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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

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

Eternal God, we have depended on our own strength long enough. Though we talk of Your greatness and might, we too often seek to tackle life's challenges and problems by leaning completely upon our limited power and understanding.

Remind us that every good and perfect gift comes from You and that we have no strength apart from You. In a world where evil seems so rampant, inspire our lawmakers to lead pure and unselfish lives that are worthy of Your name.

Lord, use them to create goodwill that will challenge the best in people and will usher in the reign of Your abiding peace. Draw them together in oneness in diversity, unity in patriotism, and loyalty in a shared commitment to You.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### CHANGES IN THE SENATE

Mr. REID. Mr. President, I was thinking this morning after the prayer and pledge how things in the Senate, because of tradition, rarely change. But one of the things that has changed during the time I have been in the Senate is the Pledge of Allegiance. That wasn't done before. I don't know how many years ago the pledge was started, and it doesn't matter who the leader of the Senate is, it is something I think will be with us forever in the Senate. I think it is a good tradition we picked up.

As I recall—my friend is on the Senate floor, the Republican leader—this was started during—was it Senator Frist or Dole? When was that, do you recall? It was one of the Republican leaders.

Mr. MCCONNELL. If the majority leader will yield, I think it was 8 or 10 years ago. Interestingly enough, I believe who first suggested it was former Senator Bob Smith of New Hampshire, and it was widely recognized on both sides of the aisle that this is something we should have been doing for a long time.

Mr. REID. When I was president of the senate in Nevada, that was something we always did. Of course, I remember Bob Smith. I think it was a Republican leader, but, regardless, it is something that is a part of the tradition now, and I am glad we are doing it.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business for 1 hour; Republicans will control the first 30 minutes and the majority will control the next 30 minutes. Following that morning business, the Senate will proceed to the consideration of the conference report to accompany H.R. 2918, the Legislative Branch appropriations bill and the continuing resolution, with the time until 4:30 equally divided and controlled between Senators NELSON of Nebraska and MURKOWSKI. Senators should expect a series of three rollcall votes. We hope there could even be more than that, to begin about 4:30 this afternoon.

The Senate will recess from 12:30 until 2:15 to allow for our weekly caucus luncheons.

I am sure Republican luncheons are packed with a lot of discussion. I know I had a meeting earlier this morning with a number of Senators, and we have a lot to talk about. We have the health care bill. We have to talk about energy, which is something we need to do. Regulation reform, we are going to talk about that at our caucus. And we are going to spend a little bit of time on Afghanistan.

That brings us to the point that this afternoon there is going to be a Members-only, classified briefing at 5:30 with GEN Jim Jones, the National Security Adviser to the President. The issue of dealing with Afghanistan has heated up. That is going to be there—perhaps on this bill that is before us, if not shortly thereafter—as to what we are going to do on Afghanistan.

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



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Briefly, on health care, the committee is making progress. I am happy about that. I would say that under the Republicans' plan, insurance companies can deny coverage for a pre-existing condition, because you are getting older or because you are a woman. Under their plan, insurance companies can take away your coverage when you need it the most.

Under our plan, if you like what you have, you can keep it; but if you don't, there will be affordable choices for you that cannot be taken away. We will protect Medicare, will not raise taxes on the middle class, and we are not going to add any money to the deficit.

Mr. President, I have been reminded to announce to the Senate—I talked to the Republican leader about this last week—Columbus Day is fast approaching. It is the week after next. With all the things going on here, it would not be right for us to take that week off.

What we are going to do, as I have explained to the Republican leader last week, we will be off that Monday—which is the holiday, Columbus Day—and the following Friday. To make it as convenient as we can for everyone, on Tuesday we will be in session and have a vote late that afternoon. I know that is inconvenient for others because we had indicated there would be that recess.

It is a long period of time, as I have announced on the Senate floor, 11 weeks from the time we started this work period until Thanksgiving. That is a long time when a number of us have families at home, and the work we want to try to do during the week rather than just on weekends. So I apologize to everyone.

Mr. MCCONNELL. If the majority leader will yield, which Tuesday was the leader referring to?

Mr. REID. Tuesday after Columbus Day. It is October 13.

Mr. MCCONNELL. We will be in. There would be a vote at what point on that Tuesday?

Mr. REID. We will vote at 5, 5:30. OK?

As I have indicated, I apologize to everyone for not being able to have that whole week off, but I think with health care, which is beginning to firm up, it would not be right for us to be gone that week. I think we should be able to start our health care work that week in the Senate.

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

Mr. MCCONNELL. Let me reiterate further for the Members on this side of the aisle, what the leader indicated is, the week that includes Columbus Day, which is on a Monday, we will have Monday and Friday of that week off, and he has indicated the first vote will be on the Tuesday after Columbus Day, late in the afternoon.

#### MCCHRYSTAL PLAN

Mr. MCCONNELL. Mr. President, the situation in Afghanistan is urgent, and

we are told that action is necessary soon. But to better understand the need for action, the American people need to know all the details. And they should have those details explained to them by the man who knows them best.

It is hard to deny the urgency of General McChrystal's assessment, parts of which have already been made public. And it is impossible to ignore his depiction of a grave and deteriorating situation in the same part of the world where a group of terrorists plotted the 9/11 attacks. General McChrystal's assessment of Afghanistan should worry all of us. As the President told a Turkish audience in April, "The world has come too far to let this region backslide, and to let al Qaeda terrorists plot further attacks."

Earlier this year, President Obama expressed his confidence in General McChrystal by appointing him to his current post. Following the President's lead, the Senate expressed its confidence in General McChrystal by confirming him for his current mission without dissent. Now it is time for Congress to hear his detailed assessment of the mission that we confirmed him for, and to give him an opportunity to explain why he has concluded that additional troops are needed to avert failure.

#### HEALTH CARE WEEK XI, DAY I

Mr. MCCONNELL. Mr. President, Senators will continue to hash out a health care bill in committee today, and anyone who tunes in will hear a dizzying amount of detail about what is in and what is out.

But it is worth noting that the basic shape of this legislation is already clear: Any bill that makes it to the Senate floor will include a heavy dose of tax hikes. Any bill that makes it to the floor will include massive cuts to Medicare. Any bill that makes it to the floor of the Senate will be about 1,000 pages long, cost about a trillion dollars, affect about one-sixth of the entire U.S. economy, and impact the health care of every single American, whether they like it or not.

And here is the other thing we know: Democrats don't want to give the American people the time they need to review all the details. We saw this last week when they rejected a request for a simple 72-hour review, which is hard for anyone who grasps the scope of this legislation to understand. Nor would they pledge to wait until we understand the full cost of this bill, before acting on it.

There is important work going on in the Finance Committee this week, but no one should lose sight of where the work is headed. What we know for sure is higher taxes when American families and businesses are struggling just to make ends meet, cuts to seniors' Medicare when the program is already going bankrupt, more spending and more debt when we are about to end the fis-

cal year just today with an annual deficit roughly equivalent to the deficits of the last 5 years combined—the deficit this fiscal year, ending today, will be roughly as much as the last 5 years combined—and a government intrusion into health care of every single American at a time when Americans are asking us to lower costs and lower premiums, not add new burdens to the system or wreck the care they already have and like.

We know the essentials of the health care bill already. Americans have every reason to be concerned.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period 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 Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

#### HEALTH CARE REFORM

Mr. ALEXANDER. I wonder, before the Republican leader leaves, if I could ask him a quick question? I ask unanimous consent that Senators BARRASSO, MCCAIN, and BENNETT, and the Republican leader, be permitted to engage in a colloquy during our 30 minutes and that I be notified when we have about 4 minutes left.

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

Mr. ALEXANDER. I ask the Senator from Kentucky, the Republican leader, is it not true that the Finance Committee Democrats voted down a Republican proposal to put the health care reform bill on the Internet for 72 hours so Americans could read it?

Mr. MCCONNELL. I would say to my friend from Tennessee that is absolutely correct.

Mr. ALEXANDER. I believe the Republican leader said the bill might be 2,000 pages long?

Mr. MCCONNELL. Certainly, well above 1,000 and probably 2,000.

Mr. ALEXANDER. If I am not mistaken, there are several versions of the bill in the House of Representatives that will come over here. Then there is a version that we did in the Health Committee here that will have to be integrated with that bill; is that not correct?

Mr. MCCONNELL. It is my understanding it is the intention of the majority leader and the administration to

merge the bill that came out of the Health Committee on which the Senator from Tennessee serves and the bill that is in the Finance Committee now.

Mr. ALEXANDER. It is my understanding in the Finance Committee they are not even writing a bill yet; they are just working on concepts?

Mr. MCCONNELL. Apparently, the Finance Committee will actually go to a final vote on a concept paper, not an actual bill—which I think will inevitably produce a dilemma for the Congressional Budget Office in trying to assess the cost of a concept bill. Then, apparently, they will turn that into a bill, and then the Congressional Budget Office will have to score, once again, the final bill, and the number there may be different from the number of the concept paper.

Mr. ALEXANDER. How long do you suppose it would take, once the two bills are put together, for the Congressional Budget Office to tell us how much it costs?

Mr. MCCONNELL. I would think for an accurate score we would have to ask them. What a challenge that will be. But I assume it will take a while.

Mr. ALEXANDER. Well, I thank the Republican leader. In our discussion today, I see the Senator from Wyoming is here, it is almost embarrassing to say that—I mean, to people outside Washington, and maybe even to people inside Washington, the idea that we would not take 72 hours to read a 2,000-page bill that spends \$1 trillion or \$1.5 trillion that affects virtually every American and that may have a lot of unresolved questions in it.

It is hard to imagine people would not think that was common sense, that we ought to read it before we vote on it.

Mr. MCCONNELL. I think we can add, the American people, I think correctly, could only assume there is some effort to try to hide the true impact of this rush effort to reorganize one-sixth of our economy, a \$1 trillion bill, well over 1,000 pages that nobody has taken the time to read. It is not even produced in final bill language.

The American people begin to get the drift that this is a process that is going to, I think, enrage them. It enrages them already. I think the rage about it is only going to escalate in the coming weeks.

Mr. ALEXANDER. I thank the Republican leader for his time. I would think every civics class in America, if the teacher would give a test, would say: Should an elected representative read a bill before he or she voted on it? Yes.

Should he or she know how much it costs? Yes.

Even the President has said we cannot have a deficit. Well, how are we going to know if it creates a deficit if we do not read the bill and if the non-partisan Congressional Budget Office has not told us how much it costs?

I thank the Republican leader. The Republican leader mentioned there

may be some questions we would want to know. There are some.

Governors across the country may want to know how much it is going to cost them and their budgets because, the other day, the chairman of the National Governors Association and the Republican Governors Association held a joint press conference and they said this: If you are going to expand Medicaid in our States, if the Federal Government is going to do it, the Federal Government ought to pay for it.

Medicaid is the largest government-operated health care program we have in the country. About 55 or 60 million Americans are there. The Federal Government pays about 60 percent of it and the State governments pay about 40 percent.

I noticed two articles in the newspaper. I ask unanimous consent to have these articles printed in the RECORD.

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

[From the New York Times, Sept. 29, 2009]

MAJORITY LEADER PROTECTS HOME STATE  
(By Robert Pear)

WASHINGTON.—The Senate majority leader, Harry Reid of Nevada, has secured a special deal protecting his state against the costs of expanding Medicaid under one of the major health care bills moving through Congress.

Mr. Reid, a Democrat, complained about the impact on Nevada when the chairman of the Senate Finance Committee, Max Baucus, Democrat of Montana, unveiled his bill on Sept. 16.

Now Mr. Baucus has modified the bill to spare Nevada and three other states, and Mr. Reid, who faces a potentially difficult race for re-election next year, is taking credit for getting a “major increase” in federal money for his state.

The Senate bill, like a companion measure in the House, would expand Medicaid to cover childless adults, parents and other people with incomes less than 133 percent of the poverty level, or \$29,327 for a family of four. The federal government would pay most of the new costs—anywhere from 77 percent to 95 percent, with a higher share in poorer states, in the first five years.

Under Mr. Baucus’s original proposal, the federal government would have paid 87 percent of the new costs in Nevada. Under the modified version, the federal government would pay 100 percent of the new costs for the first five years. Severe financial problems have prompted Nevada and other states to cut spending and furlough workers, and some states have even considered releasing prison inmates to save money.

There is no guarantee that the provision will be retained as the legislation moves through Congress. Many other lawmakers are trying to influence its particulars to favor their states, but few have the power of the majority leader to get their way.

Mr. Baucus revised his bill to give extra help to certain “high-need states.” The states were not named in the bill. But only four states meet the criteria: Michigan, Nevada, Oregon and Rhode Island.

The changes came at the expense of other states, including California, Florida and Illinois, which would see significant increases in state Medicaid spending under the new formula.

The Finance Committee resumes work on the legislation Tuesday, with some of the biggest fights still to come.

Many states worry that the expansion of Medicaid could saddle them with long-term financial obligations.

Representative Nathan Deal of Georgia, the senior Republican on the House Energy and Commerce Subcommittee on Health, said Mr. Reid “appeared to be playing politics to favor Nevada over other states.”

“Senator Reid should know that this legislation is not only bad for Nevada, but it is bad for the rest of the United States,” Mr. Deal said.

James P. Manley, a spokesman for Mr. Reid, brushed aside the criticism.

“Senator Reid makes no apologies for fighting for federal money for his constituents,” Mr. Manley said. “Under Republican governors, Nevada has consistently underfunded programs such as Medicaid.”

Mr. Baucus said other provisions of the bill would help all states—for example, by reducing what they spend on prescription drugs for Medicaid recipients and on the Children’s Health Insurance Program.

About 220,000 people are on Medicaid in Nevada, and Charles Duarte, the state Medicaid director, said Monday that enrollment could double under the legislation being considered by Congress.

Many parents and childless adults would qualify for Medicaid for the first time, Mr. Duarte said. And many people who are eligible but not enrolled would sign up for Medicaid because, under the legislation, they could be required to pay financial penalties if they did not have insurance.

The Finance Committee has rejected several Republican amendments that would have blocked the expansion of Medicaid if it was found to impose additional costs on states.

“We have got to protect the states from the impact of one more federal mandate at a time when states are in dire circumstances financially,” said Senator Michael D. Crapo, Republican of Idaho.

But Senator Kent Conrad, Democrat of North Dakota, said states must share the cost of covering the uninsured.

“We are going to have a real hard time dealing with this problem,” Mr. Conrad said, “if it is all supposed to be on the federal government, which has record deficits and record debt, and if the states just expect the federal government to write a check for 100 percent of everything.”

All the major health care bills moving through Congress would expand Medicaid, adding perhaps 11 million people to the rolls, the Congressional Budget Office says.

The Democratic staff of the Finance Committee estimates that, under existing law, state spending on Medicaid will total \$1.7 trillion from 2013 to 2019. That figure could increase by \$33 billion under Mr. Baucus’s bill. But when the new costs are combined with savings elsewhere in the bill, Democrats say, state spending would increase by only \$22 billion, or 1.3 percent, over the levels now projected.

A few states, like Arkansas, Colorado, Maryland and Virginia, could see increases of 4 percent or more, according to the data.

Maine and Vermont have led the way in expanding Medicaid. But Senator Olympia J. Snowe, Republican of Maine, said that after talking with the governors of those states, she had concerns about the burdens that would be placed on states under the bill.

[From the Wall Street Journal, Sept. 29, 2009]

STATES’ QUARTERLY TAX REVENUE PLUNGES  
17%

(By Conor Dougherty)

State tax revenue in the second quarter plunged 17% from a year earlier as rising unemployment and falling consumption

dragged down sales- and income-tax collections, according to Census figures released Tuesday.

It was the sharpest decline since at least the 1960s. The biggest drop was in state income taxes, which were down 28% in the second quarter from a year earlier. Corporate income taxes, which tend to be volatile, increased 3%.

The numbers aren't adjusted for inflation or tax-rate changes.

The steep declines show how the recession continues to cripple state finances, despite support from the stimulus package and signs of a nascent recovery in economic activity. Falling revenue, combined with growing demand for social programs like food stamps or Medicaid, forced states to slash spending and scramble to raise revenue through measures from new taxes to slot machines and pricier fishing licenses.

"This brings really bad news for almost every single state and leaves them with an unprecedented budget crisis," said Lucy Dadayan, a senior policy analyst with the Nelson A. Rockefeller Institute of Government at the State University of New York.

States—which, unlike the federal government, are generally required to balance their budgets—have already responded to revenue declines with employee furloughs and higher taxes and fees. But with tax collections continuing to decline, many have been forced to reopen budgets midsession to push through even more drastic cuts to staffing and services. In Michigan, stalled budget negotiations between the governor and the legislature could force the state to shut down if a deal isn't reached by Wednesday at midnight local time.

With lower-than-expected revenue, the governor of Massachusetts cut that state's budget four times over the fiscal year that ended in June, including drawing down reserves from a rainy-day fund and eliminating unfilled jobs. With revenue still weaker than expected, the state may be forced to reopen the budget as early as next month, said a spokesman for the Executive Office for Administration and Finance.

Without a budget, Michigan state employees wouldn't report to work, and the governor would likely have to take emergency steps to keep essential services such as hospitals and prisons operating. "We remain optimistic that we will have a budget in place because everyone wants to avoid a shutdown," says Liz Boyd, a representative for Gov. Jennifer Granholm.

Some of the sharpest tax declines were in states that have been among the hardest-hit by the recession, in particular those with high concentrations of jobs in the battered housing sector. In Arizona, overall tax revenue fell 27% in the second quarter from a year ago. Tax revenue fell 12% in Florida and 14% in California.

States across the country saw drastic declines in personal income taxes, the largest source of state funding, representing about one-third of states' overall revenue. The largest decline was in New Mexico, where income taxes fell 59%. In 11 states—including California, New York and Wisconsin—personal income taxes fell more than 30%.

Mr. ALEXANDER. One is from the Wall Street Journal: State quarterly tax revenues plunge 17 percent. Talking about how budgets in California, Florida, other States are going down.

Then there is another article, September 29—actually these both appeared yesterday—in the New York Times entitled "Majority Leader Protects Home State."

Well, the majority leader, Senator REID, has done exactly what all the

Governors hope would be done. He has said: If the Federal Government is going to expand Medicaid in my State, the Federal Government is going to pay for it.

But, I would say to the Senator from Wyoming, I wonder how citizens in Wyoming and California and Florida and other States will feel if they pay more in taxes so Nevadans can pay less in taxes? Is that not the kind of question Senators from virtually every State might want to be sure about by reading the bill and knowing what it costs before it comes to the floor?

Mr. BARRASSO. It seems to me the people of Wyoming have those very concerns, as does the Governor of Wyoming.

I served in the Wyoming State Senate for 5 years, and we know that one of the largest budgets is Medicaid, the aid we give to people in need of health care. But it is almost the same as what we are paying for K-12 education. In Wyoming, we sure do not want to pay for what is happening in the majority leader's home State.

I was home yesterday. Yesterday morning, getting on the plane to come back from Wyoming—I go home every weekend. I was at the Wyoming football game, where we won, we beat the University of Nevada Las Vegas, the leader's home State. That was another great day for Wyoming football.

But when you go to a game like that in Wyoming, a lot of people come up to you and ask you questions. One of the questions that came up this past weekend was: Have you read the bill? What is in it? What is it going to cost? People of Wyoming say: Am I going to be able to read it? How do I read the bill? Is it going to be on the Internet? Will I be able to see it?

To try to explain: There is no bill. There is this concept paper. I have it here. It is called the chairman's mark. It is the concept paper of 220 pages. You look at this, this is not even in legislative language yet. So you are going to be asked to vote on legislation, not just a concept paper.

Mr. ALEXANDER. I think the Senator from Wyoming is making an awfully good point. He is a distinguished orthopedic surgeon, a doctor, one of two physicians in the Senate. Both of them happen to be on the Republican side of the aisle at this time, Senator COBURN, and I know, Dr. BARRASSO, since we are talking about Medicaid, which is a program that every State has that serves low-income people, that States pay typically roughly 40 percent for, one of the questions somebody might have who reads the bill is: How many more low-income people are going to be added to that bill?

Because it is my understanding that Medicaid reimburses physicians at such a low rate, that about 40 percent of physicians will not see Medicaid patients. So by dumping more low-income Americans into Medicaid, we are dumping them into a program where they have 40 percent of a chance of not

seeing the doctor or getting the services they want to have. Have you had any experience with that?

Mr. BARRASSO. Absolutely. In my practice for 25 years in Casper, WY, I took care of a lot of people on Medicaid. I took care of anybody who needed to see me.

But you are right. Across the board, there are many people on Medicaid who do not—are not able to see a doctor. The number you quoted is exactly the one I have.

I have an article that I ask unanimous consent to have printed in the RECORD.

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

[From the Wall Street Journal, Sept. 27, 2009]

MAX'S MAD MANDATE

The more we inspect Max Baucus's health-care bill, the worse it looks. Today's howler: One reason it allegedly "pays for itself" over 10 years is because it would break all 50 state budgets by permanently expanding Medicaid, the joint state-federal program for the poor.

Democrats want to use Medicaid to cover everyone up to at least 133% of the federal poverty level, or about \$30,000 for a family of four. Starting in 2014, Mr. Baucus plans to spend \$287 billion through 2019—or about one-third of ObamaCare's total spending—to add some 11 million new people to the Medicaid rolls.

About 59 million people are on Medicaid today—which means that a decade from now about a quarter of the total population would be on a program originally sold as help for low-income women, children and the disabled. State budgets would explode—by \$37 billion, according to the Congressional Budget Office—because they would no longer be allowed to set eligibility in line with their own decisions about taxes and spending. This is the mother—and father and crazy uncle—of unfunded mandates.

This burden would arrive on the heels of an unprecedented state fiscal crisis. As of this month, some 48 states had shortfalls in their 2010 budgets totaling \$168 billion—or 24% of total state budgets. The left-wing Center for Budget and Policy Priorities expects total state deficits in 2011 to rise to \$180 billion. And this is counting the \$87 billion Medicaid bailout in this year's stimulus bill.

While falling revenues are in part to blame, Medicaid is a main culprit, even before caseloads began to surge as joblessness rose. The National Association of State Budget Officers notes that Medicaid spending is on average the second largest component in state budgets at 20.7%—exceeded only slightly by K-12 education (20.9%) and blowing out state universities (10.3%), transportation (8.1%) and prisons (3.4%).

In some states it is far higher—39% in Ohio, 27% in Massachusetts, 25% in Michigan, Rhode Island and Pennsylvania. Forcing states to spend more will crowd out other priorities or result in a wave of tax increases, or both, even as Congress also makes major tax hikes inevitable at the national level.

The National Governors Association is furious about Mr. Baucus's Medicaid expansion, and rightly so, given that governors and their legislatures will get stuck with the bill while losing the leeway to manage or reform their budget-busters. NGA President Jim Douglas of Vermont recently said at the National Press Club that the Baucus plan poses a "tremendous financial liability" and doesn't "respect that no one size fits all at

the state level." He added: "Unlike the federal government, states can't print money."

Mr. Baucus hopes to use his printing press to bribe the governors, at least for a time. Currently, the federal government pays about 57 cents out of every dollar the states spend on Medicaid, though the "matching rate" ranges as high as 76% in some states. That would rise to 95%—but only for five years. After that, who knows? It all depends on which budget Congress ends up ruining. Either the states will be slammed, or Washington will extend these extra payments into perpetuity—despite the fact that CBO expects purely federal spending on Medicaid to consume 5% of GDP by 2035 under current law.

As for the poor uninsured, they'll be shunted off into what Democratic backbencher Ron Wyden calls a "caste system." While some people will be eligible for subsidized private health insurance, everyone in the lowest income bracket will be forced into Medicaid, the country's worst insurance program by a long shot. States try to control spending by restricting access to prescription drugs and specialists. About 40% of U.S. physicians won't accept Medicaid at all.

Why? One reason is that Medicaid's price controls are even tighter than Medicare's, which in turn are substantially below private payers. In 2009 or 2010, 29 states will have either reduced or frozen their reimbursement rates to providers. Democrats love Medicaid because it is much cheaper than subsidizing private insurance, but that is true only because of this antimarket brute force. Of course, such coercion will be extended to the rest of the health market under ObamaCare.

The states aren't entirely victims here. Both Republican and Democratic state houses regularly game the Medicaid funding formula—which itself is designed to reward higher spending—to steal more money from national taxpayers. Then when tax collections fall during downturns, budget gaskets blow all over the place. This dynamic helps explain the spectacular budget catastrophes in New York and California. We'd prefer a policy of block grants, which would extricate Washington from state accounting and encourage Governors to spend more responsibly.

That's not going to happen any time soon, but the least Mr. Baucus can do is not make things worse. Instead, his Medicaid expansion is a disaster on every level—like the rest of ObamaCare.

Mr. BARRASSO. This as also from the Wall Street Journal from September 27, called: "Max's Mad Mandate." The first paragraph says: One reason this Finance Committee bill allegedly pays for itself is because it will break all 50 State budgets by permanently expanding Medicaid.

It says: They are going to expand Medicaid. The Senator was a Governor. The Senator had to deal with this in Tennessee: Using Medicare to cover everyone up to at least 133 percent of the Federal poverty level, that will add some 11 million new people to the Medicaid rolls, which is not going to help, if currently, as the article goes on, about 40 percent of U.S. physicians will not accept Medicaid at all.

Mr. ALEXANDER. I have thought for some time that any Senator who votes to expand Medicaid in the States without paying for it at the Federal level ought to be sentenced to go home and serve as Governor for 8 years and try to

pay for it and raise the taxes and deal with the people who cannot do that.

But that is the kind of question I think a Governor would want: Read the bill and know what it costs. For example, I believe there is a question about the Finance Committee, in its concept papers, may say: Well, we will pay for it for 5 years—or we will pay 77 to 95 percent of it.

The Governors are saying—now these are Democratic Governors as well as Republicans—they are all saying to us: Do not do that to us. Our revenues are down 17 percent, 18 percent, 20, 35 percent in some of our States. If you are going to pass it, pay for it. That is a question governors should have a chance to ask and get an answer for. That is why we need to read the bill.

Mr. BARRASSO. That is why the National Governors Association is furious with this huge expansion of Medicaid. It quotes the Governor of Vermont, who says: Unlike the Federal Government, States cannot print money. Many of us, such as Wyoming, live within our budgets. We live within our means. We balance the budget every year. For Washington, in its effort to take over health care in the country, to force the States to pay for it, in what is, to me, a trickery or a financial gimmick, to say they can make the books balance, is not a favor to the American people.

That is why people at home ask me every weekend: Can I read the bill? Have you read the bill? Can I read the bill? What is it going to cost? It ultimately gets down to people are very worried about a government takeover, very worried that at a time we are spending all this money as a nation, against my wishes, another trillion dollars for kind of an experiment that is going to fund a lot of it through Medicare. We have not even gotten into the discussion of Medicaid.

Mr. ALEXANDER. Let's talk about Medicare because many people, unless they follow health care every day, confuse Medicaid, which is the program for low-income Americans that States help administer—there are about 55 or 60 million Americans in that program—and Medicare, which is the program that about 40 million seniors have.

We have had a lot of talk about Medicare. The President says: There are no Medicare cuts. Then, on the other hand, he said: We are going to take up to \$½ trillion out of Medicare and spend it on a new program.

We are saying: You are going to cut one-quarter of the Medicare beneficiaries' Medicare Advantage payments. The other side is saying: No, that is not what we are doing. We are saying: How can you cut Medicare and spend it on another program when Medicare is going broke?

Well, I would think the American people would want to know the answer to those questions, and we should know the answer before we vote. Is that not another reason we should read the bill to find out who is telling the truth about Medicare?

Mr. BARRASSO. It is the reason that, No. 1, we should read the bill. It is the reason we should make sure the people all across the country have a chance to read the bill. The people of Wyoming want to read the bill. It is the reason we need some time for those people from all our home districts to get back to us.

As I say, all around Wyoming, the wisdom does not come from Washington, the wisdom comes from America, from your State and my State and the other States. I want those people to be able to read the bill, come up with better ideas or suggestions, and a lot of times folks at home will see what I call unintended consequences, something that is in the bill that you say: Well, I had not thought about that.

We have the hospitals across Wyoming, those people want to read it. The doctors, the nurses, the physicians assistants, and the patients, the people who are mostly going to be affected by this, they want to know what is in the bill, which is why I say that is the reason to put it on the Internet. People can read it ahead of time and then let them have time to comment back to us.

Mr. ALEXANDER. I see the Senator from Utah has come. Let me ask one more question to Dr. BARRASSO. Because we are told—and here is another reason to put the bill on the Internet for 72 hours and to wait a couple weeks or whatever it takes for the Congressional Budget Office to tell us how much it costs, because the President has said: There cannot be one dime added to the deficit, which we agree with.

In fact, we think the whole goal of this ought to be to reduce the cost of health care to you and then to your government but not one dime to the deficit.

But one of the assumptions of the bill coming through the Finance Committee has to do with what we elegantly call in the Senate the "doc fix," the fact that basically the government sets what doctors will be paid when they see a Medicare patient. What we do every year is change what is in the formula because it cuts the physicians.

So is not the assumption that we are going to continue to cut what we pay physicians, and if we come along and change that in the second year, will not we then be adding to the deficit?

Mr. BARRASSO. Well, you will be adding to the deficit. That is why seniors all across this country have great concerns about what is being proposed.

I am saying: Who is opposed to this? The No. 1 group is seniors, by 2 to 1. Seniors are opposed to what is happening because they know this is going to be paid for out of their own Medicare.

Just 10 or 15 minutes ago, we heard the majority leader on the floor of this Senate say—and I wrote it down. He said, talking about his plan, he said: If you like what you have, you can keep it. That is what he said.

But you and I both know there are 11 million Americans, seniors in this country, on Medicare Advantage, which is a program set to help people in cities and people in rural communities. They have both in Tennessee. We sure have the rural communities in Wyoming.

It says they cannot keep that if they like it—or 11 million, it is double the number on it in the last couple years because it is so popular, because it actually does what Medicare itself does not do, works with prevention, works with coordinated care. That is what our seniors want. That is why seniors across the country are so opposed to this.

Mr. ALEXANDER. I see the Senators from Utah and Arizona have come to the floor. We were talking, Senator BARRASSO and I, about how well the majority leader has done in helping to do what all of us would like to do in his home State.

He has noticed, I guess he has heard from his Governor, that the Finance Committee is saying we are going to expand Medicaid in the State, but the States are going to help pay for it. The majority leader has put something in the bill so Nevada does not have to pay for it.

I notice—to Senator MCCAIN—according to the New York Times, in Arizona overall tax revenues fell 27 percent in the second quarter of this year from a year ago.

I wonder how Arizonans are going to feel about paying for Nevada's Medicaid.

Mr. MCCAIN. I find it entertaining when our constituents ask: Have you read the bill? Of course we haven't been able to because there is no bill. If I could just quote what happened here. This says:

The Chairman's Mark will provide additional assistance that would be made available to high-needs states which are defined as states that (1) have total Medicaid enrollment that is below the national average for Medicaid enrollment as a percentage of state population as of the date of enactment . . .

It goes on and on for a few more sentences. What does it mean? It means they got a special deal for four States, one of them being the State of Nevada. Who pays? Who pays? The other States. So we have a complaint by the distinguished majority leader that his State of Nevada would have to pay an amount that they don't appreciate, so we shifted it so that three other States—I am sure my friend from Tennessee knows which ones. I believe one of them is Oregon. I am not sure what the other three are.

Mr. ALEXANDER. Michigan, Rhode Island, and Oregon are the three others.

Mr. MCCAIN. So our constituents who don't happen to live in those fortunate four are now going to pay additional funds because we put in the chairman's mark. Everybody wonders why people are so mad. They wonder why is it that there are these tea par-

ties, why is it that there are people marching on Washington, what are they mad about? I hear the pundits and those who very seldom go outside the beltway or outside Manhattan say they are a bunch of crazies. It is this kind of thing. It is this kind of thing. We are going to do a legislative appropriations bill here that has \$500,000 in it so that Senators can send out postcards to announce townhall meetings. Has anybody had any trouble getting people to townhall meetings? We need to spend \$500,000 additional to notify people?

Getting back to the point of the Senator from Tennessee, this is what is wrong. This is what is wrong with the way we do business. We cut special favors for special States, not based on need or requirements but on the influence of the individual Senator or Member of Congress. That is what they are mad about.

May I mention one other thing to my friend from Tennessee. Yesterday, there was a big vote in the Finance Committee that dominated the headlines. The so-called public option was voted down by a significant margin. And we hear rumors that finally the administration will come up with a proposal. Doesn't that mean the goal will be basically to get any bill through both the House and Senate and then go into conference behind closed doors and rewrite the bill? That is my greatest fear.

Mr. ALEXANDER. That is my fear. The danger is that they will put the bills together from these various committees and ram it through, and then we won't be able to ask the questions: Is my State going to pay more taxes for Medicaid? Is my Medicare benefit going to be cut, or is the national debt going to increase? These are important questions we have a right to know the answers to before we begin the vote on the bill.

I ask the Senator from Utah, what does he see coming down the pike?

Mr. BENNETT. Mr. President, I have said repeatedly that I would vote against my own bill, even if it were to pass the Senate unanimously, unless there were an ironclad guarantee—iron is not strong enough; carved in marble guarantee—from the President that he would veto a conference report that came back that did not have the kinds of protections I think my bill has.

I agree completely with the Senator from Arizona. The big fear is that we craft something in the Senate that is reasonable and then submit it to a conference and it comes back in a conference report that is not amendable and gets passed by a majority vote here and we are stuck with it.

As important as it is that we try to get the Senate bill right, we must recognize that there are two Houses of Congress. At the moment, the other body is not showing the degree of analysis we are trying to get going here in the Senate. The House bill is completely unacceptable.

If I could pick up on the comment about the consequences of what is

being done with respect to Medicaid, I will add the experience from the State of Utah to the experience that has been referred to for other States.

In Utah, an expansion of Medicaid, as outlined in the Finance Committee bill, would mean anywhere from an additional \$150 million to \$248 million to Utah taxpayers. I realize that in a State such as California that is multiple billions of dollars in debt, an extra \$150 million to an extra quarter of a billion is not a lot of money. But in Utah, it is a significant amount. We need to pay attention to the fact that every State is facing those kinds of significant increases.

I call the attention of the Senate to an analysis that is in today's Congressional Quarterly, dated September 30, talking about the bill as it is moving through the Finance Committee. I quote:

Under current law, taxpayers can deduct expenses that exceed 7.5 percent of their adjusted gross income. Under the Baucus original proposal, that floor would have been raised to 10 percent, starting in 2013.

Then further:

According to data from the Joint Committee on Taxation, 45 percent of the taxpayers affected and 53 percent of the revenue from the change would come from people 65 and over.

So for those who are asking—and we read about them in the paper all the time—why are the elderly upset, they have Medicare? The elderly are smarter than that, and they recognize that 53 percent of the increase that would come as a result of these proposed changes would come from them.

Mr. ALEXANDER. Would the Senator not agree that therefore older Americans who depend on Medicare might especially want to read the bill?

Mr. BENNETT. They certainly are going to want us to read the bill and be honest with them as to what is in it. They are going to want us to go into the managers' package, into the small details that usually are considered technical and get passed over, and be very specific in saying to our constituents: We know what is in the bill, and we are being very upfront with you in telling you what is in the bill.

One of the things we need to be upfront about is the amount of increase this will cost seniors and the amount of impact it will have on States. States will then have to turn around and raise their taxes, and seniors will pay twice, with the increase at the Federal level and the increase at the State level.

Mr. ALEXANDER. The Senator from Wyoming was home last weekend. I wonder if he is hearing especially from senior Americans who worry about the effect of this bill on Medicare.

Mr. BARRASSO. I heard that in Wyoming this past weekend. People who depend upon Medicare are rightly suspicious, very suspicious about this program. As they try to learn more about it, what they learn is that it is going to cut Medicare. They are learning it is going to increase taxes. They are learning it will limit what they have in terms of choices for their health care.

For all Americans, if you ask: What do you think, is this going to cost more or less, they think it is going to cost more. When I ask people at townhall meetings: Do you think you will have better or worse care, the show of hands is that they will have worse care. Americans don't want to pay more and get less. People want value for their money.

People who depend on Medicare are rightly more suspicious than other folks because of the impact this is going to have on them. They understand \$500 billion is going to be cut from their health care.

Mr. ALEXANDER. We have 4 minutes left. I believe I will wrap up and leave the last minute to the Senator from Utah. Our point is a pretty simple one. We believe, we Republicans, that after this bill is put together, we ought to have ample time to read it, that it ought to be on the Internet for 72 hours, and that we ought to hear from the nonpartisan Congressional Budget Office how much it costs. Why would we do that? Because we have differences of opinion over whether it hurts people on Medicare, over whether States will have to raise taxes in order to pay for Medicaid, over whether the assumptions made will actually add to the debt, over how large taxes are on small businesses. We have differences of opinion. The only way we can intelligently debate those is if we can read the bill and know what it costs.

On the Republican side, we believe we should focus on reducing costs and go step by step to re-earn the trust of the American people by fixing health care in that way, starting with such ideas as permitting small businesses to pool their resources in order to offer insurance to a larger number of people. Another way to reduce cost would be to find ways to eliminate junk lawsuits against doctors.

The Senator from Utah may have other thoughts about the importance of reading the bill.

Mr. BENNETT. Mr. President, I will make this comment with respect to the remarks of the Senator from Tennessee with reference to the CBO. We need hard numbers, but we do have a preliminary understanding already.

The Director of the CBO, Mr. Elmen-dorf, was asked if it is true that the fees established in the bill would ultimately be passed on down to the health care consumer, and his response:

Our judgment is that the piece of legislation would raise insurance premiums.

If we go more deeply into the CBO analysis, we find that not only would premiums in the individual market be higher than under the proposed reform, but taxes on insurers and drugs and devices would be passed on to consumers in the form of higher premiums. Finally, CBO also says that the premiums would be extremely high even after the proposed reforms because taxpayers would be subsidizing expensive plans. We clearly need the kind of careful analysis that clothes these com-

ments with actual numbers. Without those, how can we vote with any kind of clarity on the proposal before us.

Mr. ALEXANDER. I thank the Senator from Utah and yield the floor.

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

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I would like to debate the Republican plan for reforming health care. I would like to see the Republican plan for reforming health care. I would like to know what they stand for when it comes to reforming health care. They have been given adequate opportunity—

Mr. ALEXANDER. Will the Democratic leader yield?

Mr. DURBIN. Regular order, please.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. ALEXANDER. He asked me what our plan is. I would be glad to tell him.

Mr. DURBIN. Mr. President, they have been given ample opportunity, to the point where they offered 160 amendments which were adopted in the HELP Committee when we were debating the bill, 160 Republican amendments. So they brought in their ideas, we put them in the bill, and then when the bill came up for final passage, not one Republican would vote for it. Over and over again, all they can do is criticize. They are just upset with the idea of changing the health care system.

I am particularly amused with the defense of Medicare by Republicans. This is a historic change for a party that used to call it socialized medicine, a party that said: Keep the government out of health care, when we created Medicare. Now they are coming to the defense of Medicare. The reason they are is because 45 million Americans count on Medicare every single day; 45 million seniors know that without Medicare, their family savings would be in danger if they had a catastrophic illness after they have reached retirement; 45 million Americans who know the fact that for the last 40 years we have improved the longevity, the life expectancy of seniors because of Medicare.

Let me tell the Senate what their real agenda is. When Republicans come here and talk about Medicare, it is all about health insurance companies. It is all about the health insurance companies that are turning down Americans when they want to have their basic coverage for medical care. It is all about health insurance companies that continue to raise the cost of their product and exclude people from coverage. It is all about health insurance companies that are seeing some of the greatest profits on Wall Street.

So how do you link up these two, Medicare and health insurance companies? In a program called Medicare Advantage. Pay close attention to this program. Here is what the health in-

surance companies said to the Republicans several years ago. They said: The government doesn't know how to run health care. The government doesn't know how to run Medicare. We, the private health insurance companies, will show you how to do this. Let us offer Medicare benefits. We will call it Medicare Advantage and let the people decide, let seniors decide if they want to buy the private health insurance plan for Medicare or if they want to stay in the traditional government-administered Medicare.

About one out of four seniors decided to buy into the private health insurance plans for Medicare called Medicare Advantage. In fact, across America, more than 10 million Americans have enrolled in Medicare Advantage. Since 2003, the number of Medicare beneficiaries enrolled in private plans has nearly doubled, from 5.3 million to the 10.2 million I mentioned earlier. It is higher in urban areas than it is in rural areas, higher in some parts of the country than in others.

How did the experiment work? How did it work when the health insurance companies said: We can do it better than the government when it comes to Medicare? They failed. Not by my estimation, by MedPAC, a group that has stepped back and has said: Well, the premiums they are charging per Medicare recipient are higher than what people would be paying under Medicare—14 percent higher.

So these private health insurance companies have a sweet deal: 10 million Americans buying their private health plans instead of traditional Medicare, and they are overcharging them by 14 percent. Who pays the 14 percent? All the rest of Medicare recipients. The money is taken out of the Medicare Program. It means Medicare solvency is challenged because private health insurance companies have failed under Medicare Advantage.

President Obama and Members of Congress have said: This subsidy to private health insurance companies to try to offer Medicare at a lower cost, which has failed, has to come to an end. If it comes to an end, what is it worth over 10 years? It is \$180 billion. So when we say we are taking \$180 billion in savings in Medicare, we are closing down the failed experiment by private health insurance companies to offer Medicare as a private health insurance plan.

The Republicans are coming and complaining: Oh, they are taking money out of Medicare. Yes, we are. We are taking the subsidies to the private health insurance companies out of Medicare. So their complaints are basically complaints in defense of private health insurance companies. They can make all the case they want about private health insurance companies. I will take the case to the American people that private health insurance companies need to treat Americans a heck of a lot better than they are right now.

You know what I am talking about. Preexisting conditions. If you are unfortunate and have a preexisting condition and turn in a claim to a health insurance company, get ready for a battle. First, you are going to battle some faceless clerk in Omaha, NE; and the next thing is going to be your doctor calling that office saying: For goodness sakes, you are not going to cover this procedure, this surgery this person needs under health insurance?

That battle takes place every single day, thousands of times, when private health insurance companies say no or they wait until you are sick to cancel you or they will not let you take your health insurance from one job to another. Over and over again, people across America know what the private health insurance companies are up to.

Because, unfortunately, the Republicans do not have a plan in terms of health care reform, because they will not join us in trying to put one together, President Obama has reached out to them, we have reached out to them. We have asked them to join us in this conversation: Join us in this debate. They have refused to do it. They will not be part of it.

Only one Republican, a Senator from the State of Maine on the Senate Finance Committee, Senator SNOWE, is keeping an open mind on this. I appreciate that. All Americans should. She said: I want to see this final product. I am not ruling out voting for it. Senator BAUCUS, the chairman of the Finance Committee, spent months, literally months, in a room with three of our colleagues—Senator SNOWE was one, Senator ENZI of Wyoming, Senator GRASSLEY of Iowa—trying to come up with a bipartisan approach, and eventually the Republicans walked out of the room but for Senator SNOWE.

It is not as if we have not tried to engage them. But for reasons I cannot explain, they do not want to be part of this conversation about the future of health care in America. They come down to one or two issues or one or two theories, and then they take a walk.

Democrats want to protect consumers from health insurance companies and the abuses they have heaped on the American people. Unfortunately, whether it is Medicare Advantage or other health insurance reforms, the Republicans will not join us. They are on the side of the health insurance companies, not on the side of change to protect Americans from the abuses of health insurance companies.

We want to strengthen Medicare. We want to maintain the benefits, even expand them, to the point where, for example, we close the doughnut hole in the Medicare prescription program. That is a term of art that has come about on Capitol Hill that basically reflects the fact that if you are under Medicare Part D, having your prescriptions paid for, and you have a lot of bills, you could reach a point during the course of the year where there is a gap, a percent where you have to put

all the money in out of your own pocket, and then, after you spend up to another level, you get coverage again. They call it the doughnut hole. We would like to fill it. It is an uncertainty for seniors that needs to be taken care of.

We also would like to make sure seniors have preventive care, so whether they need a mammogram or a colonoscopy or some sort of procedure to find out if there is an illness at an early point, they can get it to be able to deal with it effectively. That ought to be part of it as well. But instead, what did we run into?

Senator JOHNNY ISAKSON is from Georgia. He is a conservative Republican and proud of it. He came into the HELP Committee, and here is what he said: We think we ought to provide, under our insurance plans, that patients can have a confidential meeting with their doctor to discuss one of the most delicate and difficult topics we can consider—end of life care—so the doctor would know: What is your wish, what do you want to have happen if you find yourself in a long-term illness and some important decisions have to be made about extraordinary care.

Senator ISAKSON of Georgia said: I think we ought to cover that under health insurance. We ought to at least give one appointment so the doctor and patient can discuss the possibilities and so the doctor knows what the patient feels will give peace of mind on both sides, should that terrible day ever come.

Do you know what happened to Senator ISAKSON's idea of that meeting? It turned into a Republican diatribe against death panels: Somebody is going to pull the plug on grandma. In fact, one of the Republican Congressmen took to the floor of the House of Representatives and actually said: This is a death panel. Sarah Palin, former Governor of Alaska, used that phrase too.

I can tell you Senator ISAKSON did not propose that. What he proposed is a sensible, commonsense approach. But it shows you the extremes in fear that are being spread by some who do not want to discuss health care in an honest and open way.

We want to make sure people are happy with the insurance they have. If they are, they can keep it. Republicans would put people's insurance at risk by allowing insurance companies to drop people's coverage or put artificial limits on what they will be paid when someone gets sick. We want to make sure insurance is affordable and available for people who have no coverage or if you lose your job or change your job or have a preexisting condition.

I am afraid the Republicans want to maintain the status quo. The status quo is unsustainable. We cannot continue the health care system we have today. Let me give you one statistic which tells the story about the cost and, I guess, the danger when it comes to health care. In the last few years,

the percentage of Americans filing for personal bankruptcy because of medical bills has doubled from 31 percent to 62 percent. That is almost 2 out of every 3 people filing for bankruptcy in America are filing for it because of medical bills.

I think an even more troubling statistic: 78 percent of those filing for bankruptcy because of medical bills have health insurance, health insurance that failed them, health insurance that was not there when they needed catastrophic protection, health insurance that was denied them because of a preexisting condition, health insurance that was not there at the moment when they needed it the most.

That is the reality. To ignore that and say, as some have said on the Republican side of the aisle: We have to go slow, we have to take this slowly and decide whether we need change. We need change. We have asked the Republicans to join us in this conversation about change. They have not done it.

Senator BENNETT from Utah is on the floor. He and Senator WYDEN are exploring an approach to health care which has a few sponsors on both sides of the aisle. It is the only effort I know of on his side to put up a constructive alternative. At least they have come forward with one. It is not one I think most Americans would immediately come to because it eliminates employer-based health insurance. It basically says we, as individuals, would be in a market for health insurance, trying to find the best policies and, under their plan, hope for the competition of that pool of people who would bring costs down.

But, unfortunately, when it comes to the Republican side of the aisle, that is the only offering. The Bennett-Wyden bill is the only offering. Unfortunately, as well, the Republicans have not engaged us and have not agreed to be part of the conversation that leads to a final bill.

Well, we have to deal with this in an honest and open way. We understand that doing absolutely nothing at all is unacceptable because every American, including those on Medicare, will be far worse off if we do nothing at all. Doing nothing at all for many Republicans is the answer. They have created these arguments.

Yesterday, there was an argument in the Finance Committee about government health care and the question of the public option. Should there be, in the choices available to Americans, one not-for-profit option that is trying to bring down costs? Well, I think there should be. Many of the Republicans do not. Some Democrats do not.

In the course of the debate yesterday, a question was asked of Senator GRASSLEY, who opposed the public option: Well, what do you think of Medicare? Isn't that a government-run health care program?

Yes, it is.

Would you eliminate Medicare?

He said: No. That has become part of the social fabric of America.

Why has it become part of it? Because it is reliable, it is affordable, and it changes lives for the better. Why wouldn't you want that option? If you do not want to take the public option under health insurance because you think it is socialism or communism or just plain wrong or you do not trust the government to run health insurance, you do not choose the option. But if you believe in keeping costs down in a program you can rely on that is administered by the government—a program such as, incidentally, the health insurance Members of Congress have—then you can make that choice. That, to me, is what we should be coming down to. But, unfortunately, that option is not open.

We want to hold down health care costs for Americans by attacking waste and fraud. Medicare Advantage, in my mind, is wasteful. Mr. President, 14 percent more the health insurance companies are charging for the same basic Medicare Program. Why in the world would we continue that subsidy to these profitable health insurance companies? Some want to. They argue that any change in Medicare or Medicare Advantage is going to cut basic Medicare benefits. That is just plain wrong.

This do-nothing approach we have heard from the other side of the aisle is going to mean costs are going to continue to skyrocket. As they do, we are going to find fewer and fewer Americans with coverage. We know what is happening with premiums across America. They are going up sky-high, and the wages of American workers are not, so workers are falling behind. Fewer companies are offering health insurance. Smaller businesses even have a more difficult time offering health insurance.

I put together a bill with Senator LINCOLN of Arkansas, Senator SNOWE, and Senator COLLINS of Maine that was supported by the National Federation of Independent Businesses and the realtors to give small businesses a chance to get into a pool to reduce their cost and their administrative overhead and to have health insurance available. I could not draw any more Republican support for that idea. Too much government, they said. Well, for a lot of small businesses that intervention in the marketplace could make a big difference.

I had a hearing back in my hometown of Springfield, IL, on Monday. It was not exactly a hearing. It was more of a roundtable. I wanted it to be informal because I wanted to hear stories. I heard quite a bit.

I heard from Sandy Hill. Sandy is an interesting woman. She and her husband own an excavating company, a small business in central Illinois. They are proud of it. They work hard at it. She said: My husband is going to die on the job. He is the kind of guy who will never retire. He is a hard-working guy, proud of his business.

Sandy, unfortunately, has diabetes. As a result of that, they cannot afford

health insurance. No health insurance for her or her husband, and Sandy is in a position in life where she needs it. Her doctor was there with us. Sandy talked about the fact—because she does not have health insurance, and can spend up to \$900 a month on insulin and other care for her diabetic condition—that sometimes she has had to make the decision to cut back on her medication. I looked over at her doctor, Dr. Albers, who was sitting next to me, and she winced when Sandy said that and thought that is the wrong thing to do. It is the wrong thing to do. But Sandy Hill has no choice. She does not have health insurance. She gets up and goes to work every single day, proud of the little business she and her husband have put together, and she cannot get health insurance.

In 2009, in the United States of America, a hard-working woman and her husband with no health insurance, with a medical condition that could be life-threatening if she does not receive basic care and protection. We have said to our Republican friends, and we have said to all the critics and detractors: Join us in solving this problem. Let us get costs under control. Let's start reducing the increase in the costs of health care. We have to do this. Let's also make sure health insurance companies treat people fairly, that they do not deny coverage to them when they need it the very most. Let's make sure as well that people like Sandy Hill who have no health insurance will have a choice, an option to turn to. That is only sensible. I think it should include a public option. She can decide whether she wants it. If she doesn't want it, she doesn't have to take it. She will have private health insurance companies and the public option—her choice to take one or the other.

Let's also start dealing with some fundamentals here. We need to focus more on prevention and wellness in America. Keeping people healthy and well is not only good for them and their families, it is good for the cost of health care in our country. I believe it is important that we focus more on that.

If you have a \$5,000 deductible—and a lot of people do because they have health insurance policies with expensive premiums, so they put a big deductible on it—let's assume you have a \$5,000 deductible or copay. I just ran into a man with that. What does that do to you? Some people say: Well, it is an incentive not to overuse the system. That is true, but you have to watch out that it isn't a perverse incentive.

The man I met had been told by his doctor that he needed a colonoscopy. There were some worrisome signs that indicated he needed that procedure to find out if he, unfortunately, had polyps or colon cancer, and he needed to be treated right away. Because he had a \$5,000 copay, he asked: What does it cost?

They said: It is \$3,000.

He said: I can't afford it. I will try to get back to that later.

People with copays and deductibles that are very high turn down some very basic procedures, preventive procedures, that can catch something in an early stage and deal with it in an effective way. That is what we are trying to achieve here. We are trying to achieve this quickly so we can turn this around and move this forward and so we have real health care reform.

I agree with those who say the bill should be in writing and Members should have a chance to read it. That just makes sense, and it will be. But those who want to slow it down for weeks or months—maybe let's wait until next year; maybe it will take a few years—don't understand the pressing urgency of our dealing with this problem.

The President has committed himself to this like no other President since maybe President Clinton or President Lyndon Johnson. It has been years. Under the previous Republican President, there were no proposals when it came to health care reform—none. None that I can recall. The closest thing I can remember is the Medicare prescription drug plan which I mentioned earlier. An extension of the Children's Health Insurance Program, which we had to fight with the administration over, is one that I think has been good, to extend health care, with the help of the government, to a lot of kids who otherwise wouldn't be protected.

The Republican leader came to the floor today and talked about his concerns, and there were many.

He said it was going to raise taxes. Well, let's make it clear. When we talk about health care reform, first, President Obama has said he will not sign any health care reform bill that adds to the deficit. So, unlike the Medicare prescription drug program which added to the deficit dramatically, this approach cannot add to the deficit. We have to pay for it.

He said it would include tax hikes. Well, I don't know what is going to be included in the health care reform bill in terms of increases in revenue. If we are talking about taking the subsidy back from the health insurance companies under the Medicare Advantage Program and the Republicans are objecting to that, they can, but I think most Americans would agree that the subsidy is something that shouldn't be sustained.

He argues that the bill is 1,000 pages long. It might be. We are talking about a change in our basic economy that affects \$1 of every \$6 spent. It, of course, is going to have a lot of sections to it to consider all of the possibilities.

He talks about the cost of \$1 trillion over 10 years. The Republican leader objects to that. This year, we will spend \$2.5 trillion on medical care and health care in America. Over the next 10 years, I am sure the total figure will be over \$35 trillion. So addressing it with a \$1 trillion program over 10 years is less than 3 percent of what we anticipate spending on health care if we do

nothing. So \$1 trillion is a staggering figure until it is put into context.

He says it will impact a sixth of the economy. He is right.

He says it will impact every American. He is right about that. It is the biggest challenge we have faced. It is one that is going to be tough, politically difficult, but we have to do it. As the President said, if it were easy, some other President would have done it a long time ago, but we have to do it now.

I believe most people understand that the bottom line here is that failing to do this—do nothing, as some on the other side of the aisle would suggest—isn't going to solve this problem, it is going to make it much worse. It is going to reach a point where we are going to face even grimmer choices in the future. The American people will stand up and work together on a bipartisan basis for something that is truly good for the common good. There will be dissenters. There are people standing outside now with signs against the public option. That is part of the American way. But the fact is, if we do nothing, this situation will get dramatically worse.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the words of Senator DURBIN, especially his story about Sandy Hill from Illinois and what he said about her situation.

I come to the floor often to share letters I have received from people all over my State who oftentimes were very happy with their health insurance and then found out their health insurance, once they got sick, wasn't so good. Let me share a couple of these letters, and then I have some other comments I wish to make.

Susan from Stark County, in the Canton area, writes:

The cost of having health insurance is coming to a point where I may have to drop it because of the cost. I have three years until I can qualify for Medicare, but in that, how high will my premiums increase? Right now my insurance costs almost \$500 a month and as of this November will increase another \$60 a month. The insurance companies dictate to the doctors what they can charge and to the patients how long hospital stays can be. This is not fair to those of us who have to try to pay our own way.

That is exactly what we are addressing in this bill. Many people have insurance. Many people are generally satisfied with their insurance, but they are seeing several things happen: The costs continue to go up; small businesses continue to be more burdened with the expense of covering their employees; and in too many cases, people who had decent insurance get denied care, perhaps because of a cap or a lifetime cap where they get very sick, they take biologic drugs, they go to the hospital for a long hospital stay, and all of a sudden they have busted their cap. In other words, the fine print in their insurance policy says: We are

not covering you after we spend X number of dollars. They have lost their insurance, and bankruptcy is too often around the corner.

Jeanne from Dayton writes:

Last November I was laid off from my job and lost my benefits at the same time. My husband has health insurance through his employer, but he might lose his job soon. We're both in our mid 50s and have more than 10 years to go before we can get on Medicare. We've been frugal all our lives. We've got enough money in savings to pay off our mortgage, if necessary. We could even live on the pensions we've accumulated starting today if we had to. But that's assuming we have no health problems in the next 10 years. Please don't let greed take away what we have worked so hard for.

The assistant majority leader, Senator DURBIN, just spoke about insurance subsidies and how this legislation is going to be good for insurance companies. It is going to get a good bit of money to the insurance industry so they can cover people and bring their rates down. That is why the public option Senator DURBIN spoke about is so important.

The public option will make sure the insurance companies play by the rules. We are going to have insurance reform in this bill. We are going to outlaw pre-existing conditions, the game of community rating. We are going to outlaw those insurance companies putting a cap on costs for any individual patient, either an annual cap or a lifetime cap. We are going to outlaw discrimination based on geography or gender or disability or age in this legislation. We are going to enforce these rules because we have all seen the insurance companies game the system even when the rules were thought to be strong and tight and ironclad. We know the insurance companies will still try to game the system. That is why the public option is so important.

The public option is an option. You can choose CIGNA or Aetna; you can choose, in my State, Medical Mutual, a not-for-profit headquartered in Cleveland; or you can choose the public option. The public option will make sure CIGNA and Aetna and those other for-profit insurance companies play by the rules. That is why it is so important.

Randolph is from Summit County. He says:

I have operated a small business in Ohio for 25 years. We have provided all of our employees health insurance from day one. It does hurt, it's the only area we can count on going up every single year—and not three or five percent, but double digit increases nearly every year for the past 27 years. These increases stop us from what we could do: Add more employees. This country needs health insurance reform now.

Randolph is exactly right. Almost every small businessperson I know wants to cover his or her employees. Those small businesses are getting so oppressed by these health insurance costs that it stops—in many cases, it means they have had to scale back the benefits they provide their employees, force their employees to pick up more of the cost. It also means, as Randolph

points out, he would like to hire more people, grow his business more, expand, but he can't do it because of health care costs. That is why this legislation is so important.

The public option is important to keep the insurance companies honest. The assistance we are going to provide for small businesses with tax credits will allow them to pool their resources, with the opportunity, if they choose, to go into the public option. All of that will help those smaller employers in Mansfield and Gallipolis, in Fremont and all over my State, will help those small employers, those small businesses prosper, be able to provide insurance for their employees, and allow them to grow and do what they want to do as businesspeople.

#### PEDIATRIC CANCER RESEARCH

Mr. BROWN. On August 6, Alexa Brown, an 11-year-old from Clyde, OH, died of brain cancer. Alexa was an active, happy, and beautiful little girl. Her courage in the face of such tragic circumstances was inspiring.

Unfortunately, Alexa's battle with cancer is not an isolated case. Cancer is the No. 1 cause of nonaccidental death in children. It is responsible for more deaths from ages 1 to 19 than asthma and cystic fibrosis and AIDS combined.

In northwest Ohio and the area around Clyde, 19 other children have been diagnosed with a form of invasive cancer in the last decade. Public health officials are trying to get to the bottom of the environmental origins of this cancer cluster, as it is called, but in too many cases we simply don't know enough about the disease to reach any definitive conclusions.

It is this lack of knowledge and it is heartbreaking stories such as that of Alexa Brown that persuaded us in Congress to unanimously pass the Caroline Price Walker Conquer Childhood Cancer Act last year. That bill, named after former Ohio Representative Deborah Pryce's 9-year-old daughter who died of cancer, established a national patient registry for pediatric cancer patients at the Centers for Disease Control and Prevention as well as authorized additional funding for pediatric cancer research at the National Institutes of Health. After passing that bill, it may have been tempting to just claim victory, but today, 14 months later, there is still much to be done to fully realize the goals of that legislation.

The Senate version of the Labor, Health and Human Services appropriations bill does not yet include the direct funding authorized by the Caroline Pryce Walker Conquer Childhood Cancer Act. The House bill does. That is why today, on the last day of Childhood Cancer Awareness Month, Senator VOINOVICH and I sent a letter to appropriators urging that the final Labor-HHS package include \$10 million specifically—specifically—for pediatric cancer research.

Currently, the National Cancer Institute spends less than 4 percent of its budget on pediatric cancer. An extra \$10 million would boost that percentage and help our effort to get to the bottom of this deadly problem. It would give hope to those in Clyde, OH, and northwest Ohio and across my State and across this great country who have seen cancer's destruction firsthand.

I had a chance to meet with Alexa's family just a few days after their daughter passed away. You can imagine, it was a very emotional time for them and for their neighbors and for their friends at church and for their friends throughout Clyde and that part of the State. But even in their state of mourning, Alexa's mom and dad stressed the importance of making sure other families don't have to go through the same thing. I think our colleagues couldn't agree more.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2918, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same. Signed by all the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Thursday, September 24, 2009.)

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that upon disposition of the conference report to accompany H.R. 2918, the Senate then proceed to the consideration of H. Con. Res. 191, a correcting resolution; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

Mr. NELSON of Nebraska. Mr. President, I rise today to present the conference report on H.R. 2918, the Legislative Branch Appropriations Act of 2010.

I will start by thanking the ranking member of the subcommittee, Senator MURKOWSKI, for her help throughout the process of completing the bill. We worked very well together, and the result is a true bipartisan product.

I also thank Chairman INOUE and Vice-Chairman COCHRAN for their support and direction this year as well.

At the request of the full committee, a clean, 1-month continuing resolution has been attached to this conference report.

I believe the bill we have before us today is a good one. This bill will allow the legislative branch to continue to operate and move forward during the next year.

When Senator MURKOWSKI and I began our hearings this year, we both agreed we should lead by example in the legislative branch—being good stewards of the taxpayers' dollars. Fiscal year 2010 would be a year of "must haves" versus a year of "nice to haves." With one notable, important, and understandable exception, I think we have been successful.

The final conference report contains \$50 million for the renovation of the Cannon House Office Building. The conferees included this funding at the request of the House. As a matter of comity, the House and Senate defer to the other body on funding decisions related to their side of the Chamber. The \$50 million for the Cannon Building Historical Fund accounts for most of the new overall spending above the cost-of-living increases in our bill.

The conference report before us today totals \$4.65 billion, which is \$156 million, or 3.5 percent, over fiscal year 2009, \$386 million below the budget request.

The bill provides \$926 million for the operations of the Senate, which is \$31 million, or 3.4 percent, above fiscal year 2009, and \$83 million below the request. I am happy to say we were able to reduce the Senate funding by \$8 million from the Senate-passed bill. In addition, \$1.37 billion is included for the operations of the House in fiscal year 2010.

The bill also provides \$328 million for the Capitol Police, which is \$22 million, or 7 percent, above fiscal year 2009. This amount fully funds the current onboard strength of 1,799 officers and provides for an additional five civilian employees to assist with the implementation of the radio project. Congress made the decision earlier this year to move forward with this long-overdue project. So now it is critical that the Capitol Police has the personnel it needs to bring this project in successfully—on time and on budget. No excuses.

The Library of Congress is funded at \$643 million, an increase of \$36 million, or 6 percent, above current year, including full funding requested for the Library's information technology upgrades, which is a top priority of Dr. Billington.

The conference agreement includes \$602 million for the Architect of the

Capitol. Setting aside the \$50 million for the renovation of the Cannon House Building, this mark represents a \$22 million, or 4 percent, overall increase for the Architect of the Capitol. The bill includes a very good balance of energy reduction, deferred facilities maintenance, and code compliance projects within the funding provided.

The Government Accountability Office is funded at \$557 million, an increase of \$26 million, or 5 percent, above fiscal year 2009. This funding supports additional staff to assist GAO in carrying out its vital role in the oversight of the Federal Government.

The Government Printing Office is funded at \$147 million, an increase of \$7 million, or 5 percent, above current year. This increase provides funding for several of GPO's high-priority information technology projects and much needed repairs to the elevator system of the GPO building.

The conferees included \$45 million for the Congressional Budget Office, which is an increase of \$1 million above fiscal year 2009. This will provide CBO with the support it needs to fulfill its mission serving Congress.

The Office of Compliance is funded at \$4.4 million, which is \$305,000, or 7 percent, over current year.

Finally, the conference report includes \$12 million for the Open World Leadership Fund. This represents a decrease of \$2 million below current year and \$2.5 million below the Senate-passed fiscal year 2010 level.

Mr. President, in closing, I thank the staff members who have assisted us throughout this process. First, from Senator MURKOWSKI's staff, I thank Carrie Apostolou and Sarah Wilson for their hard work on this bill. From my staff, I thank Nancy Olkewicz, Kate Howard, and Teri Curtin for their assistance in producing this important legislation.

With that, I urge my colleagues to support this bill.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I rise to support the Legislative Branch conference report, which includes a continuing resolution allowing the government to maintain normal operations until October 31, 2009.

I thank Chairman NELSON and Ranking Member MURKOWSKI for their hard work on this bill. I believe the final product before us is fiscally responsible legislation that meets the essential needs of both the House and Senate. I applaud their efforts to urge its adoption by the Senate.

With regard to the continuing resolution, I note that today is September 30, the last day of the fiscal year. With our men and women in uniform fighting on two fronts, and with our economy at a critical stage in its recovery from the worst recession we have faced in several generations, it is inconceivable that we would allow for any disruption of the essential services provided by the Federal Government. We simply

must pass this bill today and send it to the President for his signature.

The continuing resolution before us is clean and does not contain any controversial provisions. It increases funding for our veterans health care services in order to meet the needs of our wounded warriors returning from Iraq and Afghanistan.

The continuing resolution increases funding for the Census Bureau to allow that agency to continue to ramp up its necessary activities prior to the 2010 census.

Mr. President, I note that the continuing resolution prohibits any funding for ACORN, and it extends a number of necessary authorizations.

Finally, in order to cover a budget shortfall, the continuing resolution allows the Postal Service to reduce by \$4 billion a payment designed to prefund retiree health benefits.

Continuing the operations of this government should not be a partisan issue. I note to my colleagues that in both 2006 and 2007, the Congress attached a continuing resolution to an appropriations conference report.

In 2006, the Republican-led Congress passed the conference report and the attached continuing resolution by a vote of 100 to 0.

In 2007, the Democrat-led Senate passed the conference report and the continuing resolution by voice vote.

When I assumed the chair of the Appropriations Committee, my first priority was to work with my colleague and vice chair, Senator COCHRAN, to return the appropriations process to regular order. This is a tall order given that we did not receive the administration's budget until May.

Today, we have our second and third conferences scheduled with the House, and we expect to hold several more in the coming weeks. This short-term continuing resolution will give us time to consider a good number of appropriations bills under the regular order.

Mr. President, we have more work to do to pass all 12 bills. But I am proud of the committee's efforts thus far, and I look forward to reporting continued progress throughout the month of October.

With that, I urge my colleagues to vote in favor of the Legislative Branch conference report, which contains this short-term continuing resolution. I congratulate the chair and the ranking member.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I want to speak today once again concerning the really astounding, irresponsible, unjustified increases in spending we have seen in this Congress. I don't believe this Nation has ever seen anything like it in the non-defense area, and it is threatening this country's long-term financial health. So I am going to focus today on some of the appropriations bills considered in this Chamber as well as the next highway trust fund bailout, which is in the works.

I have some prepared charts, and my staff will bring those here in a minute, which will show the runup in appropriations spending we are seeing today, which is pretty much unprecedented in the history of this Congress.

Take for instance the agricultural appropriations over the past 8 years. They are dramatic. We passed that recently. Agricultural appropriations increases were 14.5 percent in this year's appropriations bill over last year's. That would double the agricultural budget in 5 years if we maintained those increases. That is a stunning number. The average increase in agriculture spending was 2.1 percent compounded over the 7-year period from 2003 to 2009. Yet we now jump up, in this time of unprecedented deficits and debt, to where we have a 14-percent increase. The 2.1-percent average we had from 2003 to 2009 was criticized by many as being excessive, but it was about the rate of inflation. As we know today, inflation is virtually nonexistent, and yet we end up with a 14-percent increase.

If you look at the Department of the Interior, those changes over the past 9 years are also dramatic. We just passed the Interior appropriations bill. Interior and EPA, the Environmental Protection Agency, have now been put together. Their increases were 16.6 percent in over the previous year in the 2010 Senate bill.

This chart just shows in graphic detail how agricultural spending has gone. I know my colleague from Nebraska believes in agriculture, and I do, too, but this is one of the few times I have not been able to support an agriculture bill. We don't have the money to increase spending 14 percent.

President Bush, they said you spent too much on agriculture. We heard that a lot, didn't we, I say to Senator NELSON. But it was pretty frugal over the years. Here we have, in 2009, a 15 percent increase, and in 2010 a 14.5 percent increase in spending. Our debt today is so much greater than what we had in those years, it makes us wonder how did we get here.

If you look at Interior, as I just mentioned, we see the same thing. The Environmental Protection Agency has not always been a part of this funding mechanism, but we worked hard to try to make sure we are comparing apples to apples, and you see less than 1 percent in 2002, 5.6, 1.6, a minus 1.3, minus 4.0, then 16 percent this year. I couldn't

vote for that. I do not think our colleagues are listening to their constituents back home. They know something is going awry up here. They think we are detached from reality. Doesn't this chart suggest that they are correct?

I will just mention the Environmental Protection Agency. Their increase this year is 33 percent. That would double EPA's funding in 2 to 3 years.

Let me add, these funding levels do not count the largest appropriations bill in the history of America, which we passed in February—wait a minute. I hear my wife right now: JEFF, would you quit saying "we" passed, when you voted against it? The Senate passed \$800 billion. If you add the stimulus funding the Interior bill agencies received, that would add another \$11 billion to their spending and take it to over a 50-percent increase.

So Interior got a lot of money out of the stimulus bill. This chart is not including the stimulus spending; this is baseline spending. So next year, they will want an increase again and it will be on a much higher baseline, a 16-percent higher baseline than the previous year.

I will get to this one next, the T-HUD appropriations, as we call it around here, Transportation, Housing and Urban Development.

Since the Transportation-HUD bill has only been around for 3 years in this configuration, together, this is what we have been able to graph out for those two bills. The average of all discretionary appropriations increases for all appropriations bills that we have had, from 1995 to 2009, 15 years, averaged 5.2 percent compounded. So when you see a 23-percent increase this year in the fiscal year 2010 bill, that is over four times the 15-year average of appropriations for discretionary spending in our cup. At a 23-percent rate, spending on T-HUD would double every 3 to 4 years.

Next, let's look at Commerce-Justice-Science. Although CJS has also only been around for the past three years, we were able to reconstruct the funding levels for all agencies going back to FY2003. What we discovered was surprising. The average spending increases from 2003 to 2009 for CJS was 4.4 percent. However, this year we have a 12.3-percent increase in the baseline funding for the CJS bill. At that rate, spending in that CJS—Commerce-Justice-State spending would double every 6 years, and that doesn't include the \$16.9 billion CJS accounts got from the stimulus legislation.

Finally, there is the State and Foreign Operations bill. The State and Foreign Operations has only been around together in this configuration for 3 years, and that is all we have been able to graph. However, we can once again compare it to the average of all appropriations increases for all the bills from 1995 to 2009, which I said was 5.2 percent.

So the 33-percent increase in the fiscal year 2010 State and Foreign Operations bill is over six times the 15-year average increase for discretionary spending. At a 33-percent rate, the spending would double every 2 to 3 years, at a time of unprecedented deficits.

This week, we are going to have the Legislative Branch appropriations bill, our budget. It increases spending at a 5.9-percent rate compared to fiscal year 2009. That is four times the rate of inflation excluding food and energy, which, according to the Bureau of Labor Statistics, is 1.4 percent for the last 12 months. So, excluding food and energy, we have inflation at the rate of 1.4 percent, and we are funding our own selves in the legislative branch at a 6-percent increase. If you include the cost of food and energy—and there is some good news here: inflation has gone down, actually. We are in a period of deflation. It has gone down 1.5 percent when you figure that over the entire year, including food and energy prices, which have dropped considerably from the huge gasoline prices we remember not long ago. So if you add the stimulus and the supplemental funds from fiscal year 2009 to fiscal year 2010 instead, you come up with an 8.2-percent increase.

So what is wrong with spending 23.2 percent or 16 percent more on these bills than last year, or on the average? The simplest way to put it is, we don't have the money. We are going to have to borrow money to do this spending. We borrow the money. It is not free money. We don't have the power just to spend money. When we go into debt, we borrow the money, and people buy Treasury bills and notes, and we use that money to pay the debt, the shortfall between what we spend and what we take in in taxes. We are going to have to borrow money from a lot of people, but China is our biggest loaner of money. Other countries lend as well.

Shortly after President Obama's inauguration, he released a budget entitled "A New Era of Responsibility." Here are some quotes from his passage in that document:

Therefore, while our Budget will run deficits, we must begin the process of making the tough choices necessary to restore fiscal discipline, cut the deficit in half by the end of my first term in office, and put our Nation on sound fiscal footing.

That is a good statement. I just have to say that I am still looking to where those tough choices are going to be made. According to the Congressional Budget Office, our independent source of information, the President's budget doubles the debt in 5 years and triples it in 10. This is the Congressional Budget Office. This is a nonpartisan group, although our Democratic majority on the Budget Committee, of which I am a member, has the votes to select the Director. Since the history of the founding of this Nation, we ran up a total debt, national debt, of \$5.8 trillion. According to the Congressional

Budget Office, the President's budget would double it in 5 years, by 2013, to \$11.8 trillion, and in 2019 it would be \$17.3 trillion, thus tripling the national debt in 10 years. I know people do not think that is true, but those are the numbers we have, and we are on track to get there. This does not include unprecedented increases in discretionary spending that we are seeing on the floor of the Senate. It also doesn't include health care. This number was scored before we talked about spending \$1 trillion or more on health care additions.

I have to mention interest on the debt because the numbers are so large that people have difficulty comprehending them. People tell me that all the time: A trillion dollars, I have difficulty understanding how large that is.

What about interest? We know what it takes when you pay your mortgage interest or your credit card interest. You have to pay the underlying debt and then you pay the interest on top of that. Sometimes interest can put you in the poorhouse.

This year, 2009, the interest on our total national debt is \$170 billion. That is a lot of money. Alabama's State budget, including education, is about \$15 billion. We are about one-fiftieth of the Nation in size. Interest this year will be \$170 billion, and it will go up dramatically. CBO scores the annual payment of the United States to people we owe money to at the end of 10 years, as almost \$800 billion. If interest rates go up a little higher than they had projected, and many have projected interest rates will go up higher, particularly the Blue Chip Forecast, which is a highly respected group of economists who forecast various things, they forecast it would be \$865 billion because they forecast a higher interest rate. And if we have what some people fear will occur, which is a surge in interest rates, as we had in the late 1970s because of our irresponsible spending, it could hit \$1.29 trillion or \$1,290 billion in interest.

So we spend about \$40 billion a year on highways, we spend about \$65 billion in this Congress on aid to education, and we are going to see from \$170 billion to \$800 billion or more we have to pay in interest? There is no free lunch. You can't borrow your way out of debt. When you spend money you do not have, you borrow it and you have to pay interest on it.

We have low interest rates today. That seduced some of our masters of the universe to say: Let's run up a little debt right now. Running up a little debt is one thing, but the interest rates are going to go up, as CBO projects. They are pretty low today because of the slow economy.

I am very concerned about this. What I am concerned about is our spending in these appropriations bills indicates we are oblivious to this. This is reality. I am not making this up. This is reality, and the American people intu-

itively understand it and they are really worried about it. I think they should be. We are the ones who seem to be not connected to reality.

The President also stated these words in his budget submission documents:

Then there are the years that come along once in a generation, when we look at where the country has been and recognize that we need a break from the troubled past, that the problems we face demand that we begin charting a new path. This is one of those years.

It does seem apparent that we are having a break with our past. We are definitely seeing increases in spending, the likes of which we have never seen before in our basic baseline appropriations bills. Even the deficits I have mentioned assume not a recession in the next 10 years but robust growth in the next few years and solid growth in the last 5 years. Basically, the projections on the deficit and the interest rate we are going to have to carry are greater.

And the deficits—let me share this with my colleagues. I get asked this at townhall meetings: Well, when do we pay back the debt? When do we pay it off? I am paying my mortgage. I pay principal and interest. When is the Federal Government going to pay back its debt? The answer is: We have no plan to do so. The only plan we have is to pay interest and increase the debt.

For example, this year the budget deficit has been estimated to be \$1.8 trillion, the largest ever. Last year it was \$450 billion. It is \$1.8 trillion this year. The CBO forecasts that the lowest deficit, annual deficit, we will have in the next 10 years is over \$600 billion.

How can you pay any debt down when the lowest deficit you are going to have is \$600 billion? The best year they are projecting, we increase the debt by \$600 billion. Indeed, what is even more troubling is in the outer years, years 8, 9, and 10, the deficit is growing. In the 10th year, they project that the deficit that will result from the President's spending policies would be over \$1 trillion.

So there is no plan to pay this back. It is only a plan to increase the total debt, which inevitably increases the interest burden that is going to fall on our children and grandchildren. We are reaching into the future to pour money into today to satisfy our current needs because some say we are in a crisis and we have to get out of this crisis; let's just spend money.

We are using that as an excuse to increase our legislative branch spending, our interior spending, our agriculture spending that, at baseline level, is higher than anything we have ever done in recent memory. Let's hope the scenarios I mentioned do not happen. I think it is possible. I have a lot of confidence in the American people that somehow, some way their voice is going to be heard. There are going to be some changes in Washington. If we do not do it ourselves, they are liable

to send someone up here to replace us who will do it.

But it appears that some of our major creditors are taking note of the debt we are running up. Our creditors are looking at these numbers. They are not oblivious to what is going on. There is a special kind of Treasury Bond that we sell to get people to loan the government money called treasury inflation-protected securities or TIPS. Unlike regular bonds that would be at a certain interest rate and that could be devalued when inflation increases, TIPS adjust their value if inflation goes up. So if people with a lot of money looking at these numbers, are they betting that we will see inflation go up or are they expecting inflation to go down? It is pretty clear that they expect inflation to go up because investor interest in the TIPS is soaring.

The Dow Jones Newswires reported September 13 that prices on TIPS have risen 8.7 percent this year; whereas, the prices of regular Treasury bonds have shrunk by 2.6 percent.

Smart Money magazine reported September 23 that investors poured \$8.5 billion into TIPS in the second quarter of this year alone, double the amount for the same period last year. The Wall Street Journal reported the same day that investors have poured \$17 billion into TIPS so far this year; whereas, they purchased only \$10 billion in TIPS all last year.

Meanwhile, the Chinese, who are some of our biggest creditors, with more than \$800 billion in Treasury bonds, have expressed concerns about inflation here and have shown a corresponding interest in buying TIPS. According to the Wall Street Journal, they discussed TIPS at high-level talks in Washington at the end of July.

The United Kingdom's Daily Telegraph, in an article entitled "China Alarmed by U.S. Money Printing," on September 6, even quoted a top Chinese Communist Party official lecturing the United States on spending and then quoting Benjamin Franklin to the Americans.

He said: "He who goes borrowing goes sorrowing." How ignominious is that, to be lectured on spending by Communists. Due to interest from both the Chinese and others, the spread in the interest rates between the 10-year TIPS and the regular 10-year Treasuries has grown from about zero—they both had about the same rate of interest at the beginning of this year—to nearly 2 percent.

That means one can get nearly a 2-percent better rate by buying regular Treasuries. But people still want TIPS. Why? Because they believe and are afraid that as the years go by, inflation is going to rise, and they will get more interest back by buying TIPS, even though it is 2 percent below the basic Treasury rate.

Meanwhile, the dollar is hovering at a 1-year low, partially because the Fed recently decided to have interest rates unchanged at basically zero percent,

and decided to extend through March its timeframe for purchasing \$1.25 trillion in mortgage securities and \$200 billion in government agency debt.

The dollar has slid 6.2 percent this year on inflation fears, while gold has soared 15 percent. Gold goes up on inflation fears in the future.

Confidence in the dollar has sunk so low that the U.N. proposed replacing the dollar as the global reserve currency in its U.N. Conference on Trade and Development annual trade report, published September 7. China has also expressed interest in an alternative currency.

Not only that, because of all this borrowing, we are about to hit our \$12.1 trillion debt limit, which was last raised when? Not too many months ago, when we passed the \$800 billion stimulus package in February.

Our debt has increased by \$1.1 trillion just since President Obama was inaugurated. The Treasury Department has been holding record auctions of Treasury bills and notes to keep up with the deficit and the debt.

Another aspect of the continuing resolution that we will be considering this week is yet another bailout of the Postal Service. This is the third Postal bailout in 8 years. The Post Office was supposed to be completely self-funding by now. But they still refuse or are unable to pay for their outyear benefits and expenses.

According to the Congressional Research Service, they face about \$95 billion in total unfunded liabilities—\$95 billion—which is why they are supposed to make payments that are being suspended by the continuing resolution. They are scheduled to make \$5.1 billion in payments this year for the unfunded pension liabilities. But in this bill, we are letting them only pay \$1.1 billion.

There is nothing free here. OK? We will let them not pay the full amount. Those payments are to make their benefits actuarially sound. This \$4 billion in relief is in addition to the \$7.1 billion that was provided in 2003 and the \$1.5 billion that was provided in 2006.

CBO, our Congressional Budget Office, says this is costly because it shifts money from future accounts to current expenses. But if we keep doing this without structural reforms from the Postal Service, taxpayers will wind up on the hook for a good portion of those unfunded liabilities.

Why is the Post Office in such a financially poor position? In terms of efficiency, labor costs consume 80 percent of their revenue; whereas, UPS and FedEx spend 65 and 45 percent, respectively, on their labor costs.

The Postal Service is nearly insolvent despite not paying any taxes. They have to have some reform in the Postal Service. I am not going to go into detail now, but a recent Federal Times article pointed out some of the inefficiencies. We cannot continue this.

Let's turn to the highway trust fund. We are going to be asked to pass an ex-

tension of the trust fund spending. It struck me as perhaps coincidental that our highway trust fund keeps running out of money year after year after year. What is happening here? Why is it always running out of money? After all, the highway program is supposed to be funded by the gas tax and to be deficit neutral.

However, last year we were told we had to borrow \$8 billion from people who loan us money, including China and Saudi Arabia and others, to replenish the highway fund. This year, we have already borrowed another \$7 billion to fix the shortfall.

Although the bill before us this week does not borrow additional money from the Treasury, it also does nothing to address the constant deficit the trust fund faces. I am told the fund has been facing and will face a deficit of about \$10 billion a year, which means this bill is just kicking the can down the road, and we are going to be asked for either another bailout or a tax hike in the future.

We cannot savage the highway budget. We have to maintain a reasonable spending level for our highway budget. But we have not been going about this responsibly. We are basically funding it by increasing our debt. That is no way to go.

Some make the point that people are driving less and they pay less gasoline taxes. There is some truth to that. But the most recent authorization bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, contained a timebomb in it that created the crisis we are in today.

It appears to have been written with the objective of drawing down the highway trust fund rapidly to zero and perhaps beyond. The previous highway bill had some safety mechanisms built into it to prevent declines in our revenue from bankrupting the trust fund. But the SAFETEA-LU weakened both of them, one known as revenue aligned budget authority and one known as the Byrd test, to the point that they are basically irrelevant today.

The combination of constantly increasing spending and disabled safety mechanisms to contain spending means that a crisis was almost inevitable. As early as April of 2006, the Congressional Budget Office was predicting significant negative balances in the out-years of Transportation spending. But did we take any action to confront that looming shortfall?

No, no action was taken either in the authorizing committees or the appropriations committees. The predictable gap between authorized spending and predictable revenue, a prediction that the highway trust fund will soon go bankrupt, which is where the balances hit zero and the timebomb goes off. Despite predictions from CBO that this would happen, to this day, no action has been taken by either the authorizers or appropriators to rein in spending or create the kind of revenues necessary to sustain the program.

Instead we are supposed to keep borrowing, borrowing, debt, debt, debt. The excuses we keep hearing to justify these bailouts is that the highway trust fund has been raided at various times in the past. But that is not accurate.

It is inaccurate. According to the GAO, an independent agency, the general fund paid for \$39 billion in highway expenses from 1956 to 1996. Including interest, these payments were worth \$164 billion. So it seems that at best, the highway trust fund isn't owed anything, and at worst, it perhaps actually owes money to the general fund. In fact, GAO determined in that report that as of 1998, if the highway trust fund had been forced to pay for all highway expenditures, it would have been in deficit \$152 billion. We are not raiding the highway fund. We have been putting in extra money. Where did we get it? By borrowing more money and increasing our debt.

Those transfers didn't stop in 1997 either. Before the current series of bailouts began, Congress already provided for \$31 billion in transfers over 10 years from the general fund to the highway trust fund as part of the 2004 American Jobs Creation Act.

As I mentioned before, we have before us this week a highway trust fund extension that does nothing to help with the constant deficit in the program except borrow more money to put into it. All it does is keep spending at levels we know we don't have the money to sustain. In fact, if we keep spending at the current levels, the highway trust fund will require \$87 billion in bailouts from 2010 to 2019. I remember a few weeks ago, in a stunning vote, Senator VITTER from Louisiana offered a fine amendment. We were told that the stimulus package that had to be passed so quickly in February to save jobs was going to rebuild our crumbling infrastructure and our highway programs, creating permanent improvements that would benefit the Nation for years to come.

Most people perhaps missed the fact that less than 4 percent of the \$800 billion that was appropriated in February went to highways. Hundreds of billions of dollars of the stimulus bill have still not been spent. Senator VITTER said: We said we were going to use this money for highways. We are having a shortfall in the trust fund. It is going to cause serious repercussions in the transportation industry. Let's take the money and fix it on a more permanent basis, 18 months, 2 years, and take the money from the stimulus bill that hasn't been spent.

I voted with Senator VITTER, but the amendment was voted down, the effect of which was to say that the Senate prefers to borrow the money necessary to fix the highway trust fund and increase our debt rather than using the money we basically told the American people we were setting aside for highways. That was a very irresponsible vote. It spoke volumes. Basically, with

few exceptions, the Democratic majority made up their minds how they wanted to handle this shortfall which was increasing the debt. They refused to consider taking it from the already appropriated stimulus package.

Unfortunately, CBO scores are not the clearest when it comes to these bailouts. I am not sure that is all CBO's fault or the Budget Committees'. One would think a bill that allows billions of dollars in additional deficit spending would score as much. But according to the CBO, highway spending is discretionary; therefore, what matters in terms of the deficit is what is appropriated not what is authorized. Of course, if we ask the appropriators, they will simply say they provide what is authorized. For fiscal 2010, the appropriators provided what they expected to be authorized by simply assuming that this extension of spending and eventual general fund transfer would happen. That is one of the reasons there was an incredible 23-percent increase in spending in the Senate-passed bill.

The committees are playing a shell game with taxpayer dollars. Somebody has to step up and start taking responsibility for the seriousness of the situation. If we look at how much transportation spending has increased over the last 10 years and where it is expected to go, the 2005 highway bill provided \$286 billion in spending over 5 years and allowed spending to increase 23 percent over that 5-year period. The 2007 spending it provided represented a 92-percent spending increase from 1997; 10 years, almost double. I offered an amendment in 2005 to reduce that spending and fund it properly. It failed 84 to 16.

The House Transportation Committee apparently wants the next major reauthorization to spend \$500 billion over the next 6 years. That is a per-year increase in spending of 46 percent.

One thing we are pretty unified on is that we need to adequately fund highways. I thought we had unanimous agreement that the stimulus bill would emphasize highways and bridges and roads and infrastructure, but it did not. But we still spent the money.

The reason we are not getting nearly as much jobs impact from this Federal stimulus package is too much of it is going to amorphous things that don't create positive benefits and jobs. Regardless, the number we show on this chart of the debt of the United States, projected to triple in 10 years, is unsustainable. Everybody says that, but when do we get serious? We are not getting serious in this year's budget. It is an unprecedented increase in spending.

The long-term budget the President submitted to us and what was essentially approved by this Congress shows it tripling in the next 10 years, based on what their projections are for spending. I am troubled by it. We have to keep talking about this. We need to lis-

ten to what the American people are telling us. If we do, we will be acting in a much more responsible way than we are today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the 12:30 recess be extended so that I may finish a statement.

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

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

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

#### HEALTH CARE REFORM

Mr. REID. Mr. President, on the Senate floor this morning, there has been some debate about one of the provisions in one of the proposals that will ultimately make up the health insurance reform bill, a bill that will finally make it more affordable to live a healthy life in America. I welcome such a debate. It is an important part of a democracy. It is how we do business in the Senate. I would like to take a little time to respond.

My Republican colleagues made two primary points this morning. The first is that they were upset that we are helping the hardest hit States in the country. It is hard to comprehend, but that is what they were saying. The second is, they were upset that we want to address an urgent national problem such as the health insurance crisis.

Let's talk about them one at a time. First, Republicans are upset that we are helping the hardest hit States. The specific section they mentioned would look at all States in the Union and see which are suffering the most in our troubled economy, which citizens are suffering the most from an unhealthy health care system, and make sure these States' Medicaid Programs get the support they need to make people's lives a little easier. The four States affected are Michigan, Oregon, Rhode Island, and the State where I was born, Nevada.

Were these four States selected at random? No. Were they just picked out of a hat in the Finance Committee? No. Were they chosen to intentionally exclude 46 other States? Of course not. These States are suffering more than most, and that is an understatement. Three of the four are the top three in unemployment, and as national legislators, we know our job is to help States in precisely that position.

First, Michigan. Time magazine this week: "The Tragedy of Detroit." Look at this picture. I was in Detroit a few months ago. I am not an expert on Detroit. I have been there a few times, but I was stunned by the buildings

boarded up, the streets in distress. "How a Great City Fell." That is what it says in Time magazine, a major feature article. Who can say that Michigan is not bleeding? Who can say its Medicaid Program doesn't need a hand? The cover of Time magazine shows a dilapidated city, dilapidated streets with debris covering the road and windows knocked out of abandoned buildings. It looks like a ghost town.

I am pulling for Detroit. I know I am going to upset everybody here, but I was glad they beat the Redskins. They have lost so many games in a row, they needed a lift. It is not going to hurt the Redskins to be on the losing side of playing the Detroit Lions. I am pulling for the Detroit Tigers. They are a game or two ahead, and they might make it to the playoffs. Detroit needs a little boost.

If we look at this cover—windows knocked out, debris covering the roads—it is like a ghost town. The cover reads: "The Tragedy of Detroit." The State of Michigan is in trouble. Even Sports Illustrated put Detroit on its cover this past week and wrote about how the city is trying to cope with its unparalleled plight. The cover stories in both these national magazines tell the distressing tale of the largest city in our most populous States, a State where unemployment is more than 15 percent. Do Senators want to come here and say Michigan doesn't need a little shot in the arm? That is higher than any State in the country. That is why we are supporting Michigan's Medicaid Program. That is what this legislation is all about in the Finance Committee that people complained about today.

Second, Oregon. Oregon's unemployment is more than 12 percent. In March the unemployment rate was 12.1 percent, and many economists said that was as bad as it could possibly get. Guess what. It got worse. Not only did the unemployment rate rise, but the rate of underemployed people in Oregon, those looking for full-time jobs who can only find part-time work, went up also. Together the unemployed and the underemployed in the great State of Oregon is almost 23 percent. Yet people are coming to the Senate floor saying Oregon doesn't deserve this little shot in the arm they get from Medicaid. Almost a quarter of the people in that State cannot find the work they want. That is why we are supporting Oregon's Medicaid Program.

Third, Rhode Island. Unemployment in that State is 12.8 percent. It has been hit very hard by job losses, foreclosures, and evictions. In fact, last month a record number of Rhode Island residents sought emergency shelter. At no month in the 219-year history of that State did more citizens seek emergency shelter than in August of this year. That is tragic, and that is why we are supporting Rhode Island's Medicaid Program. People should be embarrassed to come and complain about trying to help Michigan and trying to help

Rhode Island with their Medicaid Programs.

Let's talk about Nevada. We have talked about Michigan, we have talked about Oregon, and we have talked about Rhode Island. Let's talk about my State, I repeat, where I was born, a State that was on a financial uptick for more than two decades. Well, there is not a single State in the Nation now that has felt the full force of the foreclosure crisis like Nevada. We have led the Nation in foreclosures for 31 months in a row. Let people come and complain about trying to help Medicaid recipients in Nevada.

In the nationwide housing crisis that has been both a cause and an effect of the global economic crisis, Nevada has been hit the hardest. We lead. It is nothing we are proud of, but it is true. On top of that, our unemployment rate is more than 13 percent. The people of Nevada are hurting, and I make absolutely no apologies, none, for helping people in my State and our Nation who are hurting the most.

Let me repeat, Mr. President, I make absolutely no apologies for helping Michigan, Rhode Island, Oregon, and my State of Nevada. That is why we are supporting Nevada's Medicaid Program.

In fact, that is what our entire health care debate is all about: helping those who are hurting. That is what our jobs are all about—yours, Mr. President, and mine—looking out for our constituents who give us the incomparable honor of representing them and serving their interests.

I said this before, but it bears repeating: The price of living a healthy life in America is simply unaffordable with many people. Those with health insurance are at the whim of insurance companies that look out only for their bottom line and drop patients left and right, even when they need coverage the most.

Those without health insurance are forced to file foreclosure, go into bankruptcy, or simply succumb to curable diseases because of exorbitant costs and abusive policies. Those fortunate enough to have health insurance are already paying a hidden tax to cover those who do not. Surely, that is no way for the wealthiest and greatest Nation in the history of the world to treat its citizens. We should not do that. We have to do better.

I said I wanted to comment on two points my Republican colleagues made on the floor this morning. I have done one. The second is their objection to how this bill is moving through the Senate. They are complaining it is moving too fast. That is a subject for a Jay Leno comedy spot.

Since May 2008, the Senate Finance Committee has held 20 roundtables, summits, and hearings on their proposal for fixing our health care system. They are complaining the process is going too slowly?

If I told you the Senate Finance Committee held more than 50 meetings

on their proposal for fixing our health insurance system—including more than a dozen member meetings, hundreds of hours of negotiations with the bipartisan group of six members of that committee—we have watched that on national television over the last several months—well, you could be excused, I guess, for thinking the other side is complaining that this process is moving too slowly.

If I told you the Senate Finance Committee is adding to that number as we speak, since it is now in its second week of marking up their proposal for fixing our health insurance system, you might assume the complaints are that the process should be sped up.

I could go on, Mr. President. If I told you when the HELP Committee drafted its own proposal to fix our health care system, it held 14 bipartisan roundtables, 13 bipartisan committee hearings, and 20 bipartisan walk-throughs, you might think they are complaining that this process is going too slowly. Hard to comprehend.

If I told you that committee accepted more than 160 Republican amendments on the HELP bill, you might say the same.

If I told you we have known our health care system is headed for disaster since Harry Truman was President, you might think the complaint is that we are taking too much time.

But here is the surprise: Republicans think this process is going too fast, not that it is moving too slowly. We have talked about all these hearings. Republican Senators are on the record saying they will vote against health insurance reform, even though they admit they do not need to read the bill to draw that conclusion. Pretty good. But it is just another excuse.

They have all these diversions. They come up with them: death panels, frightening people who are old in America, which is absolutely untruthful. Not a scintilla of evidence that is true. Then they came up with one: All these Democrats want to do is give insurance to illegal immigrants. Absolutely false. And there are many other red herrings they have thrown up along the way. It is just more evidence that for some on the other side there will never be a good time for health care reform—never. It is just more proof they want to defend the status quo, refuse to take care of their suffering and struggling constituents, and ignore the will of the American people. Their accusations are false, their complaints are disingenuous, and their rhetoric is dangerous.

Under the Republicans' plan, insurance companies can deny you coverage for a preexisting condition, because you are getting old or you are a woman. Under their plan, insurance companies can take away your coverage when you need it the most. They want the status quo. That is what that is.

Under our plan, if you like what you have, you can keep it, but if you do

not, there will be affordable choices for you that cannot be taken away. We will protect Medicare, we will not raise taxes on the middle class, and we will not add a dime to the deficit.

Mr. President, debates are great. But the reason—my being a trial lawyer—you have a judge determining what happens in a trial is because the judge makes sure what takes place is honest from both parties. Here we do not have that kind of a judge. So people can come to the floor and make the most false accusations, and it is up to us to explain to the American people whether what they are saying is true. Just because someone comes to this floor and says something, it does not mean it is true. And the complaint of my friends on the other side of the aisle about Michigan and Rhode Island and Oregon and Nevada getting special consideration is false.

Mr. President, I ask the Chair to put the Senate in recess at this time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President Pro Tempore.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

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

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

Mr. DEMINT. Mr. President, I rise today in support of the rule XXVIII point of order to be raised by Senator MCCAIN against the Legislative Branch appropriations bill.

I voted against this bill the first time it came through the Senate and now it is even worse. In fact, we violated one of our new ethics rules we talk so much about in the Senate and in the House where these conference bills cannot contain a provision that was not part of either the House or Senate bill. We call that "air dropping." But we air-dropped some significant things into this bill, violating our own ethics rule.

First, we added a 1-month continuing resolution that funds our government since we haven't finished our work here

in the Congress, but we also added a \$4 billion bailout for the Postal Service into this conference report bill, again, violating our own ethics rule. The air-dropped provisions are undemocratic. There was no debate or transparency. Like earmarks, it is another tactic politicians use to have an end run around our constitutional limits.

It is also wrong for Congress to fund itself while allowing all other government agencies to operate under a short-term continuing resolution. In 1995, President Clinton vetoed the legislative branch bill for this reason:

Congress should not take care of its own business before it takes care of the people's business.

If we are going to pass a continuing resolution, it should cover the entire government until we can have a transparent process that the American people can see. The only reason these tricks are pulled is that politicians don't want people to see what we are doing.

Even worse than the process that has been used for this legislation are the policies contained within it. Around the country, families and businesses are having to tighten their belts because of the recession. Many are out of work. At the same time, we are increasing our budgets dramatically here. This legislative branch bill itself has increased nearly 6 percent versus last year, despite the growing debt and the serious economic problems we are having as a country.

Just a couple of statistics from the bill: We have increased spending 128 percent for the House office buildings; a 155-percent increase for the Government Printing Office; a 6.2-percent increase for the Senate whip offices; a 4.3-percent increase for Senate leader offices; a 4.1-percent increase for Speaker PELOSI's office; a 4.3-percent increase in the Vice President's office; and don't forget a \$200,000 earmark for a museum in Nebraska.

If we were in prosperous times and had plenty of money, surpluses, then perhaps some of these increases would make sense, but not at a time when we see all Americans hurting and having to tighten their belts.

This is one of the smaller increases compared to the ones that have gone through in the last couple of weeks. We are spending our Nation into bankruptcy. Our debt is almost as large as our entire economy, and growing by \$1 trillion every year. Long-term deficits for Medicare and Social Security are more than \$100 trillion. We have no idea how we are going to keep our promises to seniors. When will all this end?

The head of the World Bank, a former U.S. Trade Representative, is questioning whether the U.S. dollar will long remain the world's reserve currency because of our spending and because of our debt. A few weeks ago I noted that some officials in Zimbabwe were concerned about America, our spending and our debt, and what could

happen to our currency. They have good reason to. A friend of mine who returned from Zimbabwe brought me one piece of their currency. This is a 100 trillion dollar bill from Zimbabwe. It is so worthless he gave it away as a souvenir. They are worried about our debt. We need to be worried about it too.

This bill also includes a \$4 billion bailout for the Postal Service, the third bailout they have gotten in 8 years. But the money is not contingent on any reforms within the Postal Service, so the underlying waste will continue and require another bailout in the next year or two. Why would we bail out the Postal Service without any requirement that they reform their policies, the policies that have led to this mess? There are some very obvious things we could do. We could save \$50 million by stopping paying employees an average of 45,000 hours of standby time. We could close unnecessary post offices. There is a long list of things we could do to reform the Post Office so that we don't continue to bail them out with taxpayer money, but there is nothing in this bill about doing that. It is only another bailout, another giveaway. So simply bailing them out will only prolong the problems and cost the taxpayers more money.

In sum, if we look at the legislative branch bill, it is bad policy, it has followed a bad process, and it continues this out-of-control spending and debt for our country. It does not deserve our vote.

I thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I note the absence of a quorum.

Mr. COBURN. Mr. President.

The ACTING PRESIDENT pro tempore. Does the Senator from Nebraska withdraw his request?

Mr. NELSON of Nebraska. Without objection, yes.

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

Mr. COBURN. Mr. President, I wish to spend a little bit of time today talking to my colleagues and the American people about where we are. I don't know of a better description of where we are than this sign. The President said and some in the House have said that certain facts about health care reform are indisputable, but nobody will dispute this one: Forty-three cents out of every dollar we spend this year, we borrow against the future of our children; 43 cents out of every dollar the Federal Government spends. What does that come to per family? What that comes to is \$15,603 per family—every family in this country—we borrowed against this year.

The reason I came down to the floor—I have a lot of problems with both the CR and this bill, but I want to know where the leadership is in America today. We are in tough times, and if

there ought to be one bill the Congress passes with no increase in spending, it ought to be the bill that pays for the things we do. The reason it ought to be that bill is because we ought to lead by example. What we are saying with this legislative branch bill is that, you know what, there is just not 5 percent to cut in our efficiency. Nothing could be further from the truth.

Every year I have been here, I have been allocated a certain amount of money for my office. In no year have I turned back less than 18 percent of that money, 460-some thousand bucks. We didn't spend it because we know how to run things efficiently and effectively.

That is a misnomer for the Federal Government, as led by the Senate, as exemplified by this bill.

So what have we done so far this year? Here is what we have done. Here is where the 2009 increases were, and here is what we are proposing this year. This doesn't take into account any of the money we spent in the stimulus or any of the money in the emergency appropriations we passed or that we wanted to increase the baseline.

Last year, we increased our own budget by 10.88 percent. Inflation was minus last year; there was a negative inflation. So we had an infinity, as far as recognizing the increase of our own budgets, because, in fact, the costs actually went down in America. CPI declined. This year, we are at a 1.4-percent CPI increase year over year, from September 30 to September 30.

Legislative branch is almost three times what inflation is; Homeland Security, four times inflation; Energy and Water—because they got such a large bump with the stimulus bill, we only increased it 1.41 percent. Every other bill, such as Agriculture, is 12.68 percent; but if you look at it, it is almost 22 percent. The THUD bill is 22.54 percent. Interior is 16.28 percent. Here is the inflation rate, 1.6 percent.

Where is the leadership? That is what the American people ought to ask. I don't fault the chairman. He is given a number and he is supposed to meet it. I fault our leadership. Things are never going to change until we model the behavior that will set the example to cause everything else to change. When we don't have the self-discipline and the courage to make hard choices in the running of our own offices and our own facilities, how can we ever expect anybody else in the rest of the government to do that?

You heard Senator DEMINT talk about what kind of shape we are in. Our debt today is \$11.790 trillion. That is going to double in the next 5 years. It is going to triple in the next 10 years. Medicare is an unfunded liability. For Medicare alone, it is \$89 trillion. What are we doing? Why are we not—Democrats and Republicans alike—saying the problem is in our leadership? The problem is the example we set. We can't even hold our own expenses flat at a time when the rest of

the country is making the most difficult choices. Every family and every business is in tough times, and we are flying through it because we don't have to lead by example. We don't want to make hard choices.

There is something lacking in America today. It is sorely lacking. The trouble we are in isn't partisan. It is not one party or the other. It is the combined leadership of this country that fails to recognize the depth and severity of the problems before us, and then it is compounded by not making the hard choices and leading by example to give us a result that will change that path. No other appropriations bills have passed Congress. There have been no conference reports passed for this year. The one that we are going to pass is the one for us. That doesn't fit with any sense of reality to the average family in this country.

Today, it was released that we have a 16-percent approval rating. That is way too high. That is way too high. Leadership is about sacrifice, giving up something so somebody else can gain. We have none of it in any of these appropriations bills we have passed. But they have not gone to the President because we don't have conference reports. Then we have the gall to bring in our budget at three times the inflation rate for us and pass it as the only one. Everybody else will be frozen, with minor exceptions, in the CR. Everybody else—the rest of the government—cannot plan. They don't know what they can do. But we are going to make sure we take care of us. That is exactly why we have a 16-percent approval rating.

I struggled a long time with whether I would seek my seat in the Senate again. Quite frankly, I came down to the fact that, other than three or four of us, nobody in the Senate is speaking about the real long-term problems. Nobody is thinking long term. What we are thinking about is short-term parochial instances such as the \$200,000 the chairman put in for his own State. It may be a great project, but now is not the time to do that. It sends a signal to the rest of America that I am going to take care of me and the heck with you. It is the wrong message. Yet we are going to do it anyway. We are going to say: Oh, well, never mind. It is a good cause, \$200,000 doesn't matter.

When we are growing up, our parents try to teach us a lot of things. It becomes the small things that are important. This legislative branch bill is a small bill compared to all the others we are going to pass. But it is big on symbolism because this is never going to change until we change. The symbolic act of passing this bill, where we are increasing our own expenses three times the rate of inflation, when most people in this country are spending less money on everything they do, some by choice, some out of fear, and some out of absolute circumstances that they have no control over—yet we pass a bill for us that makes us look absolutely foolish in Americans' eyes. America

gets it. We don't. This is an embarrassing time for us as a country. The reason is because there is a difference between what the American people expect and want out of Congress and what we are delivering. It is not about Republicans or Democrats. People are scared. What is the future going to be like? I can tell you. If, in fact, we don't reestablish frugality and common sense in how we fund our expenses and every other aspect of the Federal Government, what we will see is the diminishment of the greatest magnitude of freedom this country has ever seen. We are starting to see it. Where do you think we got the 43 percent we are borrowing? We got most of it from people outside this country. They now have an influence over our ability to remain free because they control the money strings.

This isn't just a rhetorical statement. We know—and I put it on the floor 10 times—nobody disputes that there is at least \$350 billion worth of waste, fraud, and duplication in the Federal Government. Not one time in any of the bills that have come through this Chamber have we addressed the significant causes of those problems or addressed fixing it to right them. When we make amendments, they are defeated but not on party-line votes; they get defeated by the appropriators. The greatest power in the Senate is not Senator HARRY REID, it is the Appropriations Committee.

Consequently, when we try to fix the problem, we have a united front that says parochialism and short-term thought is much more important than the long-term future of the country, and our political positions are more important than the health of this Nation. Consequently, tonight, even after points of order will be raised—and I plan on raising some myself—we will pass this. Everybody will say the shower from COBURN is over and we can keep on doing what we have done.

America, don't let us get away with this. Don't let us lead by this poor example. Don't let us not sacrifice in our own offices so we can create the kind of leadership that is necessary to right this ship. This is the worst display I have seen in my years of service in the Congress. It is not about the details. It is the very fact that we have the audacity to take care of us before we take care of the rest of America. We have the audacity to increase our own budgets, which are fat.

If I can turn back the large amount of money I turn back every year, and every office could do the same thing, we could cut significant moneys from this bill. But we don't have the courage, the spine or the backbone that every American family has today—the actual guts to make hard choices. So we ignore them because it is so easy to take the credit card and say charge it to the next generation.

Yesterday, I heard Senator SCHUMER go after several members on the Finance Committee over Medicare. He

said: You can't be against this. You are for Medicare, aren't you? Sure, Medicare is great.

The only problem is, the unfunded liabilities with Medicare are going to cripple our economy starting in 2017. Alexander Tyler said all republics die, all republics fail. They fail at that moment in time when the vast majority of the citizens of the republic figure out they can vote themselves something from the Public Treasury.

Is it morally acceptable for us to continue to steal from our children? Is it morally acceptable to take opportunity away in this great land of freedom? Or will we sit back some day and tell our grandchildren about what it used to be like to be free in this country? All republics fail because all republics become deficit ridden.

It does not have to be that way for our country. Real leadership, real courage, real clarity of character says that now is the time, whether you are a Democrat or a Republican, to lead on the issues that will solve the problems in front of this country. This bill doesn't do it. As a matter of fact, this bill conditions more apathy and less confidence in the country and rightly so. We are not going to see that level of confidence come back to the Congress until we start paying attention to the long-term needs of this country and making those decisions in a way that doesn't have any consideration of our political position whatsoever, but every consideration about the truth, welfare, and long-term viability of our country. This bill doesn't do it.

The fact that this bill is used as a vehicle to fund the rest of the government, and we put us ahead of everybody else, to me, sends a very clear message to America: It is time to change who is here. It is time to send new people here. It is time to have people who are more interested in the country than their political careers or their party.

We example the worst of Washington politics and the worst of parochialism when we put us first and our desires first and our careers first, rather than the long-term viability of this country.

The CR contained in this bill violates the budget resolution—violates 311 of the Budget Act. It is all over the place. Even though we will raise points of order, we probably will not win. But when we don't win on that, America, you ought to ask why didn't we win. It will be because the Members of this body think more about their budgets than they do yours. They think more about their comfort than they do yours. They think more about their future than they do yours. It is very easy to solve this situation. What should happen is the legislative branch should be frozen like everybody else in the country, and we should pass bills coming out of conference committee as soon as we can, and we ought to work hard on doing that. Then we ought to pass a CR tonight that is free of this, that doesn't violate the Budget Act.

I want to make one more point talking about the \$4 billion and the postal provisions. There are a lot of great people who work for the U.S. Postal Service. There is no question about it. They are a victim of technology today more so than anything else. The fact is we use electronics rather than the mail, and the first-class mail volume and the volume for second and third-class items is going to go down. There is nothing the post office is going to be able to do to turn that revenue around. There is nothing. And that is not the average postal worker's fault. But the postal portion that came out of the Homeland Security Committee contained a very key component that has been ignored in this CR, and that was this: the negotiation of labor rates in this next round. Heretofore, they have never taken into consideration the financial health of the post office. Some of us find that kind of strange, but they never have. But there was an amendment that was agreed to in the committee that said: This time, when you arbitrate the language for the postal service employees, you have to consider the health of the post office, because that is where the revenue comes. Well, that has been conveniently left out of this CR. It passed out of committee. Yet we didn't put it here.

What does that mean for the post office? That means when we go to negotiate the labor agreements, the fact the post office is going to lose \$8 billion or \$10 billion next year—they will lose at least \$8 billion this year, maybe even \$12 billion or \$14 billion next year—there won't be any consideration given in evaluating the labor contracts. Any other business whose revenue is declining rapidly that ignores the revenue side and ignores expense increases is sure to fail.

As Senator DEMINT said, this is the third time in 5 years we have tried to put a patch on the U.S. Post Office, and this patch is only going to last for 1 year. It is not going to solve anything. We are going to ignore the hard choices that need to be made both by the postal employees and the post office in order to fix this so it is not a drain.

That is what I am talking about—the failure to lead. We duck the hard problems. We don't want to offend anybody. What we have to do is to start thinking long term. We have to start being about a vision of America that is financially healthy, and we have to swallow the hard, tough medicine of getting there.

We are setting an example with this bill that says we don't care; it doesn't matter. So America is disgusted. And that is what it is when 16 percent have confidence in us. I guarantee a large percentage don't—84 percent. A good portion of that is disgust with us. You know what. I am disgusted too. I know the individuals in this body. They are great people. But there has to be a change in the dynamics of the thought and the reasoning or we are going to

suffer the consequences. Actually, we are not; our kids are. They are going to suffer the consequences.

I will end with this point. If you were born today—September 30, 2009—in this country, the first present you get for your birthday is an IOU for \$400,000. Because when you take all our unfunded liabilities and apply to it the living segment of Americans over the next 70 years, their portion of our indiscretion is \$400,000. It just takes simple math: Take 5 percent interest—and none of us can probably borrow any money at 5 percent interest—and that is \$20,000 a year for the first 20 years of their life they are going to have to pay the interest on. So what does that come to, 20 years times \$20,000? Now we are at \$800,000 before they are out of college.

How in the world will they ever own a home? How will they ever send their kids to college carrying that kind of load? There is one of two answers to it: We either enter into the real world and start making the hard decisions and fixing the programs that are broken and eliminating the waste, fraud, and abuse, or we devalue our currency and everybody's assets in this country are going to shrink by about another 30 percent in terms of their real value.

That is the answer.

But those are inconvenient truths. We don't want to talk about them. We don't want to talk about the consequences of our actions. A former President said: Freedom is a precious thing. It's not ours by inheritance alone. It is never guaranteed. It has to be fought for and defended by each and every succeeding generation.

How do you fight for freedom when you owe \$800,000 and you are not out of college yet? How do you do that? When will we start to take the shackles off the next two generations? When will we start to eliminate the burden of our excesses on our children?

We are not far from a time when it is going to be too late to reverse this course. The international financial market is signaling that now. Wouldn't it be wise for us to lead with courage, to make tough choices, and truly secure the freedom of our children and grandchildren?

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

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between the majority and the minority.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

#### SOUTH PACIFIC EARTHQUAKE AND TSUNAMI

Ms. MURKOWSKI. Mr. President, before I turn to the Legislative Branch appropriations bill and the continuing resolution that is under discussion, I wish to take a couple of brief moments to speak about the very devastating earthquake and tsunami that hit American Samoa, also Samoa, Tonga, and the other islands that are in the region, and offer my thoughts and prayers to those who have lost loved ones in this disaster.

As we saw yesterday, an earthquake in the range of 7.9 to 8.3 in magnitude occurred about 120 miles from American Samoa. It was followed by three aftershocks, all of about 5.6 in magnitude. These are incredible earthquakes we are seeing. Even the aftershocks are enormously significant. When we think back to the earthquake that hit Alaska in 1964, it was about 7.9 on the Richter scale. We in Alaska remember that most vividly.

To appreciate what American Samoa and the islands in the region have been hit with—it is incredible. According to the media reports, these earthquakes caused four tsunami waves approximately 15 to 20 feet high. They struck the island 25 minutes after the quake, reaching up to 1 mile inland. There are reports from residents on the island that the quake lasted 2 to 3 minutes. That is an eternity when the earth is rocking underneath you, and then to know that these tsunamis came in so quickly after those earthquakes. I understand that as of this morning there are 24 confirmed deaths in American Samoa and many more in Samoa, Tonga, and the other islands. This number is likely to rise as many individuals remain missing and unaccounted for. The President has declared American Samoa a major disaster area, and we have FEMA teams that are heading to the area now.

To those who have family members and loved ones in American Samoa, the White House and FEMA will be holding a teleconference this evening at 7 o'clock p.m. eastern time. Hopefully, we will have more information available at that time. I understand that few landlines are working and getting updates has been difficult. As far away as Alaska is from American Samoa, we have a surprisingly large Samoan and Tongan population in my State, so I know there are people at home in Alaska who are worried about their families and their loved ones. Hopefully, we will have more updates on that.

Again, my thoughts and my prayers go out to those who have lost loved ones and to those in American Samoa affected by this terrible event.

Mr. President, I want to speak this afternoon on the conference report that is accompanying H.R. 2918, the Legislative Branch appropriations bill, as well as the continuing resolution for fiscal year 2010.

Before I speak to the specifics of the legislative branch agreement, I would like to make clear my very strong objection that this continuing resolution that will be part of this was made part of the legislative branch conference report. This was done at the last minute. It was done at the direction of the House majority. It precludes amendments and careful consideration of all the issues.

The conferees were not offered an opportunity to concur in this process. This is what is known around here as air-dropping, where new material, new matter is inserted into a conference agreement that has not been considered by either body. We didn't take it up in the Senate. They didn't take it up in the House. What we have in front of us is a pretty onerous example. We have rules here in the Senate against air-dropping. I think we have good reason for those rules.

While it has been said that this is a clean CR, certainly there are items that are contained within this CR that represent important policy decisions and go beyond simply funding the Federal Government for another month. Provisions in this so-called clean CR include one relating to the Postal Service. This is Postal Service reform. The authorizing committee has been working on this for some time. There is another example related to the extension of surface transportation reauthorization.

We had time a week ago to take a freestanding continuing resolution through the normal process in both the House and in the Senate. We would have been able to present that bill to the President before the end of today, before the end of our fiscal year. I am very disappointed that normal process was not followed.

As I understand it, the reason this occurred was the House majority's desire to prevent its minority from offering motions to recommit the bill.

So here we are, last day of the fiscal year, and we clearly have to continue the critical operation of the Federal Government. But I do want to make clear this was not the right process for us to follow.

I have enjoyed the opportunity I have had to work with my chairman on the Legislative Branch Appropriations Subcommittee. We worked hard to produce an appropriations bill that we believed was reasonable and fair and balanced. We greatly reduced the scope of the budget, and we finished our work in a timely manner. We had some very substantive committee hearings. It was a good process. I was pleased in that process.

So it seems more than a little bit troublesome that we, with a very small appropriations bill coming out of the

Legislative Branch Subcommittee, working quite concertedly to make sure we did work the committee process in an appropriate manner, should be hung with the continuing resolution at the very end. It is more than just a bit ironic.

At this time I would like to speak to the Legislative Branch portion of this conference report. Again, I want to thank my chairman, Senator NELSON, for his work. I also want to recognize and thank the full committee chairman, Senator INOUE, and our ranking member, Senator COCHRAN, for the support they provided in getting the Legislative Branch conference put together.

Aside from the continuing resolution I just mentioned, I think it is fair to say our conference was without controversy. The final agreement meets the high priority needs of our legislative branch.

Now, Senator NELSON and I are both new to the Appropriations Committee, and we worked well together on this. We did our best to see that the legislative branch served as a model for others within the Federal Government. We worked to tighten our belt wherever possible. We funded only the highest priority initiatives.

In looking at the appropriations bill itself, funding for the legislative branch totals \$4.65 billion, and while the agreement is \$44 million over the level the Senate passed, the increase is due to items that the House had included. We were able to make reductions below the Senate-passed level in certain areas, such as our Senate office budgets.

The bill is about 4 percent over fiscal year 2009. This is a big improvement, considering that when they came to us initially with the request for the legislative branch it was about a 15-percent increase. So we were able to scale it back.

The conference agreement enables us to meet the highest priorities that have been identified by the Architect of the Capitol, in looking at health and safety, building improvements, particularly in the Library building and the projects that reduce the deferred maintenance in our buildings.

We recognize if we do not address deferred maintenance, it does not go away; it continues and, unfortunately, that pricetag continues as well.

The bill continues the efforts of the Architect of the Capitol to improve energy efficiency with over \$14 million in funding designated for this purpose. Also, within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure.

For about a decade, there have been no increases to IT within the Library. Yet most of the users of the Library are virtual users. I had an opportunity, a couple of weeks ago, to meet with Dr. Billington, the Librarian of Congress. He was showing me some of the incredibly historical documents, old maps

from the 1800s from Russia where they were mapping Alaska. Some documents we looked at, the only way I would ever have an opportunity to view them is if I were able to visit the Library of Congress.

Well, now, most of that, much of that incredible history is available through the Internet. So Alaskans, in a classroom thousands of miles away, can access the treasures we have within our Library of Congress.

The information technology infrastructure was clearly Dr. Billington's highest priority. I believe this investment will ensure that millions of people who access the Library through its Web site will be able to find what they are looking for. It is phenomenal.

Similarly, within GPO, the Government Printing Office, we funded the final increment for updating GPO's Web site to ensure that government publications can also be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress Police into the Capitol Police. This is a project that was initiated years ago by Senator BENNETT when he was chairman of the subcommittee about a decade ago. It has been promoted by each of the successive chairs and ranking members to improve the security of the Capitol Complex. Today, the Library of Congress Police officially join with the Capitol Police in a ceremony that is taking place this afternoon at the Library.

So this is good news for them. Congratulations need to go out to the men and women of the Capitol Police and the Library Police who worked very hard to ensure that this initiative happened relatively seamlessly.

So there are good initiatives within Legislative Branch appropriations. I am pleased to have been able to work with Senator NELSON closely on these, and I am pleased with the product we have moved through our subcommittee.

Were it not for the add-on that we had just last week, I would be standing before you and saying this is almost a perfect product. We recognize we must deal with the ongoing funding of our Federal Government. It is the last day of the fiscal year, and a continuing resolution must advance.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent the time be divided equally between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### DEFENSE APPROPRIATIONS

Mrs. FEINSTEIN. Mr. President, I come to the floor essentially to oppose the McCain amendment to the Defense appropriations bill, which would stop production of the C-17 Globemaster III Airlifter.

The McCain amendment would cut funding approved by the Appropriations Committee to maintain an important national asset in the C-17 program.

Without the inclusion of this funding, the production line would begin to shut down this year, and the last plane would roll off the line in mid 2011, as opposed to mid 2012 if these additional 10 planes, which are in the Defense bill, are, in fact, funded.

I believe the funding is important, and the risk of losing the production line without filling the C-17 need is real. The concern is timing. If this amendment passes, suppliers will be notified within months that their contracts have been terminated. It will become virtually impossible to restart production.

By then it will be too late to take into account the impending Quadrennial Defense Review, the QDR, and a Mobility Capabilities Requirement Study which will assess whether, in fact, we truly have enough C-17s in the fleet. It is my view that failure to fund this aircraft would be a tremendous blow to the future readiness of the military.

Now, why do I say that? The C-17 has been essential to our combat operations in Iraq and Afghanistan, as well as humanitarian missions worldwide.

It is the most flexible and versatile transport in the U.S. military today and the only one capable of flying troops and cargo directly from air bases here to the front lines of Afghanistan and Iraq.

Even more important is what the C-17 carries on the way back from the front line. It is a vital component of aeromedical evacuations of our troops to Ramstein Air Force Base in Germany.

Finally, it should not be forgotten that the C-17 contributes to peacekeeping and humanitarian relief missions worldwide. It has become a welcome site to victims of the tsunamis in Asia and the victims of hurricanes along the gulf coast. But that alone is not enough to justify it. Simply put, as former Air Force Chief of Staff, GEN Mike Moseley, has said: "The C-17 is worth its weight in gold."

With so many capabilities and so many complimentary things said about it, it is no surprise the Air Force has been "flying the wings off the C-17."

To make this point, let me read from the House committee report for the 2010 Defense appropriations bill.

The C-17 is the workhorse of the theater, flying 50 percent of all sorties for the U.S. Transportation Command over the last 24 months. While the aircraft is designed to fly

1,000 hours per year over 30 years, over the last 10 years the C-17 fleet has averaged 1,250 hours per aircraft, with some aircraft flying in excess of 2,400 hours in a single year.

That is over 200 percent more. This heavy usage is reducing the expected service life of the aircraft.

So what does this mean? It means C-17s are being utilized much more than anticipated. It means the C-17 is carrying more of the workload than expected. It means C-17s flown today may not be available for as long as we thought they would.

This brings us to the second issue. If not the C-17, what are the other options available?

The C-17 is a complement to a decades-old military transport, the C-5. The oldest C-5As are an average of 39 years old and will require literally billions of dollars in engine and avionics upgrades to keep flying. We don't yet know the exact cost, but as with many modernization programs, it will likely only go up.

The GAO clearly stated last year that DOD would need to fully modernize seven C-5s to attain the equivalent capability achieved from acquiring one C-17 and the cost would be three times more. So we need to modernize seven C-5s at three times the cost of a new C-17 to get the equivalent capability of one C-17. This makes no sense to me.

The C-5A has been unreliable, with a readiness rate barely over 50 percent. The Air Force has been asking for years for authorization to retire some of the aircraft. As those aircraft are retired, the C-17 will be expected to cover the gap left behind.

So we have to ask: How are taxpayer dollars better spent? Are they better spent maintaining and upgrading a 40-year-old, unreliable aircraft at three times the cost, or are they better spent adding C-17s to an already overtaxed fleet? I believe the answer is clear.

Those in Congress who advocate for shutting down the line are doing so prematurely.

Later this year, a Mobility Capability Requirements Study will be released that will address the future airlift needs of the military. One thing we know this country lacks is strategic lift. By that I mean to rapidly move troops and equipment to wherever those troops and equipment are needed. The staging of a military operation takes time because we lack strategic lift.

The Department of Defense is also actively working on the next Quadrennial Defense Review which will take a comprehensive picture of what tools our forces will need in the coming years.

Previous studies that have analyzed our airlift needs did not take into account planned increases in the number of Army and Marine Corps personnel.

We have more troops that need to be moved, including 30,000 additional personnel authorized by the Senate during consideration of the Defense authorization bill in July. These studies also did

not take into account new combat vehicle programs for the Army as well as the needs of the new Africa command.

All of this has to be figured into this mobility review. In fact, the GAO has expressed concern about the calculations used by the Defense Department's previous studies and recommended significant changes for the next mobility capabilities study.

The GAO also found that because the Department of Defense did not identify specific airlift requirements in its previous mobility capabilities study, it could not determine how the DOD concluded that the current number of C-5s and C-17s was adequate. That is the basis on which the Pentagon has weighed in saying we will do with what we have, in essence. The GAO is saying that no specific airlift requirements in the previous study were even considered on which one could base a recommendation such as "leave it as it is."

To me, this indicates we are not in a position to shut down the last strategic airlift production line in the country.

I understand this has been identified as a congressional jobs program. To a great extent, I disagree with that view. There are many of us who have followed the C-17 program for years. We know what a mistake it would be to end production of this aircraft prematurely.

The distinguished chairman of the Defense Appropriations Committee, Senator INOUE, agrees. Therefore, the committee has added these 10 planes, \$2.5 billion in the bill for these 10 additional C-17s.

In his introductory statement for this bill, he identified other times the Defense Department was wrong to determine a program termination, and he listed the F-117 stealth fighter, which was a great tool in fighting in the Gulf War and Bosnia; the V-22 Osprey, now a favorite of the Marine Corps; and Central Command, which the Department proposed eliminating.

It is clear the Department of Defense doesn't always get it right. Already we know we may be faced with a White House request to add another 40,000 troops that will need to be air lifted to Afghanistan. Whether that happens or not, I don't know. But I do know we have a remaining 8,000 to complement the 60,000 already there who need to get to Afghanistan before the end of the year.

Earlier this year, the administration fought hard against programs they felt were not necessary. This included aircraft such as the F-22 which, it was argued, was not being used in Iraq and Afghanistan. Instead they advocated for systems that support the current missions of the military. That is what the C-17 does.

The C-17 is being used at 125 percent of its anticipated flying hours in support of the wars in Iraq and Afghanistan. It is the only aircraft capable of flying many of the missions the Air Force is asked to fly. That is exactly

the kind of system we need more of. It takes troops, supplies, equipment directly to the front lines where it can land on unpaved runways and on runways nearly half the length of those needed to land a C-5. That is a real asset because it means we get closer with the troops, the supplies, the equipment to where they need to go.

Finally, from a business perspective, keeping the line open preserves the option for several other countries to purchase C-17s of their own.

Other governments are actively pursuing contracts to buy C-17s. The opportunity to maintain good-paying U.S. jobs would be lost if the line is shut down. Ten planes, one plane a month, essentially keep the line open for approximately an additional year over when it would shut down otherwise.

When I think where our military investment should go, I agree it should go toward ensuring we have the capability to bring our troops and supplies to where they must fight and where they are needed, to bring our injured servicemembers to the medical care they require, and to maintain a program that sees heavy use in supporting the wars we are fighting today.

This is exactly the wrong time to remove these 10 C-17s which are already in the Defense appropriations bill. The future is uncertain. It is uncertain with respect to Afghanistan, with respect to Pakistan, with respect to Iran, with respect still to Iraq, with respect to a number of other places in the world.

Where we are short is strategic airlift. The most efficient, most effective airlifter we have is the C-17. I strongly support its inclusion in this bill, and I thank the chairman of the Appropriations Committee, the distinguished Senator from Hawaii, DANIEL INOUE.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

PRaising NICOLE NELSON-JEAN

Mr. KAUFMAN. Mr. President, I rise once again to recognize the service of one of America's great Federal employees.

In recent months, President Obama has spoken of his vision of a world free from the threat of nuclear weapons. While nuclear disarmament remains a long-term project, there are important steps already being taken right now toward that goal.

The public servant I will speak about today has already distinguished herself

as a top-notch negotiator on nuclear proliferation issues for the Department of Energy.

When Nicole Nelson-Jean was just 28 years old, she led a delegation of Energy Department negotiators in an effort to secure Russian nuclear materials in Siberia. Based out of our Embassy in Tokyo, Nicole had to overcome the skepticism of her Russian counterparts, who were not accustomed to negotiating with someone her age. Remember, she was 28. But she quickly won their respect and developed a working relationship that enabled them to move forward on technical assistance and create a joint training and service center in the Russian Arctic for securing nuclear material.

After this achievement, Nicole was made director of the Department of Energy's Asia Office. She distinguished herself in that position for 2 years, also serving concurrently as energy attaché to our ambassador in Japan.

In 2006, Nicole was tapped to head the Global Threat Reduction Initiative for North and South America which runs projects in over 90 countries to remove radiological material from nuclear reactors and reconfigures them from processing weapons-grade highly enriched uranium to those processing the type used for peaceful purposes.

Following her success in that role, Nicole was appointed to serve as Director of the United States Mission to the International Organizations in Vienna, Austria. While there, she helped secure passage of the IAEA's Nuclear Security Resolution, which is now the central international statute used to prevent nuclear terrorism.

When asked about her work as a public servant, Nicole said: "Personally, I don't think that there's anything more important than the national security of our country," and that "service is in my blood."

Earlier this summer, Nicole returned to the United States to begin a 10-month program at the National Defense University as a counter-terrorism fellow.

She is just one of countless Federal employees who, even though they are highly educated and experienced, continue to immerse themselves academically in their career fields.

As I have stated before from this desk, our Federal employees combine great intellect and a passion for service. The result is a Federal workforce that excels.

Without Nicole and those like her, our government could not carry out the policies, such as nuclear arms control, that keep the American people safe and free.

I call on my fellow Senators to join me in thanking Nicole Nelson-Jean and all the outstanding men and women of the Department of Energy for their contribution to our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, during the intervening time allowed that I have been allocated, I intend to speak on two issues. One is the point of order under rule XXVIII against the pending legislation, H.R. 2918, the Legislative Branch Appropriations Act for Fiscal Year 2010. The other issue I wish to speak about is the amendment I have pending that calls for the \$2.5 billion that has been appropriated for the acquisition of unneeded and unwanted C-17 aircraft to be allocated to operations and maintenance which has been cut by some \$3 billion, which, obviously, is vitally important to the men and women who are serving in the military so they have the proper equipment and capabilities to defend our Nation in the two wars in which we are engaged and around the world.

First, I will raise a point of order—and I will formally raise it when the manager chooses for me to do so—so this legislation is not permitted to proceed to full consideration. Specifically, as is known, rule XXVIII is a rule that precludes conference reports from including policy provisions that were not related to either House or Senate versions of the legislation as sent to conference. This \$4.7 billion piece of legislation was bloated enough; however, conferees took this opportunity to airdrop into the bill's conference a "continuing resolution" to continue funding the operations of the government through October 31, having, obviously—certainly not according to the rules of the Senate—any relation to the appropriations bill. By including a CR or continuing resolution, we are precluded from offering amendments to modify it.

That is why we have the rule that you don't put these things in conference reports because it then inhibits and actually prohibits Members from trying to amend and perfect the legislation. So it is a direct assault on how we do business in the Senate, by adding a very mammoth piece of legislation to what is a very small piece of legislation designated to allow the legislative branch to receive the funding it needs.

It is particularly troublesome, since conferees are treating the resolution as a Christmas tree—reauthorizing and extending several programs; forgiving billions of dollars of the Postal Service's debt; increasing funding for the Census Bureau—and not simply just a stopgap measure to allow the government to continue operating at last year's levels. Specifically, the continuing resolution provides \$3.9 billion more than last year for the Census Bureau; \$3.85 billion more than last year

for the Veterans Health Administration; it frees up funds for the Postal Service that is severely in the red by lowering the payment it must make into the trust fund intended for future retiree health benefits, which are obligations, to \$1.4 billion from \$5.4 billion last year. It extends the authorization for the highway program; intelligence program; stop-loss payments to U.S. troops; restrictions on funding to Guantanamo Bay; housing assistance programs; flood insurance programs; religious worker, physician, and investor VISA programs; use of e-verify and much more.

I wish to warn my colleagues: If we allow this kind of procedure to go forward in the Senate, it will deprive every single Member of the Senate of his and her right to amend legislation because, unless this point of order is upheld, we have only two choices: a "yea" vote or a "nay" vote, up or down. That flies in the face of the fundamentals upon which the Senate functions.

You may be in favor of all these programs. You may think we need, right away, \$3.9 billion more for the Census Bureau. You may think we need—and we probably do—more money for the Veterans Health Administration. Who is going to oppose more money for the Veterans Health Administration if it is brought up as a single bill? Certainly not this Member and not anybody I know. But what we are doing here, by putting the continuing resolution as part of the least controversial of all appropriations bills, is setting very dangerous precedence for this body. My colleagues should have no doubt about it.

There is a little book we give out all the time. We give it out all the time. We send it to schoolchildren all over America. It is called "How Our Laws Are Made." On page 43 it says:

The House conferees are strictly limited in their consideration of matters in disagreement between the two Houses. Consequently, they may not strike or amend any portion of the bill that was not amended by the other House. Furthermore, they may not insert new matter that is not germane to or that is beyond the scope of the differences between the two Houses.

Let me tell my colleagues what else we tell schoolchildren and young people all over America:

A report that contains any recommendations which extend beyond the scope of differences between the two Houses is subject to a point of order in its entirety unless that point of order is waived.

So why don't we—if I am defeated here—and I may be—why don't we change this book. Why don't we have a resolution from the Senator from Nebraska who put this in, along with his \$300,000 museum, to change this book so we don't mislead schoolchildren all over America in a pamphlet that says how our laws are made.

There is no reason why the majority can't bring the continuing resolution to the floor as a stand-alone piece of legislation. A Christmas tree of fund-

ing increases and authorizations deserves floor consideration and discussion, rather than a process by which the appropriators unilaterally decide how, when, and where what is deserving of getting a 30-day extension and which programs are able to expire. The American people deserve better.

Just this morning, Politico, a newspaper published here in Washington, wrote a story: Lawmakers jack up spending for themselves: \$500,000 for townhalls.

The article goes on to say:

Congress is on the verge of giving itself a bump in its annual budget—even as local governments, families, and businesses across the country are tightening their belts in the worst recession in decades.

The measure includes a hodgepodge of new funding for lawmakers: a \$500,000 pilot program for Senators to send out postcards about their town hall meetings—

Is there any Member of Congress in the Senate who needs to send out a postcard to tell our constituents that we are having a townhall meeting? Really: \$500,000.

—\$30,000 for receptions for foreign dignitaries and \$4 million for consultants.

There's \$15.8 million for salaries for the Senate Appropriations Committee—plus an extra \$950,000 for the committee's administrative expenses.

So here we are with people not—Americans can't have an office because they have lost their jobs, and conferees have included \$50 million to refurbish congressional offices. While millions of American families risk losing the roof over their head, appropriators have set aside millions to replace the roof of the Rayburn House Office Building. While millions of Americans have seen their income and household budgets decrease significantly this year, Congress has provided a 5.8 percent increase over last year to cover Congress's expenses and salaries. Millions of small businesses across America have been forced to shut down or severely cut expenses. Somehow, Congress sees fit to provide itself with a 5.8 percent increase. Incredible. Millions of Americans are seeing their hours cut or their salaries slashed. This conference report includes an 8.4 percent increase over fiscal year 2009 for salaries—for salaries.

According to the House committee report, this is to:

Allow for compensation improvements beyond inflation for the staff of Member offices, especially among younger staff where current salaries are often less competitive.

I have had no difficulty with people applying for work in my office. Maybe the managers of the bill have.

If this weren't enough, the conference report retains an earmark from the Senate bill of \$200,000 to support a photo exhibit at the Durham Museum in Nebraska. So people who are having trouble making mortgage payments and putting food on the table are probably a little bit surprised, although maybe they shouldn't be. National unemployment is at almost 10 percent, public debt is close to \$2 trillion, the deficit is projected to hit \$1.6 trillion

this year, and we go on spending. We go on spending.

I ask my colleagues, in supporting this point of order, to block this bill from full Senate consideration and allow Congress to rethink its priorities.

So I raise a point of order that the legislation violates rule XXVIII.

Mr. NELSON of Nebraska. Mr. President, I move to waive all applicable rule XXVIII points of order and I ask for the yeas and nays.

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

The yeas and nays are ordered.

The Senator from Arizona is recognized.

#### DEFENSE APPROPRIATIONS

Mr. McCAIN. Mr. President, now I wish to make some final remarks about the amendment that cuts \$2.5 billion that the Defense Appropriations bill uses to fund 10 C-17 Globemaster aircraft, planes which the Secretary of Defense says the Pentagon doesn't need and that the President didn't ask for, and restores that money to the critical operations and maintenance accounts that support military training, readiness, flying and steaming hours and depot maintenance that is so crucial to our Armed Forces in wartime.

Let me make it clear to my colleagues what I am doing. We are taking the \$2.5 billion that has been appropriated for the purpose of procuring 10 additional C-17s and transferring that money back to the operations and maintenance account I described—training, readiness, flying, steaming hours, et cetera—to make up for the cuts—or at least mostly to make up for the cuts—that have been made in O&M funding.

I understand a budget point of order will be lodged against the amendment. Let me make it clear to my colleagues: We will have an up-or-down vote on this amendment. So if it fails, I will have two more amendments, separate amendments, one that cuts the C-17 and one that adds funding to operations and maintenance funding if this pending amendment of mine is challenged on a technical basis.

I agreed with Secretary Gates when he said the military has no more need to buy more C-17s. The fact is, the Air Force and the U.S. Transportation Command: "Have more than necessary [strategic airlift] capacity" for airlift over the next 10 years.

Mr. President, I received a letter from the Secretary of Defense. I ask unanimous consent that it be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,  
Washington, DC.

Hon. JOHN McCAIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR McCAIN: The President's defense budget request has requested no additional C-17s. This position is based on the

Department's firm judgment that we have acquired sufficient number of C-17s to meet the nation's military needs. The C-17 airlifter remains a valuable military asset that will serve as the backbone of the nation's strategic airlift fleet for decades to come. However, continuing to purchase C-17s in numbers beyond what is required simply diverts limited resources from other more pressing military needs. More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s plus the \$100 million per year it will cost to operate them will invariably result in a reduction in critical warfighting capability somewhere else in the defense program.

Sincerely,

ROBERT M. GATES.

Mr. McCAIN. Mr. President, I will quote partially from the letter:

The President's defense budget request has requested no additional C-17s. This position is based on the Department's firm judgment that we have acquired a sufficient number of C-17s to meet the Nation's military needs.

Let me point out what is really important about this letter:

More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s, plus the \$100 million per year it will cost to operate them, will invariably result in a reduction in crucial warfighting capability somewhere else in the defense program.

So the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, all of our military leaders, and the highly respected Secretary of Defense say not only that they don't want any more C-17s, but if we spend this \$2.5 billion and the \$100 million annually required to maintain them, there will be a reduction in critical warfighting capability somewhere else in the defense program.

We are in two wars. We have 68,000 young Americans in Afghanistan—and most likely more to come—and 120,000 in Iraq, and we are going to buy 10 more C-17s when they need their equipment maintained and they need to be replaced and they need to fly and they need to have the best capability in combat.

President Eisenhower warned us about the military industrial complex. It is not the military industrial complex anymore; it is the industrial complex. You cannot walk through the hallways without bumping into a lobbyist from Boeing. Of course, there are subcontractors all over America, absolutely. But this is really egregious because they have taken money from the operation and training capabilities and readiness capabilities—that is what operations and maintenance money is all about—and cut it below the request our military and the Secretary of Defense and the President think is vitally needed, and they added 10 additional aircraft that no one in the military—the Air Force included—believes is needed.

This is a young Presidency, and this will be a defining moment in the Presidency. If I am defeated by Boeing today, then it will be up to the President to decide whether to veto this bill. If we don't turn this down here, then we will be sending a signal to every lobbyist in this town—and there are

thousands—that if you lobby hard enough and you have enough subcontractors, you can do anything.

This is a very important amendment at this particular time in our history, while we are fighting two wars and we have a new administration. If we defeat this amendment, we will also be contradicting the opinion of perhaps one of the most highly regarded individuals in America, and, of course, that is our Secretary of Defense.

Mr. President, I have already asked for the yeas and nays on this amendment. I believe we can do a better job for the American people and the men and women in the military than what is being attempted by the Defense Appropriations Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to associate myself with the comments of the Senator from Arizona on rule XXVIII and on the issue of planes. I also want to point out that we are violating the budget this body has with this bill.

I understand the situation in which the Senator from Nebraska finds himself. His bill is in the wrong place at the wrong time, and people threw a lot of baggage on it, and it was inappropriate that it was thrown on.

One of the most inappropriate things is a \$4 billion bill that is being sent to the taxpayers of America to bail out the Postal Service. This wasn't a surprise. This didn't come on as, oh, my gosh, we don't have \$4 billion to pay our pension funds. This occurs because of something that occurred in 2006, when we bailed out the post office the last time. Everybody knew it was coming. This train has been coming down the track, the track has been straight, and we have seen it for a long time. So suddenly this bailout, which the taxpayers will have to pay for, gets thrown on the Senator's bill. I regret that. It makes his bill out of whack relative to the budget.

This is the last day of the fiscal year. We have already spent all the money. In fact, we spent a little bit more too, but we spent all of the money in the budget. We are over outlays and all of the BA has been spent. Suddenly, out of the clear blue sky, on the last day of the budget, we are going to spend another \$4 billion.

We passed the budget, so let's stick with the budget. That is the idea. I think the American people are getting tired of us spending money we don't have, especially since it is theirs and their grandchildren's. It goes right on the debt, by the way. All I am asking this body to do is live by the budget we passed.

I intend to make a point of order under rule 311 of the Budget Act, which says you cannot exceed what you said you budgeted for. It is a simple Budget Act. We pass a budget, and if you go over it, there is a point of order that

you should not waive. So we should not spend \$4 billion we don't have.

Again, this was not the doing of the Senator from Nebraska. He plays no role in this other than being the unfortunate baggage car passing through Congress when somebody decided to stick this on his bill.

At this point, I will make a point of order that the pending conference report would cause the aggregate level of the budget authority and the outlays for fiscal year 2009 as set out in the most recently agreed to concurrent resolution on the budget, S. Con. Res. 13, to be exceeded. I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974.

Mr. NELSON of Nebraska. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I will simply note that there were two other Budget Act points of order against this item in the bill. I presume he is asking on behalf of leadership to waive them all.

It is really inappropriate that we should waive the whole Budget Act and spend \$4 billion we don't have on the last day of the fiscal year. So I hope Members will look at this. This can be corrected in other ways. We can find ways to offset this money. It can be done on another bill with the proper offsets. Therefore, I hope my colleagues will sustain what they passed, which was the budget for this year, on the last day of the budget enforcement for the year.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, I rise today to speak in support of the motion to waive the rule XXVIII point of order being made against the conference report for containing a continuing resolution provision allowing the government to maintain normal operations until October 31, 2009.

Today is the last day of the fiscal year. As I noted earlier, our men and women in uniform are fighting on two fronts. On the homefront, our economy is at a critical stage in its recovery.

Our Federal agencies provide essential services every day of the year to our men and women in uniform, to our veterans who have returned from war, to homeowners and workers struggling to recover from the downturn in our

economy, and to businesses and maritime commerce reliant on weather forecasts and data. These are just a few examples of a multitude of critical services we must maintain by passing this conference report with the continuing resolution provision included and having it sent to the President for his signature.

This point of order is made and raised against the conference report based on the fact that this continuing resolution was added to it without being included in either the House or Senate versions of the bill. While the vice chairman and I are not inclined to add provisions outside the scope of the conference, there are occasions when it is necessary. This is one of those times.

As chairman of the Appropriations Committee, I have worked diligently with my colleague and vice chair, Senator COCHRAN, to return the appropriations process to regular order.

When we finally received the administration's budget—and may I ask my colleagues to recall that it was in May of this year—we worked nonstop, holding budget hearings with the agencies, analyzing their budget proposals, and marking up and reporting out all 12 bills in 4 months. Eleven of them were reported out before the August recess. I might add that the Senate Appropriations Committee reported nine of these bills by a vote of 30 to 0—unanimous—and the other three by a vote of 29 to 1—one vote in opposition. The Senate is currently considering the Defense bill, the seventh appropriations measure to come to the floor.

We have made great progress in our efforts to return to regular order and pass individual bills, but we are not there yet. We need to pass this continuing resolution so that our agencies can continue to operate while we conclude our business. In fact, today we had our second and third conferences with the House, and I am happy to report that both conferences have concluded in harmony and a report will be forthcoming to the Senate floor. Several more are scheduled for the rest of the week. This short-term continuing resolution, which is clean and does not contain what I consider controversial matters, will give us time to consider a good number of appropriations bills under regular order.

For my colleagues who may be interested in specific details regarding the impact of a government shutdown, here are just a few examples:

For veterans who have served, all nonemergency health care, including elective surgeries, would be deferred. This means that those veterans whose medical needs are not life-threatening or an emergency would have to wait to see their doctors. The end result would be rationing health care, causing significant waiting times for appointments, which would, of course, spill over after the shutdown has ended.

A government shutdown would suspend much of the work Treasury staff is doing to promote economic recovery

and would impact transportation funding that also plays an important role in supporting the economic recovery and putting people back to work.

A government shutdown could derail the 2010 census, for example. Even a brief shutdown could jeopardize the accuracy and timeliness of the constitutionally mandated 2010 census, which everybody is depending upon for numbers. Specifically, the Census Bureau could be forced to abandon or delay the hiring of tens of thousands of temporary enumerators. Under a government shutdown, the census would be unable to continue setting up field operations needed to count our citizens.

A government shutdown would halt highway, transit, and motor carrier safety programs, which would disrupt State and local efforts to maintain and improve our Nation's transportation infrastructure, and would impact upon commuters and movers of goods.

A government shutdown would lay up NOAA's entire fleet of ships, including the hydrographic vessels, which would stop any current nautical charting operations for the purpose of navigation. Even navigation service conducted by the private sector under NOAA contracts would cease and any data processing would be put on hold.

Our Nation's physical oceanographic real-time system would not be maintained, eliminating live environmental information, such as tides and currents that coastal pilots rely on when safely guiding huge vessels in and out of our ports. Imagine what would have happened if this shutdown was in place at this moment. The knowledge that we have of the Samoan disaster would not be available to us, simply put.

Maritime commerce, which accounts for 90 percent of our Nation's imports and exports, would be dramatically slowed and the risk of an environmental disaster would be heightened.

Mr. President, I could continue on with other services being impacted by the shutdown, but I think you have got the gist of it.

Twice in the past 4 years—in 2006 and 2007—the Congress passed a similar type continuing resolution as a provision to a conference report. Yes, they had CRs in the conference report in 2006 and 2007. In 2006, the Republican-led Congress passed a continuing resolution provision by a vote of 100 to 0. In 2007, a Democratic-led Senate passed a conference report with a continuing resolution by a voice vote—unanimous. It is not a partisan issue and it should not be a partisan issue today.

With that, I urge my colleagues to vote to waive any point of order against the Legislative Branch conference report because of the continuing resolution.

Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED  
SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2918 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, on behalf of the leader, I ask unanimous consent that upon disposition of the conference report to accompany H.R. 2918, the Senate then stand in recess until 6:30 p.m. today; that upon reconvening at 6:30 p.m., the Senate resume consideration of H.R. 3326 and there be 2 minutes of debate prior to a vote in relation to the McCain amendment No. 2558, with the time equally divided and controlled in the usual form; with no amendment in order to the amendment prior to the vote; that upon the use of the 2 minutes, the Senate then proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the agreement be modified so that after the first vote, the following votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion to waive any points of order under rule XXVIII. The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 300 Leg.]

## YEAS—61

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

## NAYS—39

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

The PRESIDING OFFICER. The yeas are 61, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

Mr. NELSON of Nebraska. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is a very simple point of order. It simply says: A budget was passed. This is the last year of the budget. We have spent all the money under the budget. We should not add another \$4 billion to the budget that is going to go directly to the debt our children will have to bear.

So let's vote in favor of supporting the budget that we passed. Let's vote against adding \$4 billion of more debt to our children's backs. We can correct the problem this issue confronts without adding to the deficit and the debt, and we can correct it without doing violence to the budget which was passed by the majority.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, it is important that this motion pass just like the previous one. If we do not get this done, we are sitting with a continuing resolution that will not be in effect, and we will be in trouble moving forward.

So just as the other one, I ask my colleagues to vote aye on it as they have in the past.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, will the Senator from Nebraska yield the remaining time to me?

Mr. NELSON of Nebraska. I will yield.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Nebraska has 20 seconds remaining.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 12 seconds remaining.

Ms. COLLINS. Mr. President, the Senator from New Hampshire is correct that this should not have been done this way and that the Postal Service needs fundamental reform. But the fact is, the Postal Service cannot afford to

pay the \$5.4 billion that is due on October 1.

The CBO says this provision has no budget impact. So I urge a vote against the JUDD GREGG point of order.

Mr. GREGG. Mr. President, if it had no budget impact, the point of order would not lie. It actually does have a \$4 billion budget impact. That will be added to the debt. It can be corrected. We can still pass the continuing resolution by supporting this point of order.

I ask Senators to vote no on the motion to waive.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 301 Leg.]

## YEAS—61

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

## NAYS—39

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

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. NELSON of Nebraska. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is agreeing to the conference report to accompany H.R. 2918.

Mr. NELSON of Nebraska. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 302 Leg.]

## YEAS—62

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

## NAYS—38

Alexander	DeMint	LeMieux
Barrasso	Ensign	Lugar
Bennet	Enzi	McCain
Bennett	Feingold	McCaskill
Bond	Graham	McConnell
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	

The conference report was agreed to. Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. 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 California.

Mrs. BOXER. Mr. President, before we recess—I know there is an order—I ask unanimous consent that I have 1 minute and Senator INHOFE have up to 2 minutes to address the Senate on an issue unrelated to the conference report that was just adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I wish to let colleagues know on both sides of the aisle that Senator INHOFE and I are working very closely together as chair and ranking member of the Environment and Public Works Committee to resolve an issue which, if we do not resolve, is going to result in job losses. Senator INHOFE will expand on that.

We have to repeal a decision that was put into the last highway bill, SAFETEA-LU. We know what we want to do. We know how we are going to fund it. It will be deficit neutral. It will keep people working. It will help our States. If we do not do it, we are going to see layoffs, and nobody wants to see layoffs when we are in this difficult economic time.

So I am very pleased to be here to inform colleagues we are working very hard, and we have very few objections, if any. We will get back to colleagues later in the evening on this issue.

Mr. President, I yield the floor and will listen with great interest to my colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me thank the chair of the Environment and Public Works Committee—a position I held at one time, but I am the ranking member for the minority. This is a huge issue. This is one we cannot let go unattended. Tonight at midnight this thing expires. So we have to do it. Let me compliment Senator BOXER in being willing to go to some extremes that, quite frankly, I did not know she would be able to agree to.

What is at stake right now is about \$500 million of projects that will have to be canceled. If you cancel these projects—these contracts have already been let—we are talking about lawsuits. We are talking about around 17,000 jobs being lost unless we are able to fix this recession thing and to get it offset. Well, that is what is going to happen.

We are drafting an amendment right now. I know the hour is late. I know we are going to come back for a vote at 6:30. But I think this absolutely has to be done, and I think it will be done. I am looking right now for any of the Republicans who might be objecting to this so I can talk to them. Quite frankly, I do not think there will be objection on our side.

The highway money at risk would put people to work, unlike much of the so-called stimulus. So I think we have an opportunity now to do this, and it is only going to be done because of the cooperation between the chairman of this committee and myself as ranking member.

So let's do everything we can. I say to the Senator, I think you have come up with a solution. We have, together, come up with a solution. Let's make it happen.

Mrs. BOXER. Thank you very much, Mr. President.

#### MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 2918

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 191, which the clerk will report by title.

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 191) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

Thereupon, the Senate proceeded to consider the concurrent resolution.

Mr. INOUE. Mr. President, one of the must-pass items in the continuing resolution regards the U.S. Postal Service.

Under current law, each year the Postal Service is required to cover the health care costs of retirees and provide an actuarially determined rate for future costs of health care.

These funds are required to be placed into a trust fund to be invested.

Because of the recession as well as the increased reliance on the Internet for personal communications, the Postal Service is experiencing financial difficulties.

Working with members of the authorizing committees of both Houses,

the Committee crafted a short-term solution for this problem which would allow the Postal Service to reduce the amount it would otherwise be required to invest this year.

The impact of the amendment is it allows the Postal Service to retain \$4 billion to pay for its ongoing cost of operations.

Let me be clear, this provision will not provide any additional taxpayer dollars to the Postal Service.

It doesn't mean that current health benefits of our postal workers would be shortchanged.

It does assume that when the recession ends and profitability returns to the Postal Service the funding they would need to invest in future health care costs would probably increase.

Some might want to decry this amendment because it is scored by the congressional budget amendment as a net loss to the Treasury.

It should be noted that the proposal will not require additional discretionary funds to be expended.

The provision will, on the other hand, do a great deal to preserve the financial solvency of the Postal Service.

This amendment should not be controversial.

It does not add costs to the taxpayer.

It was an item that was in keeping with the needs of the Postal Service; and, it was an item that has the support of the chairman of the authorizing subcommittee with jurisdiction over the matter.

This needs to be done today and I would urge my colleagues to vote to waive any points of order that might be raised in relation to this matter.

Mr. LEVIN. Mr. President, currently the Nation's unemployment rate is higher than it has been since 1983. In my home State of Michigan, the unemployment rate is 15.2 percent—5.5 percent higher than the Nation's unemployment rate of 9.7 percent. Translated into real people, this means that 14.9 million Americans are unemployed, of which, more than 735,000 are living in my home State.

Michigan provides a little more than 450,000 individuals with unemployment benefits. As of September 18, more than 26,000 Michiganders have exhausted much needed unemployment benefits and by the end of this year, this number will rise to more than 100,000 folks. Since the beginning of this year, Michigan has been losing on average of 27,000 jobs per month. Our people need help.

It is critical that we provide assistance to individuals who are straining to make ends meet by ensuring that their much needed unemployment insurance benefits do not run out. We need to provide support to those individuals who are struggling to find jobs so that they do not lose their homes and are able to put food on the table.

We must extend unemployment insurance benefits and swiftly pass an unemployment insurance extension, so the President can sign this bill into law quickly.

Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2010 fiscal year having enacted just one appropriations bill. I am even more disappointed that we passed a continuing resolution, airdropped into the Legislative Branch appropriations bill, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the threats to our national security we face in Pakistan.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 191) was agreed to.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 6:30 p.m.

Thereupon, the Senate, at 5:40 p.m., recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3326), making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

McCain amendment No. 2558, to strike amounts available for procurement of C-17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010 and to make such amounts available instead for operation and maintenance in accordance with amounts requested by the President in that budget and for Operation and Maintenance, Army, for overseas contingency operations.

AMENDMENT NO. 2558

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2558 offered by the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, I again quote from a letter from the Secretary of Defense:

The President's defense budget request has requested no additional C-17s. This position is based on the Department's firm judgment that we have acquired a sufficient number of C-17s to meet the Nation's military needs. . . . More specifically, the \$2.5 billion it will cost to purchase 10 additional C-17s plus the \$100 million per year it will cost to operate them will invariably result in a reduction in critical warfighting capabilities somewhere else in the defense program.

I understand there will be a budget point of order. I wish to tell my colleagues we will be voting up or down on this issue because if this is defeated, I will have another amendment simply to kill this unneeded, unnecessary porkbarrel exercise in the power of lobbyists in our Nation's Capital.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am prepared to go right to the heart of the underlying amendment rather than go through this point of order, but let me just point out that there are those who have supported a provision in the fiscal year 2010 Defense Authorization bill that would prohibit the Defense Department from retiring the 40-year-old C-5As. These are the people who are now promoting this amendment to kill the C-17. In effect, the proponents of the McCain amendment are tying the hands of the Air Force, by requiring the Pentagon to upkeep a fleet of C-5s—aircraft that are outdated, costly to operate, and are less capable than the C-17. The Air Force should be allowed to replace them with C-17s and not be forced to waste hundreds of millions of dollars to extend the life of the C-5.

It is less costly to build a C-17 than it is to repair a C-5. That is the reality. If we are looking for cost savings and deficit reduction, then what the committee has advocated actually makes more sense fiscally to do. But instead, the McCain amendment in effect promotes a 40-year-old aircraft, getting older by the day, rather than an aircraft like the C-17 that has the capability of landing almost anywhere on the globe for that matter, highly versatile.

We have nearly 100,000 new troops who have been added to our armed services in 4 years. We need to have an airlift capacity that meets our larger force's needs. I urge the rejection of the McCain amendment.

Mrs. BOXER. Mr. President, I rise today to express my continued support for the C-17 cargo aircraft program and urge my colleagues to retain funding for 10 additional aircraft in the fiscal year 2010 Defense appropriations bill.

The C-17 is critical to our national security and our ability to efficiently carry out important missions around the world. Not only is this aircraft an indispensable asset in supporting military and humanitarian missions in countries like Iraq, Afghanistan and Sudan; it has a proven record of

versatility and high performance, and it sustains jobs that are essential across 43 States—including my home State of California.

First, I would like to talk about the types of missions where we use the C-17. According to the Air Force budget justification for 2010, the C-17 "is a major element of America's National Military Strategy and constitutes the most responsive means of meeting U.S. mobility requirements. . . . The C-17 will perform the airlift mission well into this century."

The C-17 is essential to our missions in Iraq and Afghanistan particularly because of its versatility. It is used to transport equipment, supplies and our service members. For example, the C-17 can land on a dirt runway to deliver needed supplies in remote regions of Afghanistan.

We also use the C-17 to evacuate our wounded men and women from Iraq to Germany, and then back to the United States for treatment. And in some instances, it has even been used to transport our service members across a combat zone, reducing the risks that they face when they travel on land by convoy.

And the uses don't stop there. The C-17 is used to deliver humanitarian supplies. In January of this year, a C-17 delivered 18,000 pounds of supplies to Nicaragua, one of the poorest nations in the Western Hemisphere.

The C-17 has also been used to bring relief to Americans, including during Hurricane Katrina. It can deliver a 100-bed, fully equipped hospital to nearly any area with an unimproved airstrip.

This is an amazing capability, and one we cannot afford to lose.

Second, the C-17 has a proven record of performance. Quite simply, it is the workhorse of our military. And we are using them at a much higher rate than the Air Force originally intended.

C-17s have flown over 1.3 million flight hours since 2002. Many are flown at 150–180 percent of their anticipated flight hours.

According to the Congressional Research Service, the C-17 was designed to fly 1,000 hours per year over 30 years, but the fleet has averaged 1,250 hours per aircraft over the last ten years. Some have even reached 2,400 flying hours in a single year.

And finally, the C-17 is the last strategic airlift production line in the Nation. Every day 30,000 employees from 43 states go to work in direct support of the C-17. In addition to those 30,000 direct jobs, over 100,000 workers depend on this production line. In my home State of California, 13,800 people work on the C-17. And 19,200 workers have an affiliation with this aircraft.

Too many American jobs depend on this vital program. Before we take any action to shut down the line, we must be absolutely certain that we have all of the aircraft we need.

We cannot take the chance that we "may" have enough aircraft, particularly without reviewing two studies that are due by the end of the year.

The Department of Defense Mobility Capabilities and Requirements Study and the congressionally mandated study being done by the Institute for Defense Analyses will determine if our airlift requirements are being met.

We expect these studies to be complete by the end of this year. Without the results of these studies, we cannot determine that our Nation's airlift capability has been met. It would be incredibly shortsighted to shut down this production line without that information.

I urge my colleagues to join me in maintaining funds for the C-17, and to defeat the McCain amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I make a point of order that the pending amendment violates section 302(F) of the Congressional Budget Act of 1974.

Mr. MCCAIN. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 34, nays 64, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—34

Alexander	Franken	Nelson (FL)
Barrasso	Gregg	Sanders
Bennet	Kaufman	Sessions
Cardin	Klobuchar	Specter
Carper	Kohl	Thune
Coburn	Kyl	Udall (CO)
Conrad	LeMieux	Vitter
Corker	Levin	Voivovich
Dorgan	Lugar	Warner
Ensign	McCain	Webb
Enzi	McConnell	
Feingold	Merkley	

NAYS—64

Akaka	Durbin	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Schumer
Burr	Isakson	Shaheen
Burr	Johanns	Shelby
Cantwell	Johnson	Snowe
Casey	Kerry	Stabenow
Chambliss	Kirk	Tester
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Whitehouse
Cornyn	Lieberman	Wicker
Crapo	Lincoln	Wyden
DeMint	McCaskill	
Dodd	Menendez	

NOT VOTING—2

Byrd Landrieu

The motion was rejected.

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 64. Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

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

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

The motion to lay on the table was agreed to.

SIGNING AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions for the remainder of today, Wednesday, September 30.

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

Mrs. MURRAY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I wish to ask the managers this. I have three amendments I wish to have called up and placed in order. One is amendment No. 2580, one is amendment No. 2581, and the third is amendment No. 2575.

The first is to strike the amount for the C-17 aircraft, which is not subject to a point of order, I am told. The second is to add \$2.5 billion for operations and maintenance, which is also not subject to a point of order. The third one is to have testimony before Congress by General McChrystal and General Petraeus before the Congress of the United States.

I would be glad to agree to a brief debate on all three of those amendments, and I will be glad to enter into a time agreement or whatever their desires are on all three. On the first two, the issue has been debated pretty well. I would only need a few minutes. On the third, I think it is pretty straightforward, calling for the testimony of General McChrystal and General Petraeus before the Congress of the United States.

I call up those amendments and ask for their consideration in sequence.

The PRESIDING OFFICER. Is there an objection to considering the amendments en bloc?

Mr. MCCAIN. Not en bloc, in sequence.

The PRESIDING OFFICER. Is there objection to the amendments being brought up in sequence? Will the Senator specify the sequence?

Mr. MCCAIN. I ask unanimous consent that amendments Nos. 2580, 2581 and 2575—I call up those amendments. I think that is my right.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I inquire of the Senator from Arizona, who said the first two were in order because they strike and replace money, is the Senator saying the same about the third amendment? Is it in order on an appropriations bill?

Mr. MCCAIN. I believe it is in order. I will be glad to have a vote on whether

it is a violation of any of the Senate rules.

Mr. DURBIN. I will not object to the first two. On the third, I will object until we have a chance to look at it more closely.

Mr. MCCAIN. I thank the Senator.

Parliamentary inquiry: Do I have the right to call up an amendment that is filed?

The PRESIDING OFFICER. Yes, one amendment at a time.

AMENDMENT NO. 2575

Mr. MCCAIN. Mr. President, I call up amendment 2575 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2575.

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

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

The amendment is as follows:

(Purpose: To provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) TESTIMONY BEFORE CONGRESS ON MEETING UNITED STATES OBJECTIVES ON AFGHANISTAN AND PAKISTAN.—The officials specified subsection (b) shall each be made available, by not later than November 15, 2009, to testify in open and closed sessions before the relevant committees of Congress regarding recommendations for additional forces and resources required to achieve the objectives of United States policy with respect to Afghanistan and Pakistan stated pursuant to section 1117(a) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1907).

(b) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Commander of the United States Central Command.

(2) The Commander of the United States European Command and Supreme Allied Command, Europe.

(3) The Commander of United States Forces-Afghanistan.

(4) The United States Ambassador to Afghanistan.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I call up amendment No. 2580 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? The Senator from Illinois.

Mr. DURBIN. Reserving the right to object, it is my understanding—

Mr. MCCAIN. I am not seeking unanimous consent.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. Sorry. I thought the Senator made a unanimous consent request.

Mr. MCCAIN. I just called up the second amendment.

The PRESIDING OFFICER. The Senate requires unanimous consent to consider an additional amendment.

Mr. McCAIN. I see.

Mr. DURBIN. I say to the Senator from Arizona, our mutual friend, Senator LEVIN, asked to be on the floor when the first amendment was being considered. I have to say, on his behalf, that I will object to moving to another amendment until he has a chance to come to the floor and debate the Senator's first amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator. We will certainly accede to his request. I would like to tell my colleagues that I do not intend to conclude debate on this legislation until such time as we have straight up-or-down votes on the two amendments about which I talked. One is striking the funding for the C-17, \$2.5 billion and adding \$2.5 billion for operations and maintenance. I will be glad to discuss it with the managers of the bill how that sequence will take place, how much debate. I do not intend to hold up the bill in any way. I just wish to tell my colleagues I want consideration and recorded votes on both of those amendments.

What we have done tonight by not waiving the budget, the rule, is an outrage and is going to damage very badly the men and women who are serving this country because we are not giving them the equipment they need to operate in harm's way—120,000 of them in Iraq, 68,000 of them in Afghanistan. That is the opinion of the Chairman of the Joint Chiefs of Staff, General Petraeus, General McChrystal, and the Secretary of Defense. It is a remarkable moment—a remarkable moment—in the history of the Senate, although I have seen it happen before. Congratulations to the lobbyists from Boeing. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2555, AS MODIFIED

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that amendment No. 2555 be called up. With that, I am sending a modification to the desk.

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

Mr. JOHANNIS. Before we go to the reading, if I could send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment as modified.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 2555, as modified.

Mr. JOHANNIS. 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 ensure the availability of not less than \$30,000,000 for High Priority National Guard Counterdrug Programs)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", up to \$30,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

Mr. JOHANNIS. Mr. President, I rise briefly this evening to speak about this amendment. The amendment would help maintain, in fiscal year 2010, the current level of funding for the National Guard's counterdrug efforts throughout the United States. It is important legislation.

As a Governor, as a mayor, I can tell you what I think everybody knows. One of the toughest problems we face in this Nation is fighting drug abuse and addiction and putting the tools in place to deal with that.

We all know firsthand that drug addiction rips families apart and tears communities down. It is accompanied by an endless parade of violence.

Reducing drug abuse and crime was a top priority of mine as mayor and Governor. In part because of steps we took, we were able to bring crime numbers down. I am proud of that.

I know drugs are not a unique challenge to Nebraska. It is a national challenge. Meth distributors commonly commit violent crimes as they traffic in methamphetamine. Meth users often commit property crimes, burglary, and identity theft. This drug is an enormous burden on public health departments and treatment centers in our region. Meth-related violence and child abuse have also strained local foster care systems, not only in our State but in other States. Because of its highly addictive nature, it takes longer treatment programs and it has a very high recidivism rate. Treatment, needless to say, is enormously difficult.

In the face of this problem, we need to keep up our pressure on drug trafficking groups and work on providing more consistent funding to Federal, State, and local drug task forces. The National Guard's Counterdrug Support Program has been supporting law enforcement and community-based drug reduction coalitions now for 20 years. However, this program often faces considerable uncertainty over its funding, and that hampers operations. Consistent funding would allow police to keep many of the same officers in the drug task force. This would improve communication between multiple different law enforcement agencies, and it would increase their effectiveness.

Rural States are especially hurt by cuts and uncertainty in their counterdrug budgets, since they often have a great deal of territory to cover with very small departments.

To get to the crux of this amendment, my amendment would help address these problems by helping restore counterdrug funding back to its level last year. We are just asking for a level budget. Last year, Congress added \$22.5 million to the President's level of funding. The year before it added \$20 million. While the Defense authorization this year authorized an additional \$30 million in counterdrug support, it was not included in the appropriations bill.

This money goes across our country, all 50 States, and some of our territories. Our counterdrug operations depend on the funds.

If the current shortfall continues, the National Guard would not be able to effectively support law enforcement in their fight against drugs. Our law enforcement and National Guard personnel must be given the tools they need to carry on this battle.

Tonight, in a very large appropriations bill, I ask what I believe is a very necessary amount of money to help fight this war on drugs in your State, Mr. President, in mine, and across this country. I urge my colleagues to support the amendment. My hope is there will be a very bipartisan, strong statement that we stand behind this very important piece of this budget.

For the record, if it is acceptable—and I don't know if there is an agreement on this or not—but I want to indicate for the record that I will be more than happy to move this amendment with a voice vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I congratulate the Senator for bringing to the attention of the Senate this suggested change. We have no problem with having this amendment adopted on a voice vote, if that suits the manager on the other side.

Mr. INOUE. No objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2555, as modified.

The amendment (No. 2555), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. INOUE. 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 California.

Mrs. BOXER. Mr. President, I wonder if the managers would allow me to make a unanimous consent request on a totally other issue, the issue dealing with the highway trust fund, at this time. I will take about 2 or 3 minutes; is that all right?

Mr. COCHRAN. I have no objection to the Senator discussing her suggestion.

UNANIMOUS CONSENT REQUEST—H.R. 3617

Mrs. BOXER. Mr. President, we are in a very bad situation with the highway trust fund. We are working very hard on both sides of the aisle to resolve it. Senator INHOFE and I are absolutely in agreement on what we should

do. But yet still there is objection from the other side of the aisle, our Republican friends. I wish to explain where we are, and then I am going to make a unanimous consent request.

In the SAFETEA-LU program, which was the last highway bill, there was an \$8 billion rescission that was made. The promise at that time years ago was that we would fix it in the days, months, and years ahead. It was not fixed, and if we don't repeal the rescission tonight, what will happen immediately is that there will have to be layoffs, there will have to be cancellation of contracts, and the order will go out from here to our States. Mr. President, 17,000 jobs are on the line. We have to repeal this rescission. It translates into about \$300 million.

I have been working with Senator INHOFE, and we reached agreement and, frankly, the leaders, I believe, reached agreement that what we ought to do is repeal this rescission and, as a paid-for, cut the TARP money because we know that a lot of those funds have been paid back, cut that program by the equivalent of \$300 million. We would repeal the rescission, everybody keeps working, the contracts are still going, and we pay for this repeal by cutting \$300 million from TARP, the Toxic Asset Relief Program, not very popular in the country, I might add.

I have to say I asked the administration for some other ideas and they had none. I believe in pay as you go. So I said to Senator INHOFE that I was with him on this. He and I are in agreement.

At this time, I am going to make this formal unanimous consent request to repeal this rescission and pay for it by cutting TARP.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3617, received from the House and at the desk; that the Boxer substitute amendment at the desk be considered; further, that the Boxer-Inhofe second-degree amendment with an offset be considered and agreed to, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I rise to object. My understanding is there is an objection on our side of the aisle relative to this approach. Thus, I rise this evening to object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, let me say how, frankly, shocked I am at this objection. We have the chairman of the EPW Committee, the ranking member of the EPW Committee—this is an amendment that was brought to us by Senator KIT BOND of the other side of the aisle. I do not understand how the

Republicans can take this position when we can see these contracts abrogated as a result of our lack of action.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I ask if the Senator from California will yield for a question. If the objection of the Senator from Nebraska holds and if the Republican side of the aisle does not change its position, it is my understanding that there will be a rescission of some \$8 billion, which means cutting the highway funds going to Nebraska, the highway funds coming to Illinois, and the highway funds coming to California; is that what the outcome will be because of the objection from the other side?

Mrs. BOXER. I think, with due respect to the Senator from Nebraska, that he is saying that several of his colleagues will not allow this to go through. I don't want to blame him for this. He is the messenger.

But the bottom line is, the \$8 billion in authorizing numbers translates to \$300 million in contracting authority. So as of tomorrow morning, unless this is reversed, we are going to see cuts to the highway program of \$300 million. And it has to be made from existing contracts, so people in your State, in my State, in Kentucky, in the State of the Senator from Nebraska—all of our States are going to suffer. There will be 17,000 people thrown out of work because the Republicans cannot agree with the chairman of the EPW, the ranking member, and both leaders.

Mr. DURBIN. If the Senator from California would further yield, so what the Republican side is objecting to is that we would take money out of the toxic asset relief program—money that was sent to the banks, if you will recall, to help them out of their troubles—and put it into the highway trust fund to save or create 17,000 jobs across America, and if we don't, we stand to lose those jobs—the Republican side is objecting to that?

Mrs. BOXER. The Republican side has objected to an agreement reached by myself and Senator INHOFE and I believe the two leaders that would say we are going to replenish the highway trust fund, we are going to repeal the rescission that was done and as a result the States will be shorted \$300 million, and it is my understanding that starting tomorrow morning a lot of these contracts will be canceled or delayed unless we fix this. We could fix it at a later date, but every day that goes by, it makes it more difficult because we are operating under a midnight deadline tonight.

Mr. DURBIN. If the Senator would yield for one last question, just so that I understand, the result of the Republican objection is that we are going to protect the TARP funds, the toxic asset relief program funds that were used to bail out banks, at the expense of jobs for people across America at a time of high unemployment? Is that the result of that objection?

Mrs. BOXER. My friend is right. But I want to give credit to Senator

INHOFE. He is with us. There are many Members on his side of the aisle, however, who are letting this happen. But my friend has it exactly right. The Republicans who are objecting to this are protecting the toxic asset relief program and they are jeopardizing 17,000 jobs across America.

I am as stunned as you are, and I guess I am going to try one more time. If I hear another objection, we will leave it for another day. I will try it one more time. Maybe I have convinced my friend. Maybe my friend needs to leave the floor.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3617, received from the House and at the desk, and that the Boxer substitute amendment at the desk be considered; further, that the Boxer-Inhofe second-degree amendment with an offset be considered and agreed to, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure appear in the appropriate place in the RECORD as if read, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mr. JOHANNIS. Let me, if I might, through the Chair, inquire of the Senator from California if the Senator would renew her request with one change: to include a different second-degree amendment from Senator VITTER which would provide an offset from non-defense and non-veteran stimulus funds.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Well, that is easy. If you believe we have a recession, if you believe the unemployment rate is too high, why in God's green Earth would anyone recommend cutting the economic recovery fund, the fund that is providing stimulus and that is putting people to work? I absolutely would not agree to that. That particular fund is giving money back to taxpayers in tax breaks. It is fixing highways and bridges and all the other. Why on Earth would we cut that when we can cut the toxic asset relief program—the TARP money—that went to the wealthiest banks? Why on Earth would we take away jobs from working people and allow the bankers to keep their little fund up there?

No way. We will object to that approach.

Mr. JOHANNIS. Mr. President, then I do raise an objection. And here is the point, in fairness to the process here. There are many who believe that the TARP money, which was originally designed to buy toxic assets, has drifted so far away from its original purpose that we haven't kept faith with the taxpayer who paid the bill for all this. On the other hand, the stimulus—which, incidentally, I did not support—

had money in it to do highways and that sort of thing, and that is where the objection is coming from.

So I do stand to object, and I continue the objection.

Mr. DURBIN. Would the Senator yield for a question?

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Whether the Senator voted for the stimulus bill or not—and I know he did not—the stimulus bill provided tax breaks for working families, provided money for his State and mine for infrastructure projects that will build highways and bridges and create jobs, and it is halfway through. They haven't really finished all the spending on that.

In the midst of this recession, you are suggesting that the way to save the 17,000 highway jobs is to cut the jobs that are being created by the stimulus package? Wouldn't it be better to take the money away from these banks that have received billions of dollars, that have been bailed out over and over, than to take it at the expense of working people in Nebraska and Illinois?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. I thank the Senator from Illinois for that question, but here is what I would say. You can restart the debate on the whole stimulus plan, and I can point to you the promises that were made of all the jobs that were going to be created, and I can point to you the evidence that in fact that has not occurred. But the argument tonight was, look, if we can just get our hands on some TARP money, then we can do all these things. And we are saying, well, look, if the promise of the stimulus was to create jobs, let's use the stimulus. Why not use that fund?

But fundamentally here is the problem. People came to the American people and said: Look, our credit is melting down, our financial system is in serious shape, and the solution to that problem is to buy toxic assets. And low and behold we bought car companies, we bailed out insurance companies, and it just goes on and on. And that is why the objection is coming from over here because this isn't anything near what TARP was intended to do.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I will be brief, but the Senator from Nebraska just made the argument against TARP. That is where we want to take the money from to protect these jobs. The Senator said the TARP money was misspent, and we are saying we agree with the premise; that this is a better place to take money rather than to take it away from tax cuts to working families in the stimulus or the infrastructure projects that generate jobs.

I don't know that the Senator from Nebraska wanted to assume this role this evening. Occasionally, many of us

are cast in these roles where we are objecting on behalf of other people who are not here. But I think when he reflects on this debate tonight, he will understand why Senator BOXER's approach to this is the most reasonable one. We are trying to protect 17,000 jobs across America. We are going to take the money out of the TARP funds from banks, and I think it is money well spent to create jobs across the United States. But to take it away from the stimulus program is to take away money that is going right now, today, into Nebraska for tax relief for your working families and into Illinois for the same.

I am sure most Republicans would agree that tax relief is a good thing. I myself think it is a good thing for working families. So I think what Senator BOXER has suggested is a much more responsible approach.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. DURBIN. I will yield.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I think sometimes these debates go off on tangents and they are hard to follow. They get caught up in a lot of rhetoric. But I think this one tonight says it all to me. We have to ask ourselves a question: Whose side are we on? Whose side are we on? Tonight, we know what side the Republicans are on.

We are ready to save 17,000 jobs and to do it by paying for it out of the money that was given to the biggest banks in this Nation—the banks that got away scot-free while Americans suffered, whether they were shareholders or workers, taxpayers all. We want to take that money from the big banks; they want to take it from the working people, the working families of America, the ones who are out there getting their hands dirty and building the roads and the bridges. That says more about the differences here than many of the other things we do, and I am stunned.

I particularly want to again thank Senator INHOFE for stepping up. He tried his best. He spoke to all his Republican friends, and he couldn't get this. But you know what, we are not going to give up. We will have this battle on the floor. We will. We will get time for this, and we will get agreement on offering these two offsets. You just had a taste of what the debate will be, and it will be a tough debate, and I look forward to it. But I am very stunned that tonight we couldn't cross the aisle that divides us tonight. We should have. We should have done that for all the States—the red States and the blue States, all the States, the United States—because all are going to lose these jobs. We can say we stood here at 7:30 on this night and we had a program that would easily stop those layoffs, easily stop them, but our colleagues on the other side wanted to protect the big banks. I will take that argument back to my home State, but

I am not happy we couldn't resolve this.

Mr. DURBIN. I thank the Senator from California for yielding for a question, and I agree.

I yield the floor.

Mr. LEVIN. Mr. President, I am pleased the Senate is debating a short-term extension of the surface transportation bill SAFETEA-LU. With the fiscal year ending at midnight tonight this is an urgent matter. We cannot afford to let Federal highway programs authorizations expire. It would be a disaster if transportation projects across the nation were halted because we failed to extend their authority. Congress needs to rewrite the surface transportation bill, but that will take some time. This short-term extension allows the program authority to continue until a longer reauthorization bill can be passed.

Importantly, the Senate bill includes language to repeal the 2009 rescission contained in the SAFETEA-LU bill that required that on September 30, 2009—today—\$8.7 billion of apportioned contract authority provided to states for investment in infrastructure be rescinded. This rescission could require states to de-obligate projects in order to free up the rescinded contract authority if they don't have contract authority balances. This is critical to Michigan and all the other States across the Nation that cannot afford to have Federal infrastructure funding cut at a time of severe budget constraints. The rescission repeal language would ensure that Michigan and other States do not lose these needed Federal transportation funds. Michigan's share of the rescission is estimated to exceed \$260 million or roughly 25 percent of its fiscal year 2009 apportionments.

Congress has been strong in its support for transportation infrastructure funding as a way to create jobs and jump start an economic recovery during the severe economic downturn. For instance, Congress provided \$27 billion for highway projects in the American Recovery and Reinvestment Act. Congress also recently provided an additional \$7 billion to the highway trust fund in order to keep it solvent on top of the \$8 billion that it added to the trust fund last year. It would make no sense to undermine the recovery efforts and jeopardize the health of our surface transportation system by allowing an \$8.7 billion cut in highway funding to go through tonight.

Time is of the essence in restoring these needed transportation funds to every State in the Nation. I hope this important legislation will be adopted immediately by the Senate and the House of Representatives.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

2016 OLYMPICS

Mr. BURRIS. Mr. President, more than 100 years ago, four American cities competed to host the world's Columbian Exposition. Elected leaders and proud citizens traveled here to Washington to make the case for their hometowns. After much debate, Congress decided that the exposition would take place in the center of the American heartland—Chicago, IL.

The Chicago delegation had made the strongest case and shown the most pride and conviction in their city. They bragged that their hometown on the beautiful banks of Lake Michigan was the perfect site for the Columbia Exposition and that no other city could compare. Folks from Chicago argued so long and so hard that a reporter referred to their hometown as “that Windy City,” and the nickname, of course, has stuck throughout the years.

The Columbian Exposition of 1893 was a resounding success. Almost one-fourth of the entire U.S. population came to Chicago, and the city overflowed with happy visitors from across the country and all over the world.

Today, Chicago remains an economic and cultural center of America. The city that hosted the Columbian Exposition has boomed into a world-class metropolis. And once again the proud citizens of the Windy City have stepped forward to make the case for our hometown.

In 2016, 10,000 athletes from more than 200 countries will come together to celebrate the human spirit. Tourists, visitors, and millions of dollars will flow into a single place as a part of the greatest spectacle on Earth.

The whole world will be watching the city that hosts the Olympic Games, and in 2016 that city should be Chicago, IL. From Lake Shore Drive to the West Side, it is a diverse and inclusive city that represents the very best of what it means to be American. It has always been a global leader in culture, art, architecture, commerce, sports, and even cuisine.

I know Chicago will shine on the world stage in 2016, just as it did more than a century ago. The Olympic and Paralympic Games are a powerful force for global unity. It is time to bring the games back to the United States.

President Obama understands what the Olympics will mean to our Nation and for Chicago. New construction and infrastructure improvement will revitalize the Midwest; tourist dollars from all over the world will begin flowing to American businesses once again; jobs will be created, revenue will increase, our local economy will be jolted back to prosperity as we prepare to host the games.

It doesn't stop there. This impact will also be felt at the national level. Foreign visitors who travel to the Olympics in Chicago will also stop in Los Angeles, New York, Baltimore, Miami, Seattle, New Orleans, and a dozen other cities during their stay in

the United States. The international spotlight will be focused on America and it will bring prosperity and good will. That is why I support President Obama's decision to travel to Copenhagen in support of our Olympic bid.

Some have criticized this trip. Some say it is an unnecessary distraction from the challenges we face. But I believe it is just the opposite. It shows that the President is more focused than ever on bringing economic prosperity and international prestige back to the United States.

A few days ago I was meeting with the mayor of Chicago and I told Mayor Daley that I thought the President and the First Lady would go to Copenhagen. There was some consternation as to whether he was going to appear, but because of the importance of the Olympics to Chicago and the Nation, I knew the President's decision was going to be made that would allow him to make an appearance in Copenhagen. I know they are proud Chicagoans, and I am pleased they have decided on strong support for their hometown. The trip will be a short one, but it could make a world of difference for Chicago and for America, because this is not just about Chicago or Illinois, it is about bringing the Olympic Games back to the United States of America. The Olympics will be a boon to our economy and they will strengthen our friendship with other nations.

By appearing before the International Olympic Committee in person, President Obama can make the case that America is ready to lead once again, ready to light the torch of cooperation and prosperity for all of the citizens of the world. He can show the committee that Chicago is by far the best choice among the four remaining finalist cities. For the athletes, world-class training facility and event locations would be very close together, allowing for convenience and ease. For visitors, outstanding public transportation and modern infrastructure would make all events easy to attend. For residents of the city and people all across the United States, Chicago would shine on the world stage and dollars would pour in from across the globe to make it clear it is alive and well in my hometown.

The Chicago 2016 Committee recognizes the importance of the games in renewing old friendships around the world as well as establishing new ones. Its ideals and the value of “friendship through sport” is at the heart of the city's Olympic bid.

Let us support President Obama as he travels to Denmark in hopes of bringing the Olympics and Paralympic Games back to the United States. They are a powerful, inspiring force for unity in a world divided. Let us come together once again to welcome the people of every continent to our shores. Just as the people of Chicago did more than 100 years ago, let us celebrate our Nation by sharing one of the greatest cities with all of the world, by sharing

its greatest city with the rest of the world, that great city on the lake—Chicago.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk with respect to the substitute amendment.

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

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 committee-reported substitute amendment to H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Sheldon Whitehouse, Patty Murray, Jon Tester, Jack Reed, Ben Nelson, Richard Durbin, Mark Begich, Bill Nelson, John F. Kerry, Edward E. Kaufman, Charles E. Schumer, Frank R. Lautenberg, Carl Levin, Byron L. Dorgan, Daniel K. Akaka.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill at the desk.

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

The 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 H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Sheldon Whitehouse, Patty Murray, Jon Tester, Jack Reed, Ben Nelson, Richard Durbin, Mark Begich, Bill Nelson, John F. Kerry, Edward E. Kaufman, Charles E. Schumer, Frank R. Lautenberg, Carl Levin, Byron L. Dorgan, Daniel K. Akaka.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

MORNING BUSINESS

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

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

## TRIBUTE TO AMY MEYER

Mr. DURBIN. Mr. President, I rise today to congratulate a distinguished Illinois resident, Amy Meyer. Ms. Meyer is this year's recipient of the Service to America National Security and International Affairs Medal. This award honors Federal employees who have made significant contributions to our nation through their actions in the field of national security.

Since 2006, Ms. Meyer has served as the Director of the U.S. Agency for International Development's Office of Economic Growth in Pakistan. In this, her first Foreign Service assignment, Ms. Meyer has overseen an expansion of Pakistan's Office of Economic Growth from a small, two-person operation with a \$7 million budget into a \$200 million initiative.

Ms. Meyer has dedicated herself to leading the U.S. effort to foster economic growth in the country. Through her collaborative approach and the development of a wide range of programs, Ms. Meyer is bringing change to a country facing many problems, including a crippling energy crisis and the growing influence of the Taliban.

Of the many programs Ms. Meyer has developed, several focus on assisting the women of Pakistan. Among them is the Empower Pakistan: Agriculture Program. Through this program 1 million women will join dairy cooperatives where they will collect and store milk to be sold later at markets. Women who participate in this program will be able to earn income from these sales. Ms. Meyer also conducts focus groups for women in her own home and leads a yoga program which airs on Pakistani television.

As the 2009 Service to America National Security and International Affairs Medalist, Amy Meyer is honored for her commitment to working with the people of Pakistan to bring about economic growth and stability. I commend Ms. Meyer on her work in the Office of Economic Growth and congratulate her on receiving the National Security and International Affairs Medal.

## FISCAL PRUDENCE

Mr. INOUE. Mr. President, I listened to the comments of the Senator from Alabama with interest.

I want to inform my colleagues that despite the rhetoric we have heard it is important to remember that the funds that we have recommended in the fiscal year 2010 appropriations bills are in accordance with the level provided to the committee in the budget resolution.

Second, each one of the bills that he mentioned was approved by the committee by unanimous, or near unanimous, votes.

Third, each of the bills considered by the Senate so far this year have been approved at the funding level that the Senator has noted.

In addition, in most cases—in the Transportation and Interior bills for

example—the level of funding approved by the committee is lower than the amount requested by the administration.

We are all concerned about deficits and overspending, but the root cause of this problem is not in discretionary domestic spending.

The cause was the failed policies of the previous administration that ran up trillions in our national debt.

To remind my colleagues when President Bush was elected the country had a budget surplus. After 8 long years, the country inherited an unprecedented national debt.

What is even worse, the Obama administration and the Nation also inherited a fiscal crisis unseen since Herbert Hoover.

While I understand and share the concern of many of my colleagues over our Nation's debt, they have set their sights on the wrong target. The increases in discretionary spending will reverse the neglect which occurred in the previous administration and will help put people back to work.

The Appropriations Committee will continue to work in a bipartisan fashion to recommend bills which are fiscally prudent and within the amounts recommended by this Senate.

## MEMBERSHIP AND JURISDICTION OF COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the membership and jurisdiction of the Committee on Foreign Relations, be printed in the RECORD.

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

## JURISDICTION OF THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

(Excerpted from Rules of the Committee)

## RULE 1—JURISDICTION

(a) *Substantive*.—In accordance with Senate Rule XXV.1(j)(1), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the

Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j)(2) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight*.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that “. . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee.”

(c) *“Advice and Consent” Clauses*.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing “advice and consent” to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

COMMITTEE ON FOREIGN RELATIONS  
MEMBERSHIP AND JURISDICTION  
OF SUBCOMMITTEES

(July 21, 2009)

(The chairman and ranking member of the full committee are ex officio members of each subcommittee on which they do not serve as members.)

(Subcommittees are listed in the order of chairmen's seniority within the full committee.)

## SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS

CHRISTOPHER J. DODD, *Chairman*; ROBERT MENENDEZ; BENJAMIN L. CARDIN; JIM WEBB; KIRSTEN E. GILLIBRAND; JOHN BARRASSO, *Ranking Member*; JOHNNY ISAKSON; JAMES E. RISCH; and JAMES M. INHOFE.

*Jurisdiction:*

This subcommittee deals with U.S. relations with the nations of the Western Hemisphere, including Canada and the nations of the Caribbean. The subcommittee also deals with boundary matters, and U.S. policy with regard to the Organization of American States. This subcommittee's responsibilities include all matters within the geographic region relating to (1) terrorism and non-proliferation; (2) U.S. foreign assistance programs; and (3) the promotion of U.S. trade and exports.

This subcommittee also exercises general oversight over (1) all of the activities and programs of the Peace Corps; and (2) all U.S.

foreign policy, programs and international cooperative efforts to combat the flow of illegal drugs or substances.

#### **SUBCOMMITTEE ON AFRICAN AFFAIRS**

RUSSELL D. FEINGOLD, *Chairman*; BENJAMIN L. CARDIN; JIM WEBB; EDWARD E. KAUFMAN; JEANNE SHAHEEN; JOHNNY ISAKSON, *Ranking Member*; JIM DEMINT; BOB CORKER; and JAMES M. INHOFE.

##### *Jurisdiction:*

The subcommittee has geographic responsibilities corresponding to those of the Bureau of African Affairs in the Department of State. It considers all matters concerning U.S. relations with countries in Africa, with the exception of countries bordering on the Mediterranean Sea from Egypt to Morocco, which are under the jurisdiction of the Subcommittee on Near Eastern and South and Central Asian Affairs.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES**

BARBARA BOXER, *Chairman*; RUSSELL D. FEINGOLD; ROBERT MENENDEZ; EDWARD E. KAUFMAN; JEANNE SHAHEEN; KIRSTEN E. GILLIBRAND; ROGER F. WICKER, *Ranking Member*; JIM DEMINT; JOHN BARRASSO; and JAMES M. INHOFE.

##### *Jurisdiction:*

The subcommittee's responsibilities include all matters involving international operations and organizations, human rights, democracy, and global women's issues. This jurisdiction includes the general oversight responsibility for the Department of State, the Broadcasting Board of Governors, the Foreign Service, and public diplomacy. It also includes oversight responsibility for United States participation in the United Nations, its affiliated organizations, and other international organizations not under the jurisdiction of other subcommittees. Finally, it includes general oversight responsibility for U.S. policy in promoting democracy and human rights abroad.

#### **SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS, AND INTERNATIONAL ENVIRONMENTAL PROTECTION**

ROBERT MENENDEZ, *Chairman*; BARBARA BOXER; BENJAMIN L. CARDIN; ROBERT P. CASEY, JR.; JEANNE SHAHEEN; KIRSTEN E. GILLIBRAND; BOB CORKER, *Ranking Member*; ROGER F. WICKER; JIM DEMINT; and JAMES E. RISCH.

##### *Jurisdiction:*

The subcommittee's responsibilities include general oversight responsibility for U.S. development policy and foreign assistance programs. It includes U.S. bilateral humanitarian, development, economic, trade and security assistance programs carried out by the U.S. Agency for International Development, the Millennium Challenge Corporation, and other U.S. agencies, and U.S. voluntary contributions to international organizations providing assistance to foreign nations.

It also includes matters related to: (1) international monetary policy, including U.S. participation in international financial institutions; (2) U.S. foreign economic policy, including export enhancement and trade promotion; and (3) international investment, protection of intellectual property, and technological transfer.

Finally, the subcommittee is responsible for matters related to international energy security and international environmental protection, including the oceans and space.

#### **SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS**

ROBERT P. CASEY, JR., *Chairman*; CHRISTOPHER J. DODD; RUSSELL D. FEINGOLD; BARBARA BOXER; BENJAMIN L. CARDIN; EDWARD E. KAUFMAN; JAMES E. RISCH, *Ranking Member*; BOB CORKER; JOHN BARRASSO; and JOHNNY ISAKSON.

##### *Jurisdiction:*

This subcommittee deals with all matters concerning U.S. relations with the countries of the Middle East and Arab North Africa. This subcommittee's geographic responsibilities also encompass U.S. relations with the countries of South and Central Asia, corresponding to the jurisdiction of the Bureau of South and Central Asian Affairs in the Department of State.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS**

JIM WEBB, *Chairman*; CHRISTOPHER J. DODD; RUSSELL D. FEINGOLD; BARBARA BOXER; ROBERT P. CASEY, JR.; KIRSTEN E. GILLIBRAND; JAMES M. INHOFE, *Ranking Member*; JOHNNY ISAKSON; JOHN BARRASSO; and ROGER F. WICKER.

##### *Jurisdiction:*

The subcommittee has geographic responsibilities corresponding to those of the Bureau of East Asian and Pacific Affairs in the Department of State and considers all matters concerning U.S. relations with the countries of that region. It also considers matters related to regional organizations such as the Association of South East Asian Nations and the Asia-Pacific Economic Cooperation.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SUBCOMMITTEE ON EUROPEAN AFFAIRS**

JEANNE SHAHEEN, *Chairman*; CHRISTOPHER J. DODD; ROBERT MENENDEZ; ROBERT P. CASEY, JR.; JIM WEBB; EDWARD E. KAUFMAN; JIM DEMINT, *Ranking Member*; JAMES E. RISCH; BOB CORKER; and ROGER F. WICKER.

##### *Jurisdiction:*

The subcommittee deals with all matters concerning U.S. relations with the countries on the continent of Europe (except the states of Central Asia that are within the jurisdiction of the Subcommittee on Near Eastern and South Asian Affairs), and with the North Atlantic Treaty Organization, the European Union and the Organization for Security and Cooperation in Europe. Matters relating to Greenland and the northern polar region are also the responsibility of this subcommittee.

This subcommittee's responsibilities include all matters within the geographic region relating to: (1) terrorism and non-proliferation; (2) crime and illicit narcotics; (3) U.S. foreign assistance programs; and (4) the promotion of U.S. trade and exports.

#### **SAME-SEX MARRIAGE RECOGNITION IN VERMONT**

Mr. LEAHY. Mr. President, the U.S. Constitution, the document by which we define ourselves as a nation, empha-

sizes freedom and equality. Its words have inspired generations of Americans to create a society that sustains those values: one that preserves our freedom and reminds its citizens that we are all created equally. Among those who are leading the fight to protect this constitutional guarantee of equality are the people of Vermont, who I have been proud to represent for the past 34 years.

Vermonters have consistently led the charge to perfect our Union and to support the fight for equality and social justice. Vermont was the first State in our Union to outlaw slavery, and was also the first to adopt voting rights, regardless of property ownership. Vermont demonstrated its commitment to social justice years ago with the passage of inclusive hate crimes and employment nondiscrimination legislation. I hope our Federal Government will follow Vermont's lead with regard to these essential protections.

Vermonters have led the Nation by protecting families and by ensuring that children are in stable, loving environments. This is because Vermonters believe that parents should be allowed to strengthen their commitments to one another. In 2000, Vermont took a crucial step when it became the first State in the Nation to allow civil unions for same-sex couples. Recently, Vermont took another step to help sustain the relationships that fulfill our lives by becoming the first state to adopt same-sex marriage through the legislative process without a court mandate to do so.

I commend the Vermont State Legislature for its actions, and for setting aside partisan differences to serve the people of Vermont and to serve as an example for the Nation. Throughout the tumultuous debate on this issue, both chambers considered each side's viewpoint, and all points of view were heard. This was a real testament to our democratic process. Yet despite that debate, the Governor vetoed the legislation that was approved by the legislature.

The Vermont State Legislature has the distinction of being a part-time body. They work within the very communities they represent on a daily basis. During the debate, these legislators listened to their neighbors, their friends, and their constituents. During this process, they realized that marriage equality was something the people of Vermont wanted. Some members of the State legislature ultimately decided to put aside their personal views. They did not want to have such an important issue decided by a single vote. They did not believe that one person should be able to prevent what Vermonters were seeking—equality for all its citizens. In the end, several of the legislators who originally voted against the bill cast their vote to override the Governor's veto. I believe that the actions of those legislators and the entire Vermont Legislature deserve our admiration.

As a Vermonter who has been married for 47 years, I am a great fan of the institution of marriage. I believe it is important to encourage and to sanction committed relationships, and to provide for stable, supportive families. When Vermont passed legislation on same-sex marriage, it reaffirmed my fundamental belief we should not create second-class families who do not enjoy the protections other families have. Unfortunately this is still not the case in our Federal Government. With laws like the Defense of Marriage Act in effect, Vermont same-sex marriages are still treated differently. I believe it is time to repeal it, so that all Vermonters can be treated equally under the law.

Vermont's State motto is depicted clearly on our State flag: "Freedom and Unity." Today, same-sex couples in Vermont are now able to enjoy the same freedoms that opposite sex couples in Vermont enjoy. Same-sex couples now have the freedom to create and to preserve family unity, and to bring happiness and stability to their children and loved ones. I am proud to represent the people of Vermont and I commend them for having reached yet another milestone in the march toward equality.

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#### RECOGNIZING THE CAPITOL HILL SCREENING OF "THE WAY WE GET BY"

Ms. SNOWE. Mr. President, today I commemorate the Capitol Hill screening of "The Way We Get By", a deeply moving and powerful documentary film about the iconic Troop Greeters of Bangor in my home State of Maine. On this wonderful occasion, I join with my colleagues in the Maine Delegation—Senator COLLINS, and Representatives MICHAUD and PINGREE—in expressing my tremendous gratitude not only to the USO—the indispensable "home-away-from-home" for our more than 2.5 million men and women exceptional enough to wear our Nation's uniform, so admirably led by USO president and CEO Sloan Gibson—but also to Operation Homefront as well as HandsOn Network—cofounded by Michelle Nunn—who is forging her own path within the longstanding, Nunn family history of commitment to service as CEO of Points of Light Institute.

A part of President Obama's United We Serve initiative, all three of these stellar organizations are presenting this magnificent film in the U.S. Capitol at the wonderful Capitol Visitor Center, and we couldn't be more grateful to them—as well as to the Professional Services Council and the Corporation for Public Broadcasting—and others too numerous to mention for helping bring this documentary to fruition. And I would like to especially thank Simon Kilmurry, executive director of American Documentary, and Aron Gaudet, the film's director, for their stalwart leadership and dedication on this exemplary project.

And it couldn't be more fitting to have Dr. Jill Biden, the wife of Vice President BIDEN, introduce this well-deserved tribute to the Bangor Troop Greeters at today's screening—especially as Beau, the Vice President's son and Delaware's attorney general, has just returned from his deployment in Iraq as a member of the Delaware Army National Guard's 261st Signal Brigade. We commend Beau and all of those returning in his brigade, and we cannot thank them enough for their courageous service and heroic sacrifice to our Nation.

And of course, expressing our admiration and thankfulness to those who have placed themselves in harm's way on our behalf is the driving impetus behind this superb endeavor to capture on film the incredible generosity of spirit and good will unflaggingly exemplified by the Bangor Troop Greeters. For these extraordinary individuals, three of whom are showcased in the movie and attended today's screening, meeting our service men and women at the Bangor International Airport is an undeniable labor of love and a heartfelt expression of their devotion to our country and all who defend her.

In chronicling the selfless, patriotic and frankly larger-than-life actions of three amazing Mainers—Bill Knight, Joan Gaudet, and Jerry Mundy, director and Old Town native, Aron Gaudet—in tandem with Gita Pullapilly, the film's producer and interviewer, deftly brings to this undertaking the venerable tradition of extending handshakes and hugs to our brave soldiers, dating back to the first Gulf War and Operation Desert Storm. And to document the humanity underpinning this monumental outpouring of support for our troops—which occurs 24 hours a day, 365 days a year, rain or shine—is a marvelous achievement and one which instills enormous pride in us all.

On a personal note, I can't tell you how many of our soldiers I have encountered who have expressed their immense appreciation to the world-renowned Bangor Troop Greeters. In fact, I well recall one soldier coming up to me specifically to convey just how remarkable the troop greeters were and that fellow soldiers shared the same sentiment. We echo that very sensibility today.

Congratulations to all who have been involved in the continuing success of this highly-acclaimed film documenting a phenomenal story of giving back to those who have given us all so much—our service men and women!

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#### TRIBUTE TO FRANK D. STELLA

Mr. LEVIN. Mr. President, today I pay tribute to a pillar of my community, Detroit businessman and philanthropist Frank D. Stella.

Born in Pennsylvania, the son of Italian immigrants, he founded the F.D. Stella Products Company in Detroit in 1946, shortly after he returned

from military service during World War II. Frank has built the company into a nationwide network of food-service suppliers, forming the backbone of his business and civic involvement in Michigan. And that involvement is extensive. From business to health care to the arts to charity work, there is little that happens in Detroit that doesn't involve Frank Stella in some way. Frank has long been active in the city's most important business groups, including the Detroit Regional Chamber of Commerce and Detroit Economic Club. A patron of the arts, he has served on governing boards for the Detroit Symphony Orchestra, Michigan Opera Theatre, and Detroit Discovery Museum. He has demonstrated a long-time commitment to health care, serving on the boards of the Detroit Medical Center, Mount Carmel Mercy Hospital, Sacred Heart Rehabilitation Center, and Grace Hospital of Detroit. Education has been another focus: He has served on the boards of the University of Detroit-Mercy, his alma mater, as well as the Wayne County Community College Foundation.

The breadth and depth of his accomplishments and involvement has drawn the notice of many. Organizations as diverse as the Detroit Urban League, the Rehabilitation Institute of Michigan, and the American Institute of Architects have honored him for his contributions. In 1995, he received an Ellis Island Medal of Honor, an award recognizing the importance of the immigrant experience in American life. The Italian Government has bestowed numerous awards upon him, as have four U.S. Presidents. His support of his Roman Catholic faith has earned the thanks of popes.

On Oct. 30, many of Frank's friends will gather to honor his 90th birthday. Fittingly, the celebration will serve as a fundraiser for four more of Frank's causes: the National Italian American Foundation Scholarship Fund, Orders of the Sons of Italy in America, Italian Language Inter-Cultural Alliance, and Boys' Town of Italy. I thank him for his years of service to our city and State and wish him continued health and success in his many community endeavors.

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#### ADDITIONAL STATEMENTS

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##### RECOGNIZING THE PARKS AND PEOPLE FOUNDATION

● Mr. CARDIN. Mr. President, today I congratulate the Parks and People Foundation of Baltimore, which is celebrating its 25th anniversary. Community activist Sally Michel founded Parks and People in 1984. Since then, Parks and People has grown from Sally's kitchen counter to a planned, eco-friendly, LEED Platinum-certified headquarters.

Today, Parks and People Foundation, under the leadership of Jackie Carrerra and the creative energy and advocacy

of Sally Michel, is working hard to make Baltimore green, to educate and enable our communities to get involved in that effort, and to make sure that our children grow up knowing about the importance of the environment and their role in protecting it, whether as a landscaper, arborist, scientist, a business owner, or homeowner.

Parks and People also has become a leader in enriching the lives of Baltimore-area children. Its Kids Grow program provides afterschool environmental curriculum and instruction. SuperKids Camp has become a national model for summer learning, providing rising 2nd and 3rd graders in the public schools an opportunity to sharpen reading and math skills as well as experience the cultural and academic resources in the Baltimore area. Sports Leagues provide coaches, equipment, transportation, and referees for volleyball, lacrosse, soccer, and baseball teams in public middle schools without athletic programs. Participants are required to have good school attendance and grades.

In the 1980s, when support for Baltimore's parks was waning due to budget cuts and lack of leadership, the Parks and People Foundation took up the challenge and worked to establish and financially support groups interested in maintaining and creating parks throughout the city. Partnership for Parks provides grants for projects ranging from garden bed improvement and planting to new fences and benches. Watershed 263 is an ambitious experiment to improve the quality of surface water runoff on 930 acres in 13 urban communities. Parks and People works with residents to reduce litter, clean streets, increase recycling, create community gardens, install storm water management facilities and clean and green vacant lots and plant trees. Improvement here will lead to a cleaner, healthier Chesapeake Bay and serve as a model for other urban watershed areas.

I know the entire Senate will join me in congratulating the Parks and People Foundation on celebrating its 25th anniversary and in thanking the foundation for its work to improve the quality of life in Baltimore for future generations.●

#### TRIBUTE TO VIRGINIA SCOTTY GOUGH

● Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Virginia Scotty Gough. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Virginia Scotty Gough, Florence Marston, Elaine Harmon, and Nancy Magruder. I am proud to honor them today.

Virginia Bradley Gough, known as Scotty, grew up in California. She learned to fly at age 16 and has avidly pursued that dream for many years. In 1943, when she learned about the WASP program, she was eager to join. But her young age prevented her from immediately enrolling in the training. As is so indicative of the WASP, she didn't waste the year. Instead, she earned money to continue flying by making parachute jumps to attract people to the airport.

After completing her WASP training as part of the class of 44-7, Scotty was stationed in the engineering department at Williams Army Air Base in Chandler, AZ. There she served as an engineering test pilot, testing aircraft after major engine overhauls and other major repairs. She served as a check pilot to the aircraft, ensuring repairs and fixes were safe before an aircraft was released to combat. It was dangerous work, requiring a devoted and precise pilot.

After the WASP were unceremoniously disbanded in December 1944, Scotty Gough returned to Los Angeles and flew Luscombe aircraft from the factory to west coast distributors, making the most of her well-honed piloting skills.

Many years later, Scotty Gough and another WASP established the WASP exhibit at Dover Air Force Base in Delaware. I am proud that Virginia "Scotty" Gough now calls Maryland home.

Like the other WASP, Scotty Gough was a trailblazer and true patriot. She paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. We owe her our "thank you"—not in words, but in deeds. Her story should have never been a forgotten chapter in American history. It will no longer be.

I was proud to fight for legislation to award the WASP the most distinguished honor Congress can give: the Congressional Gold Medal. I am proud the bill passed quickly and has now been signed into law. The process of designing, casting, and presenting these medals has begun. I look forward to the day, very soon, when I can present Scotty Gough and all the other WASP this medal they have earned and so long deserved.●

#### TRIBUTE TO ELAINE HARMON

● Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Elaine Harmon, from Baltimore. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Elaine Harmon, Nancy Magruder, Florence Marston, and V. Scotty Gough. I am proud to honor them today.

Born in Baltimore, Elaine Harmon began flying at College Park Airport while attending University of Maryland. An ad in the local college newspaper for the Civilian Pilot Training Program piqued her interest. The program required a parent's consent. Knowing her mother would never agree to it, she sent the form to her father instead. He signed it and mailed it back to her with the \$40 tuition fee. The family never spoke of it again.

After Pearl Harbor, Elaine and her husband supported the war efforts in ways they could. Her husband desperately wanted to join the Army Air Force, but wasn't able to due to a constriction in his aorta. He learned to repair aircraft instruments and moved to Biak Island, West Papua, to locally repair the instruments, thus saving several weeks in repair for transit.

Nearly 5 years after learning to fly, Elaine's husband suggested she join the WASP. She earned her wings as a WASP in the class of 44-9. After completing her WASP training, Elaine was stationed at Nellis Air Force Base, near Las Vegas, NV. There she flew BT-13s and B-17s. BT-13s were used to allow pilots to practice instrument flying. Elaine would pilot the aircraft, freeing her male counterparts to practice their instrument flying.

It was a daunting task. The technology was different then. The men had to sit in the backseat, under a dark hood which obscured their view of everything but the instruments in front of them. They could only do it because they had a great pilot in the front ensuring their safety.

After the WASP were disbanded in December 1944, Elaine made her way back to Baltimore. She didn't stay long. Her mother was embarrassed, ashamed that Elaine would participate in what was seen at the time as an unlady-like endeavor. So Elaine scraped together what skimpy savings she had and bought a one-way ticket to California. With her husband still overseas and with less than \$30 in her pocket, she eventually found a job as an air traffic controller in Oakland.

Thirty years passed before Elaine Harmon was offered veterans' status. Thirty years before her service to the nation was recognized. But like the other WASP, Elaine Harmon believed in the cause she served. She knew the obstacles, but chose her own way. In the end, she paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. Today women can fly every type of aircraft and mission, from fighter jets in combat to the shuttle in space flight. Women like Elaine Harmon made this possible.

The WASP were trailblazers and true patriots. We owe them our "thank you"—not in words, but in deeds. For their courage, service and dedication to our nation, the WASP have earned the most distinguished honor Congress can give: the Congressional Gold Medal.

Now the bill to give WASP Congress' top award has been passed and signed into law. The process of designing, casting, and presenting these medals had begun. I look forward to the day, very soon, when I can present Elaine Harmon and all the other WASP this medal they have earned and so long deserved.●

#### TRIBUTE TO NANCY MAGRUDER

● Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are

women like Nancy Magruder. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Nancy Magruder, Florence Marston, Elaine Harmon, and V. Scotty Gough. I am proud to honor them today.

Iola "Nancy" Clay Magruder earned her wings as part of class 44-7. After graduation, she was stationed at Enid Army Air Base in Oklahoma. Her mission was to train aviation cadets to become pilots and commissioned officers, an honor that would not be extended to the WASP during WWII. While at Enid Army Air Base, Nancy flew utility missions, or testing missions, to ensure the aircraft were safe for the cadets. She also flew ferrying missions of the BT-13s and BT-15s. In all, Nancy would fly five different aircraft variants: the BT-13; BT-15; PT-17; and the B-18 "Bolo," the most numerous long range bomber of WWII.

Like the other WASP, Nancy was unceremoniously disbanded in December 1944. The promise that she would be militarized and become part of the Army was not kept. Still, Nancy wanted to serve. She would join the U.S. Air Force Reserve and earned the rank of second lieutenant.

Nancy's story is a story of dedication to this country. She risked her life in service to our nation so that the rest of us may live in freedom. She did so without the promise of recognition or pay. And she paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. We owe her our "thank you"—not in words, but in deeds.

For too long, the WASP story of service and sacrifice has been left untold. I'm proud to have fought to right this wrong by sponsoring legislation to award Nancy Magruder and her fellow WASP the most distinguished honor Congress can give: the Congressional Gold Medal.

Now the bill has been passed and signed into law. The process of designing, casting, and presenting these medals has begun. And I look forward to the day, very soon, when I can present Nancy Magruder and all the other WASP this medal they have earned and so long deserved.●

#### TRIBUTE TO FLORENCE MARSTON

● Ms. MIKULSKI. Mr. President, today I honor a group of women who have made a lasting contribution to American history. They are the Women Airforce Service Pilots, or WASP.

Who are the WASP?

They were the first women trained in American military aircraft. They were trailblazers and true patriots. They are women like Florence Marston. They came from all walks of life. They were students, secretaries, nurses, daughters, wives. One was a nun. They shared the same goal: to contribute to the American war effort.

Between 1942 and 1944, the 1,102 WASP trained in Texas, then went on to fly noncombat military missions so that all their male counterparts could be deployed to combat. These women piloted every kind of military aircraft, and logged 60 million miles flying missions across the United States. Thirty-eight of them died in the line of duty.

These intrepid women served their country with courage and valor. But for too long, their country did not serve them. They were never awarded full military status and were ineligible for officer status. They faced strong cultural and gender bias and received unequal pay. Following the war, they were told to pay their own way home. It was not until 1977—more than 30 years later—that the WASP were granted veterans' status.

Thirteen of these brave women hail from Maryland. Four are still alive today: Florence Marston, Elaine Harmon, Nancy Magruder, and V. Scotty Gough. I am proud to honor them today.

Florence Niemiec Marston, born in Buffalo, NY, volunteered to enter WASP training at an early age. She paid her own way to get to the training site in Texas, and earned her wings as part of the class of 43-6. After graduation, her talents and bravery were needed in several duty locations: South Plains Army Air Base, Dodge City Army Air Base, and Pueblo Army Air Base.

At South Plains, Florence flew B-25s and C-60s, and trained to tow CG-4 gliders mostly at low altitude and at night. It was a risky and arduous mission. Later, Florence was selected to transfer to Dodge City Army Air Base and fly the B-26.

The B-26 was a difficult aircraft to fly. It was called the "widowmaker," for it was notorious for its number of early accidents. Only about 100 WASP would learn to fly this aircraft. Florence Marston was one of them.

While stationed at Dodge City, Florence Marston flew B-26s on tow-target

missions. This intense mission meant towing a target behind the aircraft, a target that training aerial gunners would practice shooting using live ammunition. It was one of the most dangerous missions the WASP would be asked to perform. Florence mastered it with courage, skill and dedication.

Later, after being transferred to Pueblo Army Air Base, Florence would pilot B-24s, B-25s, UC-78s, and L-5s, primarily in administrative piloting duties. In all, Florence Marston piloted ten different aircraft types as a WASP.

Like the other WASP, Florence Marston was a trailblazer and true patriot. She paved the way for the armed services to lift the ban on women attending military flight training in the 1970s, and eventually led to women being fully integrated as pilots in the U.S. military. We owe her our "thank you"—not in words, but in deeds. Her story should have never been a forgotten chapter in American history. It will no longer be.

I was proud to fight for legislation to award the WASP the most distinguished honor Congress can give: the Congressional Gold Medal. Now the bill has been passed and signed into law. The process of designing, casting, and presenting these medals has begun. And I look forward to the day, very soon, when I can present Florence Marston and all the other WASP this medal they have earned and so long deserved.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 685. An act to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes.

H.R. 905. An act to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

H.R. 2950. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

H.R. 3123. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes.

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. 186. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month.

At 3:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2997) making appropriation for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, and agrees to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Ms. DELAURO, Mr. FARR, Mr. BOYD, Mr. BISHOP of Georgia, Mr. DAVIS of Tennessee, Ms. KAPTUR, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. OBEY, Mr. KINGSTON, Mr. LATHAM, Mrs. EMERSON, Mr. ALEXANDER, and Mr. LEWIS of California.

#### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3614. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### ENROLLED BILLS SIGNED

At 6:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

#### ENROLLED BILL SIGNED

At 6:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2918. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The enrolled bills were subsequently signed by the Majority Leader.

#### MEASURES REFERRED

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

H.R. 685. An act to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2950. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 905. An act to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

H.R. 1129. A bill to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans (Rept. No. 111-84).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director.

\*Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

\*Brenda Dann—Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

\*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 Mr. ENSIGN (for himself, Mr. KYL, Mr. CRAPO, Mr. INHOFE, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. RISCH):

S. 1727. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States to 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCASKILL (for herself and Mr. MERKLEY):

S. 1728. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal purposes, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1729. A bill to establish driver education curriculum for teenage drivers and to provide grants to States and tribal governments to carry out driver education training for licensed teenage drivers; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 1730. A bill to provide for minimum loss ratios for health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. 1731. A bill to require certain mortgages to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 1732. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Indian Affairs.

By Mr. KERRY (for himself and Mrs. BOXER):

S. 1733. A bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy; to the Committee on Environment and Public Works.

By Mr. KYL (for himself and Mr. CORNYN):

S. 1734. A bill to reduce the cost of health care and ensure patient access to doctors by ending excessive malpractice verdicts through common-sense lawsuit reform; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 294. A resolution commending the Louisiana State University Tigers men's baseball team for winning the 2009 National Collegiate Athletic Association College World Series; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. LUGAR, Mr. DURBIN, Mr. INOUE, Mr. SCHUMER, Mr. SANDERS, Mr. RISCH, and Mr. FEINGOLD):

S. Res. 295. A resolution designating October 13, 2009, as "National Metastatic Breast Cancer Awareness Day"; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. CRAPO, and Mr. KOHL):

S. Res. 296. A resolution designating October 2009 as "National Work and Family Month"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 213

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a co-

sponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 346

At the request of Mr. WICKER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 346, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 435

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

S. 664

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 664, a bill to create a systemic risk monitor for the financial system of the United States, to oversee financial regulatory activities of the Federal Government, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAPO) 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. 987

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1382

At the request of Mr. DODD, the name of the Senator from Delaware (Mr. KAUFMAN) 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. 1472

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1472, a bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

S. 1523

At the request of Mr. BURR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1523, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes.

S. 1524

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from New York (Mrs. GILLIBRAND) were

added as cosponsors of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1632

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1632, a bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress.

S. 1640

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1640, a bill to amend title XVIII of the Social Security Act to provide coverage of intensive lifestyle treatment.

S. 1647

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1647, a bill to provide for additional emergency unemployment compensation, and for other purposes.

S. 1675

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1675, a bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1688

At the request of Mr. BENNETT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1688, a bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship sta-

tus or lawful presence in the United States.

S. 1699

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2259 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. 2555

At the request of Mr. JOHANNIS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2555 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2567

At the request of Mr. BARRASSO, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 2567 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2574

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 2574 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 1730. A bill to provide for minimum loss ratios for health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, I am pleased today to introduce the Fairness in Health Insurance Act. This bill will hold health insurance companies accountable by requiring that at least 90 percent of your premium dollars go toward health services, not profits or administrative waste. As we move forward in health reform, it is essential that health insurance companies know that their top priority must be serving beneficiaries, not taking care of shareholders or CEOs.

This bill is inspired by the unique culture of health care in Minnesota, which includes the Mayo Clinic, cooperative models like HealthPartners,

and visionary public health leadership from State legislators. Health care in our State is also distinguished by the fact that 90 percent of Minnesotans are served by a nonprofit health plan. These plans outperform their national peers and are able to put 91 cents of every premium dollar toward actual health care services.

In other plans throughout the nation, though, you may find less than 60 percent of your premium is put toward health care; the rest is for overhead, marketing and profits. By taking the profits out of the health insurance industry, Minnesota health plans do a better job helping our residents to live healthier, longer lives. The Fairness in Health Insurance Act will help us hold all health plans to the same standards we've set in Minnesota by requiring that 90 percent of premium dollars actually pay for health services.

But while millions of Americans struggle to pay for health care, insurance executives continue to make obscene salaries. Last year, three top health insurance executives saw boosts in their total compensation—some of them making almost \$10 million. I believe in fair competition but I do not support companies making obscene profits off of health care. The Fairness in Health Insurance Act will force insurance companies to prioritize health services for beneficiaries over bonus packages for CEOs.

In fact, the current reality is that most of us don't know where our health insurance premiums go. It's challenging enough to understand a billing statement from your health insurance company, much less track where your money is being spent. The Fairness in Health Insurance Act also requires transparent reporting of how health insurance companies are spending your money. This transparency is especially important as we move to cover all Americans in health reform. Clear reporting will help us hold insurance companies accountable for every dollar we invest in health insurance.

Now, although Minnesota outperforms most states in health care, I know we can continue to do better as well. When I talk with Minnesotans, I hear again and again that people are living in fear about health care. They are afraid of losing their health insurance, or worried about getting sick and going bankrupt. The reality is that 50 percent of bankruptcies today are caused by health costs and 80 percent of these Americans actually have health insurance.

Passing national health reform this year is my top priority because I have listened to Minnesotans across the State. They have told me, loud and clear, that the current health insurance system is not working for them. The Fairness in Health Insurance Act of 2009 is an important part of my health reform strategy that also includes cost containment, simplifying paperwork, focusing on prevention, pushing for a public option and making

sure that all Americans have access to affordable, secure health insurance.

I urge my colleagues to work with me to ensure that these commonsense strategies are included in our health reform bill when it comes to the floor. Taken together, these elements will bring our country into a new era in which high-quality—and affordable—health care is a reality for all Americans.

Mr. President, I ask for 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. 1730

*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 “Fairness in Health Insurance Act”.

**SEC. 2. REQUIREMENT OF MINIMUM LOSS RATIO OF 90 PERCENT FOR HEALTH INSURANCE COVERAGE.**

(a) IN GENERAL.—A health insurance issuer shall not offer health insurance coverage unless the issuer demonstrates that such coverage has a medical loss ratio of at least 90 percent.

(b) MEDICAL LOSS RATIO.—

(1) IN GENERAL.—In this section, the term “medical loss ratio” has the meaning given such term by the Secretary of Health and Human Services. The Secretary shall establish a uniform definition of medical loss ratio and methodology for determining how to calculate the medical loss ratio. Such methodology shall take into account the circumstances of different plans and activities related to health services such as chronic disease management and quality assurance.

(2) REPORT.—Not later than December 31, 2010, the Secretary of Health and Human Services shall publish a report that describes the definition developed under paragraph (1) and the elements with respect to such definition.

(c) TRANSPARENCY.—

(1) SUBMISSION OF DATA.—Beginning in plan year 2011, a health insurance issuer shall provide the Secretary of Health and Human Services with data to enable the Secretary to determine whether the issuer is in compliance with subsection (a) with respect to health insurance coverage offered by such issuer.

(2) DEVELOPMENT OF ELEMENTS AND DEFINITIONS.—Not later than December 31, 2010, the Secretary of Health and Human Services shall develop, publish in a report, and implement the standardized data elements and definitions to be used by health insurance issuers in the reporting of data necessary for the calculation of the medical loss ratio under paragraph (1).

(d) REBATES.—Each health insurance issuer that offers health insurance coverage shall provide that for any plan year in which the coverage has a medical loss ratio below 90 percent, the issuer shall provide, in a manner specified by the Secretary, for rebates to enrollees of payments sufficient with respect to such loss ratio.

(e) ENFORCEMENT.—The Secretary shall promulgate regulations for enforcing the provisions of this section and may provide for appropriate penalties.

(f) DEFINITION.—In this section, the terms “health insurance coverage” and “health insurance issuer” shall have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. 1731. A bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Preserving Homes and Communities Act of 2009. I thank Senators DURBIN, WHITEHOUSE, and MERKLEY for joining me as original co-sponsors of this bill. In the last year the Federal Government has taken decisive action and devoted substantial financial resources to shoring up financial markets, averting a potential national and global financial meltdown. However, the current foreclosure crisis continues to pose a threat to the wellbeing of individual families, local communities, and the broader economy. We must take similarly aggressive actions to stabilize the housing markets.

Despite efforts to forestall the current crisis, the number of foreclosures is alarming. A reported 1.5 million properties were in the foreclosure process during the first 6 months of 2009, on pace to surpass last year’s foreclosure filings by more than a third. Meanwhile, economist Mark Zandi suggests that the number of mortgages in default could rise to 4 million this year.

The situation in my own State of Rhode Island is particularly dire. Moody’s Economy.com reports that 22 percent of Rhode Island mortgages are underwater, and the State has the highest rate of foreclosure starts in New England. More than one in eight mortgages are at least one payment past due, suggesting that the situation may be getting worse. Indeed, as foreclosures dipped nationally in August, they continued to rise in Rhode Island.

These numbers are more than statistics. They represent children uprooted from schools, life savings evaporated, and families faced with the daunting prospect of starting over. For communities, these numbers can translate into cycles of blight, disinvestment, and crime that weaken neighborhoods and damage the property values of the families struggling to retain their homes.

This did not happen overnight. As we all know, during the past several years, housing prices in cities and States around the country far outpaced any increase in wages. Some families stretched themselves financially to become homeowners, but many others were steered towards alternative or exotic mortgage loan products to purchase their homes. However, as home prices have declined, many people who took out these and other exotic loans are now finding they owe more than the value of their property and that they cannot sustain the sharp monthly payment increases their alternative mortgages require.

However, as unemployment has risen, so has the number of foreclosures among homeowners with more traditional mortgages. According to the Mortgage Bankers Association, more than a third of the overall increase in the start of foreclosures in the second quarter was attributable to prime, fixed rate loans. More and more households are finding that even with a fixed rate mortgage that they could afford in normal times, they are just one pink slip away from losing their biggest investment.

I am introducing the Preserving Homes and Communities Act to address this crisis. First, it establishes a new mortgage payment assistance program to help homeowners who, with temporary financial assistance, would be able to hold onto their homes. Specifically, it authorizes \$6.375 billion in formula funding to enable states to offer grants or subsidized loan funds to qualified families who have suffered significant decreases in income. My bill outlines requirements to ensure that states will carefully steward Federal dollars by evaluating applicants’ prospects for future employment, targeting middle class homeowners, prohibiting payments that reward predatory lenders, and capping maximum loan or grant amounts. Yet the criteria are flexible enough that states can design programs that will most effectively meet local needs.

My bill also takes aim at the slow progress that servicers and lenders have made in implementing the administration’s foreclosure prevention programs. A September report on the Home Affordable Modification Program indicated that just 12 percent of eligible homeowners with delinquent mortgages had been granted trial modifications. Too many homeowners are waiting too long—weeks, months, or longer—to get answers to their loan modification applications. In the meantime, they are still subject to costly foreclosure proceedings that can make it more difficult for them to eventually qualify for assistance.

The Preserving Homes and Communities Act creates an incentive for lenders to more quickly evaluate whether homeowners qualify for modifications by requiring that homeowners be evaluated for a loan modification that conforms with the Administration’s programs before a bank can initiate foreclosure. It also states that homeowners who qualify must be offered a modification. My bill prevents costly fees from piling up while qualified homeowners wait to be granted more affordable mortgages, and no longer will homeowners be left out in the cold if their particular loan servicer chooses not to participate in the government program. And if lenders fail to follow the rules, this bill will allow homeowners to use servicers’ noncompliance as a defense to foreclosure. The bill also places prudent

limits on the fees that homeowners can be charged—particularly foreclosure-related fees.

My legislation provides \$80 million as an incentive for more States and local governments to create strong mediation programs, an additional tool to help homeowners facing foreclosure. Mediation programs allow homeowners and servicers to meet, face to face, to try to find an alternative to foreclosure. These programs have shown promise in several state and local settings for helping homeowners avoid foreclosure, and this legislation will provide matching funds to help establish new mediation initiatives. This bill also sets aside \$5 million for the creation of a Federal database on defaults and foreclosures to improve oversight of public and private efforts to sustain homeownership.

Finally, we know that these tough economic times are impacting renters as well. Competition for already-scarce affordable housing has increased. With the poverty rate at its highest level in 11 years, more individuals and families with limited incomes are at risk of homelessness. For this reason, the Preserving Homes and Communities Act uses proceeds from the warrant provisions I crafted for the financial rescue package to capitalize the National Housing Trust Fund. These warrant provisions are allowing taxpayers to benefit from the upside of our investments in faltering financial institutions. My view is that some of these returns from providing a firmer foundation for our financial institutions would be put to good use by providing a firmer foundation for affordable housing in our country. The National Housing Trust Fund, which I worked to establish in the Housing and Economic Recovery Act, will enable the building, preservation, and rehabilitation of affordable housing.

I am introducing the Preserving Homes and Communities Act because when homes get foreclosed on, it does not just affect individual borrowers and lenders. Whole neighborhoods pay the price. Housing industry experts estimate that for every foreclosure within an eighth of a mile of a house, two and a half city blocks in every direction, the property value of surrounding homes drops by about 1 percent.

I believe that the Federal Government has a role to play in ensuring that millions of Americans, including neighbors who avoided risky loans and have sacrificed and saved to pay their bills on time, are protected from further declines in property values and the blight of abandoned homes.

This legislation is targeted relief that will help more families keep their homes and protect communities from even greater losses. The Preserving Homes and Communities Act will set us on the path to stabilizing the housing sector as a foundation of lasting economic recovery. I hope my colleagues will join me and Senators DURBIN, WHITEHOUSE, and MERKLEY in sup-

porting this bill and other foreclosure prevention efforts.

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

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

S. 1731

*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 “Preserving Homes and Communities Act of 2009”.

**SEC. 2. LOAN MODIFICATION REQUIREMENTS.**

(a) DEFINITIONS.—In this section—

(1) the term “covered mortgagee” means—

(A) a mortgagee under a federally related mortgage loan; and

(B) the agent of a mortgagee under a federally related mortgage loan;

(2) the term “covered mortgagor” means an individual who is a mortgagor under a federally related mortgage loan—

(A) made by a covered mortgagee;

(B) secured by the principal residence of the mortgagor; and

(C) on which the mortgagor cannot make payments due to financial hardship, as determined by the Secretary;

(3) the term “federally related mortgage loan” has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602);

(4) the term “home loan modification protocol” means a home loan modification protocol that is developed under a home loan modification program put into effect by the Secretary of the Treasury or the Secretary;

(5) the term “qualified loan modification” means a modification to the terms of a mortgage agreement between a covered mortgagee and a covered mortgagor that is made pursuant to a determination by the covered mortgagee using a home loan modification protocol that a modification would produce a greater net present value than foreclosure to—

(A) the covered mortgagee; or

(B) in the aggregate, all persons that hold an interest in the mortgage agreement; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

(b) LOAN MODIFICATION REQUIRED.—

(1) IN GENERAL.—A covered mortgagee may not initiate or continue a foreclosure proceeding against a covered mortgagor that is otherwise authorized under State law unless—

(A) the covered mortgagee has determined whether the covered mortgagor is eligible for a qualified loan modification;

(B) in the case of a covered mortgagor who the covered mortgagee determines is eligible for a qualified loan modification, the covered mortgagee has offered a qualified loan modification to the covered mortgagor; and

(C) in the case of a covered mortgagor who the covered mortgagee determines is not eligible for a qualified loan modification, the covered mortgagee has made available to the covered mortgagor the note, deed of trust, or any other document necessary to establish the right of the mortgagee to foreclose on the mortgage.

(2) NO WAIVER OF RIGHTS.—A covered mortgagee may not require a covered mortgagor to waive any right of the covered mortgagor as a condition of making a qualified loan modification.

(3) SALE OF REAL PROPERTY SECURING MORTGAGE.—

(A) SALE.—A covered mortgagee may not sell the real property securing the mortgage of a covered mortgagor unless the covered

mortgagee submits to the appropriate State entity in the State in which the real property is located, a certification that the covered mortgagee has made a determination under paragraph (1)(A).

(B) ACTION BY PURCHASER.—A person that purchases from a covered mortgagee the real property securing the mortgage of a covered mortgagor may not recover possession of the real property unless the covered mortgagee submits to the appropriate State entity in the State in which the real property is located, a certification that the covered mortgagee has made a determination under paragraph (1)(A).

(C) CERTIFICATION STANDARDS.—The Secretary shall establish minimum standards for the certification required under this paragraph.

(4) DEFENSE TO FORECLOSURE.—Failure to comply with this subsection shall be a defense to foreclosure.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent a covered mortgagee from offering or making a loan modification with a lower payment, lower interest rate, or principal reduction beyond that required by a modification made using a home loan modification protocol with respect to a covered mortgagor.

(c) FEES PROHIBITED.—

(1) LOAN MODIFICATION FEES PROHIBITED.—A covered mortgagee may not charge a fee to a covered mortgagor for carrying out the requirements under subsection (b).

(2) FORECLOSURE-RELATED FEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a mortgagee may not charge a foreclosure-related fee to a mortgagor before—

(i) the mortgagee has made a determination under subsection (b)(1); and

(ii) the mortgage has entered the foreclosure process.

(B) DELINQUENCY FEES.—A mortgagee may charge a delinquency fee for late payment by the mortgagor.

(3) FEES NOT IN CONTRACT.—A mortgagee may charge to a mortgagor only such fees as have been specified in advance by the mortgage agreement.

(4) FEES FOR EXPENSES INCURRED.—A mortgagee may charge a fee to a mortgagor only for services actually performed by the mortgagee or a third party in relation to the mortgage agreement. For purposes of this paragraph, the term “third party” does not include an affiliate or subsidiary of the mortgagee.

(5) PENALTY.—The Secretary shall collect from any mortgagee that charges a fee in violation of this subsection an amount equal to \$6,000 for each such fee.

(d) REGULATIONS.—Not later than 3 months after the date of enactment of this Act, the Secretary shall issue by notice any requirements to carry out this section. The Secretary shall subsequently issue, after notice and comment, final regulations to carry out this section.

**SEC. 3. GRANTS TO STATES TO ASSIST HOMEOWNERS IN DEFAULT.**

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following:

“(g) GRANTS TO STATES TO ASSIST HOMEOWNERS IN DEFAULT.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible agency’ means a State housing finance agency or an agency designated by the State as an eligible agency;

“(B) the term ‘eligible homeowner’ means a mortgagor who—

“(i) is a permanent resident of the State in which the principal residence of the mortgagor is located;

“(ii) agrees to seek counseling from a counseling agency approved by the Secretary if the eligible homeowner receives a loan or grant made using funds under this subsection;

“(iii) is suffering from financial hardship which is unexpected or due to circumstances beyond the control of the mortgagor;

“(iv) is unable to correct any delinquency on any amounts past due on the home loan of such mortgagor within a reasonable time without financial assistance;

“(v) has requested a loan modification from the mortgagee;

“(vi) is unable to make full payment on any home loan payment due for all liens within the 30-day period following the date of the application by the mortgagor for a loan or grant using funds under this subsection;

“(vii) the eligible agency determines has a reasonable probability of resuming full payments due for all liens on the mortgage of such mortgagor not later than 15 months after the date on which the mortgagor receives a loan or grant using funds under this subsection; and

“(viii) has not previously received a loan or grant using funds under this subsection; and

“(C) the term ‘mortgagor’ means a mortgagor under a mortgage—

“(i) secured by a 1- to 4-family owner-occupied residence (including a 1-family unit in a condominium project and a membership interest and occupancy agreement in a cooperative housing project) that is used as the principal residence of the mortgagor;

“(ii) with an interest rate that does not exceed the prime rate of interest at the time of loan origination, as such prime rate is determined by not less than 75 percent of the 30 largest depository institutions in the United States; and

“(iii) for an amount that does not exceed the conforming loan limit for conventional mortgages, as determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)).

“(2) GRANT PROGRAM ESTABLISHED.—The Secretary shall award grants to eligible agencies, to enable eligible agencies to provide—

“(A) 1-time emergency grants or subsidized loans to eligible homeowners to assist such eligible homeowners in satisfying any amounts past due on their home loans;

“(B) grants or subsidized loans to eligible homeowners for a specified number of future mortgage payments by the eligible homeowners; and

“(C) stipends of not more than \$1,500 to assist with relocation expenses for homeowners not eligible for the program.

“(3) ADDITIONAL SERVICES PROVIDED BY ELIGIBLE AGENCY.—An eligible agency that receives a grant under this subsection shall provide—

“(A) a readily accessible source for information on, and referral to, public services available to assist a homeowner who is in default on their home loan;

“(B) a homeowner with referrals to counseling agencies approved by the Department of Housing and Urban Development that may be able to assist that homeowner, if that homeowner is in default on their home loan;

“(C) information to homeowners on available community resources relating to homeownership, including—

“(i) public assistance or benefits programs;

“(ii) mortgage assistance programs, including programs that help homeowners prepare documents for loan modification applications;

“(iii) home repair assistance programs;

“(iv) legal assistance programs;

“(v) utility assistance programs;

“(vi) food assistance programs; and

“(vii) other Federal, State, or local government funded social services; and

“(D) staff who—

“(i) are able to conduct a brief assessment of the situation of a homeowner; and

“(ii) based on such assessment, make appropriate referrals to, and provide application information regarding, programs that can provide assistance to such homeowner.

“(4) FORMULA.—Not later than 3 months after the date of enactment of the Preserving Homes and Communities Act of 2009, the Secretary shall develop a formula for the award of funds under this subsection that includes the following factors:

“(A) The population of the State, as determined by the Bureau of the Census in most recent estimate of the resident population of the State.

“(B) The rate of mortgages in the State that are delinquent more than 90 days.

“(C) The ratio of foreclosures to owner-occupied households in the State.

“(D) The change, if any, in the rate of unemployment in the State between 2007 and 2008.

“(5) PROGRAM REQUIREMENTS.—

“(A) SELECTION CRITERIA.—

“(i) IN GENERAL.—Each eligible entity that receives a grant under this subsection shall develop selection criteria for eligible homeowners seeking a grant or subsidized loan under this subsection.

“(ii) INCOME REPORTING.—A mortgagor that receives a grant or subsidized loan under this subsection shall be required, in accordance with criteria prescribed by the eligible agency, to report any increase in income.

“(B) LOAN REQUIREMENTS.—

“(i) INTEREST RATE.—Any loan made using a grant under this subsection shall carry a simple annual percentage rate of interest which shall not exceed the prime rate of interest, as such prime rate is determined from time to time by not less than 75 percent of the 30 largest depository institutions in the United States.

“(ii) COMPOUND INTEREST PROHIBITED.—Interest on the outstanding principal balance of any loan under this subsection shall not compound.

“(iii) BALANCE DUE.—

“(I) IN GENERAL.—The principal of any loan made under this paragraph, including any interest accrued on such principal, shall not be due and payable unless the real property securing such loan is sold or transferred.

“(II) DEPOSIT OF BALANCE DUE.—If an event described in subclause (I) occurs, the principal of any loan made under this subsection, including any interest accrued on such principal, shall immediately become due and payable to the eligible agency from which the loan originated.

“(iv) PREPAYMENT.—Any eligible homeowner who receives a loan using a grant made under this subsection may repay the loan in full, without penalty, by lump sum or by installment payments, at any time prior to the loan becoming due and payable.

“(v) MAXIMUM AMOUNT.—The amount of any loan to any 1 eligible homeowner under this subsection may not exceed 20 percent of the original mortgage amount borrowed by the eligible homeowner.

“(vi) SUBORDINATION.—Any loan made using a grant under this subsection will be subordinated to any refinancing of the first mortgage, any preexisting subordinate financing, any purchase money mortgage, or subordinated for any other reason, as determined by the eligible agency.

“(6) SEPARATE ACCOUNT.—

“(A) SEPARATE ACCOUNT.—An eligible agency that receives a grant under this subsection shall establish a separate account in

which to hold amounts received under this subsection.

“(B) REPAYMENT OF LOANS.—Any amounts repaid on a subsidized loan made under this subsection shall be deposited in the account established under subparagraph (A).

“(C) OTHER FUNDING.—Amounts donated or otherwise directed to be used for purposes of this subsection may be deposited in the account established under subparagraph (A) to help capitalize such account.

“(7) USE OF GRANT FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), any amounts made available for purposes of this subsection may be used only for the purposes described in paragraph (2).

“(B) EXCEPTION FOR ADMINISTRATIVE COSTS.—An eligible agency may use not more than 5 percent of any funds received under this subsection for administrative costs relating to activities carried out under paragraph (2).

“(8) EXISTING LOAN FUNDS.—Any eligible agency with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan or for future payments may use funds appropriated for purposes of this subsection for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subsection, unless such use is expressly determined by the Secretary to be inappropriate.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(A) \$6,375,000,000 for fiscal year 2010; and

“(B) such sums as may be necessary for each of fiscal years 2011 through 2013.”.

#### SEC. 4. MEDIATION INITIATIVES.

(a) DEFINITIONS.—In this section—

(1) the term “mortgagee” includes the agent of a mortgagee; and

(2) the term “Secretary” means the Secretary of Housing and Urban Development.

(b) GRANT PROGRAM ESTABLISHED.—The Secretary shall establish a grant program to make competitive grants to State and local governments to establish mediation programs that assist mortgagors facing foreclosure.

(c) MEDIATION PROGRAMS.—A mediation program established using a grant under this section shall—

(1) require participation in the program by—

(A) any mortgagee that initiates a foreclosure proceeding; and

(B) any mortgagor who is subject to a foreclosure proceeding;

(2) require any mortgagee or mortgagor required to participate in the program to make a good faith effort to resolve issues relating to foreclosure proceedings through mediation;

(3) if mediation is not made available to the mortgagor before a foreclosure proceeding is initiated, allow the mortgagor to request mediation at any time before a foreclosure sale;

(4) provide for—

(A) supervision by a State court (or a State court in conjunction with an agency or department of a State or local government) of the mediation program;

(B) selection and training of neutral, third-party mediators by a State court (or an agency or department of the State or local government);

(C) penalties to be imposed by a State court, or an agency or department of a State or local government, if a mortgagee fails to comply with an order to participate in mediation; and

(D) consideration by a State court (or an agency or department of a State or local

government) of recommendations by a mediator relating to penalties for failure to fulfill the requirements of the mediation program;

(5) require that each mortgagee that participates in the mediation program make available to the mortgagor, before and during participation in the mediation program, documentation of—

(A) a loan modification calculation or net present value calculation made by the mortgagee in relation to the mortgage using a home loan modification protocol—

(i) developed under a home loan modification program put into effect by the Secretary of the Treasury or the Secretary; or

(ii) approved by the Secretary;

(B) the loan origination, including any note, deed of trust, or other document necessary to establish the right of the mortgagee to foreclose on the mortgage;

(C) any pooling and servicing agreement that the mortgagee believes prohibits a loan modification;

(D) the payment history of the mortgagor and a detailed accounting of any costs or fees associated with the account of the mortgagor; and

(E) the specific alternatives to foreclosure considered by the mortgagee, including loan modifications, workout agreements, and short sales;

(6) prohibit a mortgagee from shifting the costs of participation in the mediation program, including the attorney's fees of the mortgagee, to a mortgagor;

(7) provide that—

(A) any holder of a junior lien against the property that secures a mortgage that is the subject of a mediation—

(i) be notified of the mediation; and

(ii) be permitted to participate in the mediation; and

(B) any proceeding initiated by a holder of a junior lien against the property that secures a mortgage that is the subject of a mediation be stayed pending the mediation;

(8) provide information to mortgagors about housing counselors approved by the Secretary; and

(9) be free of charge to the mortgagor and mortgagee.

(d) RECORD KEEPING.—A State or local government that receives a grant under this section shall keep a record of the outcome of each mediation carried out under the mediation program, including the nature of any loan modification made as a result of participation in the mediation program.

(e) TARGETING.—A State that receives a grant under this section may establish—

(1) a State-wide mediation program; or

(2) a mediation program in a specific locality that the State determines has a high need for such program due to—

(A) the number of foreclosures in the locality; or

(B) other characteristics of the locality that contribute to the number of foreclosures in the locality.

(f) FEDERAL SHARE.—The Federal share of the cost of a mediation program established using a grant under this section may not exceed 50 percent.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$80,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of fiscal years 2011 through 2013.

## SEC. 5. OVERSIGHT OF PUBLIC AND PRIVATE EFFORTS TO REDUCE MORTGAGE DEFAULTS AND FORECLOSURES.

(a) DEFINITIONS.—In this section—

(1) the term “heads of appropriate agencies” means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union

Administration, the Director of the Office of Thrift Supervision, and a representative of State banking regulators selected by the Secretary of Housing and Urban Development;

(2) the term “mortgagee” means—

(A) an original lender under a mortgage;

(B) any servicers, affiliates, agents, subsidiaries, successors, or assignees of an original lender; and

(C) any subsequent purchaser, trustee, or transferee of any mortgage or credit instrument issued by an original lender;

(3) the term “Secretary” means the Secretary of Housing and Urban Development; and

(4) the term “servicer” means any person who collects on a home loan, whether such person is the owner, the holder, the assignee, the nominee for the loan, or the beneficiary of a trust, or any person acting on behalf of such person.

(b) MONITORING OF HOME LOANS.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of appropriate agencies, shall develop and implement a plan to monitor—

(A) conditions and trends in homeownership and the mortgage industry, in order to predict trends in foreclosures to better understand other critical aspects of the mortgage market; and

(B) the effectiveness of public efforts to reduce mortgage defaults and foreclosures.

(2) REPORT TO CONGRESS.—Not later than 1 year after the development of the plan under paragraph (1), and each year thereafter, the Secretary shall submit a report to Congress that—

(A) summarizes and describes the findings of the monitoring required under paragraph (1); and

(B) includes recommendations or proposals for legislative or administrative action necessary—

(i) to increase the authority of the Secretary to levy penalties against any mortgagee, or other person or entity, who fails to comply with the requirements described in this section;

(ii) to improve coordination between public and private initiatives to reduce the overall rate of mortgage defaults and foreclosures; and

(iii) to improve coordination between initiatives undertaken by Federal, State, and local governments.

(c) NATIONAL DATABASE ON DEFAULTS AND FORECLOSURES.—

(1) IN GENERAL.—The Secretary, in consultation with the heads of appropriate agencies, shall develop recommendations for a national database on mortgage defaults and foreclosures that—

(A) provides information to Federal regulatory agencies on—

(i) mortgagees that generate home loans that go into default or foreclosure at a rate significantly higher than the national average for such mortgagees;

(ii) the factors associated with such higher rates; and

(iii) other factors and indicators that the Secretary determines are critical to monitoring the mortgage markets; and

(B) provides information to Federal, State, and local governments on loans, defaults, foreclosure initiations, foreclosure completions, and sheriff sales that—

(i) is not otherwise readily available;

(ii) would allow for a better understanding of local, regional, and national trends in delinquencies, defaults, and foreclosures; and

(iii) helps improve public policies that reduce defaults and foreclosures.

(2) CONSIDERATIONS.—In developing the recommendations under paragraph (1), the Secretary shall take into consideration privacy

concerns and legal issues relating to such concerns, including the advisability of establishing rules relating to access to information obtained under subsection (d).

(3) REPORT TO CONGRESS ON NATIONAL DATABASE.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains—

(A) the recommendations developed under paragraph (1); and

(B) an estimate of the cost of maintaining the database described in paragraph (1).

(d) PROVISION OF DATA.—

(1) DATA REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the heads of appropriate agencies, shall issue final rules that require each mortgagee or servicer that originates or services not fewer than 100 loans in a calendar year (or any other person that the Secretary determines can effectively provide the data described in paragraph (2)) to submit a report to the Secretary not less frequently than once each quarter that contains data the Secretary determines are necessary to carry out this section.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall contain data that—

(A) for each loan, use the identification requirements that are established under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) for data reporting, including—

(i) the year of origination;

(ii) the agency code of the originator;

(iii) the respondent identification number of the originator; and

(iv) the identifying number for the loan;

(B) describe the characteristics of each home loan originated in the preceding 12 months by the mortgagee or servicer (or, in the case of the first report required to be submitted under this subsection, all active loans originated by the mortgagee or servicer), including—

(i) the loan-to-value ratio at the time of origination for each mortgage on the property;

(ii) the type of mortgage, such as a fixed-rate or adjustable-rate mortgage; and

(iii) any other loan or loan underwriting characteristics determined by the Secretary to be necessary in order to meet the requirements of paragraph (1) and that are not already available to the Secretary through a national mortgage database;

(C) include the performance outcome of each home loan originated in the preceding 12 months by the mortgagee or servicer (or, in the case of the first report required to be submitted under this subsection, all active loans originated by the mortgagee or servicer), including—

(i) whether such home loan was in delinquency at any point in such 12-month period; and

(ii) whether any foreclosure proceeding was initiated on such home loan during such 12-month period;

(D) are sufficient to establish for each home loan that at any point during the preceding 12 months had become 60 or more days delinquent with respect to a payment on any amount due under the home loan, or for which a foreclosure proceeding was initiated, the interest rate on such home loan at the time of such delinquency or foreclosure;

(E) include information relating to foreclosures, including—

(i) the date of all foreclosures initiated by the mortgagee or servicer; and

(ii) the combined loan-to-value ratio of all mortgages on a home at the time foreclosure proceedings were initiated;

(F) for a home loan that is in foreclosure, include information on all actions, including

loan modifications, taken to resolve the problem that led to the initiation of foreclosure proceedings and all actions undertaken prior to initiation of a foreclosure proceeding to resolve a delinquency or default;

(G) identify each home loan for which a foreclosure proceeding was completed in the preceding 12 months, including—

(i) foreclosure proceedings initiated in such 12-month period; and

(ii) the date of the foreclosure completion; and

(H) include any other information that the Secretary determines is necessary to carry out this section.

(3) COMPLIANCE PLAN AND REPORT.—The Secretary, in consultation with the heads of appropriate agencies, shall—

(A) develop a plan to monitor the compliance with the requirements established in this subsection by mortgagees and servicers; and

(B) submit to Congress a report on such plan.

(e) CONSOLIDATED DATABASE.—The Federal Financial Institutions Examination Council shall create a consolidated database that establishes a connection between the data provided under the Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.) and the data provided under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$5,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of fiscal years 2011 through 2013.

#### SEC. 6. HOUSING TRUST FUND.

From funds received by the Secretary of the Treasury from the sale of warrants under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.), the Secretary of the Treasury shall transfer and credit \$1,000,000,000 to the Housing Trust Fund established under section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) for use in accordance with such section.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 294—COM- MENDING THE LOUISIANA STATE UNIVERSITY TIGERS MEN'S BASEBALL TEAM FOR WINNING THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION COL- LEGE WORLD SERIES

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 294

Whereas, on June 24, 2009, the Louisiana State University Tigers men's baseball team won the 2009 National Collegiate Athletic Association College World Series with an 11-4 victory over the University of Texas at Johnny Rosenblatt Stadium in Omaha, Nebraska;

Whereas the Louisiana State University Tigers men's baseball team has won 6 national titles in 1991, 1993, 1996, 1997, 2000, and 2009;

Whereas the Louisiana State University Tigers men's baseball team ranks second in all-time College World Series titles;

Whereas, on May 24, 2009, the Louisiana State University Tigers men's baseball team won the 2009 Southeastern Conference Championship with a 6-2 victory over Vanderbilt University at Regions Park in Hoover, Alabama;

Whereas the Louisiana State University Tigers men's baseball team won 56 games during the 2009 season, the most wins by a national champion since 2005;

Whereas head coach Paul Mainieri has won his first national title as a head coach in his third season at Louisiana State University;

Whereas outfielder Jared Mitchell was named Most Valuable Player of the 2009 College World Series;

Whereas second baseman D.J. LaMahieu, outfielder Jared Mitchell, outfielder Ryan Schimph, and pitcher Anthony Ranaudo were named to the College World Series All-Tournament Team;

Whereas pitcher Louis Coleman finished his senior year with 14 wins and was selected as a 2009 First Team All-American; and

Whereas by winning the sixth national championship in the history of the University, the Louisiana State University men's baseball team is once again the top-ranked men's college baseball team: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Louisiana State University Tigers men's baseball team for winning the 2009 National Collegiate Athletic Association College World Series and being crowned national champions;

(2) recognizes the achievements of all players, coaches, and support staff who were instrumental in helping the Louisiana State University men's baseball team during the 2009 season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tigers baseball; and

(4) requests the Secretary of the Senate to transmit a copy of this resolution to Louisiana State University.

#### SENATE RESOLUTION 295—DESIG- NATING OCTOBER 13, 2009, AS "NATIONAL METASTATIC BREAST CANCER AWARENESS DAY"

Mr. BAYH (for himself, Mr. LUGAR, Mr. DURBIN, Mr. INOUE, Mr. SCHUMER, Mr. SANDERS, Mr. RISCH, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 295

Whereas metastatic breast cancer refers to stage IV breast cancer, when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in the new location;

Whereas in 2009, an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during National Breast Cancer Awareness Month, observed in October 2009, but those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making stage IV cancer a chronic, but not fatal, disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of breast cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2009, as "National Metastatic Breast Cancer Awareness Day";

(2) encourages all people of the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

#### SENATE RESOLUTION 296—DESIG- NATING OCTOBER 2009 AS "NA- TIONAL WORK AND FAMILY MONTH"

Mrs. LINCOLN (for herself, Mr. CRAPO, and Mr. KOHL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 296

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of workers' job productivity, job satisfaction, and commitment to employers and of employers' ability to retain workers;

Whereas, according to the 2008 National Study of Employers by the Families and Work Institute, employees in more flexible and supportive workplaces are more effective employees, are more highly engaged and less likely to look for a new job in the next year, and enjoy better overall health, better mental health, and lower levels of stress than employees in workplaces that provide less flexibility and support;

Whereas, according to a 2004 report of the Families and Work Institute entitled "Overwork in America", employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment toward employers and coworkers;

Whereas, according to the "Best Places to Work in the Federal Government" rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of engagement and satisfaction for employees in the Federal workforce;

Whereas, according to a 2009 survey of college students by the Partnership for Public Service and Universum USA entitled "Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It", attaining a healthy work-life balance was an important career goal of 66 percent of the students surveyed;

Whereas a 2008 study by the Partnership for Public Service entitled "A Golden Opportunity: Recruiting Baby Boomers into Government" revealed that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of workers in that age group find flexible work schedules "extremely appealing";

Whereas finding a good work-life balance is important to workers in multiple generations;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of wage and salaried workers in the United States have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, in 2000, research by the Radcliffe Public Policy Center revealed that men in their 20s and 30s and women in their 20s, 30s, and 40s identified a work schedule that allows them to spend time with their families as the most important job characteristic for them;

Whereas, according to the 2006 American Community Survey by the United States Census Bureau, 47 percent of wage and salaried workers in the United States are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives and research demonstrates that parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study demonstrated that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas, from 2001 to the beginning of 2008, 1,700,000 active duty troops served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) were called up to serve in Iraq;

Whereas, because so many of those troops and National Guard and Reserve members have families, there needs to be a focus on policies and programs that can help military families adjust to the realities that come with having a family member in the military;

Whereas research by the Sloan Center for Aging and Work reveals that the majority of workers aged 53 and older attribute their success as an employee by a great or moderate extent to having access to flexibility in their jobs and that the majority of those workers also report that, to a great extent, flexibility options contribute to an overall higher quality of life;

Whereas studies show that 1/3 of children and adolescents in the United States are obese or overweight, and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of

long-term care services in the United States for the elderly;

Whereas the Department of Health and Human Services anticipates that by 2050 the number of such caregivers will reach 37,000,000, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October is an appropriate month to designate as "National Work and Family Month": Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2009 as "National Work and Family Month";

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and to healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2576. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2577. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2578. Mr. KAUFMAN (for himself, Mr. LUGAR, Mr. BAYH, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2579. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2580. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2581. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2582. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2583. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2584. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2586. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2587. Mr. KERRY (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2576. Mr. DORGAN submitted an amendment intended to be proposed by

him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_ (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN CONTRACTS NOT INCLUDING HIRING PREFERENCES.—Subject to subsection (a), amounts appropriated or otherwise made available by this Act may not be obligated or expended on a contract for work within Iraq or Afghanistan unless such contract includes a preference on hiring for work under the contract in Iraq or Afghanistan, as applicable, for qualified citizens of the United States and qualified citizens of Iraq or Afghanistan, as applicable.

(b) WAIVER.—The Secretary of Defense may waive the application of the prohibition in subsection (a) to a contract if the Secretary determines that the waiver is in the national security interests of the United States.

SA 2577. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_ None of the amounts appropriated or otherwise made available by this Act for procurement of C-17 aircraft may be obligated or expended as follows:

(1) Until the congressionally-mandated study conducted by the Institute of Defense Analyses and the Mobility Capabilities and Requirements Study 2016 (MCRS-16) have each been submitted to Congress.

(2) Unless the Secretary of Defense determines that the findings of the studies referred to in paragraph (1) support the procurement of additional C-17 aircraft to meet national defense requirements.

SA 2578. Mr. KAUFMAN (for himself, Mr. LUGAR, Mr. BAYH, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_ The Secretary of Defense shall, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

SA 2579. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$1,000,000 may be available for the development of Next Generation Flame-Resistant Fabric Technology.

**SA 2580.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. The amount appropriated by title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft.

**SA 2581.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE GENERALLY.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

(c) SOURCE OF INCREASES.—Amounts for the increases made by subsections (a) and (b) shall be derived from a reduction in amounts previously appropriated by this Act for the procurement of C-17 aircraft that was achieved by the adoption of Senate Amendment No. 2580.

**SA 2582.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OVARIAN CANCER RESEARCH PROGRAM.—

(1) ADDITIONAL AMOUNT.—The amount appropriated or otherwise made available by this Act for the peer-reviewed Ovarian Cancer Research Program of the Department of Defense is hereby increased by \$10,000,000.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the program referred to in that paragraph is in addition to any other amounts available in this Act for that program.

(b) OFFSET.—The amount appropriated by title IV for Research, Development, Test, and Evaluation is hereby reduced by \$10,000,000.

**SA 2583.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. (a) MARIAH HYPERSONIC WIND TUNNEL DEVELOPMENT PROGRAM.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" is hereby reduced by \$9,500,000, with the amount of the reduction to be allocated to amounts available for the MARIAH Hypersonic Wind Tunnel Development Program.

**SA 2584.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE GENERALLY.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading "OPERATION AND MAINTENANCE, ARMY", is hereby increased by \$61,597,000.

**SA 2585.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning on line 22, strike "\$294,000,000" and all that follows through "\$236,000,000" and insert "\$194,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$336,000,000".

**SA 2586.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$3,500,000 may be available for Integrated Chemical and Biological Detection System Technology.

**SA 2587.** Mr. KERRY (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$1,600,000 may be available for the Combined Mishap Reduction System/ Joint Safety Climate Assessment Survey.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 30, 2009, at 9:45 a.m. in room 328A of the Russell Senate Office Building.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 30, 2009, at 2:30 p.m., to conduct a hearing entitled "International Cooperation to Modernize Financial Regulation."

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

##### COMMITTEE ON FINANCE

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 30, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 30, 2009, at 10:15 a.m., to hold a hearing entitled "Exploring U.S. Policy Options towards Zimbabwe's Transition."

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 30, 2009, at 10 a.m. in SD-430.

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 30, 2009, at 10 a.m. to conduct a hearing entitled "Eight Years After 9/11: Confronting the Terrorist Threat to the Homeland."

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

## COMMITTEE ON THE JUDICIARY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 30, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Advancing Freedom of Information in the New Era of Responsibility."

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 30, 2009, at 2:30 p.m., to hold a hearing entitled "U.S. Policy toward Burma: Its Impact and Effectiveness."

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

## COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 30, 2009. The Committee will meet in room 412 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT  
AND THE COURTS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on September 30, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Responding to the Growing Need for Federal Judgeships: The Federal Judgeship Act of 2009."

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT,  
GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. NELSON of Nebraska. 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 be authorized to meet during the session of the Senate on September 30, 2009, at

3 p.m. to conduct a hearing entitled, "A Prescription for Waste: Controlled Substance Abuse in Medicaid."

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

## SPECIAL COMMITTEE ON AGING

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on September 30, 2009, from 11 a.m.-12:30 p.m. in room SD-106 of the Dirksen Senate Office building.

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

SICKLE CELL DISEASE  
AWARENESS MONTH

Mr. BEGICH. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 186, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 186) supporting the goals and ideal of Sickle Cell Disease Awareness Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BEGICH. I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 186) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, OCTOBER  
1, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, October 1; 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 then proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 3326, Defense appropriations.

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

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. BEGICH. If there is no further business to come before the Senate, I

ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:02 p.m., adjourned until Thursday, October 1, 2009, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## THE JUDICIARY

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

## DEPARTMENT OF JUSTICE

SANFORD C. COATS, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE JOHN CHARLES RICHTER, RESIGNED.

MARY ELIZABETH PHILLIPS, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE JOHN WOOD, RESIGNED.

STEPHANIE VILLAFUERTE, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE TROY A. EID, RESIGNED.

JOHN LEROY KAMMERZELL, OF COLORADO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE EDWARD ZAHREN.

MARK ANTHONY MARTINEZ, OF NEBRASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE BRIAN MICHAEL ENNIS, RESIGNED.

STEPHEN JAMES SMITH, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE JAMES THOMAS ROBERTS, JR.

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be commander*

LADONN A. ALLEN  
KAREN R. ANDERSON  
ERICH J. BAUER  
AMY M. BEACH  
JAMES G. BELLAIRE  
CHERI BENIESAU  
RICHARD G. BOSTON  
GLENN A. BRUNNER  
CHRISTOPHER A. BUCKRIDGE  
KEVIN M. CARROLL  
KEVIN M. CARROLL  
MICHAEL S. CAVALLARO  
RICHARD F. CHRISTENSEN  
DWIGHT E. COLLINS  
TIMOTHY J. CONNORS  
DARCIE A. CUNNINGHAM  
MICHAEL J. DAVANZO  
ERIC D. DENLEY  
STEVEN M. DETTON  
MICHAEL B. DOLAN  
ANGELIC D. DONOVAN  
BRADY C. DOWNS  
PATRICK R. DOZIER  
BRIAN E. EDMISTON  
MATTHEW EDWARDS  
STEVEN M. FACHKO  
MICHAEL C. FARRELL  
CHRISTIAN A. FERGUSON  
PATRICK M. FLYNN  
DANIEL P. GAINOR  
MARIA G. GALMAN  
TONI N. GAY  
PAUL M. GILL  
AMY B. GRABLE  
MARK F. HAMMOND  
THOMAS J. HARRINGTON  
RICHARD A. HARTLEY  
JEFFREY J. HAUKOM  
MARC A. HAWKINS  
JOSEPH J. HEALY  
ROBERT E. HEMP  
PATRICK M. HILBERT  
BRIAN J. HOFFERBER  
MICHAEL A. HUDSON  
LANCE E. ISAKSON  
KEVIN L. IVEY  
KEITH A. JERNIGAN  
SCOTT L. JOHNSON  
JAMES M. KAMMEL  
PATRICK A. KNOWLES  
MATTHEW W. LAKE  
KELLY M. LARSON  
PAUL R. LATTANZI  
CYNTHIA A. LEDERER-SYDNOR  
STEFANIE A. LINCOLN  
STEVEN M. LONG  
MICHAEL C. MACMILLAN  
JONATHAN H. MAIORINE  
GLENN A. MARTINEAU  
LUISE E. MARTINEZ  
JOSEPH P. MCCONNELL  
PHILIP M. MCMANUS

BRIAN L. MELVIN  
 STACEY MERSEL  
 KARIN E. MESSENGER  
 GARY M. MESSMER  
 DENNIS C. MILLER  
 RICHARD D. MOLLOY  
 JEFFREY R. MORGAN  
 HEATHER L. MORRISON  
 BETH A. NAFF  
 MICHAEL F. NASITKA  
 JEFFREY F. NEUMANN  
 KEITH O. PELLETTIER  
 ROBERT A. PHILLIPS  
 CURTISS C. POTTER  
 GREGORY L. PURVIS  
 KEVIN P. QUILLIAM  
 JOSE A. QUINONES-QUINTANA  
 LISA A. RAGONE  
 DANA B. REID  
 KURT W. RICHTER  
 WILLIAM A. RIMBACH  
 JAMES V. ROCCO  
 MONICA L. ROCHESTER  
 GREGORY C. ROTHROCK  
 LUIS C. SANDOVAL  
 WILLIAM E. SASSER  
 TANYA L. SCHNEIDER  
 JOHN A. SCHUTZENHOFER  
 DALE V. SHEPARDSON  
 GERALD D. SLATER  
 JOHN A. SMITH  
 MARTIN L. SMITH  
 JOSEPH H.D. SOLOMON  
 TIFFANY M. ST. GEORGE  
 SAM C. STEVENS  
 GLENN D. STOCKS  
 ERIC J. STORCH  
 CAROL M. STUNDTNER  
 THOMAS P. SULLIVAN  
 JEFFREY S. SWANSON  
 MICHAEL G. TAPPE  
 JASON P. TAMA  
 ROXANNE TAMEZ  
 ROBERT F. TAYLOR  
 RICHTER L. TIPTON  
 WENDY M. TOMKO  
 STEVEN J. TUCKER  
 JACQUELINE M. TWOMEY

ADAM J. TYNDALE  
 PETER R. VANNESS  
 JOHN D. WALLINGTON  
 JAMES A. WILLIAMSON

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. MARK A. WELSH III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DAVID L. WEEKS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. MELVIN G. SPIESE

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

LEAR E. DUTTON  
 ROBERT G. TROJANOWSKI  
 MARK B. VARNEY  
 TYRA Y. WHITE

*To be major*

BRIAN S. BLACKSTONE  
 WILLIAM B. HUBER

GREGORY T. ISBILL  
 DEBORAH S. KARAGOSIAN  
 PATRICIA A. PEELE  
 ANDREA L. SAMPSON  
 MARCUS C. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

DANIEL T. AMES  
 SHERMAN W. BAKER, JR.  
 MICHAEL E. BRAINERD  
 JAMES R. CARTER  
 MICHAEL D. CHARLES  
 TIMOTHY B. EGGLESTON  
 JONATHAN C. GIBBS III  
 MATTHEW M. GOFF  
 WARREN E. KIRBY, JR.  
 JONATHAN A. MCGRAW  
 WRAY B. PHYSIOC III  
 KENNETH F. REVELL  
 BARBARA K. SHERER  
 GARY R. STUDNIEWSKI  
 BRYAN J. WALKER  
 DAVID L. WATERS, SR.  
 JAMES C. WATSON  
 THOMAS C. WAYNICK  
 THOMAS B. WHEATLEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DONALD J. SHEEHAN, JR.

DEPARTMENT OF STATE

JOHN F. TEFFT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.