loyal education. Pembroke coached Little League and helped to construct the local Little League park. He was also a member of the Mount Anthony Union High School Booster Club from 1973 to 1980 as well as other school organizations. Pembroke joined the Lions Club in 1957 and was involved with building the current Lions Field. He was a member of the University of Vermont board from 1980 to 1986, director for the American Red Cross and a member of the Knights of Columbus since 1963. He served on the Bennington Zoning Board of Adjustment from 1975 to 1987 and was chairman for 11 years.

In 1986, he discovered another avenue of public service that suited him quite well: He was elected to the Vermont House of Representatives, where he was chairman of the House Transportation Committee for 12 of the 16 years he served. He championed the construction of Route 279 in and around Bennington and worked diligently on many infrastructure projects related to safety and economic development.

In 2006, he was voted chamber of commerce person of the year. ''Retirement'' is not a word in Pembroke's vocabulary. He continues to keep a foot in the door of Pembroke Landscaping and currently sits on the State Environmental board as well as trustee/director of the Southwestern Vermont Medical Center.

## ADDITIONAL STATEMENTS

### COMMENDING EDDIE LEE PEPPLE

• Ms. CANTWELL. Mr. President, today I honor Mr. Eddie Lee Pepple, varsity basketball coach at Mercer Island High School, in retiring after 52 years of faithful service to our Nation and our youth. His distinguished career has culminated as varsity coach at Mercer Island High School where he has taught basketball for 42 years, leading the team to win 4 Washington State AAA Championships, and inspiring thousands of young students.

Coach Pepple was born in Denver, CO. He graduated from the University of Utah in 1955 with a bachelor of arts

degree, and went on to serve in the Marine Corps from 1956–1957. He was the captain of the Quantico Marine Corps basketball team and Pendleton Marine Corps basketball team, winning a Marine Corps Championship with the Quantico Marines in 1956. He later earned his masters' degree in 1965 at Oregon State University.

He began his coaching career in 1958 as the varsity basketball coach at Fife High School in Washington State, where he led the team to a 4th place finish in the 1961 State Tournament. After 6 years of dedicated service to Fife High School, Coach Pepple went on to be the assistant coach at Meadowdale High School from 1964–1966, and then varsity coach at Mark Morris High School in 1967.

In 1968, Coach Ed Pepple began as varsity coach at Mercer Island High School, where he has led the team to 23 league championship tournaments, 4 final placements as State AAA Champions, and 13 second place finishes in the State championship tournament. His overall winning record during his tenure at Mercer Island High School is 78.8 percent after winning 882 of the 1119 games he has coached.

During these 52 years of devoted public service, Coach Pepple has been recognized by numerous organizations as an outstanding basketball coach and is nationally renowned for his inspiration, dedication, and success. In 1985, after leading Mercer Island High School to his first State AAA championship, Coach Pepple was awarded his first Coach of the Year Award by both the Kingco Conference, and the Washington State Interscholastic Basketball Association. He has since won the Kingco Coach of the year award five more times, and the Washington State Interscholastic Basketball Association award again in 1993.

In 1986, Coach Pepple was nationally celebrated when he received the Region 7 Coach of the Year award from the National High School Athletic Coaches Association, NHSACA. He received this award once again in 1993 and 1998. In 1998 Coach Pepple was also recognized by the NHSACA as the National Coach of the Year, one of the highest national awards a distinguished coach can receive. He has also served as the prestigious West Head Coach of the McDonald's All American Game, and served on the McDonalds All American Game Selection Committee for 17 years.

In 1997 and 1999, the Washington Interscholastic Basketball Coaches Association also recognized Coach Pepple as the AAA Coach of the Year. He has been the chairman of this organization for the past 26 years. In total, Coach Pepple has been awarded 17 Coach of the Year awards and has been inaugurated into the Puget Sound Hall of Fame, the Washington Interscholastic Activities Association Hall of Fame, the Washington Interscholastic Basketball Coaches Association Hall of Fame, and most recently the National High School Athletic Coaches Association Hall of Fame in 2006.

Upon his retirement Coach Pepple will be inaugurated into the Everett Community College Hall of Fame, and honored by the establishment of the Ed Pepple Coaches' Service Award by the Washington Interscholastic Basketball Coaches Association, as recognition of his service to the Washington State basketball community.

It is through the commitment and sacrifice of Americans such as Eddie Lee Pepple that our young adults are able to thrive and succeed. He has bettered our communities in Washington State, and touched the lives of countless students through his dedication to coaching and teaching. I am proud to thank him, his wife Shirley, and children Terry, Jill, Jody, and Kyle for his honorable service to our Nation as a coach. I congratulate Coach Pepple and give my best wishes as he concludes his distinguished career.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 2:03 p.m., the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that it has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2510. An act to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes.

H.R. 2728. An act to provide financial support for the operation of the law library of the Library of Congress, and for other purposes.

H.R. 2749. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

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

H.R. 3269. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions.

H.R. 3326. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

H.J. Res. 12. Joint resolution expressing support for designation of September 2009 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 171. Concurrent resolution authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

The message further announced that it has passed the following joint resolution (S.J. Res. 19) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, without amendment.

The message also announced that pursuant to section 194 of title 14, United States Code, Mr. OBERSTAR, Chairman of the Committee on Transportation and Infrastructure, appoints the following Members of the House of Representatives to the United States Coast Guard Academy Board of Visitors: Mr. MICHAEL H. MICHAUD of Maine, Ms. MAZIE K. HIRONO of Hawaii, and Mr. JOHN L. MICA of Florida.

### ENROLLED BILLS SIGNED

The message further announced that the speaker has signed the following enrolled bills:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

H.R. 3357. An act to restore sums to the Highway Trust Fund and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

## MEASURES REFERRED

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

H.R. 2510. An act to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access, and for other purposes; to the Committee on Rules and Administration.

H.R. 2728. An act to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 2749. An act to amend the Federal Food, Drug, and Cosmetic Act to improve

the safety of food in the global market, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3269. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3326. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

H.J. Res. 12. Joint resolution expressing support for designation of September 2009 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Health, Education, Labor, and Pensions.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3435. An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 3, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2568. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Suspension and Revocation National Center of Expertise'' ((RIN1625–ZA22) (Docket No. USG–2009–0314)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2569. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Event; Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District'' ((RIN1625–AA08) (Docket No. USG–2009–0252)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2570. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation, Maggie Fischer Memorial Great South Bay Cross Bay Swim, Great South Bay, New York'' ((RIN1625–AA08) (Docket No. USG–2009–0302)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2571. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Summer Marine Events, Coastal Massachusetts'' ((RIN1625–AA08) (Docket No. USG–2009–0448)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2572. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Manasquan River, New Jersey'' ((RIN1625–AA09) (Docket No. USG–2009–0233)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2573. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Ernest Lyons (SR A1A), Stuart Florida, and Memorial Clearwater Causeway (SR 60), Clearwater Florida'' ((RIN1625–AA09) (Docket No. USG–2007–0129)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2574. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; James River, Navy Live Fire and Explosive Training'' ((RIN1625–AA00) (Docket No. USG–2009–0568)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2575. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Friends of Fireworks Celebration, Lake Huron, St. Ignace, Michigan'' ((RIN1625–AA00) (Docket No. USG–2009–0649)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2576. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Intracoastal Waterway, Oak Island, North Carolina'' ((RIN1625–AA00) (Docket No. USG–2009–0565)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2577. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Access Destinations Fireworks Display, San Diego Bay, California'' ((RIN1625–AA00) (Docket No. USG–2009–0513)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2578. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Norfolk Tides Post–Game Fireworks Displays, Elizabeth River, Norfolk, Virginia'' ((RIN1625–AA00) (Docket No. USG–2009–0274)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2579. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Displays within the Captain of the Port Puget Sound Zone'' ((RIN1625–AA00) (Docket No. USG–2009–0532)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2580. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Display at the Craneway Building, Richmond, California'' ((RIN1625–AA00) (Docket No. USG–2009–0521)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2581. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Kinnickinnic River Sediment Removal Project, Milwaukee, Wisconsin'' ((RIN1625–AA00) (Docket No. USG–2009–0399)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2582. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''2009 Rates for Pilotage on the Great Lakes'' ((RIN1625–AB29) (Docket No. USG–2008–1126)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2583. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports'' ((RIN1625–AB25) (Docket No. USG–2008–0007)) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2584. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Amarillo, Texas'' ((DA 09–1533) (MB Docket No. 09–70)) received in the Office of the President of the Senate on July 30, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2585. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Port of Anchorage Marine Terminal Redevelopment Project, Anchorage, Alaska'' (RIN0648–AX32) received in the Office of the President of the Senate on July 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2586. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Listings; District Eight Safety Zones and Special Local Regulation'' (Docket No. USG–2009–0677) received in the Office of the President of the Senate on July 30, 2009; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. DODD, Mr. LEAHY, and Ms. MIKULSKI):

S. 1556. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR:

S. 1557. A bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. RISCH, Ms. LANDRIEU, Mr. LEAHY, Mr. TESTER, and Mr. WYDEN):

S. 1558. A bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1559. A bill to consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 1560. A bill to amend the Outer Continental Shelf Lands Act to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

By Mr. BEGICH:

S. 1561. A bill to ensure safe, secure, and reliable marine shipping in the Arctic, including the availability of aids to navigation, vessel escorts, oil spill response capability, and maritime search and rescue in the Arctic, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 1562. A bill to provide for a study and report on research on the United States Arctic Ocean and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 1563. A bill to amend the State Department Basic Authorities Act of 1956 to establish a United States Ambassador at Large for Arctic Affairs; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 1564. A bill to enhance the readiness of the United States to deal with increased maritime and development activity in the Arctic as a result of climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 1565. A bill to improve Arctic health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 1566. A bill to create the American Arctic Adaptation Grant Program to prevent or mitigate effects of Arctic climate change and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWNBACK (for himself and Mr. WHITEHOUSE):

S. 1567. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1568. A bill to assist in the establishment of an interpretive center and museum in Bethlehem, Pennsylvania, to protect and interpret the history of the industrialization of the United States; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 1569. A bill to expand our Nation's Advanced Practice Registered Nurse workforce; 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. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN):

S. Res. 234. A resolution supporting the goals and ideals of National Save for Retirement Week 2009; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. REED, Ms. SNOWE, Mr. INHOFE, Mr. BYRD, Mr. VOINOVICH, Mr. BEGICH, Mr. LEVIN, Mr. KERRY, Mr. BURR, Mr. CRAPO, Mrs. HAGAN, Mr. ROBERTS, Mr. INOUYE, Mrs. MURRAY, Mr. COCHRAN, Mr. CONRAD, Mrs. LINCOLN, Mr. BURRIS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. CARDIN, Mr. REID, Mr. THUNE, Mr. SCHUMER, Mr. CASEY, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BOND, Mr. BROWN, and Mr. CORKER):

S. Res. 235. A resolution designating August 16, 2009, as ''National Airborne Day''; considered and agreed to.

By Mr. CARDIN (for himself, Mr. VOINOVICH, Mr. HARKIN, and Mr. BROWNBACK):

S. Res. 236. A resolution commemorating the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 252

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.

S. 301

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 388

At the request of Mr. BENNET, his name was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 581

At the request of Mr. BENNET, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Virginia (Mr. WEBB), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 671

At the request of Mrs. LINCOLN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from North Dakota (Mr. DORGAN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 686

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 772

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 809

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 809, a bill to establish a program to provide tuition assistance to individuals who have lost their jobs as a result of the economic downturn.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 883

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

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1023

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1023, supra.

S. 1052

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. TESTER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for health.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1273, a bill to amend the Public health Service Act to provide for the establishment of permanent national surveillance systems

for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1320

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1320, a bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

S. 1362

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Georgia (Mr. ISAKSON) 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. 1422

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1452

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1452, a bill to amend title 38, United States Code, to clarify the meaning of ''combat with the enemy'' for purposes of service-connection of disabilities.

S. 1518

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1542

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. SNOWE), the Senator from New York (Mrs. GILLIBRAND) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1542, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1543

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1543, a bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1554

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1554, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day.''

S. CON. RES. 37

At the request of Mr. JOHANNS, the names of the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Con. Res. 37, a concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 233

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 233, a resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame.

AMENDMENT NO. 2225

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2225 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2229

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2229 proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2236

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2236 intended to be proposed to H.R. 2997, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. DODD, Mr. LEAHY, and Ms. MIKULSKI):

S. 1556. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Veteran Voting Support Act of 2009 with Senator KERRY, and our cosponsors: Senators DODD and LEAHY.

This is a straightforward bill that shows our veterans the respect that they deserve. Veterans have supported and served our Nation—many at great risk and sacrifice. It is unacceptable for us to allow barriers to exist that make it more difficult for them to exercise their right to vote.

The bill that Senator KERRY and I are introducing today would require the Department of Veterans Affairs to take steps to assist veterans with voter registration and to make it easier for them to obtain ballots and cast their votes.

The most recent Census data we have—from a 2005 report—indicates that more than 20 percent of our veterans are not registered to vote. That means that almost 5 million veterans do not have an opportunity to cast their ballots.

Yet, we have massive VA programs in place that provide veterans with healing and medical care, and ensure that they thrive on their return from military service.

In total, there are 1,261 total VA facilities. The Veterans Health Administration operates 155 medical centers, 135 nursing homes, 717 ambulatory care and clinic facilities; 45 residential rehabilitation treatment programs, and 209 vet centers.

In those facilities there are as many as 5 million veterans who are not registered to vote. That strikes me as a critical need unmet.

Even more disturbing, in certain cases, the VA has been hostile to calls for it to facilitate voter registration and voting.

More than 2 years ago, I learned that a Department of Veterans Affairs facility in California had been opposing voter registration services since 2004. I began inquiring and received conflicting answers, but what was clear was that there was no cooperation or work to help veterans that used the facility to vote.

In Connecticut, Secretary of State Susan Bysiewicz defied the VA's directive and tried to gain entry to a West Haven VA facility.

She intended to provide nonpartisan voter registration services, as well as to show veterans how to use the new disabled-access voting systems.

Guess what. She was turned away at the door.

As she was standing outside the door, she met a 91-year-old gentleman, a veteran of World War II. Secretary Bysiewicz asked him if he would like to be registered to vote, and he said that he would.

After registering, he made the comment that ''I wanted to do this last year—but there was no-one there to help me.'' That is wholly unacceptable.

Last year, throughout the year, Senator KERRY and I exchanged multiple letters with the VA on this issue. We were told that VA officials believed providing voting support or allowing groups to do so would violate the Hatch Act.

The Hatch Act, however, prohibits partisan political activities from being conducted by Federal employees, on official time. It has not been interpreted to include nonpartisan voter registration by the Office of Special Counsel, which interprets the Hatch Act. Furthermore, the veterans served by VA facilities are generally not Federal employees.

The VA then argued that nonpartisan voter registration services would cause ''disruptions to facility operations.''

That claim is even more dubious. Unless ''Rock the Vote'' comes to VA facilities, voter registration drives are about as tame an activity as you can get.

The law allows the Federal Government to choose to assist people with voter registration if the State requests that a federal agency be designated as a registration facility under the National Voter Registration Act and the agency accepts. Several States, including my home State of California, under the leadership of Secretary Bowen, asked the VA designate facilities within their States under the National Voter Registration Act. But they were refused.

Finally, after much negotiation, the VA settled on a new and substantially improved policy that allows state and local election officials, as well as nonpartisan groups, access to VA facilities for voter registration as long as they coordinate with the facility. This is a significant improvement, no doubt.

I believe, however, that Federal law is still necessary to ensure that these voluntary policies are never rolled back, and that enforcement mechanisms are in place.

This is why we are introducing the Veteran Voting Support Act of 2009. The bill would require the VA to provide voter registration forms whenever veterans enroll in the VA health care system, or change their status or address in that system.

It would say that VA facilities must assist veterans who have trouble with their voter registration forms in the same way that they help veterans fill out other forms, and it would say that veterans must be able to access and receive assistance with absentee ballots at VA facilities.

It would allow nonpartisan groups and election officials to provide nonpartisan voter information and registration services to veterans.

And it would allow Attorney General enforcement through civil suits and injunctions and require an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

It is a cornerstone of our democracy that every eligible citizen should be registered and able to cast their vote.

This bill recognizes that nonpartisan and civil rights groups have long played a critical role in helping people with the voter registration process.

I believe it is time that we ensure that the Department of Veterans Affairs will provide veterans with the support they deserve to register, cast their vote, and have that vote counted.

I hope my colleagues will join me in supporting the Veteran Voting Support Act of 2009.

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

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

S. 1556

*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 ''Veteran Voting Support Act of 2009''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Veterans have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans to register to vote and to vote.

**SEC. 3. VOTER REGISTRATION AND ASSISTANCE.**

(a) IN GENERAL.—The Secretary of Veterans Affairs (in this section referred to as the ''Secretary'') shall provide a mail voter registration application form to each veteran—

(1) who seeks to enroll in the Department of Veterans Affairs health care system (including enrollment in a medical center, a community living center, a community-based outpatient center, or a domiciliary of the Department of Veterans Affairs health care system), at the time of such enrollment; and

(2) who is enrolled in such health care system—

(A) at any time when there is a change in the enrollment status of the veteran; and

(B) at any time when there is a change in the address of the veteran.

(b) PROVIDING VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall provide to each veteran described in subsection (a) the same degree of information and assistance with voter registration as is provided by the Veterans Administration with regard to the completion of its own forms, unless the applicant refuses such assistance.

(c) TRANSMITTAL OF VOTER REGISTRATION APPLICATION FORMS.—

(1) IN GENERAL.—The Secretary shall accept completed voter registration application forms for transmittal to the appropriate State election official.

(2) TRANSMITTAL DEADLINE.—

(A) IN GENERAL.—Subject to subparagraph (B), a completed voter registration application form accepted at a medical center, community living center, community-based outpatient center, or domiciliary of the Department of Veterans Affairs shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(B) EXCEPTION.—If a completed voter registration application form is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) REQUIREMENTS OF VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall ensure that the information and assistance with voter registration that is provided under subsection (b) will not—

(1) seek to influence an applicant's political preference or party registration;

(2) display any such political preference or party allegiance;

(3) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not register has any

bearing on the availability of services or benefits.

(e) LIMITATION ON USE OF INFORMATION.—No information relating to registering to vote, or a declination to register to vote, under this section may be used for any purpose other than voter registration.

(f) ENFORCEMENT.—

(1) NOTICE.—

(A) NOTICE TO THE FACILITY DIRECTOR OR THE SECRETARY.—A person who is aggrieved by a violation of this section or section 4 may provide written notice of the violation to the Director of the facility of the Department of Veterans Affairs health care system involved or to the Secretary. The Director or the Secretary shall respond to a written notice provided under the preceding sentence within 20 days of receipt of such written notice.

(B) NOTICE TO THE ATTORNEY GENERAL AND THE ELECTION ASSISTANCE COMMISSION.—If the violation is not corrected within 90 days after receipt of a notice under subparagraph (A), the aggrieved person may provide written notice of the violation to the Attorney General and the Election Assistance Commission.

(2) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section or section 4.

**SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.**

(a) IN GENERAL.—Consistent with State and local laws, each director of a community living center, a domiciliary, or a medical center of the Department of Veterans Affairs health care system shall provide assistance in voting by absentee ballot to veterans residing in the community living center or domiciliary or who are inpatients of the medical center, as the case may be.

(b) ASSISTANCE PROVIDED.—The assistance provided under subsection (a) shall include—

(1) providing information relating to the opportunity to request an absentee ballot;

(2) making available absentee ballot applications upon request, as well as assisting in completing such applications and ballots; and

(3) working with local election administration officials to ensure proper transmission of absentee ballot applications and absentee ballots.

**SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGANIZATIONS.**

The Secretary of Veterans Affairs shall permit nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs health care system, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

**SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.**

(a) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—Subject to reasonable time, place, and manner restrictions, the Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) VOTING INFORMATION.—In this subsection, the term ''voting information'' means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) VOTER REGISTRATION SERVICES.—The Secretary of Veterans Affairs shall provide reasonable access to facilities of the Department of Veterans Affairs health care system to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

**SEC. 7. ANNUAL REPORT ON COMPLIANCE.**

The Secretary of Veterans Affairs (in this section referred to as the ''Secretary'') shall submit to Congress an annual report on how the Secretary has complied with the requirements of this Act. Such report shall include the following information with respect to the preceding year:

(1) The number of veterans who were served by facilities of the Department of Veterans Affairs health care system.

(2) The number of such veterans who requested information on or assistance with voter registration.

(3) The number of such veterans who received information on or assistance with voter registration.

(4) Information with respect to written notices submitted under section 3(f), including information with respect to the resolution of the violations alleged in such written notices.

**SEC. 8. RULES OF CONSTRUCTION.**

(a) NO INDIVIDUAL BENEFIT.—Nothing in this Act may be construed to convey a benefit to an individual veteran.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

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By Mr. BEGICH:

S. 1560. A bill to amend the Outer Continental Shelf Lands Act to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President, I rise today for the first time on this floor to mark the 50th anniversary of Alaska's statehood and to draw the attention of my colleagues to an urgent issue that affects not only my State but all of our States—the issue of global climate change.

This year, thanks to actions taken in this very Chamber, Alaska is celebrating its golden anniversary of statehood. Acquiring the rights and responsibilities of full citizenship was the culmination of a dream for citizens of the 49th State. Statehood granted us the ability to exercise control over our vast natural resources and gave us a full voice in our national government. In the half century since, Alaska has grown from the Nation's largest supplier of salmon to become the Nation's storehouse of both seafood and energy.

Because of its strategic location near the top of the globe, Alaska plays a critical role in our Nation's defense. During the Cold War, the superpowers stared down each other across the frozen polar ice cap. Thanks to a thaw in the geopolitical climate, the ''ice curtain'' separating Alaska and Russia melted some 20 years ago. Today, it is a change in the climate itself that present serious new challenges—and great opportunities—to my State and our Nation.

Alaska is now at Ground Zero for the effects of global climate change. I take this opportunity today to detail how that is affecting the lives of Alaskans. I will describe a package of legislation I am introducing to prepare my State and the Nation for the next 50 years. During that time, the Arctic will play an even larger role in the Nation's commerce, foreign policy, and energy independence.

Mr. President, to me there is no more dramatic illustration of global warming in Alaska than these two pictures taken at Portage Glacier, just about 50 miles south of Anchorage. The top photo, taken by my dad in 1970, shows me and two of my brothers and a sister. The glacier is clearly in view. The bottom photo was taken 35 years later, in 2005. It is of my son, Jacob, standing in the exact same spot at the same time of year. The glacier is nowhere to be seen because it has dramatically receded due to global warming.

Today in the Arctic, the sea is melting so fast that most of it could be gone in 30 years. You can clearly see it in this polar projection of the Arctic. The implications of the loss are enormous. Devastating for species such as the polar bear, walrus, and seals, which depend on ice for their very survival; life-altering for Arctic residents who have depended on marine mammals for their nutritional and cultural needs for thousands of years; literally earth-shattering for entire Alaskan Arctic communities, which are being wiped away by erosion and thawing permafrost.

When this global air-conditioner is knocked off kilter, it accelerates climatic changes we are already witnessing around the globe that neither science nor our political systems can stop.

Consider these examples.

Storms raging over waters that once were frozen solid but which are now ice-free for much of the year are eroding sections of the Alaska shoreline at rates of 45 feet per year or more. This undermines entire coastal villages like Shishmaref and Kivalina.

Thawing permafrost is causing roads and the foundations of homes to buckle.

A recent study by the University of Alaska's Institute of Social and Economic Research estimated that the impacts of climate change will increase the cost of maintaining or replacing just today's public infrastructure in my State by $6 billion.

The potential release of massive amounts of methane now sealed in the permafrost threaten to accelerate the pace of climate change. That is known to scientists as ''Arctic Feedback.''

Warming water temperatures are pushing cold water species north and attracting warm water species from the south. Fishermen in Sitka are encountering the giant Humboldt squid from Mexico.

Tuna—whose usual habitat favors the tropics—have been caught near Homer. And invasive species such as green crab are moving steadily northward.

Ocean acidification—the result of absorption of carbon into our marine waters—weakens shellfish, coral, and even plankton, the very first link of the marine food chain.

At the G–8 Summit last month in Italy, developing nations agreed to the principle of limiting the average increase in the Earth's temperature to no more than 2 degrees Celsius above preindustrial levels.

In the American Arctic, we exceeded that long ago. The diminishing ice creates opportunities in the Arctic, but even these pose new challenges. For example, the Beaufort and Chukchi seas are believed to contain almost twice as much oil as already has been produced from the North Slope.

Arctic oil and gas development has been conducted safely on-shore in Alaska. Alaskans also have the technology to safely produce it off-shore.

But subsistence users who rely on marine mammals for their way of life are legitimately concerned about the special challenges of how to prevent and respond to an oil spill in broken sea ice.

The diminishing Arctic ice pack could open new grounds to commercial fishing, which can create new jobs. This also presents challenges to manage fish stocks in this region as we learn more about the impact of fishing in these previously inaccessible waters.

Opening the Northwest Passage, the Northern Sea Route and eventually the polar sea, will bring an increase in shipping and even tourism to the Arctic. This means new economic development and additional jobs to the northern part of our state.

Our neighbors have taken notice of the warming Arctic, too. This picture of a Russian submersible planting that country's flag on the North Pole's ocean floor was shocking to Americans and other Arctic nations.

The Swedish Foreign Minister, whose nation is president of the European Union this year, demonstrates that Europe understands these changes when he recently said the melting polar sea ice is creating revolutionary new transportation possibilities between the Atlantic and Pacific.

Although Alaskans are well aware of the impacts of climate change in our State, national decisionmakers are just starting to come to grips with its challenges and opportunities.

A proposed American Arctic policy was adopted in the final days of the Bush administration. While not perfect, it highlights many areas that need further focus.

Here in the Congress, climate change has risen to a high priority in these Halls and in the Obama administration.

I commend these many initiatives and pledge my cooperation with other Members of this body and the national administration.

To advance that effort, today I am introducing a package of seven bills to address these challenges, almost all of which have been caused by, or made worse by, climate change.

I call this package—Inuvikput. It is a word from the Inupiaq Eskimos of the Alaska North Slope which means ''the place where we live.''

I can think of no more appropriate term coming from the very people who are being affected every day by climatic changes in America's Arctic, the place they have called home for thousands of years.

Mr. President, my package starts with improving our fundamental understanding of the region. We need to invest in basic science to better understand Arctic oceanography, meteorology, biology of its fish and marine mammals, as well as natural resources and oil and gas potential.

We need a coordinated research plan. It should start with baseline observations and include better science supporting Arctic-specific oil spill prevention and response.

This plan also must include local and traditional knowledge. After all, some of the first and most accurate predictions of Arctic climate change were from Native elders.

My bill calls on the Secretary of Commerce to undertake a comprehensive strategy to coordinate Arctic research, to make recommendations to Congress on a long-term Arctic Ocean research plan and to provide the resources for this vital mission.

We also need to promote Pan-Arctic research, especially with our Russian and Canadian neighbors, to address scientific issues that span international borders.

My second bill would provide the United States equal standing with other Arctic nations when it comes to our participation in the international Arctic Council and other forums.

Other leading Arctic nations—Russia, Canada, Norway—are represented by ambassador-level diplomats on the Council.

I appreciate the dedication of those who have represented us before the Arctic Council and other forums. I also thank Secretary Clinton and other high level diplomats for their interest in the Arctic. But the United States needs a permanent representative on an equal footing with the representatives of other nations in these important forums. Our Ambassador should advocate American interests in science, sustainable development, transportation and our defense posture.

The third piece of legislation deals with preparedness for the coming expanded use of the Arctic. We must increase our investment in basic infrastructure to maintain a permanent presence in the Arctic, for scientific, economic development and national security missions.

Critical to that is the need to replace our fleet of icebreakers. The *Polar Sea* and the currently idled *Polar Star* have both served beyond their 30-year life. The *Healy* is newer, but designed primarily for scientific research.

That scientific mission is important. But we need an icebreaking fleet to assert our national interests by patrolling our Arctic waters, monitor increased traffic, and respond to search and rescues, oil spills and other incidents.

In addition to their life-saving mission, the Coast Guard is a vital partner with Alaska's commercial fishing industry. This $4 billion industry is one of our Nation's truly American industries, providing 58,000 jobs. Our Coast Guard needs facilities to serve as a base for aerial surveillance, spill prevention and emergency response capabilities in the Arctic.

Currently, our closest Coast Guard air base is located in Kodiak, a 900-mile commute just to reach the Arctic Coast. That's like patrolling the Gulf of Mexico from air bases in New York.

I applaud the stamina of our Coast Guard crews who have kept our C–130s in the Arctic skies by performing maintenance work on the ramp in subfreezing conditions. The least we could do is provide them with a heated hangar. My legislation would address that need and other critical infrastructure needs.

Fourth, we must achieve a balance in environmentally responsible resource development in the Arctic. A diminished ice cap may clear the way for more affordable development of the enormous energy reserves the U.S. Geological Service says lie beneath Arctic waters. This region contains an estimated 30 billion barrels of oil and 220 trillion cubic feet of natural gas.

These resources can create thousands of American jobs and help assure our national energy security.

We must get the science right and provide the infrastructure necessary to protect human and animal life and the environment.

To help achieve that, my measure calls on the Coast Guard to assess Arctic development and develop the necessary infrastructure.

It also requires the Secretary of Commerce to direct research to prevent and improve oil spill recovery in Arctic waters.

My fifth bill deals with the benefits of energy development in the Arctic. Most Alaskans support oil and gas exploration in the Outer Continental Shelf. We can do development there in the right way, as shown here.

Another example is BP's Liberty field, located off Alaska's northern

coast. To minimize impacts, directional drilling from this island pad can tap oil reserves 8 miles away in the water.

As a part of this package, my bill extends to Alaskans the same share of Federal revenues that residents of the gulf coast States currently receive. It would direct a portion of those revenues to those most affected—the residents of Alaska's North Slope—where communities have depended on marine mammals from these same waters for thousands of years. I believe the Arctic's resources belong to the people of the Arctic and should be shared among them.

My sixth bill deals with a critical omission from the new Presidential directive on the Arctic—addressing the health problems of Arctic people.

Alaskans and others who live in Northern latitudes experience numerous health problems, including higher rates of alcohol abuse, diabetes, high blood pressure and, tragically death from injury and suicide.

In many cases, it is unclear what causes these problems. More research is necessary into prevention and treatment.

This bill proposes a study of mental and behavioral health issues in the Arctic. It would create an ''Arctic desk'' at the National Institutes of Health that was called for in Federal legislation in 1984 but has never been established.

Finally, it would institute a health assessment program at the Centers for Disease Control focused on the Arctic. This vital research will not only benefit residents of my State but citizens across the country.

The seventh bill in this package addresses the huge losses of coastal Alaskan territory, as a result of dramatic climate change. A June 2009 Government Accountability Study on this issue says: ''most of Alaska's more than 200 Native villages are affected to some degree by flooding and erosion.'' In some cases, entire Arctic villages in my State are at risk of serious erosion or of being washed into the sea.

To make matters worse, some of the most severe flooding in recent history occurred this spring. Millions of dollars in damage was done to Alaska communities, prompting State and Federal disaster declarations.

To address these issues, I propose creation of an Arctic adaptation fund. This fund would help the State of Alaska, Alaska Native organizations, affected Arctic communities, and the private sector deal with the impacts of climate change. This includes flooding, erosion, permafrost melting, and damage to public transportation systems and buildings. The fund also would assist in dealing with habitat restoration, clean energy development, and other economic development activities.

Mr. President, I am considering introducing an additional piece of legislation in this package. It focuses on providing the people of Alaska's Arctic with a greater voice in development decisions affecting their lives.

This bill would establish on Arctic Regional Citizens Advisory Council. It would be modeled after similar councils operating successfully in the Prince William Sound and Cook Inlet regions of Alaska.

At the request of North Slope Borough Mayor Edward Itta and our constituents there, I agreed to hold off on this bill for now so we can continue the conversation with the people of the region, along with industry and regulatory stakeholders.

In addition to the legislation I am introducing today, Senate ratification of two treaties would dramatically improve our Nation's ability to address Arctic climate change.

The first is the Convention on the Law of the Sea. Negotiated in 1982, this treaty is designed to settle long-standing disputes over national rights to offshore waters and resources. The Senate's ratification of this treaty would put the United States at the table at a time of great change in the Arctic.

I note support for the Law of the Sea Treaty comes from a broad spectrum of organizations, from environmental groups and oil companies to the U.S. military.

I strongly support ratification of the Law of the Sea Treaty and will be proud to cosponsor this measure.

The second key international agreement the Senate should ratify to address Arctic health issues is the Treaty on Persistent Organic Pollutants, or POPs.

These pollutants—PCBs, DDT, dioxin, and even fire retardants—are carried by wind and sea currents to the Arctic. They are then trapped by the ice and are stored in the fatty tissue of fish and marine mammals that are a main component of the local subsistence diet.

The POPs treaty was adopted in 2001. But like the Law of the Sea, it has never been ratified. It is time that changed. I am honored to be a cosponsor of Senator HARKIN's bill, S. 519, to implement provisions of this treaty.

I look forward to working with the chairman and ranking member of the Foreign Relations Committee and the Obama Administration to bring these treaties forward to the Senate for consideration as soon as possible.

Mr. President, because of Alaska, America is an Arctic nation. My State has over 700 miles of shoreline along the Arctic Ocean, and over 100 million acres above the Arctic Circle. If you define Arctic by temperature, it encompasses an even broader area that includes the Bering Sea and the Aleutian Islands.

Through the diligent work of many scientists, we have learned much over the past century. But there is much we still do not understand.

This century, and the next 50 years of Alaska statehood, brings great challenges and even greater opportunities. To succeed, we must address the broad policy implications of an ice-diminishing Arctic on the diplomatic, scientific, and national security fronts.

We must make the needed investments to ensure the United States maintains its leadership at the top of our globe. We must listen to and address the needs of the residents of the Arctic.

With this Inuvikput package of legislation, we will take a major step toward achieving these important goals.

As they say in America's Arctic, Quyanaqpak. Thank you.

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By Mr. SPECTER (for himself and Mr. CASEY):

S. 1568. A bill to assist in the establishment of an interpretive center and museum in Bethlehem, Pennsylvania, to protect and interpret the history of the industrialization of the United States; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor and preserve the industrial legacy of our Nation for the benefit of current and future generations. The bill, which I am introducing along with my Pennsylvania colleague Senator BOB CASEY, would establish a partnership between the Department of Interior and the National Museum of Industrial History: a museum and interpretive center to be located at the site of the former Bethlehem Steel Plant in Bethlehem, PA.

The industrial revolution was a critical period in American history, during which our country and the foundation of our national economy experienced an unprecedented transition. It is important that people, especially children and future generations, have an opportunity to learn about the history of American industrialization and how it shaped our world and our lives. For this opportunity to be realized, the timeless stories and treasured relics of our industrial history must be preserved, interpreted and made available for all to see, study and enjoy. The National Museum of Industrial History will exist for just this purpose.

The Museum will be located at an ideal site to tell the story of America's industrial history because the former tenant of the site was a lead character in the story. The Bethlehem Steel Company was a world-leader in steel production for nearly 150 years and truly epitomized the industrial revolution and expansion throughout the 19th and 20th centuries. Steel produced in Bethlehem was used to build some our country's most treasured structures and landmarks, including the Chrysler Building in New York City and the Golden Gate Bridge in San Francisco. Bethlehem Steel was a major contributor to the war effort during the first and second World Wars, building many ships and supplying much of the armored plating and large-caliber guns for our armed forces. Bethlehem Steel began to cease much of its operation in the 1990s and was bought by another

steel company in 2001. The closing of Bethlehem Steel marked the end of an era and also created one of the largest brownfield sites in the country. It is on this site, rich in history and industrial heritage, where the National Museum of Industrial History will stand as a monument to industry and as an educational resource to the public.

The legislation I have introduced will establish an agreement between the Department of Interior and the National Museum of Industrial History, wherein the Department will assist in the creation and program development of the Museum. Every dollar provided by the Federal Government would have to be matched by a non-Federal source. The Museum has a long history of working with the Federal Government. The National Museum of Industrial History was the first museum to become affiliated with the Smithsonian Institute. This partnership spawned the Smithsonian Institute's ''Affiliates Program,'' which now has over 150 members around the country.

I urge my colleagues to support this legislation.

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By Ms. STABENOW:

S. 1569. A bill to expand our Nation's Advanced Practice Registered Nurse workforce; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce legislation to address our growing workforce shortage. I am pleased to be joining my good friend, Congresswoman LOIS CAPPS, a nurse herself, in introducing this legislation. Our legislation is supported by AARP, the American Academy of Nurse Practitioners, the American Association of Colleges of Nursing, the American Association of Nurse Anesthetists, the American College of Nurse Practitioners, the American College of Nurse-Midwives, the American Nurses Association, the National Association of Pediatric Nurse Practitioners, and the National Organization of Nurse Practitioner Faculties.

Since its creation in 1965, Medicare has provided some support for the costs of nursing education. While relatively small as compared to support for graduate medical education for physicians, $150 million vs. $9 billion per year, Medicare has for many years been the largest federal source of funding for nurse training. While nursing education and patient care needs have changed tremendously since 1965, Medicare's policy in this area has not kept up to date.

My bill amends Medicare to provide incentives to expand the number of advanced practice registered nurses, APRN, trained and to prepare them to undertake the essential cost-saving reforms to our health care delivery system: an increased focus on primary and preventive care, improved coordination of care, access to primary care and anesthesia services in rural and medically underserved areas, and enhanced efforts to reduce costly medical errors that will lower health care costs and improve patient care. This legislation also focuses on training nurses in community-based settings, such as community health centers, rural clinics and individual health professional offices, arming them with the practical clinical experience they need.

The respected economic analysis firm The Lewin Group has conducted a thorough analysis of this proposal. They found that it would increase the number of APRNs graduating by 25 percent. This is a very significant increase and one that is greatly needed. Additionally, training more APRNs will help us develop more faculty, which are desperately needed to train the next generation of nurses. Every nursing school dean in Michigan has told me that this is a huge issue to them.

This relatively modest investment in APRNs will provide Americans, especially those in rural and other areas of health care shortages, with the primary and preventive care, care coordination, and chronic care management they too often lack today.

At a time when our country faces a shortage of healthcare professionals, funding for the clinical education of APRNs, including nurse practitioners, certified nurse-midwives, certified registered nurse anesthetists, and clinical nurse specialists is vitally important to meet the demand for expanded health care, which is expected under a newly reformed delivery system.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

JULY 29, 2009.

Hon. DEBBIE STABENOW,
*U.S. Senate,*
*133 Senate Hart Building, Washington, DC.*

DEAR SENATOR STABENOW: On behalf of the undersigned organizations, we would like to express our support for your legislation that will amend Title XVIII of the Social Security Act to provide payment to hospitals for the costs of expanded advanced practice nurse training programs. At a time when our country faces a shortage of healthcare professionals, funding for the clinical education of Advanced Practice Registered Nurses (APRNs), including nurse practitioners, certified nurse-midwives, certified registered nurse anesthetists, and clinical nurse specialists is vitally important to meet the demand for expanded health care, which is expected under a newly reformed delivery system.

APRNs are ideally suited to help implement delivery system reforms such as an increased focus on primary, transitional, and preventive care, enhancing access for rural and medically underserved populations, improving care coordination, chronic care management, and reducing costly medical errors. Yet in 2008, U.S. nursing schools turned away 6,904 qualified applicants from graduate nursing programs due to insufficient numbers of faculty, clinical sites, classroom space, clinical preceptors, and budget constraints. This Medicare funding would expand the current focus to nursing education at the graduate level. It would also expand clinical education provided through Medicare funding to include home and community-based settings as well as hospitals, using affiliations between accredited schools of nursing and community-based health care settings. The outcome would be a much more robust APRN workforce to meet growing demand especially among the Medicare population and those in underserved areas. In fact, according to a Lewin report commissioned by AARP to investigate this type of proposal, your bill would increase the number of APRNs by 25%.

We applaud your efforts and those of your staff for introducing Graduate Nursing Education legislation, which will benefit future APRNs so they can provide high quality, cost effective care to the most vulnerable populations in all areas across the country. Thank you for your recognition of the role APRNs will play in a reformed healthcare system.

Sincerely,

AARP, American Academy of Nurse Practitioners, American Association of Colleges of Nursing, American Association of Nurse Anesthetists, American College of Nurse Practitioners, American College of Nurse-Midwives, American Nurses Association, National Association of Pediatric Nurse Practitioners, National Organization of Nurse Practitioner Faculties.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 234—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAVE FOR RETIREMENT WEEK 2009

Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses save for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of retirement savings options, or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have access to defined benefit and defined contribution plans to help prepare for retirement, yet many may not take advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans under Federal law;

Whereas many workers saving for retirement through tax-preferred savings plans have experienced declines in account values due to the recent economic downturn and market decline, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from the advantages of tax-preferred savings plans, and from increased awareness of the need to develop personal budgets, and financial plans; and

Whereas October 18 through October 24, 2009, has been designated as ''National Save for Retirement Week 2009'': Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of National Save for Retirement Week 2009;

(2) supports efforts to raise public awareness of the need to use efficiently the substantial tax revenues, estimated to exceed $127,000,000,000 for the fiscal year 2009 budget, that subsidize retirement savings;

(3) supports efforts to raise public awareness of the importance of saving adequately for retirement and of the availability of tax-preferred employer-sponsored retirement savings plans; and

(4) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities with the goal of increasing the retirement savings for all the people in the United States.

## SENATE RESOLUTION 235—DESIGNATING AUGUST 16, 2009, AS ''NATIONAL AIRBORNE DAY''

Ms. MURKOWSKI (for herself, Mr. REED, Ms. SNOWE, Mr. INHOFE, Mr. BYRD, Mr. VOINOVICH, Mr. BEGICH, Mr. LEVIN, Mr. KERRY, Mr. BURR, Mr. CRAPO, Mrs. HAGAN, Mr. ROBERTS, Mr. INOUYE, Mrs. MURRAY, Mr. COCHRAN, Mr. CONRAD, Mrs. LINCOLN, Mr. BURRIS, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. CARDIN, Mr. REID, Mr. THUNE, Mr. SCHUMER, Mr. CASEY, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BOND, Mr. BROWN, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 235

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, the 325th and 327th Glider Infantry, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, each of which is part of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, airborne units played a pivotal role in the war in Afghanistan, including the unflinching pursuit of the enemies of the United States during the battles of Mazar-i Sharif, Kabul, Qala-i-Jangi, Tora Bora, and Operation Anaconda;

Whereas United States paratroopers, which include the 82d Airborne Division, 75th Ranger Regiment, Special Operations Forces, 173rd Airborne Brigade Combat team, and elements of the 4th Brigade 25th Infantry Division, have demonstrated bravery and honor in an effort to pursue the enemies of the United States, to stabilize Afghanistan, and to strive for calm in a troubled region;

Whereas in the aftermath of the announcement of Operation Iraqi Freedom by President George W. Bush in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are, and will continue to be, at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States airborne forces, all have achieved distinction by earning the right to wear the ''Silver Wings of Courage'' of the United States airborne forces, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates August 16, 2009, as ''National Airborne Day''; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

## SENATE RESOLUTION 236—COMMEMORATING THE 175TH ANNIVERSARY OF THE ABOLITION OF SLAVERY IN THE BRITISH EMPIRE ON AUGUST 1, 1834

Mr. CARDIN (for himself, Mr. VOINOVICH, Mr. HARKIN, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Whereas the United States and the United Kingdom have become beacons of freedom and democracy around the world;

Whereas the history of the people of Africa is inextricably tied to the histories of the United States and the United Kingdom;

Whereas, for centuries, millions of people from Africa and their descendants were enslaved in the United States and the territories of the British Empire;

Whereas the slave trade spanned many regions of the world, including Africa, the Caribbean, the United States, and territories of the British Empire;

Whereas the people of Africa forced into slavery were dehumanized, humiliated, abused, and often separated from their families to be sold;

Whereas the institution of slavery, predicated upon racist beliefs, infected and corrupted the social fabrics of the United States and the United Kingdom;

Whereas the Underground Railroad embodied courage, hospitality, and fortitude, and served as an impetus for the abolition of slavery;

Whereas the Underground Railroad provided a means of escape from slavery by incorporating a network of abolitionists, secret routes, and safe houses throughout the United States and the territories of the British Empire;

Whereas the efforts of Harriet Tubman and like-minded abolitionists in the Underground Railroad helped tens of thousands of slaves escape to freedom during the early 19th century;

Whereas Harriet Tubman demonstrated her fearless devotion to liberty during her service as a conductor on the Underground Railroad and was responsible for leading fugitive slaves through the countryside to safe houses;

Whereas Harriet Tubman became known as ''Moses'' among slaves and abolitionists because her estimated 19 trips in the decade following her emancipation in 1849 to States that permitted slavery led to the liberation of approximately 300 slaves;

Whereas the Fugitive Slave Law of 1850 jeopardized the safety of escaped slaves in the United States;

Whereas the establishment of Underground Railroad safe houses in Canada, a territory of the British Empire, provided a safe haven for escaped slaves;

Whereas the abolition of slavery in the British Empire on August 1, 1834, established a chief terminal for the Underground Railroad and laid the foundation for the eventual abolition of slavery in the United States;

Whereas the Salem Chapel British Methodist Episcopal Church in St. Catharines, Ontario, Canada, served as an important center of abolitionist activity and served as the final destination for many escaped slaves;

Whereas many freed slaves became members of Salem Chapel British Methodist Episcopal Church and settled in the community; and

Whereas the abolition of slavery in the British Empire influenced the United States by setting the precedent that the dehumanizing practice of slavery would not, and could not, be tolerated if a Nation is to conform with the fundamental tenets of democracy and equality for all people: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the fundamental importance of the abolition of slavery in the British Empire in the history of the United States and Canada; and

(2) celebrates the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2241. Mr. JOHANNS (for himself, Mr. NELSON of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

SA 2242. Mr. JOHANNS (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2243. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2244. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2245. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2246. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2226 proposed by Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2247. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2248. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2249. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2250. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2251. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2252. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2253. Mr. CHAMBLISS (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2254. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2255. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2256. Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2257. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2258. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2259. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2260. Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2261. Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2262. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2263. Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. MURRAY, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2264. Ms. STABENOW (for herself, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2265. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2266. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2267. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2268. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2269. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2270. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2271. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2272. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2273. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2274. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2275. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2276. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2277. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2278. Mrs. GILLIBRAND (for herself, Mr. SANDERS, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2279. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2280. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2281. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2282. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2283. Mr. DODD (for himself, Mr. WHITEHOUSE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2284. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2285. Mr. NELSON, of Nebraska (for himself, Mr. GRASSLEY, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2286. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2287. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2288. Mr. KOHL proposed an amendment to amendment SA 2248 submitted by Mr. COBURN to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2289. Mr. KOHL (for himself and Mr. BROWNBACK) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

## TEXT OF AMENDMENTS

**SA 2241.** Mr. JOHANNS (for himself, Mr. NELSON of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 19, line 9, before the period, insert the following: ''*: Provided further*, That of the amount available under this heading, at least $17,764,000 shall be used for the tuberculosis program (including at least $3,000,000 for tuberculosis indemnity and depopulation)''.

**SA 2242.** Mr. JOHANNS (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 8, strike ''$911,394,000'' and insert ''$913,394,000, of which $17,764,000 shall be used for the tuberculosis program (including at least $3,000,000 for tuberculosis indemnity and depopulation), of which $2,000,000 shall be derived by reducing the amount available under the heading 'DEPARTMENTAL ADMINISTRATION' ''.

**SA 2243.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided under the heading ''RURAL BUSINESS—COOPERATIVE SERVICE'' in title III is reduced by the pro rata percentage required to reduce the total amount provided under that heading by $124,800,000.

**SA 2244.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 51, beginning on line 10, strike ''*: Provided further*,'' and all that follows through ''technologies'' on line 20.

**SA 2245.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Beginning on page 75, strike line 16 and all that follows through page 76, line 3.

**SA 2246.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2226 proposed by Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7____. (a) In this section, the term ''conference'' means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) Not later than September 30, 2011, the Secretary of Agriculture shall submit to the appropriate committees of Congress and post on the public Internet website of the Department of Agriculture (referred to in this section as the ''Department'') in a searchable, electronic format, a report on each conference for which the Department paid travel expenses during fiscal year 2010 that includes—

(1) the itemized expenses paid by the Department, including travel expenses and any Department expenditure to otherwise support the conference;

(2) the primary sponsor of the conference;

(3) the location of the conference; and

(4) in the case of a conference for which the Department was the primary sponsor, a statement that includes—

(A) a justification of the location selected;

(B) a description of the cost efficiency of the location;

(C) the date of the conference;

(D) a brief explanation of how the conference advanced the mission of the Department; and

(E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the Department.

(c) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Department relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed $12,000,000.

**SA 2247.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROHIBITION ON NO-BID CONTRACTS, GRANTS, AND EARMARKS

SEC. ____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

**SA 2248.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. ____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

**SA 2249.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) Texas producers are suffering from 1 of the worst droughts since the 1920's and need immediate relief; and

(6) the Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

**SA 2250.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided to the Secretary of Agriculture under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) that remains unobligated as of the date of enactment of this Act is reduced by the pro rata percentage required to reduce the total unobligated amount provided to the Secretary by that Act by $6,475,000,000.

**SA 2251.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, provisions of this Act requiring that funds be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act shall have no force or effect.

**SA 2252.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $234,128,000.

**SA 2253.** Mr. CHAMBLISS (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to the appropriate committees of Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

**SA 2254.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

**SA 2255.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

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**SA 2256.** Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that have been considered eligible for funding by the appropriate rural development field office of the Department of Agriculture at some time during the past fiscal year.

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**SA 2257.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c)(1) Section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) is amended by inserting before the period at the end the following: ''using, in the case of beef cattle, 3 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more''.

(2) Section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)) is amended by inserting before the period at the end the following: ''using, in the case of beef cattle, 3 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more''.

(3) The amendments made by this subsection take effect on June 18, 2008.

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**SA 2258.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c) In determining the market value of the applicable beef cattle on the day before the death of the beef cattle under section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) and section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)), the Secretary of Agriculture shall use 3 weight classes for the beef cattle consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more.

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**SA 2259.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. __745. REPORT ON TOURISM FOR RURAL COMMUNITIES.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator of the Small Business Administration and the Director of the Office of Travel and Tourism Industries of the Department of Commerce, shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

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**SA 2260.** Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL Mr. SCHUMER, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. ____. The Secretary of Agriculture shall, to the maximum extent practicable, collaborate and consult with, and provide technical assistance and data to, other appropriate Federal agencies conducting any oversight, investigation, or other action to improve or ensure fair competition in agriculture and related industries, such as oversight of markets, antitrust examinations, or examinations of disparities between farm and retail prices.

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**SA 2261.** Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 20, before the period at the end insert the following: ''*: Provided further*, That the Administrator of the Farm Service Agency shall provide appropriate technical assistance and other support (including collaborating on farm loan restructuring criteria) for any expansion of the Home Affordable Modification Program of the Department of the Treasury to cover farm loans or similar new voluntary or mandatory programs for farm loan foreclosure mitigation or restructuring by recipients of funds under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or commercial lenders in general''.

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**SA 2262.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses to establish and operate the Office of Advocacy and Outreach within executive operations, $3,000,000: *Provided*, That the same amount of funds is provided to each of the Socially Disadvantaged Farmers Group and the Small Farms and Beginning Farmers and Ranchers Group: *Provided further*, That the Director of the Office of Advocacy and Outreach shall not be required to report to any Assistant Secretary or Undersecretary of the Department of Agriculture.

On page 6, line 3, strike ''$41,319,000'' and insert ''$38,319,000''.

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**SA 2263.** Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. MURRAY, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 745. MILK IMPORT EQUITY ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Milk Import Tariff Equity Act''.

(b) IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.—

(1) CASEIN AND CASEIN PRODUCTS.—

(A) IN GENERAL.—The Additional U.S. notes to chapter 35 of the Harmonized Tariff Schedule of the United States are amended—

(i) by striking ''Additional U.S. Note'' and inserting ''Additional U.S. Notes'';

(ii) in note 1, by striking ''subheading 3501.10.10'' and inserting ''subheadings 3501.10.05, 3501.10.15, and 3501.10.20''; and

(iii) by adding at the end the following new note:

''2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 55,477,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.''.

(B) RATES FOR CERTAIN CASEINS, CASEINATES, AND OTHER DERIVATIVES AND GLUES.—Chapter 35 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 3501.10 through 3501.90.60 and inserting the following new subheadings, with the article descriptions for subheadings 3501.10 and 3501.90 having the same degree of indentation as the article description for subheading 3502.20.00:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 3501.10 | Casein: | | | | |
| | | Milk protein concentrate: | | | | |
| | 3501.10.05 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU) | 12¢/kg | |
| | 3501.10.15 | Described in additional U.S. note 2 to this chapter and entered according to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU) | 12¢/kg | |
| | 3501.10.20 | Other | $2.16/kg | Free (MX) | $2.81/kg | |
| | | Other: | | | | |
| | 3501.10.55 | Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food | Free | | Free | |
| | | Other: | | | | |
| | 3501.10.60 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU) | 12¢/kg | |
| | 3501.10.65 | Described in additional U.S. note 2 to this chapter and entered according to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU) | 12¢/kg | |
| | 3501.10.70 | Other | $2.16/kg | Free (MX) | $2.81/kg | |
| | 3501.90 | Other: | | | | |
| | 3501.90.05 | Casein glues | 6% | Free (A*, CA, CL, E, IL, J, JO, MX) 3% (SG) 4.5% (AU) | 30% | |
| | | Other: | | | | |
| | 3501.90.30 | Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food | 6% | Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU) | 30% | |
| | | Other: | | | | |
| | 3501.90.55 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/kg | Free (A*, CA, CL E, IL, J, JO, MX, SG) 0.3¢/kg (AU) | 12.1¢/kg | |
| | 3501.90.65 | Described in additional U.S. note 2 to this chapter and entered according to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU) | 12.1¢/kg | |
| | 3501.90.70 | Other | $2.16/kg | Free (MX) | $2.81/kg | ''. |

(2) MILK PROTEIN CONCENTRATES.—

(A) IN GENERAL.—The Additional U.S. notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—

(i) in note 13, by striking ''subheading 0404.90.10'' and inserting ''subheadings 0404.90.05, 0404.90.15, and 0404.90.20''; and

(ii) by adding at the end the following new note:

''27. The aggregate quantity of milk protein concentrates entered under subheading 0404.90.15 in any calendar year shall not exceed 18,488,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.''.

(B) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 0404.90 through 0404.90.10 and inserting the following

new subheadings, with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0404.10 and with the article descriptions for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

| | | | | | | |
|---|---|---|---|---|---|---|
| " | 0404.90 | Other: | | | | |
| | | Milk protein concentrates: | | | | |
| | 0404.90.05 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, MX, SG) 0.3¢/kg (AU) | 12¢/kg | |
| | 0404.90.15 | Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions | 0.37¢/kg | Free (A*, CA, CL, E, IL, J, JO, SG) 0.3¢/kg (AU) | 12¢/kg | |
| | 0404.90.20 | Other | $1.56/kg | Free (MX) | $2.02/kg | ". |

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after the date that is 90 days after the date of the enactment of this Act.

(B) TRANSITIONAL PROVISIONS.—

(i) CHAPTER 35.—Notwithstanding the amendments made by paragraph (1), in the case of any calendar year that includes the effective date described in subparagraph (A), the aggregate amount of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 shall not exceed an amount equal to 151,992 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(ii) CHAPTER 4.—Notwithstanding the amendments made by paragraph (2), in the case of any calendar year that includes the effective date described in subparagraph (A), the aggregate amount of milk protein concentrates entered under subheading 0404.90.15 shall not exceed an amount equal to 50,652 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(c) COMPENSATION AUTHORITY.—

(1) IN GENERAL.—If the provisions of subsection (b) require, the President—

(A) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(B) may proclaim such modification or continuance of any general rate of duty, or such continuance of duty-free or excise treatment, or any quantitative limitation, as the President determines to be required or appropriate to carry out any such agreement.

(2) LIMITATIONS.—

(A) IN GENERAL.—No proclamation shall be made pursuant to paragraph (1) decreasing any general rate of duty to a rate which is less than 70 percent of the existing general rate of duty.

(B) SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.—If the general rate of duty in effect is an intermediate stage under an agreement in effect before August 6, 2002, under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 or under an agreement entered into under section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002, the proclamation made pursuant to paragraph (1) may provide for the reduction of each general rate of duty at each such stage by not more than 30 percent of such general rate of duty, and may provide for a final general rate of duty which is not less than 70 percent of the general rate of duty proclaimed as the final stage under such agreement.

(C) ROUNDING.—If the President determines that such action will simplify the computation of the amount of duty computed with respect to an article, the President may exceed the limitations provided in subparagraphs (A) and (B) by not more than the lesser of—

(i) the difference between such limitation and the next lower whole number, or

(ii) one-half of 1 percent ad valorem.

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**SA 2264.** Ms. STABENOW (for herself, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, lines 3 through 5, strike "$233,388,000, to remain available through September 30, 2011: *Provided*," and insert "$250,570,000, to remain available through September 30, 2011: *Provided*, That $180,000,000 of that amount is used to carry out the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86): *Provided further*, That it is the sense of the Senate that the Secretary of Agriculture should use a portion of the funds to expand the commodity supplemental food program to 6 approved but unfunded State programs: *Provided further*,".

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**SA 2265.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 7, before the period, insert the following: ": *Provided further*, That each school or institution located in the State of Vermont that is participating in the summer food service program for children, the child and adult care food program, the school lunch program, or the school breakfast program shall be considered eligible to elect commodity letters of credit in lieu of entitlement commodities in accordance with section 18(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(b))".

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**SA 2266.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 24, before the semicolon, insert the following: ", of which $1,000,000 shall be used by the Center to conduct a study of obesity and report the results of the study to Congress".

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**SA 2267.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 22, strike "$2,995,218,000" and insert "$2,996,218,000, of which $1,000,000 shall be used by the Center for Food Safety and Applied Nutrition to conduct a study on obesity and report the results of the study to Congress and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for the National Animal Identification program".

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**SA 2268.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 24, strike "$4,369,000" and insert "$6,369,000".

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**SA 2269.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 24, strike ''$4,369,000'' and insert ''$6,369,000, of which $2,000,000 shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' for the National Animal Identification program''.

**SA 2270.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 7, before the period, insert the following: '': *Provided further*, That of the total amount available, $2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3))''.

**SA 2271.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, lines 22 and (23), strike ''$16,799,584,000, to remain available through September 30, 2011,'' and insert ''$16,802,084,000, to remain available through September 30, 2011, of which $2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for the National Animal Identification program''.

**SA 2272.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:

DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)), $400,000,000.

**SA 2273.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:

DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771), $400,000,000.

**SA 2274.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:

DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)), $350,000,000.

**SA 2275.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike ''$1,253,777,000'' and insert ''$1,653,777,000''.

**SA 2276.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike ''$1,253,777,000'' and insert ''$1,603,777,000''.

**SA 2277.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, between lines 8 and 9, insert the following:

DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the Secretary to increase the purchase prices under section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)) of cheddar cheese in blocks, cheddar cheese in barrels, and nonfat dry milk to not less than $1.40, $1.37, and $0.97 per pound, respectively, $400,000,000.

**SA 2278.** Mrs. GILLIBRAND (for herself, Mr. SANDERS, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. (a) There is appropriated, out of any funds in the Treasury not otherwise appropriated, such funds as are necessary for the Secretary of Agriculture to carry out the milk income loss contract program under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) for the period beginning on March 1, 2009, and ending on June 30, 2009, in accordance with this section.

(b) In carrying out the milk income loss contract program during the period described in subsection (a), the Secretary shall use—

(1) the payment rate described in section 1506(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(c)), except that the percentage in paragraph (3) of that subsection shall be 90 percent; and

(2) the payment quantity described in section 1506(e) of that Act, except that the pound limitation in paragraph (2)(A) of that subsection shall be the pro rata share of 5,960,000 pounds for each fiscal year.

(c) For purposes of Senate enforcement, this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 2279.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. (a) Section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

''(4) NUTRITION ASSISTANCE BENEFITS DURING PUBLIC HEALTH EMERGENCY.—

''(A) DEFINITIONS.—

''(i) ELIGIBLE CHILD.—The term 'eligible child' means a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) who, if not for the closure of the school attended by the child due to a public health emergency, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) at the school.

''(ii) PUBLIC HEALTH EMERGENCY.—The term 'public health emergency' means the declaration of a public health emergency by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

''(iii) SCHOOL.—The term 'school' has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d))).

''(B) EMERGENCY STANDARDS.—

''(i) IN GENERAL.—The Secretary may, after consultation with the Secretary of Health

and Human Services, approve State agency plans for temporary emergency standards of eligibility and levels of benefits under this Act for households with eligible children.

''(ii) RELATION TO OTHER LAW.—The Secretary may promulgate standards under clause (i) without regard to section 4(c) of this Act or section 553 of title 5, United States Code.

''(C) EMERGENCY PLANS.—Plans approved by the Secretary under this paragraph may provide for supplemental allotments to households receiving benefits under this Act, and issuances to households not already receiving benefits, through the EBT card system established under section 7.

''(D) BENEFITS LEVELS.—Assistance provided to a household under this section shall be equivalent to the value of free or reduced price meals that would have been provided to the eligible children of the household under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) at the school attended by the eligible children if the school was not closed as a result of a public health emergency.

''(E) MINIMUM CLOSURE.—The Secretary shall not provide assistance under this paragraph in the case of a school that is closed for less than 5 consecutive days.

''(F) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary may authorize State educational agencies and school food authorities administering a school meal program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information regarding children who are or may be eligible for free or reduced price school meals as may be necessary to carry out this paragraph.

''(G) WAIVERS.—In carrying out this paragraph, the Secretary may approve waivers of the reporting requirements otherwise applicable under subsection (f), limits on certification periods otherwise applicable under section 3(f), and other administrative requirements otherwise applicable to State agencies.

''(H) TERMINATION OF AUTHORITY.—This paragraph shall be effective only for fiscal year 2010.''.

(b) EMERGENCY PURCHASE AUTHORITY.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) is amended—

(1) by striking ''Sec. 32. There'' and inserting the following:

**''SEC. 32. COMMODITY BENEFITS.**

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) COMMODITY ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may use funds made available under this section to purchase commodities for emergency distribution in any area of the United States—

''(A) in the event of a declaration of public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

''(B) on receipt of information from State agencies demonstrating that the situation warrants the distribution of the commodities.

''(2) TERMINATION OF AUTHORITY.—This subsection shall be effective only for fiscal year 2010.''.

(c) OFFSET.—The amendments made by subsections (a) and (b) shall be carried out using $2,000,000 derived from a reduction of the amount made available under the heading ''SALARIES AND EXPENSES'' under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE'' in title I.

**SA 2280.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Whereas sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

Whereas an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

Whereas the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged $4.80 per hundredweight below the cost of production; and

Whereas approximately $3.9 billion in dairy producer equity has been lost since January; and

Whereas anecdotal evidence suggests that U.S. dairy producers are losing upwards of $100 per cow per month; and

Whereas the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a ''feed cost adjuster'' to augment that support; and

Whereas the Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA's food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

Whereas the Secretary on March 22nd reactivated USDA's Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

Whereas the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers' revenue by $243 million; and

Whereas U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation's milk production infrastructure, and thousands of rural communities: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Secretary of Agriculture and the President's Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

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**SA 2281.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Section 404 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624) is amended—

(1) by striking ''Agricultural Research Service'' each place it appears and inserting ''Agricultural Research Service and the Forest Service''; and

(2) in subsection (c), by adding at the end the following:

''(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.''.

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**SA 2282.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Such study shall include—

(1) a survey of personal care products for which the word ''organic'' appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) The Commissioner of Food and Drugs shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration should have pre-market approval authority for personal care product labeling.

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**SA 2283.** Mr. DODD (for himself, Mr. WHITEHOUSE and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Notwithstanding any other provision of law, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts in Connecticut, Massachusetts, and Rhode Island that have been previously funded by the Secretary and were under construction as of January 1, 2009.

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**SA 2284.** Mr. DODD submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Department of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

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**SA 2285.** Mr. NELSON of Nebraska (for himself, Mr. GRASSLEY, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7____. (a) The Senate finds that—

(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of ''less than 400 pounds'' and ''400 pounds and more''; and

(4) the ''400 pounds and more'' range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

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**SA 2286.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers in acquisition of all parts and inventory in the dealer's possession as of the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

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**SA 2287.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''TARP Recipient Ownership Trust Act of 2009''.

**SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.**

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

**SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.**

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

**SEC. 4. DEFINITIONS.**

As used in this Act—

(1) the term ''designated TARP recipient'' means any entity that has received financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), such that the Federal Government holds or controls not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

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**SA 2288**. Mr. KOHL proposed an amendment to amendment SA 2248 submitted by Mr. COBURN to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture or the Commissioner of Food and Drugs to enter into any Federal contract unless the contract is—

(1) entered into in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)); or

(2) otherwise authorized by law to be entered into without regard to the laws cited in paragraph (1).

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**SA 2289**. Mr. KOHL (for himself and Mr. BROWNBACK) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, line 16, strike ''inspections.'' and insert the following:

inspections: *Provided further*, That this section shall be applied in a manner consistent with United States obligations under international trade agreements.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON VETERANS' AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Monday, August 3, 2009, in the Reception Room immediately off the Senate Floor after today's vote at 5:30 p.m.

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

### SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. KOHL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, August 3, 2009, at 2 p.m. in room 406 of the Dirksen Senate Office Building.

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

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY AND SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security and Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Monday, August 3, 2009, at 3 p.m., to conduct a hearing entitled ''Eliminating Wasteful Contractor Bonuses.''

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

## PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Rachana Chhin of my office be granted the privileges of the floor during the remainder of debate on this bill.

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

Mr. KOHL. I ask unanimous consent that Honor Keeler from Senator BINGAMAN's office be granted the privileges of the floor for the pendency of H.R. 2997 and all amendments thereto.

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

Mr. HARKIN. I ask unanimous consent that Stephanie Woodward and Jeremy Girton be granted the privilege of the floor for the duration of today's session.

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

## NATIONAL CHILDHOOD CANCER AWARENESS DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 200 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 200) designating September 12, 2009, as ''National Childhood Cancer Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 200

Whereas childhood cancer is the leading cause of death by disease for children in the United States;

Whereas an estimated 12,500 children in this Nation are diagnosed with cancer each year;

Whereas an estimated 2,300 children in this Nation lose their lives to cancer each year;

Whereas the results of peer-reviewed clinical trials have raised the standard of care and improved the 5-year cancer survival rate in children to greater than 80 percent overall;

Whereas more than 40,000 children and adolescents in the United States currently are being treated for childhood cancers;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one life-altering or life-threatening late effect from treatment; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 12, 2009, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) recognizes the profound toll a diagnosis of cancer has on children, families, and communities and pledges to make its prevention and cure a public health priority; and

(4) urges public and private sector efforts to promote awareness, invest in research, and improve treatments for childhood cancer.

## NATIONAL SAVE FOR RETIREMENT WEEK

Mr. DODD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 234, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 234) supporting the goals and ideals of National Save for Retirement Week 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 234

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses save for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of retirement savings options, or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have access to defined benefit and defined contribution

plans to help prepare for retirement, yet many may not take advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans under Federal law;

Whereas many workers saving for retirement through tax-preferred savings plans have experienced declines in account values due to the recent economic downturn and market decline, making continued contributions all the more important;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from the advantages of tax-preferred savings plans, and from increased awareness of the need to develop personal budgets, and financial plans; and

Whereas October 18 through October 24, 2009, has been designated as ''National Save for Retirement Week 2009'': Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of National Save for Retirement Week 2009;

(2) supports efforts to raise public awareness of the need to use efficiently the substantial tax revenues, estimated to exceed $127,000,000,000 for the fiscal year 2009 budget, that subsidize retirement savings;

(3) supports efforts to raise public awareness of the importance of saving adequately for retirement and of the availability of tax-preferred employer-sponsored retirement savings plans; and

(4) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities with the goal of increasing the retirement savings for all the people in the United States.

## NATIONAL AIRBORNE DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 235, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 235) designating August 16, 2009, as ''National Airborne Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 235) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the United States experiment with airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, the 325th and 327th Glider Infantry, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, each of which is part of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, airborne units played a pivotal role in the war in Afghanistan, including the unflinching pursuit of the enemies of the United States during the battles of Mazar-i Sharif, Kabul, Qala-i-Jangi, Tora Bora, and Operation Anaconda;

Whereas United States paratroopers, which include the 82d Airborne Division, 75th Ranger Regiment, Special Operations Forces, 173rd Airborne Brigade Combat team, and elements of the 4th Brigade 25th Infantry Division, have demonstrated bravery and honor in an effort to pursue the enemies of the United States, to stabilize Afghanistan, and to strive for calm in a troubled region;

Whereas in the aftermath of the announcement of Operation Iraqi Freedom by President George W. Bush in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are, and will continue to be, at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States airborne forces, all have achieved distinction by earning the right to wear the ''Silver Wings of Courage'' of the United States airborne forces, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and, in former days, glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates August 16, 2009, as ''National Airborne Day''; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

## COMMEMORATING THE 175TH ANNIVERSARY OF THE ABOLITION OF SLAVERY IN THE BRITISH EMPIRE

Mr. DODD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 236, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 236) Commemorating the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 236) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 236

Whereas the United States and the United Kingdom have become beacons of freedom and democracy around the world;

Whereas the history of the people of Africa is inextricably tied to the histories of the United States and the United Kingdom;

Whereas, for centuries, millions of people from Africa and their descendants were enslaved in the United States and the territories of the British Empire;

Whereas the slave trade spanned many regions of the world, including Africa, the Caribbean, the United States, and territories of the British Empire;

Whereas the people of Africa forced into slavery were dehumanized, humiliated, abused, and often separated from their families to be sold;

Whereas the institution of slavery, predicated upon racist beliefs, infected and corrupted the social fabrics of the United States and the United Kingdom;

Whereas the Underground Railroad embodied courage, hospitality, and fortitude, and served as an impetus for the abolition of slavery;

Whereas the Underground Railroad provided a means of escape from slavery by incorporating a network of abolitionists, secret routes, and safe houses throughout the United States and the territories of the British Empire;

Whereas the efforts of Harriet Tubman and like-minded abolitionists in the Underground Railroad helped tens of thousands of slaves escape to freedom during the early 19th century;

Whereas Harriet Tubman demonstrated her fearless devotion to liberty during her service as a conductor on the Underground Railroad and was responsible for leading fugitive slaves through the countryside to safe houses;

Whereas Harriet Tubman became known as ''Moses'' among slaves and abolitionists because her estimated 19 trips in the decade following her emancipation in 1849 to States that permitted slavery led to the liberation of approximately 300 slaves;

Whereas the Fugitive Slave Law of 1850 jeopardized the safety of escaped slaves in the United States;

Whereas the establishment of Underground Railroad safe houses in Canada, a territory of the British Empire, provided a safe haven for escaped slaves;

Whereas the abolition of slavery in the British Empire on August 1, 1834, established a chief terminal for the Underground Railroad and laid the foundation for the eventual abolition of slavery in the United States;

Whereas the Salem Chapel British Methodist Episcopal Church in St. Catharines, Ontario, Canada, served as an important center of abolitionist activity and served as the final destination for many escaped slaves;

Whereas many freed slaves became members of Salem Chapel British Methodist Episcopal Church and settled in the community; and

Whereas the abolition of slavery in the British Empire influenced the United States by setting the precedent that the dehumanizing practice of slavery would not, and could not, be tolerated if a Nation is to conform with the fundamental tenets of democracy and equality for all people: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the fundamental importance of the abolition of slavery in the British Empire in the history of the United States and Canada; and

(2) celebrates the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834.

## MEASURE READ THE FIRST TIME—H.R. 3435

Mr. DODD. Mr. President, I understand that H.R. 3435 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 3435) making supplemental appropriations for Fiscal Year 2009 for the Consumer Assistance to Recycle and Save Program.

Mr. DODD. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 111–25, announces the appointment of the following individual to serve as a member of the Ronald Reagan Centennial Commission for the life of the commission: the Honorable ROBERT BENNETT of Utah.

## ORDERS FOR TUESDAY, AUGUST 4, 2009

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, August 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 105, H.R. 2997, the Agriculture appropriations bill, with the time until 10:30 equally divided and controlled between the managers and Senator MCCAIN or their designees; further, I ask that the filing deadline for second-degree amendments be 10:15 a.m. tomorrow.

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

## PROGRAM

Mr. DODD. Mr. President, under the previous order, at approximately 10:30 a.m., the Senate will proceed to a series of two rollcall votes. Upon the completion of the second vote, the Senate will recess until 2:15 p.m. for the weekly caucus luncheons.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:50 p.m., adjourned until Tuesday, August 4, 2009, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

CONSUMER PRODUCT SAFETY COMMISSION

ANNE M. NORTHUP, OF KENTUCKY, TO BE A COMMISSIONER OF THE OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2004, VICE SAUNDRA BROWN ARMSTRONG, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DANIEL I. WERFEL, OF VIRGINIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE LINDA MORRISON COMBS, RESIGNED.

DEPARTMENT OF DEFENSE

TERRY A. YONKERS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE WILLIAM ANDERSON, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JOHN A. BLANKENBAKER
JOSE R. BURGOS
JEFFREY M. CARR
ROGER D. COTTON
JENNIFER L. CURRY
JOHN D. CUSHMAN
JOSEPH E. CZARNIK
MANUEL T. DEGUZMAN
RONNIE F. DIX
CHARLES D. DONNELL
ALLAN E. FEY
WILLIAM R. FLORIG
FREDRICK A. FRANCIS
IRENE V. GLAESER
MAE M. GOLDMANN
DAVID W. HARGRAVE
CARYN S. HEARD
RUSSELL A. HENDERSON
JANICE HIGUERA
JOSEPH L. INGIGNOLI
GARY B. JAMES
KEITH S. JAMINET
ROBERT D. JOHNSON
CAROLYN F. KLEINER
TROY D. KOK
LARRY D. MCCOLPIN
GEORGE P. MCDONNELL
ROBERT G. MICHNOWICZ
STEVEN W. MOSS
ROBERT W. NEIBERGER
ROBERT S. ORESKOVIC
THOMAS H. RAHE
MICHAEL J. RECENIELLO
DEBORAH A. RICHARDSON
MICHAEL G. SCHELLINGER
KENNETH W. SCOTT
JAMES L. SEDLAK
DEBRA A. SINNOTT
NATHAN J. STORCK
AARON T. WALTER
JACK A. WAYMAN, JR.
DONALD E. WILLIAMS
ROBERT L. YATES
ROBERT J. YOUNG
STEPHEN E. ZARBO
VIRGINIA R. ZOLLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

WILLIAM L. ABERNATHY, JR.
DORIS J. ACEVEDOSELPA
CHARLES E. ADAMS
ALBERT J. ADKINSON
SUZANNE D. ADKINSON
JAMES W. AINSWORTH, JR.
OSCAR R. ALEJANDRO
JORGE ARIZMENDI, JR.
WILLIAM T. ARRUDA, JR.
RONALD M. BAILEY
JAMES L. BAKER
ERIC W. BARR
TED R. BATES
QUINTIN A. BATTLES
BARRY K. BEACH
STEVEN R. BEACH
STEPHEN J. BENTLEY
KAREN A. BERRY
JAMES B. BISHOP
ESTUS T. BLAIR III
JOHN C. BOYD
JOHN M. BOZARD
CHRISTOPHER L. BRADY

MARTIN L. BREMER
MARK A. BREWER
MONTY L. BRODT
KEITH A. BROTHERS
RANDALL G. BROWN
KEVIN L. BULLARD
JERRY D. BUTLER, JR.
LESLIE B. BUTLER
JOHN R. CALLAWAY, JR.
SYLVESTER CANNON
GREGORY R. CARDENAS
VIRGINIA L. CARLTON
LOUIS E. CARMONA
VIVIAN L. CARUOLO
HENRY C. CASON
GERALD T. CATRETT
PATRICK J. CENTER
DENNIS P. CHAPMAN
NORTH K. CHARLES
GARY CHIQUESANCHEZ
JAMES F. CHISHOLM IV
THOMAS P. CLARK
PHILIP W. CLAYTON
JOSEPH E. CLEBOSKI
JAMES T. COCANOUGHER
PETER W. CONLIN
ABRAHAM S. CONN
JAMES O. CONRAD
DAVID M. COOLEY
MILADA A. COPELAND
RANDALL J. CORDEIRO
JOSEPH B. COWAN
JOHN B. CREECH
JERRY S. CROOKS
ANITA K. CURINGTON
JEFFERY A. CUSHING
LAURA A. CUSHLER
MATTHEW L. DANA
DARRELL D. DARNBUSH
PAULA B. DAYRINGER
MICHAEL K. DENNIS
MICHAEL P. DEVILLE
DAVID D. DEVOY II
NIKKI S. DEWOLF
JOSEPH R. DICKEY
SEAN P. DONAHOE
GREG W. DREISBACH
ROGER J. DRUMM
KRIS E. DURHAM
PATRICK T. DYE
PAUL G. EBHARDT
JOHN H. EDWARDS, JR.
CRAIG R. EKMAN
STEVE D. ELLIOTT
VIRGIL P. ELLIOTT, JR.
LEE M. ELLIS
KEVIN A. ENTWISTLE
KEVIN M. EPPENS
LUIS R. ERES
MELODIE A. ESPOSITO
ROGER D. ETZEL
THOMAS E. EVANS II
EARLY I. FALK
MARTIN D. FALLS
DAVID M. FARLEY
MARK A. FELDERMAN
ROBERT C. FIELD
LEO M. FILIPOWICZ
ALEX U. FINGERS
PETER J. FIRKEY
MATTHEW W. FLEMING
ANDREW R. FLYNN
MICHAEL D. FRANCE
JOHN M. FRUGE
BENEDICT L. FUATA
DANIEL J. FUHR
LARRY R. GANN
TONY F. GATLIN
DAVID R. GAULT
JULIE M. GERETY
KENNY B. GILMORE
CHRISTINE GLOVER
GREGG S. GOLDSMITH
WILLIAM D. GRISWOLD
AUSTIN F. GROGAN
DAVID G. GUYTON
WALLACE A. HALL, JR.
BRIAN H. HAMMERNESS
GREGORY O. HAPGOOD, JR.
DAVID E. HARRELL
STANLEY B. HARRIS
BOB D. HAYTER, JR.
MARY C. HENRY
LARRY J. HERKE
ISIDORO R. HERNANDEZ
ROBERT N. HIBBETT
DONALD P. HOLLIS
JOHN V. HOLTER
LEE W. HOPKINS
PAUL T. HORRY, JR.
NORMAN G. HORTMAN, JR.
HOWARD L. HOSTRANDER II
LAURENCE W. HOWL
ROBERT A. HYLAND
DOUGLAS K. JACKSON
TODD M. JACOBUS
RUSSELL D. JOHNSON
THOMAS M. JOHNSON III
HAROLD B. JONES, JR.
ERIC T. JUDKINS
RICHARD J. KALEY
RICKY N. KAPPUS
ROBERT L. KAUHANE
PETER S. KAYE
STEPHEN G. KENT
JAY E. KNOX
KIMBERLY C. KNUR
RICHARD A. KRANKOTA
MICHAEL J. KRISTIAN
BERNARD C. KRUSE
MICHAEL A. KUEHN
LANITA R. KUHN
RICHARD T. KUMLIEN, JR.
KENNETH R. LAMBRIGHT
MAJOR W. LAROWE
TOD M. LARSON
RONALD M. LATUSZEK
JOHN E. LEASK, JR.
MICHAEL T. LEE
COLLIER H. LIPPLE
GARY W. LITTLEFIELD
JOHN J. LONERGAN, JR.
DONALD A. LOVELACE III
JOSEPH P. MAASSEN
WILLIAM L. MAHONEY
TAMMY E. MANDWELLE
JEFFREY S. MARK
WARD E. MARSHALL
WILLIAM E. MARTIN
DONALD S. MASON
GREGORY D. MASON
JOANE K. MATHEWS
TED W. MAUZEY
DAVID E. MAX
ROBERT J. MAYBERRY, JR.
TODD A. MAYER
RICHARD J. MCCONOUGHEY
MICHAEL A. MCDONALD
KERRY M. MCINTYRE
MICHAEL L. MCKINNEY
MARK W. MCLEMORE
EDWARD J. MCNELIS III
LAURENCE W. MCSHEFFREY
PETER M. MENICUCCI
MICHAEL D. MERRITT
MARSHALL T. MICHELS
JOSEPH G. MILLER
RICKY D. MILLER
RUSSELL D. MILLER
THOMAS L. MORGAN III
CLINTON R. MOYER
ROGER D. MURDOCK
JAMES E. MURPHY
SYLVIA J. MURPHY
CHRISTOPHER P. MYER
ALLEN L. NELSON
ADRIAN B. NETTLES
ARTHUR W. OLIVER
JOHN F. PACKHEM
SCOTT A. PANAGROSSO
ROLAND B. PARTEN
STEPHEN D. PATE
ALFRED J. PEREZ
EMILY S. PERRY
RONALD E. PETTIT
TROY R. PHILLIPS
STEPHAN J. PICARD
MATTHEW L. PITSTICK
KEVIN L. PRESTON
SCOTT B. PURYEAR
SALE D. RANDLE, JR.
MICHAEL T. RATLIFF
STEPHEN D. REDMAN
EDWARD D. RICHARDS
JOHN D. RICOTTILLI
THOMAS J. RITZ
CARLOS A. RODRIGUEZ
PAUL D. ROGERS
JOE M. ROMERO, JR.
ROBERT C. ROTH
ROBERT A. RUDOLPH
SUSAN E. RUSSELLCARLEY
MATTHEW J. RUSSO
DAVID J. SACHA
PHILIP K. SAFAR
DANIEL T. SALILER
CURT R. SALVESON
REGINALD D. SANDERS
JOHN W. SCANNELL
ANDREW P. SCHUBIN
MICHAEL J. SCHUH
JASON E. SCHWABEL
RANDAL O. SHEARS, JR.
RONALD B. SHIELDS
ANGELA F. SHOWELL
GRANT C. SLAYDEN
MARK L. SMEDLEY
DWAINE SMITH
GRANT R. SMITH
RONALD L. SMITH
SCOTT M. SMITH
TIMOTHY M. SMITH
KELLY J. SMOTHERS
OSCAR L. SOMMERS III
KENNETH E. SOTO
ROBERT C. SPINELLI
ROBERT L. SPIRES, JR.
KEVIN D. STARING
MICHAEL S. STEENSON
LAWRENCE P. STEGEMAN
JAMES F. STENSON
MARK T. STEVENS
PATRICK L. STEVENS
MARJEAN R. STUBBERT
JOSEPH P. SULLIVAN III
SEAN P. SULLIVAN
RUSSELL J. SWEET
SCOTT R. SWINFORD
BRADLEY L. TANKSLEY
BRIAN E. TATE
CHRISTOPHER W. TAYLOR
RONALD F. TAYLOR
TAWNA B. THELEN
DAVID L. THIELE
DANNY R. THOMAS
DANNY E. THOMASSON
MICHAEL A. THOMPSON
MICHAEL C. THOMPSON
TERRALL V. THOMPSON
PAUL C. THORN
JEFFERY E. THROWER
TODD O. THURSBY
CHARLES R. TILTON
THOMAS TINTI
JEFFREY S. TIPTON
LAWRENCE E. TIPTON
SHARON R. TOOTELL
PHILLIP E. TORRANCE
JOHN P. TRACY
WILLIAM T. TRAVIS
KEITH G. TRESH
WILLIAM B. TYMINSKI
THERESA L. VANCORT
DANIEL VAZQUEZROSA
PETER F. VERSFELD
ERIC D. WAAGE
HAROLD J. WALKER II
ROBERTA B. WALKER
ROSS E. WALTEMATH
BARBARA L. WALTHERS
STEVEN H. WARNSTADT
ERIC C. WEBER
RONALD V. WELCH
MICHAEL N. WELLS
LESLIE J. WERMERS
DANIEL A. WEST
TYRA Y. WHITE
BRIDGET S. WIDDOWSON
MICHAEL E. WIECZOREK
ALEXANDER C. WILLIAMS
DAVID L. WILLIAMS
ROBERT B. WILLIAMS
ZEB C. WILLIAMS III
JAMES T. WILSON
KURTIS J. WINSTEAD
PAUL A. WOLFLEY
JAMES H. WOODALL
MARK A. WRIGHT
WILLIAM E. WYNNS, JR.
LAURA L. YEAGER
WILLIAM C. YEARWOOD
THOMAS J. ZELKO II
RICHARD D. ZIERATH
FRANCISCO ZUNIGA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

GREGORY T. ADAMS
RONNIE E. AKERS
DOUGLAS F. ANDERSON
TRENT M. ANDREWS
ROBERT E. APPLEBY, JR.
STEVEN M. ARAKI
WILLIAM B. ARMSTRONG
JOSEPH E. ARTIAGA
THERESA R. BAGINSKI
JAMES C. BAGLEY
MICHAEL M. BAKER
CHADWICK D. BARKLAY
MARK C. BARTHOLF
JEFFREY R. BEECHAM
STEVEN W. BEIN
BEVAN BENJAMIN
MICHAEL C. BIRCHFIELD
JAMES S. BIVENS
IVRIA L. BLAND
ROBERT N. BLEVINS
JAMES A. BRAMBLE
RODERICK W. BRIDGEWATERS
RICHARD W. BROWN
RICHARD J. BROWNRIGG
RAPHAEL D. BRUCE
GEORGE M. BRYAN, JR.
ANTHONY J. BUCKLEY
GEORGE A. BURBULES
ALTRUS D. CAMPBELL
BRIAN G. CANTEEL
JAMES V. CAPPARELLI
RANDALL W. CARLSON
ROBERT J. CARLSON
DONALD L. CARMEL, JR.
DARRYL A. CARNES
SEAN CASSIDY
DEAN I. CHANG
GUS A. CHECKETTS
KAREN A. CHIPCHASE
JIMMIE J. CHITURAS, JR.
ALAN R. CLARK
TIMOTHY M. CLARKE
MICHAEL N. CLAYBOURNE
ROBERT E. COLLINS, JR.
MARK A. COOK
STEPHEN J. COOPER
MICHAEL R. CORRIVEAULT
VINCENT D. CRABB
JOHN W. CREWS
JEFF P. CZAPIEWSKI
MARK S. DANIELS
JEFFREY J. DANTONIO
EDDIE DAVIS, JR.
MARK D. DAVIS
PATRICIA L. DAYMOORE
PHILLIP G. DEATON
DANIEL L. DEHAAN
EDWARD L. DELISSIO
NICHOLAS R. DEMAS
DAVID B. DESROCHES

JOHN M. DIAZ
HERMAN W. DICK
IRENE V. DICKERSON
WILLIAM E. DODD
JEFFREY A. DOLSEN
MICHAEL P. DONAHER
MICHAEL S. DONOVAN
JOHN J. DOUGHERTY
PAUL D. DOUGHERTY
PAUL A. DRISCOLL
TERRI G. DUENAS
RANDOLPH J. DUKE
DAVID H. DUTTON
DAVID E. ELWELL
JAMES P. ERDIE
PETER B. ERICSON
ERNEST A. ERLANDSON, JR.
ANDREW P. EWANITZ III
RODNEY L. FAULK
ARDIS G. FERGUSON
CHRISTINEANNE N. FIALA
JOE R. FOLLANSBEE
JAMES W. FOLLWEILER
GEORGE C. FRANK, JR.
RICHARD A. FRANZIS
DAVID A. FRISONE
ELVIA D. GAINESEDMOND
PATRICK E. GALLAGHER
MARION GARCIA
J S. GILHOOLY
BRUCE M. GILLETTE
MICHAEL D. GIRONE
GLENN A. GODDARD
KENT J. GOFF
JAMES G. GOODWILLIE IV
JACKSON C. GRAHAM III
PATRICK E. GRANNAN
NORMAN B. GREEN
JOSEPH E. GROSS IV
GREGORY L. GUIDRY
ROBERT E. GUIDRY
DARRELL J. GUTHRIE
JEFFREY L. HABERMAN
JAY A. HAMMER
KATHRYN L. HARRINGTON
MONICA A. HARWIG
WAYNE W. HAUSSER
WILLIAM H. HENSELL
JOHN C. HERMANN, JR.
PAUL J. HETTICH
CONRAD A. HOLBERT
JOHN C. HOPE
JOHN F. HUSSEY
MARK N. JAMMEL
COLBY D. JEWELL
OSVALDO J. JIMENEZ
EDWARD M. KABAT
JOHN A. KAILEY III
ANITA F. KAZMIERCZAK
DAVID J. KEEFE
PHILIP A. KELLER
NORMAN R. KEYES
KARL S. KIRCHNER
KEITH A. KUNKEL
JOSEPH F. LAMPERT
JOHN P. LANDGRAF
KARLA O. LANGLAND
THOMAS R. LANTZY
OLIVER K. LATTIMORE
BETH A. LAW
GARY J. LAW
EUGENE J. LEBOEUF
RICHARD D. LEONARD
THOMAS M. LEWIS
FRED P. LIST, JR.
THEODORE C. LOCKHART
NEUMAN LOPEZ
WILLIAM L. MACKINNON, JR.
FREDERICK R. MAIOCCO
LARRY T. MAREK
RICHARD E. MAYES II
CHARLES P. MCCORMICK
MALCOLM H. MCMULLEN
KEVIN B. MEREDITH
DOUGLAS W. MILLS
WILLIAM K. MILLS
ARTHUR T. MOE
JAMES H. MOORE
CHARLES H. MURDOCK
MARK J. MURPHY
MICHAEL D. MURRAY
MATTHEW MYLES
EDDIE D. NAGEL
ALAN NALBANDIAN
DONALD E. NALLS, JR.
MICHAEL R. NELSON
KELLY J. NIERNBERGER
YOLANDA NIETO
CYNTHIA A. NOBLE
WOODARD E. NUNIS
DONALD B. OKURA
CHARLES J. ONEILL
TERESA L. ORTIZ
ROBERT L. OTT
SHAWNNA C. PAINE
CYNTHIA A. PALINSKI
STEPHEN E. PALMER
PERCY PARKER
THOMAS E. PARKER, JR.
BOB E. PARSONS III
CATHERINE C. PATTERSON
MICHAEL J. PEFFERS
DEBORAH M. PELLISSIER
VIRGIL C. PHILLIPS
JEFFERY RAGLAND
DAVID D. RAGUSA
DAVID N. RAMSEY
GARY W. RANGEL
TAMMI A. REILLY
ROBBIE ROBBINS
ALBERTO C. ROSENDE
PHILIP S. ROSSO
MARTIN D. ROWE
JEFFERY M. RUCHIE
DONNA L. SCOTT
HAROLD C. SHABLOM, JR.
DAVID G. SIAS
TRISTAN B. SIEGEL
MATTHEW T. SIMS
PRATYA SIRIWAT
JIMMIE L. SIZEMORE
ANTHONY J. SKUBI III
JAMES E. SMITH II
MARCIA J. SMITH
NATHAN G. SMITH
MARTIN B. SPANN
RAYMOND R. STEELEY
ROBERT W. STERN
PEGGY L. STRADFORD
JAMES L. STRIFE
NOAH K. STRONG
JOHN G. SUTTER
MARK A. SWEENEY
EMIL THODE, JR.
DAROLD D. TIPPEY
COSME C. TORRESSABATER
SUSAN C. TRAYLOR
MARIO A. TREVINO
GABRIEL TROIANO
MICHAEL A. TROSTER
RICHARD UNDA
BECKY S. UPTON
BRADLEY J. UPTON
MICHAEL D. UTLEY
THOMAS J. VACCARO
GREGORY S. VALLOCH
DEAN L. VANITER
DAVID N. VOLKMAN
GLENN S. VONDERWERTH
LINDA A. WADE
KELLY E. WAKEFIELD
ANATHEA J. WALLACE
TONY R. WALTERS
TODD R. WARNER
PETER R. WATLING
JESSE C. WHITE
CARLA W. WIEGERS
WILLIAM E. WIGGINS
DARYL W. WILLIAMS
CURTIS A. WOOD
RHONDA W. WRIGHT
KEVIN C. WULFHORST
STEVEN G. WYMAN
MARK A. YANAWAY
MARK S. ZASLAVSKY
STEVEN R. ZEPHIR
SCOTT L. ZONIS

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*

ERIK J. MODLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JOSH A. CASSADA
LARRY R. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MATTHEW J. ACANFORA
JASON C. ALLEN
DAVID J. AMBROSE
MICHAEL R. BAILEY
MELINDA K. BAKER
DAVID C. BAUGHMAN
MICHAEL A. BETHER
JOSEPH P. BOBROWSKI
PETER N. BOURAS
JAMES F. BRENNAN
DONALD L. BRYANT, JR.
CHRISTOPHER W. CALVIN
ANTHONY T. COCCHIARA II
STEVEN D. COXWELL
ALEXI N. CUCA
JASON K. CUMMINGS
DAVID B. DAMATO
BRIAN B. DURAND
DANIEL R. ECKLES
CHRISTOPHER M. EDWARDS
HERMAN A. FAHIE
DONALD C. FERGUSSON
MONTE D. FLETCHER
JOHN W. FRANKLIN II
MICHAEL D. FROEMKE
ANDREW M. GADBOIS
ALLEN S. GARLOW
KATIE A. HALL
STEVEN T. HARDIN
BRIAN E. HARPUDER
PAUL G. JOCSON
DAVID A. JOHNSON
SUZANNE M. JONES
DAVID P. KAWESIMUKOOZA
HAK J. KIM
MICHAEL G. KING, JR.
GREGORY R. KIPPE
MARK A. LEAL
CHRISTOPHER M. LEPORE
SHERRIE D. LUCAS
ROBERT M. MAHONEY
ANDREW E. MAROCCO
MATTHEW P. MCDANIEL
EDWARD A. MCLELLAN III
DAMON M. MELIDOSSIAN
CHARLES S. MEYER
ROMAN C. MILLS
JEFFREY S. MOLINEUX
MEDRICK J. MORGAN
THOMAS E. MORONEY
MARK B. MUNSON
KENNETH B. MYRICK
JASON S. NAKATA
KRISTENE C. NEWBERRY
ERIN E. ORLICH
RICHARD W. PAYNE
MICHAEL K. PERFINSKI
SHAWN R. PHILLIPS
STEPHANIE L. PHILLIPS
DANIEL R. RAHN
JONATHAN C. RAIA
CAROLINE E. ROCHFORT
STEPHEN G. SANDOVAL
REBECCA S. SKELTON
JUSTIN M. SPRAGUE
TEDDY G. TAN
ALEXANDER J. TERESHKO
MICHAEL S. TIEFEL
JASON C. TURSE
RONALD L. WIENER
DENNIS A. WISCHMEIER
DAVID W. YORK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RON J. ARELLANO
HEATHER L. BEAL
STEPHEN W. BISHOP
JAMES E. BROKAW III
DENVER L. CAIN
GEOFFREY D. CHRISTMAS
SCOTT L. CONE
SAUNDRA E. COWARD
PATRICIA L. CREGGER
THOMAS W. DOBKINS
ANTHONY J. EVERHART
ERICH S. FASSETT
DOROTHY A. FENTON
MATTHEW T. GRIFFIN
JOSEPH B. HARRISON II
LUCAS J. HODGKINS
JASON B. HOMER
WILLIAM H. HUBBARD, JR.
SHANE A. JAEGER
KENNETH W. KEMMERLY, JR.
NORMAN J. KENDRICK
JEFFREY S. KENNEY
GEORGE J. KEUMURIAN
CARTER L. KNOOP
JEFFREY M. KUZNIEWSKI
IAN P. LARSEN
LEMUEL S. LAWRENCE
WENONA L. LEMKE
TIMOTHY E. LOWERY
ZACHARY D. MCKEEHAN
DANIEL MORALES
MICHAEL E. MORTENSON
ROBERT E. ODOM
LESLIE A. OHARA
PETER R. OJINAGA
JOSEPH S. RAETANO
ROBERTO RAMOS
JULIO SANCHEZ
MICHAEL T. SAVI
BRIAN L. SCHULZ
ERIC W. SEARS
KENNETH G. SMITH
SHAWN W. SOUZA
FREDERICK B. STEVES
JOHN J. TERRY
YONNETTE D. THOMAS
FRANCISCO VEGA
JOSHUA J. VERGOW
JOEL A. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

BENJAMIN I. ABNEY
JOHN J. ANDREW
KEITH ARCHIBALD
CARLTON D. BOATRIGHT
DONALD L. BRITTON
FRANCIS P. BROWN
DOUGLAS J. BURRELL, JR.
JUAN L. CARRASCO
JAMES M. CARROLL
DAVID T. CLARK
ROBERT M. COLLINS
DELMY M. CORDON
ANTHONY T. COSBY
JAMES C. DARKENWALD
MICHAEL A. GIGLIO
GARTH H. GIMMESTAD
ANGELIN M. GRAHAM
JASON A. GRANT

RICHARD J. GREENHOE
KEVIN M. HALFACRE
LESTER ISAAC
DOUGLAS M. JOHNSON
TERRENCE L. JONES
PETER T. KELLEHER
KATHLEEN L. KNAPP
DUQUESNE LOUIDOR
MIGUEL S. MACIAS
DEMETRIUS D. MACK
TERRA A. MCINTYRE
THOMAS J. MCKEON II
MARK G. MORAN
ROBERT L. MORAN
JOSHUA W. RUPERT
KAREN J. SANKES
JOSEPH D. SCOTT
ANTHONY M. SIMMONS
MARCO D. SPIVEY
DWANE E. THOMAS
GENEVIEVE G. UBINA
JAY S. VIGNOLA
MCKINNYA J. WILLIAMSROBINSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

CHRISTOPHER D. ADDINGTON
MICHAEL P. AIENA
JOHN P. BAUER
BRIAN T. BIALEK
JESSE H. BLACK
SARAH F. BOWEN
RANDALL A. BOYTER
GARRETT L. BURKHOLDER
KARL O. BURNETT
JAMES D. COURVILLE
KRISTINE M. DESOTO
JASON R. DEUTSCH
SUSAN D. FAULKNER
ERIC D. FELDER
RANDYLL FERNANDEZ
NATHAN P. GEISINGER
JAMES W. HEDDERLY
MARIANNE S. HOLTPHOENIX
CLINTON P. HOSKINS
KATRINA M. HOUSTON
JAIME E. HYSSONG
TIMOTHY L. KING
MICHAEL W. LOOYSEN
JASON G. MASSEY
RICHARD M. MATLACK
BRIAN K. MCLAIN
GREGORY R. MITCHELL
WESLEY S. NEWHAM
DAVID C. SCHAFER
STUART W. SCHNEIDER
MARK A. SCHUCHMANN
TRACY A. SICKS
SALVADOR M. SUAREZ
JAMES D. SZCZEPANSKI
SCOTT R. THOMPSON
STEPHANIE T. WIDMANN
DAVID M. WOLFE
KURT A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

KELLY W. BOWMAN, JR.
STEVEN J. BRYANT
THOMAS M. CLEMENTSON
ANDREW J. COOPER
DANILO S. EVANGELISTA
VICTOR M. FEAL, JR.
DAWN M. FRANK
CARRIE S. GRIBBINS
JOHN D. HARRIS
CHRISTOPHER L. HORTON
DALE R. JAIRAM
DONALD S. MOORE
MICHAEL A. MORGAN
SCOTT A. PORTER
KIMBERLY L. RIECK
TIMOTHY S. RYAN
REBECCA M. SUMMERS
CLAUDE E. TAYLOR III
JOSEPH D. TINDELL
ANTHONY J. WEIDNER
MARC A. WILLIAMS
MICHAEL WINDOM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

HASAN ABDULMUTAKALLIM
EDWIN J. BERRIOSORTIZ
IAN A. BROWN
LAQUIDA R. BROWN
BOBBY T. CARMICKLE
YOLANDA M. CARTER
JESSIE L. CASTILLO
MATTHEW J. CEGELSKE
WILFREDO CRUZBAEZ
ANTHONY W. DAVIS
JONATHAN S. DURHAM
JAY F. ELSON
ALBERICO ESTEVEZ
WILBUR L. HALL II
CHRISTINA M. HICKS
CHRISTINA HINES
DENNIS R. HOLDEN
PEIHUA KU
ANDREW R. LUCAS
KENNETH J. MAROON
GREGORY C. MORRISON
NANCY MOULIS
JAMES A. PAPPAS
JAMES H. PASLEY, JR.
MARVIN J. M. PEREDO
GARY L. RAYMOND
OSCAR W. SIMMONS IV
MICHAEL L. SOUTH II
VICTOR T. TAYLOR, JR.
DAVID C. WEST
MICHAEL R. WIDMANN
KENYA D. WILLIAMSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

DENISE G. BARHAM
AMY N. CARMICKLE
LIGIA I. COHEN
CLAYTON B. DOSS III
JOSHUA A. FREY
RICHARD D. HECHT
MICHAEL W. MORLEY
KATHERINE L. RAIA
KYLE A. RAINES
STEVEN C. RUH
JAMES D. STOCKMAN
HERLINDA K. SWEENEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

GUILLERMO R. AMEZAGA
CRISTAL C. ARMIJO
KYLE T. BADEN
RICHARD L. DAVIDSON
JAIMILYN D. DAVIS
CHARLES A. DEPALMA II
WILLIAM A. GIRDLER
JEFFREY T. GREESON
PATRICK J. HAVEL
JEREMY W. HOLTON
PAUL M. KUTIA
MARK MURNANE
ANDREA C. ONEILL
JEFFREY M. PALMER
SCOTT W. PARKER
FRANK D. PRICE, JR.
MIKE E. SVATEK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

CHRISTOPHER W. ANDERSON
MICHAEL S. ANDERSON
ROBERT ARIAS
RONALD M. ASTRINO
TIMOTHY W. BARRY
KELLY L. BAZE
ROBERT E. BEATON
CURTIS R. BEERS, JR.
KELLY E. BISHOP
SEAN H. BLACK
DAVID K. BLAUSER
KIPP C. BOULDIN
SCOTT BROCKMAN
RICKY G. BURNETT
BRIAN C. CANUEL
ABRAHAM CASTOIRE
LISA M. CAULEY
REECO D. CERESOLA
KEVIN D. CHISOM
DARRELL L. CHRISTENSEN
MARY L. CLARK
SHAWN L. CLARK
WALTER B. CLARK
JOSE A. COLON
MARK COLVIN
CLARENCE E. COOK
DAVID J. CUMMINGS
DAVID W. CUTHBERT
ERIC L. DAVIDSON
DENNIS M. DAVIS
SALVATORE M. DENTU
KIRK A. DEVEZIN
BRUCE A. DIVANO
ERICA DOBBS
RICHARD W. DONALDSON
WILLIAM E. DONALS, JR.
GARY R. DONLEY, JR.
PAUL S. DORRIS
DAVID G. DOZIER
JEFFERY N. DUGARD
STEVEN J. DWYER
TOMMY L. EDGEWORTH
JONATHAN B. EDWARDS
DAVID F. ETHERIDGE
ERIC B. FINNEY
JAMES F. FLINT
JOHN J. FORTINO
LANCE C. FOSTER
DAVID N. FOWLER
KEVIN L. FRIEDLY
JEFFERY S. FULSON
RICHARD W. GAINES
DEAN A. GAYLE
STEVEN D. GILBERT
CHRISTOPHER J. GOELZE
RONALD C. GORBY
JOHNNY L. GRAVES
JEFFREY E. GREEN
ALEX W. GRIFFEN
KEITH D. HAINES
VINCENT R. HAMILTON
STEPHEN L. HANEY
JAMES J. HARKIN
RONNIE C. HARPER, JR.
MARVIN D. HARRIS
ROBERT J. HAUCK
WILLIAM HENDERSHOT
GORDON C. HENDERSON
ROY L. HENKLE
SEAN K. HENRY
KERRI L. HOLM
DAVID J. HOOPLE
DEREK S. HUGGINS
RODNEY E. HUNT
GEORGE S. KOONS
ANGELA K. KOSKO
ANTHONY F. KOSLOSKI
VINCENT E. KUBICSKO
JOHN J. LALLI III
BRION G. LANGLEY
JOHN R. LEAMAN
RICHARD LOZADANEGRON
DAVID T. MAGEE
THOMAS G. MAROUSEK
MICHAEL A. MARTIN
TIMOTHY E. MARTIN
OMAR G. MARTINEZ
JAMES D. MCCARTNEY
DAVID M. MCCARTY
MICHAEL L. MCDONOUGH
KELVIN B. MCGHEE
MICHAEL S. MCGREGOR
JAMES B. MCLAUGHLIN
STEVE R. MICHAUD
JEFFREY D. MILLER
JOHN D. MOORE
DONALD K. MORRIS II
ROSALIND D. MORRISON
DAVID L. NICHOLS
TODD M. OAKES
JEFFREY T. OWENS
MARK A. PABON
JASON B. PARMLEY
TERRANCE J. PATTERSON
ALBIN T. PEARSON
LAWRENCE J. PENN
TIMOTHY H. PHENICIE
DARRIN P. PITRE
STEPHAN H. POMEROY
RONALD L. PUGH
WILLIAM T. RAEBER
JAMES W. RAYCRAFT, JR.
BRIAN C. REDNOUR
JAMES R. RHODES
DAVID R. RITTER
JAMES W. ROBB
DAVID H. RODRIGUES
REGINA P. ROGERS
LARRY A. ROSENTHAL
ERIC T. RUIZ
SHAWN T. RUMBLEY
JAMES G. SCALZO
GARY M. SCHOENFELD
CHRISTOPHER SCHREINER
STEVEN J. SCHULTZ
LESLIE C. SCOTT
ALBERT SEARS
JOSEPH A. SHAW
CRAIG V. SHILLINGER
GARY E. SMART, JR.
MARK A. SMIGELSKI
ALMOND SMITH III
CRAIG D. SMITH
DAVID C. SMITH
MICHAEL G. SNYDER
CHARLES C. SPERRY
JOHN S. STEVENS
FOSTER L. STRINGER
RAYMOND SUDDUTH
JEFFREY S. SWAIN
MICHAEL B. TA
DIANA J. TERSAK
MICHAEL P. THERRIEN
RICHARD A. THOUSAND
KARL W. THURLOW
KEVIN M. WADE
JOHN G. WALLACE
MICHAEL WASHINGTON
LENWARD D. WEAVER
MICHAEL A. WELZ
JAMES L. WILLETT
THOMAS M. WILLIAMS
DONALD V. WILSON
BOBBY L. WOODS
TRAMPAS B. WRIGHT
ALONZO WYNN
COLIN D. XANDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MATTHEW L. ABBOT
ROBERT E. ADKINS
HOLMAN R. AGARD
CHAD D. ALBOLD
MICHAEL E. ALBRECHT
WILLIAM J. ALCOCER, JR.
ANTONIO ALEMAR
ISMIAL A. ALJIHAD

JAMES M. ALLEN
KEVIN C. ALLEN
RONALD J. ALLEN
WILLIAM J. ALLEN
BENJAMIN AMDUR
MIKE D. AMERINE
MORGAN P. AMES
DAVID K. AMONDSON
JASON D. ANDERSON
JOHN K. ANDERSON
NATHANIEL S. ANDERSON
MEGHAN T. ANGERMANN
STEPHEN ANSUINI
JOSHUA A. APPEZZATO
PHILLIP C. ARAMBURU
TIMOTHY D. ARBULU
STEVEN D. ARGROVES
BRIAN C. ARMIJO
JOHN D. ARMSTRONG
ARUN P. ARUMUGASWAMY
TIMOTHY P. ATHERTON
DANIEL M. ATTAWAY
PETER J. AVALOS
RUTH G. AVELIS
FRANCIS C. AXIAK
LUCAS E. BABBITT
ALEXANDER T. BAERG
CURTISS L. BAILEY
JOSHUA T. BAILEY
JOHN M. BAKER
KENNETH B. BAKER
MATTHEW P. BAKER
PATRICK T. BAKER
ADRIAN C. BAREFIELD
DENNIS A. BAREFOOT
JENNIFER N. BARNES
GREGORY R. BARTON
JEREMY M. BAUER
WESLEY E. BAUMGARTNER
MICHAEL A. BAXTER
CHRISTIAN M. BEARD
MICHAEL R. BEARD
MICHAEL S. BEATY
ROBERT B. BEEMAN
JAMES L. BELL
SCOTT D. BELL
SHAUN M. BELLEMARE
JASON C. BELY
MICHAEL A. BEMIS
JOHN B. BENFIELD
ARTHUR A. BENJAMIN
DANIEL S. BENNETT
JEFFERY W. BENSON
JOHN A. BENSON
EDWARD X. BERDECIO
SARA C. BERNARD
PATRICK I. BERNHARD
DANIEL G. BETANCOURT
CONRAD C. BICKNELL
JEREMIAH J. BINKLEY
MARK O. BJERKE
BRIAN E. BLAIR
HAROLD J. BLAKELY
PETER J. BLAMEUSER
GABRIEL C. BLANTON
KYLE N. BOCKEY
BRANDON J. BOGGS
NICHOLAS J. BORMAN
DREW A. BOROVIES
FREDERIC A. BORRIES
KEVIN M. BOSS
SHAWN K. BOWEN
SCOTT A. BRANON
JAMES P. BRASSFIELD
JACOB F. BRAUN
CHRISTOPHER R. BRENNER
WADE A. BREWTON
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# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 4, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### AUGUST 5

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Alexander G. Garza, of Missouri, to be Assistant Secretary of Homeland Security and Chief Medical Officer, Ernest W. Dubester, of Virginia, to be a Member, and Julia Akins Clark, of Maryland, to be General Counsel, both of the Federal Labor Relations Authority.

S–216, Capitol

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine proposals to enhance the regulation of credit rating agencies.

SD–538

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce, and Robert S. Adler, of North Carolina, and Anne M. Northup, both to be a Commissioner of the Consumer Product Safety Commission.

SR–253

Foreign Relations

To hold hearings to examine the nomination of David C. Jacobson, of Illinois, to be Ambassador to Canada, Department of State.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Kelvin J. Cochran, to be Administrator, United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

SD–342

2 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1078, to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs, S. 30, to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, S. 251, to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities, S. 952, to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events, S. 1538, to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, S. 1539, to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and the nominations of Christopher P. Bertram, of the District of Columbia, and Susan L. Kurland, of Illinois, both to be Assistant Secretary, and Daniel R. Elliott, III, of Ohio, to be a Member of the Surface Transportation Board, all of the Department of Transportation, Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board, Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce, and Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission.

SR–253

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S–116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine strengthening the federal acquisition workforce, focusing on government-wide leadership and initiatives.

SD–342

### AUGUST 6

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine aviation safety, focusing on the relationship between network airlines and regional airlines.

SR–253

Energy and Natural Resources

To hold hearings to examine the nominations of John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012, Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, and Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

SD–366

Environment and Public Works

To hold hearings to examine climate change and clean energy.

SD–406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the United States Postal Service.

SD–342

Judiciary

Business meeting to consider the nominations of David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and Steven M. Dettelbach, of Ohio, to be United States Attorney for the Northern District of Ohio, Carter M. Stewart, of Ohio, to be United States Attorney for the Southern District of Ohio, and David Edward Demag, of Vermont, to be United States Marshal for the District of Vermont, all of the Department of Justice.

SD–226

Small Business and Entrepreneurship

To hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.

SR–428A

Commission on Security and Cooperation in Europe

To receive a briefing to examine Moldova's recent elections.

SVC–202/203

2:15 p.m.
Indian Affairs
Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine S. 1011, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.
SD–628

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine waste, fraud, and abuse in the SBIR Program.
SR–253

AUGUST 7

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for July 2009.
SD–562

## CANCELLATIONS

AUGUST 6

10 a.m.
Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine comprehensive immigration reform, focusing on employment-based immigration to propel America's economy while protecting America's workforce.
SD–226

## POSTPONEMENTS

AUGUST 5

4 p.m.
Foreign Relations
To receive a closed briefing to examine civil nuclear cooperation agreement between the United States and the United Arab Emirates.
SVC–217

# *Daily Digest*

## HIGHLIGHTS

See Résumé of Congressional Activity.

# Senate

## *Chamber Action*

***Routine Proceedings, pages S8641–S8707***

**Measures Introduced:** Fourteen bills and three resolutions were introduced, as follows: S. 1556–1569, and S. Res. 234–236. **Page S8681**

**Measures Passed:**

***National Childhood Cancer Awareness Day:*** Committee on the Judiciary was discharged from further consideration of S. Res. 200, designating September 12, 2009, as ''National Childhood Cancer Awareness Day'', and the resolution was then agreed to. **Page S8699**

***National Save for Retirement Week:*** Senate agreed to S. Res. 234, supporting the goals and ideals of National Save for Retirement Week 2009. **Pages S8699–S8700**

***National Airborne Day:*** Senate agreed to S. Res. 235, designating August 16, 2009, as ''National Airborne Day''. **Page S8700**

***Anniversary of the Abolition of Slavery in the British Empire:*** Senate agreed to S. Res. 236, commemorating the 175th anniversary of the abolition of slavery in the British Empire on August 1, 1834. **Pages S8700–01**

**Measures Considered:**

**Agriculture, Rural Development, Food and Drug Administration Appropriations Act:** Senate resumed consideration of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S8647–63**

Adopted:

Kohl Amendment No. 2233 (to Amendment No. 1908), to provide the Food and Drug Administration the ability to collect user fees as authorized by the Family Smoking Prevention and Tobacco Control Act. **Page S8650**

Kohl (for Tester) Amendment No. 2230 (to Amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program. **Pages S8647, S8650–51**

Brownback/Brown Modified Amendment No. 2229 (to Amendment No. 1908), to establish within the Food and Drug Administration 2 review groups to recommend solutions for the prevention, diagnosis, and treatment of rare diseases and neglected diseases of the developing world. **Pages S8647, S8651**

Brownback (for Chambliss/Harkin) Modified Amendment No. 2253 (to Amendment No. 1908), to require a report on the status of the reorganization of the Foreign Agricultural Service and future plans to modify office structures. **Page S8656**

Kohl/Brownback Amendment No. 2289 (to Amendment No. 1908), to ensure the compliance of the United States regarding obligations under international trade agreements. **Page S8660**

Brownback (for Chambliss) Amendment No. 2254 (to Amendment No. 1908), to prohibit the use of funds to assess greenbook charges to agencies or to use previously assessed funds. **Page S8660**

Brownback (for Vitter) Amendment No. 2255 (to Amendment No. 1908), to require the Commissioner of Food and Drugs to conduct a study on imported seafood. **Page S8660**

Kohl (for Landrieu) Modified Amendment No. 2259 (to Amendment No. 1908), to require a report on increasing the participation of rural small businesses in tourism activities. **Page S8661**

Rejected:

By 41 yeas to 55 nays (Vote No. 256), McCain Amendment No. 1910 (to Amendment No. 1908), to strike a setaside for certain grants authorized under the Rural Electrification Act. **Pages S8647–48, S8657–58, S8661–62**

Pending:

Kohl/Brownback Amendment No. 1908, in the nature of a substitute. **Pages S8647–63**

Kohl (for Murray/Baucus) Amendment No. 2225 (to Amendment No. 1908), to allow State and local governments to participate in the conservation reserve program. **Page S8647**

Kohl (for Nelson (FL)) Amendment No. 2226 (to Amendment No. 1908), to prohibit funds made available under this Act from being used to enforce a travel or conference policy that prohibits an event from being held in a location based on a perception that the location is a resort or vacation destination. **Pages S8647, S8659**

McCain Amendment No. 1912 (to Amendment No. 1908), to strike a provision relating to certain watershed and flood prevention operations. **Page S8648**

McCain Amendment No. 2030 (to Amendment No. 1908), to prohibit funding for an earmark. **Pages S8648–50**

Johanns/Nelson (NE) Amendment No. 2241 (to Amendment No. 1908), to provide funding for the tuberculosis program of the Animal and Plant Health Inspection Service. **Pages S8653–54**

Brownback (for Barrasso) Amendment No. 2240 (to Amendment No. 1908), to require the Secretary of Agriculture to conduct a State-by-State analysis of the impacts on agricultural producers of the American Clean Energy and Security Act of 2009 (H.R. 2452, as passed by the House of Representatives on June 26, 2009). **Pages S8658–59**

Coburn Amendment No. 2243 (to Amendment No. 1908), to eliminate double-dipped stimulus funds for the Rural Business-Cooperative Service account. **Page S8659**

Coburn Amendment No. 2244 (to Amendment No. 1908), to support the proposal of the President to eliminate funding in the bill for digital conversion efforts of the Department of Agriculture that are duplicative of existing Federal efforts. **Page S8659**

Coburn Amendment No. 2245 (to Amendment No. 1908), to strike a provision providing $3,000,000 for specialty cheeses in Vermont and Wisconsin. **Page S8659**

Coburn Amendment No. 2248 (to Amendment No. 1908), to prohibit no-bid contracts and grants. **Page S8659**

Coburn Amendment No. 2246 (to Amendment No. 2226), to provide additional transparency and accountability for spending on conferences and meetings of the Department of Agriculture. **Pages S8659–60**

Kohl Amendment No. 2288 (to Amendment No. 2248), to provide requirements regarding the authority of the Secretary of Agriculture and the Commissioner of Food and Drugs to enter into certain contracts. **Page S8660**

Sanders Amendment No. 2276 (to Amendment No. 1908), to modify the amount made available for the Farm Service Agency. **Page S8663**

Sanders Amendment No. 2271 (to Amendment No. 1908), to provide funds for the school community garden pilot program, with an offset. **Page S8663**

During consideration of this measure today, Senate also took the following action:

By 83 yeas to 11 nays (Vote No. 255), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Kohl/Brownback Amendment No. 1908 (listed above). **Page S8661**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Tuesday, August 4, 2009, and that the time until 10:30 a.m. be equally divided and controlled between the managers and Senator McCain; provided that the filing deadline for second-degree amendment be 10:15 a.m., on Tuesday, August 4, 2009; provided that at 10:30 a.m., Senate vote on or in relation to the following amendments in the order listed; prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form, and that the time for the second vote be limited to 10 minutes: McCain Amendment No. 1912 (to Amendment No. 1908) (listed above), and McCain Amendment No. 2030 (to Amendment No. 1908); provided further that no amendment be in order to either amendment prior to the vote, and that following the second vote, Senate recess until 2:15 p.m. **Page S8677**

**Appointments:**

***Ronald Reagan Centennial Commission:*** The Chair, on behalf of the Republican Leader, pursuant to Public Law 111–25, announced the appointment of the following individual to serve as a member of the Ronald Reagan Centennial Commission for the life of the commission: Senator Bennett. **Page S8701**

**Nominations Received:** Senate received the following nominations:

Anne M. Northup, of Kentucky, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2004.

Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Terry A. Yonkers, of Maryland, to be an Assistant Secretary of the Air Force.

Routine lists in the Army and Navy. **Pages S8701–07**

**Messages from the House:** **Page S8679**

**Measures Referred:** **Pages S8679–80**

**Measures Read the First Time:** **Pages S8680, S8701**

**Enrolled Bills Presented:** Page S8680

**Executive Communications:** Page S8680

**Executive Reports of Committees:** Pages S8680–81

**Additional Cosponsors:** Pages S8681–83

**Statements on Introduced Bills/Resolutions:** Pages S8683–90

**Additional Statements:** Pages S8678–79

**Amendments Submitted:** Pages S8690–99

**Authorities for Committees to Meet:** Page S8699

**Privileges of the Floor:** Page S8699

**Record Votes:** Two record votes were taken today. (Total—256) Pages S8661, S8662

**Adjournment:** Senate convened at 2 p.m. and adjourned at 8:50 p.m., until 10 a.m. on Tuesday, August 4, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8701.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## CHESAPEAKE BAY PROGRAM

*Committee on Environment and Public Works:* Subcommittee on Water and Wildlife concluded a hearing to examine protecting the Chesapeake Bay, focusing on reauthorizing the Chesapeake Bay Program, after receiving testimony from Pennsylvania State Senator Mike Brubaker, Harrisburg; Virginia State Delegate John A. Cosgrove, Chesapeake; John R. Griffin, Maryland Department of Natural Resources, Annapolis; Collin P. O'Mara, Delaware Department of Natural Resources and Environmental Control, Dover; George S. Hawkins, District Department of the Environment, and Alan L. Wurtzel, both of Washington, D.C.; Gus R. Douglas, West Virginia Department of Agriculture, Charleston; James M. Tierney, New York State Department of Environmental Conservation, Albany; Brent L. Fults, Chesapeake Bay Nutrient Land Trust, LLC, Richmond, Virginia; Howard J. Gannon III, Envirocorp Labs, Harrington, Deleware; and Marty Mitchell, Mitchell Best Homes, LLC, Rockville, Maryland.

## WASTEFUL CONTRACTOR BONUSES

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine eliminating wasteful contractor bonuses, after receiving testimony from Jeffrey D. Zients, Deputy Director for Management, Office of Management and Budget; John Hutton, Director, Acquisition and Sourcing Manager, Government Accountability Office; Shay D. Assad, Acting Deputy Under Secretary of Defense for Acquisition and Technology; William P. McNally, Assistant Administrator for Procurement, National Aeronautics and Space Administration; Richard K. Gunderson, Acting Chief Procurement Officer, Department of Homeland Security; Edward R. Simpson, Director, Office of Procurement and Assistance Management, Department of Energy; and Alan Chvotkin, Professional Services Council, Arlington, Virginia.

## BUSINESS MEETING

*Committee on Veterans' Affairs:* Committee ordered favorably reported the nomination of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training.

# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, September 8, 2009, pursuant to the provisions of H. Con. Res. 172.

## Committee Meetings

No committee meetings were held.

## Joint Meetings

No joint committee meetings were held.

### NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D944)*

S. 1513, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. Signed on July 31, 2009. (Public Law 111–43)

### COMMITTEE MEETINGS FOR TUESDAY, AUGUST 4, 2009

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine strengthening and streamlining Prudential Bank supervision, 9 a.m., SD–538.

Subcommittee on Housing, Transportation and Community Development, to hold hearings to examine rail modernization, focusing on transit funding, 2:30 p.m., SD–538.

*Committee on Energy and Natural Resources:* business meeting to consider any pending nominations and legislation, 2:45 p.m., SD–366.

*Committee on Environment and Public Works:* to hold hearings to examine the nomination of Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality, 10 a.m., SD–406.

*Committee on Finance:* to hold hearings to examine climate change legislation, focusing on allowance and revenue distribution, 10 a.m., SD–215.

*Committee on Foreign Relations:* Subcommittee on European Affairs, to hold hearings to examine Georgia one year after the August war, 2:30 p.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider the nominations of Francis S. Collins, of Maryland, to be Director of the National Institutes of Health, Department of Health and Human Services, Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Rocco Landesman, of New York, to be Chairperson for the Arts and James A. Leach, of Iowa, to be Chairperson for the Humanities, both of the National Foundation on the Arts and the Humanities, Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine protecting patients from defective medical devices, 2:30 p.m., SD–430.

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine children in disasters, focusing on evacuation planning and mental health recovery, 10 a.m., SD–342.

*Committee on the Judiciary:* to hold hearings to examine the Performance Rights Act and parity among music delivery platforms, 2:30 p.m., SD–226.

*Select Committee on Intelligence:* to receive a closed briefing on certain intelligence matters from officials of the intelligence community, 11 a.m., S–407, Capitol.

#### House

No committee meetings are scheduled.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED ELEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 6 through July 31, 2009

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| Days in session | 114 | 104 | .. |
| Time in session | 825 hrs., 19′ | 817 hrs., 36′ | .. |
| Congressional Record: | | | |
| Pages of proceedings | 8,639 | 9,284 | .. |
| Extensions of Remarks | .. | 2,181 | .. |
| Public bills enacted into law | 15 | 27 | .. |
| Private bills enacted into law | .. | .. | .. |
| Bills in conference | 4 | 4 | .. |
| Measures passed, total | 257 | 573 | .. |
| Senate bills | 38 | 15 | .. |
| House bills | 33 | 228 | .. |
| Senate joint resolutions | 5 | 3 | .. |
| House joint resolutions | 3 | 6 | .. |
| Senate concurrent resolutions | 17 | 7 | .. |
| House concurrent resolutions | 20 | 40 | .. |
| Simple resolutions | 141 | 274 | .. |
| Measures reported, total | *113 | *233 | .. |
| Senate bills | 60 | 1 | .. |
| House bills | 20 | 138 | .. |
| Senate joint resolutions | 1 | .. | .. |
| House joint resolutions | .. | .. | .. |
| Senate concurrent resolutions | 4 | .. | .. |
| House concurrent resolutions | .. | 6 | .. |
| Simple resolutions | 28 | 88 | .. |
| Special reports | 17 | 7 | .. |
| Conference reports | .. | 4 | .. |
| Measures pending on calendar | 98 | 37 | .. |
| Measures introduced, total | 1,834 | 4,483 | .. |
| Bills | 1,545 | 3,524 | .. |
| Joint resolutions | 19 | 61 | .. |
| Concurrent resolutions | 37 | 178 | .. |
| Simple resolutions | 233 | 720 | .. |
| Quorum calls | 3 | 2 | .. |
| Yea-and-nay votes | 254 | 339 | .. |
| Recorded votes | .. | 345 | .. |
| Bills vetoed | .. | .. | .. |
| Vetoes overridden | .. | .. | .. |

*These figures include all measures reported, even if there was no accompanying report. A total of 63 written reports have been filed in the Senate, 244 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 6 through July 31, 2009

| | |
|---|---|
| Civilian nominations, totaling 427, disposed of as follows: | |
| Confirmed | 239 |
| Unconfirmed | 179 |
| Withdrawn | 9 |
| Other Civilian nominations, totaling 1,185, disposed of as follows: | |
| Confirmed | 1,161 |
| Unconfirmed | 24 |
| Air Force nominations, totaling 5,793, disposed of as follows: | |
| Confirmed | 5,751 |
| Unconfirmed | 42 |
| Army nominations, totaling 5,730, disposed of as follows: | |
| Confirmed | 5,715 |
| Unconfirmed | 15 |
| Navy nominations, totaling 1,851, disposed of as follows: | |
| Confirmed | 1,842 |
| Unconfirmed | 9 |
| Marine Corps nominations, totaling 1,477, disposed of as follows: | |
| Confirmed | 1,475 |
| Unconfirmed | 2 |

*Summary*

| | |
|---|---|
| Total nominations carried over from the First Session | 0 |
| Total nominations received this Session | 16,463 |
| Total confirmed | 16,183 |
| Total unconfirmed | 271 |
| Total withdrawn | 9 |
| Total returned to the White House | 0 |

*Next Meeting of the* SENATE

10 a.m., Tuesday, August 4

Senate Chamber

**Program for Tuesday:** Senate will continue consideration of H.R. 2997, Agriculture, Rural Development, Food and Drug Administration Appropriations Act, and after a period of debate, vote on McCain Amendment No. 1912 (to Amendment No. 1908), and McCain Amendment No. 2030 (to Amendment No. 1908) at 10:30 a.m.

*(Upon completion of the second vote, Senate will recess until 2:15 p.m. for their respective party conferences.)*

*Next Meeting of the* HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, September 8

House Chamber

**Program for Tuesday:** To be announced.

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