

Nolan is a graduate of Hot Springs High School in Hot Springs, SD. Currently he is attending the University of Wyoming, where he is majoring in political science and business marketing. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Nolan for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING SAMUEL STROMMEN

● Mr. THUNE. Mr. President, today I recognize Samuel Strommen, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Sam is a graduate of Stevens High School in Rapid City, SD. Currently he is attending the University of Arizona, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Sam for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING ANDREW JONATHAN TIMM

● Mr. THUNE. Mr. President, today I recognize Andrew Jonathan Timm, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Andrew is a graduate of Watertown High School in Watertown, SD. Currently he is attending the University of Minnesota, where he is majoring in political science and economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Andrew for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING DANIELLE MARIE ANDERSON

● Mr. THUNE. Mr. President, today I recognize Danielle Marie Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Danielle is a graduate of Plankinton High School in Plankinton, SD. Currently she is attending South Dakota State University, where she is majoring in business economics. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Danielle for

all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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.)

MEASURES DISCHARGED

The following bill was discharged from the Committee on Banking, Housing, and Urban Affairs, and referred as indicated:

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1572. A bill to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

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-2603. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wetlands Reserve Program" (RIN0578-AA47) received in the Office of the President of the Senate on July 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2604. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Environmental Quality Incentives Program" (RIN0578-AA45) received in the Office of the President of the Senate on July 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2605. A communication from the Acting Farm Bill Coordinator, Commodity Credit

Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Stewardship Program" (RIN0578-AA43) received in the Office of the President of the Senate on July 31, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2606. A communication from the Acting General Counsel of the Department of Agriculture, transmitting, pursuant to law, (23) reports relative to vacancy announcements, nominations, actions on nominations, or confirmations within the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2607. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates (CMS-1406-FC/IFC; CMS-1393-F; CMS-137-F)" (RIN0938-AP33) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2608. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities (CMS-1410-F)" (RIN0938-AP46) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2609. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2010 (CMS-1538-F)" (RIN0938-AP56) received in the Office of the President of the Senate on August 30, 2009; to the Committee on Finance.

EC-2610. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospice Wage Index for Fiscal Year 2010 (CMS-1420-F)" (RIN0938-AP45) received in the Office of the President of the Senate on July 30, 2009; to the Committee on Finance.

EC-2611. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Services Under Section 482, Allocation of Income and Deductions from Intangible Property, Stewardship Expense" (TD 9456) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2612. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Leveraged Oil and Gas Drilling Partnerships" ((LMSB-4-0709-030) (Uniform List No. 263.02-01)) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2613. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: The Applicable Recovery Period under IRC

Section 168(a) for Open-Air Parking Structures" ((LMSB-4-0709-029)(Uniform List No. 168.18-00)) received in the Office of the President of the Senate on August 3, 2009; to the Committee on Finance.

EC-2614. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0090-2009-0095); to the Committee on Foreign Relations.

EC-2615. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to expand the sales territory associated with a manufacturing license agreement for the manufacture of T-50 Military Trainer Aircraft in the Republic of Korea; to the Committee on Foreign Relations.

EC-2616. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles and defense services for the design and development of the command and control system as part of the Canadian Halifax Class Modernization Program for Canada in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2617. A communication from the Secretary, Bureau of Enforcement, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" received in the Office of the President of the Senate on July 31, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2618. A communication from the Acting Associate Managing Director-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Assessment and Collection of Regulatory Fees for Fiscal Year 2008" ((FCC 09-21)(MD Docket No. 08-65)) received on September 30, 2008; to the Committee on Commerce, Science, and Transportation.

EC-2619. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2008; to the Committee on Armed Services.

EC-2620. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, notification of a GAO protest of the department's decision to convert to contract the bulk fuel storage and distribution functions at Marine Corps Air Station Miramar, the sustainment of the protest, and the department's corrective action based on the GAO decision; to the Committee on Armed Services.

EC-2621. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2008; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3288. A bill making appropriations for the Departments of Transportation, and

Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-69).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Susan L. Kurland, of Illinois, to be an Assistant Secretary of Transportation.

*Christopher P. Bertram, of the District of Columbia, to be an Assistant Secretary of Transportation.

*Dennis F. Hightower, of the District of Columbia, to be Deputy Secretary of Commerce.

*Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2012.

*Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014.

*Daniel R. Elliott, III, of Ohio, to be a Member of the Surface Transportation Board for a term expiring December 31, 2013.

*Robert S. Adler, of North Carolina, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2007.

*Anne M. Northup, of Kentucky, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2004.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*National Oceanic and Atmospheric Administration nominations beginning with Denise J. Gruccio and ending with Sara A. Slaughter, which nominations were received by the Senate and appeared in the Congressional Record on July 31, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. GILLIBRAND:

S. 1577. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 1578. A bill to amend chapter 171 of title 28, United States Code, (commonly referred

to as the Federal Torts Claim Act) to extend medical malpractice coverage to free clinics and the officers, governing board members, employees, and contractors of free clinics in the same manner and extend as certain Federal officers and employees; to the Committee on the Judiciary.

By Mr. REID (for Mr. BYRD):

S. 1579. A bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY (for himself, Mrs. MURRAY, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. FRANKEN, Mr. LEAHY, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Ms. STABENOW, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. WHITEHOUSE)):

S. 1580. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1581. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mr. VITTER):

S. 1582. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1583. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Mr. SPECTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1584. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 1585. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties", and for on-call and standby costs for such services; 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: