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Senate

The Senate met at 9:30 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:

Lord of heaven's armies, we come to You today seeking Your wise guidance. You asked us to embrace Your wisdom, for it is a treasure more precious than silver or gold. Help us to delight in Your sacred word and thrive like trees planted by streams of water. Lord, give us the faith to trust in You with all our hearts and not to lean only on our understanding. Encourage us to be doers of Your Word and not just hearers.

Bless our Senators and all Senate staff members today as they labor for our Nation and its citizens. Bless also those in harm's way and their families, and protect them from the dangers of the sea, land, and air, and from the violence of their enemies.

We pray in Your sovereign 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 2010.

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.

DANIEL K. INOUYE,
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.

THANKING DR. BARRY C. BLACK

Mr. REID. Mr. President, before we get into the business of the day, I wish to take a minute, while the Chaplain of the Senate is here, Admiral Black, to comment on really a remarkable afternoon. Ted Stevens, who served in the Senate for many decades, was laid to rest yesterday at Arlington National Cemetery. It was strictly a military funeral—caissons came down the hill, the casket was over the grave.

The only speaking at the event was from the Senate Chaplain. It was very good, very spiritual. The setting was wonderful. It was a beautiful fall day. There were hundreds of people there. The Chaplain, with this booming voice he was given at birth, was able to do it without any amplification whatsoever. It was very nice.

The one thing that was stunning to everyone there was that the Chaplain said, ''I am now going to recite,'' and he went through about eight or nine passages in the Bible. He named which passages he was going to recite—one, two, three, four, five, six, seven, eight—and then proceeded to do it without a note, without anything. It was remarkable. It reminded me so much of Senator Byrd because he also had that ability, the ability to remember. I am sure, for those of us there, it looked so easy for the Chaplain to do that, but I am sure he prepared as he did as a young boy, learning these verses of Scripture for his mother and grandmother.

While he is here on the floor, I wish to express my appreciation to him. But the appreciation is from everyone who was there who is not capable of doing that because they don't have the ability to speak. So I say to my friend the Chaplain, we appreciate your spiritual leadership of the Senate and your remarkable qualities as a person.

SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morning business until 10 a.m, with the time equally divided and controlled between the two leaders or their designees.

At 10 a.m., there will be 2 hours for debate on the motion to proceed to S.J. Res. 39, with the time equally divided and controlled between the leaders or their designees. S.J. Res. 39 is a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

At around noon, the Senate will vote on that matter. If cloture is not invoked, the Senate will resume consideration of the motion to proceed to the legislative vehicle we will use to complete work here on the continuing resolution. Senators will be notified when a vote on the continuing resolution is scheduled.

The Senate will recess from 12:30 until 2:15 today for our weekly party caucuses.

UNANIMOUS-CONSENT REQUEST—H.R. 388

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 119, H.R. 388, the Crane Conservation Act; that the bill be read three times, passed, the motion to reconsider be laid on the table, and any

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

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statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 859

Mr. REID. I ask unanimous consent that we now move to Calendar No. 154, S. 859, the Marine Mammal Rescue Assistance Act; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements related to the measure be printed in the RECORD.

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 529

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 529, Great Cats and Rare Canids Act; that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 850

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 270, S. 850, the Shark Conservation Act; that the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1748

Mr. REID. Mr. President, I ask unanimous consent that we move now to consideration of S. 1748, the Southern Sea Otter Recovery & Research Act, as reported by the Commerce Committee; that the committee-reported substitute amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

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.

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, there will now be a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to speak in morning business and will confine my remarks to the objections I just made to the leader's motions.

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

SETTING PRIORITIES

Mr. COBURN. Mr. President, I am simply amazed that, when we are borrowing $4.2 billion a day from our grandkids—that is what we are borrowing, $4.2 billion a day—we are going to run a $1.4 trillion deficit, and we have a unanimous consent request to move to things that spend more money, money we do not have that we are going to borrow from the Chinese or Russians to be able to pay for it, and we are going to spend the money overseas. There is no question that we should try to develop consensus in our body, but the first consensus we should have is the priorities of the problems that are facing this country. The problems that are facing this country are so big and so massive that our attention ought to be focused on those large problems, not on five separate bills that have been proffered for special interest groups. I don't understand the motivations. What I do understand is that the American people get it, even if we do not.

The fact that we are going to make attempts for political purposes to put bills that are not paid for and that will add to the $4.2 billion a day that we borrow on the floor when our economy is languishing because we continue to grow the Federal Government, continue to build regulations that affect and diminish the desire for people with capital to invest it in our economy—and we force people out of this country to build their plants and manufacturing facilities because of our regulations and tax codes, I do not understand.

My objections—I will not spend the time exactly outlining my objections to all these bills, but my overall objection is the priorities we are setting in the Senate. We ought to be about creating confidence so people will invest in this country rather than continuing to undermine that confidence with superfluous, well-meaning bills that are put up for political purposes instead of addressing the real problems that are facing our country.

Out of a courtesy to Senator REID and the agreement I just made with him, I will not offer my unanimous consent request at this time, but I will later today after he has had a chance to read them, on the following five bills:

The Veterans Second Amendment Protection Act. Mr. President, 140,000 veterans in this country have lost their second amendment rights. It has never been adjudicated that they were a danger to themselves or anybody else. Yet a bureaucrat somewhere has taken away their second amendment rights. This bill has come out of committee twice. Senator BURR is the lead sponsor on it. We treat veterans as second-class citizens when it comes to their second amendment rights. We ought to pass that. I will ask that later.

The Firearms Fairness and Affordability Act. We make firearms manufacturers pay their taxes every 2 weeks instead of quarterly like every other manufacturer in this country. But we penalize them. We ought to treat them the same as everybody else.

The earmark transparency bill gives one Web site so everybody in America can see where the earmarks are, who offered them, what the basis for them is, whether they were competitively bid. That is something America would like to see.

Then there are two tax cheat bills, for us as Members of Congress and our employees and then other Federal employees.

So I will not offer those unanimous consent requests at this time, but I will later in the day. Again, there are important, big problems in front of this country. We need to be about addressing those rather than special interest favors at this time.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent

that the order for the quorum call be rescinded.

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

HONORING OUR ARMED FORCES

PRIVATE CHARLES HIGH

Mr. UDALL of New Mexico. Since the wars in Iraq and Afghanistan began nearly 9 years ago, 72 service members with New Mexico ties have lost their lives while defending our Nation and the freedoms we hold dear.

Seventy-two. They were brothers and fathers and husbands and sons and friends. Each was irreplaceable to his family. Each had a different story. Today, I rise to tell the story of one of those men.

U.S. Army PVT Charles High was 21 years old, a son of the city of Albuquerque who attended Eldorado High School.

Known as ''Charlie'' to his friends, he played the viola in his high school orchestra. He ran track. And he taught himself how to play guitar.

Charlie's dad says he always knew that his son would join the military. He signed up for Junior ROTC when he was 14, and his dad said he was hooked. He went on to join the Army in June of 2007 and was stationed at Fort Campbell in Kentucky as part of the elite 101st Airborne Division.

His tour in Afghanistan was his second overseas. He served his first tour in 2008 in Iraq.

Charlie was killed last month when an IED detonated near his vehicle, which was patrolling in Afghanistan's Kunar Province.

He leaves behind his dad Charles, his mom Kimberlea Johnson of Illinois, his fiancée Maggie Jo Simmonds, four siblings, his grandparents and great-grandmother, and dozens of other family members and friends.

A month before he was killed, Charlie had gone home to Albuquerque for a visit with friends and family. Here is what his Dad said when asked about his son's death:

> I would say he's a true American hero. He fought and died for his country. He died doing what he wanted to do. I hate to see him go so young, but he was quite a young man all the way around. When he was home, we could see how much he had grown.

Charlie's impact on all who knew him was evident in the messages of condolence left for his family after his death.

''He was a great friend and example,'' read one.

''You never gave up and never surrendered,'' said another.

''He gave his life for freedom.''

''He is a hero to us all.''

Private High: you truly are a ''hero to us all.'' You are forever in our hearts, and we are forever in your debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL DISAPPROVAL OF RULE RELATING TO GRANDFATHERED HEALTH PLAN—MOTION TO PROCEED

Mr. ENZI. Mr. President, I move to proceed to S.J. Res. 39.

The PRESIDING OFFICER. There will be 2 hours of debate equally divided.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, the resolution we are debating today is about keeping a promise. The authors of the new health care law promised the American people that if they liked their current health insurance, they could keep it. On at least 47 separate occasions, President Obama promised: ''If you like what you have, you can keep it.''

Unfortunately, the Obama administration has broken that promise. Earlier this year, the administration published a regulation that will fundamentally change the health insurance plans of millions of Americans. The reality of this new regulation is, if you like what you have, you can't keep it. The new regulation implemented the grandfathered health plan section of the new health care law. It specified how existing health plans could avoid the most onerous new rules and redtape included in the 2,700 pages of the new health care law.

This provision was a critical part of the new law. It allowed supporters to argue that current health insurance plans would be exempt from all of the rules and regulations created by the new law. Employers and health plans were told that the grandfathered protections would mean if you have coverage on the day the law passed, you could keep that coverage without having to make any major changes.

Employers and employees thought the bill would have cost-cutting measures, but now they find only cost increases. The new law will provide no relief to increasing costs until at least 2014. But this rule and its higher costs kick in now. Unfortunately, the regulation writers at the Departments of Treasury, Labor, and Health and Human Services broke all those promises. The regulation is crystal clear. Most businesses—the administration estimates between 39 and 69 percent—will not be able to keep the coverage they have.

Under the new regulation, once a business loses grandfathered status, they will have to comply with all of the new mandates in the law. This means these businesses will have to change their current plans and purchase more expensive ones that meet all of the new Federal minimum requirements. For the 80 percent of small businesses that will lose their grandfathered status because of this regulation, the net result is clear: They will pay more for their health insurance.

The Wall Street Journal recently reported costs as going up between 1 and 9 percent because of the mandates included in the new health care law. Couple this increase with inflation, and small businesses are looking at a 20-percent cost increase. I actually know something about small business; I used to run one.

I ran a shoe store in Wyoming. I stocked the shelves, worked the customers to fit shoes, ran the cash register. I placed the orders with suppliers. I did the accounting, I swept the sidewalk, I cleaned the toilets. I knew what it was like to worry about making payroll at the end of the month. I know firsthand about the struggles and challenges America's small businesses face. I understand what this regulation will do to small businesses across the country. Small businesses are struggling every day to find the resources to provide health insurance to their employees. Rather than making it easier for those businesses to continue to provide this coverage, the new regulation will mean that employers will simply drop their health coverage altogether. That is why I am so concerned about this grandfathered health plan regulation, and that is why I introduced the resolution we are debating today.

My resolution would force the administration to actually keep their promises. The resolution would overturn this grandfathered health plan regulation and allow tens of thousands of businesses across the country to keep their current plans. If we pass the resolution, millions of Americans will be spared from paying higher health care costs as a result of new Federal mandates. If we pass the resolution, small businesses across the country will not have to drop health insurance for their workers.

Congress created the Congressional Review Act we are using today specifically to overturn Federal regulations such as the one we are discussing. The sponsors of the Review Act recognized that too often Washington bureaucrats impose sweeping new regulations with little thought to the impact these changes will have in the real world. In particular, the Review Act was intended to protect small businesses across the country that are often most vulnerable to new government mandates and regulations.

That is precisely what happened with the grandfathered health plan regulation. The regulation writers went above and beyond what the law said and came up with a whole slew of requirements businesses must comply

with if they want to keep what they have. The regulation includes a long list of things that will disqualify businesses from being able to keep what they have. If a business does anything to try to keep costs under control, they lose their grandfathered status.

Earlier this year, when the grandfathered regulation was first published by the administration, I came to the Senate floor and warned of the negative impact this regulation would have on small businesses. This new regulation appears to ignore the impact it will have in the real world. It will drive up costs and reduce the number of people who have insurance.

I recently heard from Jim, an insurance agent in Illinois, who wrote to me and said:

My experience in the last few months is—maintaining grandfather status to my group plans is all but impossible. All my clients' renewal rates in September and October are in excess of thirty percent. To keep grandfather status, the group is limited in deductible changes and contribution levels. The only option is for the employer to accept the premium increase at the worst economic time in forty years. They can't afford to keep the grandfather status and soon won't be able to afford insurance at all. In my opinion, the legislative goal was to make maintaining grandfather status so restrictive, companies are forced out. It's working.

I have a whole slew of similar stories and I ask unanimous consent to have some of them printed in the RECORD.

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

HOW THE GRANDFATHERED HEALTH PLAN REGULATION IS IMPACTING AMERICANS—REAL LIFE STORIES FROM AMERICA'S HEALTH INSURANCE AGENTS

I recently helped a couple in their 50's who each had their own individual policy. I signed them up with their policies about a year ago and they gave me a call when their annual rates increased the usual 15%. They wanted to look for something more affordable even if it was a higher deductible plan. They settled on a plan. I went to meet with them and began to explain grandfathering and that if they do choose the new plan, they will lose the chance to keep their grandfathered status and either way will have to pay more. They decided to stay with their ''grandfathered plan'' because the benefits are ''better'' than what they would have been if they went to a new plan where they would have more out of pocket costs.

Really, either way, it's a lose-lose. At least if things would've remained the same, the benefits would be better. But, now we have to tell our clients and prospects that prices are still going to go up, and benefits are still going to go down, but just at a faster pace. It's been kicked into high gear with ObamaCare. So, kudos to the people that are making these drastic decisions. I'm glad I'm just the messenger, because I wouldn't want to be responsible for killing our healthcare.

TRESSA GIRT,
Health Insurance Agent,
Milwaukie, OR.

Several of the insurance companies doing business in Utah have announced that they will not allow ''grandfathering'' plans for groups under 50 lives because of the expense to them to maintaining multiple plans on their books. This basically leaves those who had coverage with these carriers without any possibility of grandfathering and thus avoiding the expense of new mandates.

CHARLES COWLEY,
Charles H. Cowley Employee Benefits,
Salt Lake City, UT.

I am an agent in Lafayette, IN. My specialty is small group health insurance. I work with many farmers and builders. These are hardworking, honest Americans just trying to make a decent living. Many of my clients struggle to make ends meet and desperately want to continue providing health insurance to their employees. With the healthcare reform, they are extremely confused and disappointed when it comes to being able to grandfather their plans. In particular, I insure a local builder. He has ensured throughout the years that his employees have good health coverage. He has absorbed many of the renewal increases in the past few years. With the downturn in new home sales, his business has struggled. His group health plan renewed Sept 1, 2010. He received a 15% increase. In years past, he was able to absorb the increase and keep the health plan ''as is.'' Financially, this year, that wasn't an option. He had to increase his deductible amount or risk being unable to offer health insurance at all. I explained that this small change would in fact cause his group to lose their grandfathering status. He was upset and concerned about the loss. He didn't want to make the change but it was either that or offer no coverage at all. I believe that a group should be able to retain their grandfathered status when making changes in deductibles such as raising by $500 or adjusting contribution levels. It is unrealistic to believe a small group can absorb 15+% increases for the next 4 yrs to maintain their grandfathered status.

My client is a 22-life group in Ft. Lauderdale, FL. Currently with Aetna. They received a large increase which is driving all my clients—not just them—out of a grandfathered plan! They feel forced to get a new plan because they made their current plan so expensive. Now, the new plans have much higher deductibles, more out-of-pocket and the affordable plans only offer to pay 50% coinsurance! The options are very limited.

JENNIFER L. EISLER.

Mr. ENZI. Folks all over the country are just like Jim. Insurance agents are explaining to small businesses that they will be forced to choose either to absorb premium increases in excess of 15 percent or lose their grandfathered health plan status. By the administration's own estimate, up to 80 percent of small businesses will lose the right to keep what they have. Lots of companies pay 90 percent of the cost of their employees' and families' insurance. They were hoping to be grandfathered at least until 2014, to see exactly how damaging the whole bill would be. But we are experiencing 2014 now, with no help in cost cutting.

The Small Business and Entrepreneurship Council says it pretty succinctly. In a letter they wrote to me supporting S.J. Res. 39, they write:

Rather than helping small business owners and their workforce keep their plans, it appears the rule has been rigged to force most small businesses and their employers out of grandfathered status.

The letter also reads:

The rule, as written, is in clear violation of President Obama's promise that Americans would be able to keep the health plans they currently have upon passage of the Patient Protection and Affordable Care Act.

As the Chamber of Commerce, the National Association of Manufacturers, the National Retail Federation, and other business groups supporting this resolution have said: This rule will make it harder for employers to make changes that will hold down their health care costs. Large and small businesses will have few options for both keeping costs in check and maintaining the grandfathered status.

If employers do almost anything to help slow the growth in their health insurance costs, they will lose the limited protections against the expensive new mandates in the bill. It is worth noting that two pages in the law that create the grandfathered plans give infinite leeway to the bureaucrats who are writing the rule, and they took it. The law doesn't say anything about cost-sharing requirements or coinsurance rates. The administration made up all of these provisions and requirements. They didn't have to write these rules in a way that precludes half of Americans from keeping what they have.

Our economy is already struggling. It doesn't need more job killing. It doesn't need cost increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. It is about the jobs. We need to create more jobs, not write more regulations that lead to less jobs. This bill was sold as letting people keep what they have. But the devil is in the details. Do a little digging and it is clear; Americans would not be able to keep what they have.

The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status. I even have letters from people who have individual situations, and they are concerned as well. That means more than half of Americans who like what they have would not be able to keep it.

The final result of the new regulation will be that all Americans will eventually be forced to buy the kind of health insurance the Federal Government thinks they should have. Never mind they can't afford it. Never mind that employers will be less likely to hire new workers and probably even lay off workers. Simply put, this rule states: Washington knows best.

This new rule is pretty clear. If you like what you have, you can't keep it.

Later today, the Senate will have the opportunity to vote on the resolution that will help small businesses actually keep what they have. I urge my colleagues to support this resolution and keep the promise that if Americans like the insurance they have, then they can keep it. That should be the bare minimum until at least 2014, so businesses and employers can assess the

damage from all the regulations combined—and there is a pile of them coming. Help is not in the bill until 2014, but the rule is for now. The big question is, Why weren't the cost-cutting measures included in the regulation?

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S.J. Res. 39.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I have 1 hour?

The PRESIDING OFFICER. That is right.

Mr. HARKIN. I know the Senator from Montana wants to speak. If he could just withhold for a few moments for my opening comment, and then I will yield to him.

Mr. BAUCUS. Sure.

Mr. HARKIN. Mr. President, I listened to the statement made by my good friend—and he is my good friend—Senator ENZI from Wyoming. We are in the seventh month since the Affordable Care Act became law. Ever since the day President Obama signed the bill into law, my friends on the Republican side have made it clear they intend to use every conceivable opportunity they have to repeal it. This resolution, regrettably, is another attempt to make good on that pledge by undoing some of the law's most critically important patient protections.

The resolution offered by Senator ENZI claims to protect small businesses by repealing the grandfather regulation, which defines which insurance plans and businesses have to comply with certain consumer protection provisions of the Affordable Care Act. However, if passed, the businesses and Americans could be in the worst of all worlds, losing the clear rules that allow them to keep the plans they have while not gaining additional consumer protections that apply when their plan changes.

I have a letter from the Main Street Alliance, which strongly opposes this resolution. This is an alliance of small businesses. Let me read an excerpt from that letter. They say:

> Opponents of the health law's insurance market reforms continue to hide behind business arguments and claims about increasing costs. But independent analyses show that all the new protections in the law should contribute a mere one to two percent increase to costs next year, a number easily offset by provisions like the small business tax credits—

That we have given small businesses—

> in the short term and savings from increased bargaining power and investing in prevention in the longer term. Let's be clear: those who seek to block implementation of the new grandfather regulations are acting in the best interests of the insurance industry, not Main Street small businesses.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

THE MAIN STREET ALLIANCE,
Seattle, WA, September 28, 2010.

Re Small business opposition to S.J. Res. 39, attempting to block implementation of health law's grandfathering rules.

HONORABLE SENATORS: On behalf of the Main Street Alliance, a national network of small business coalitions that brought the voices of real small business owners to the national dialogue over health reform, we write to urge your opposition to S.J. Res. 39, filed in the Senate on September 21. This resolution of disapproval would prevent the implementation of the grandfathering regulations that are critical to fostering an orderly transition to a reformed insurance market under the Patient Protection & Affordable Care Act.

Some of the health care law's new protections apply to all health plans, regardless of grandfathered status, including the prohibition of rescissions, ban on lifetime coverage limits, and end to exclusion of children based on pre-existing conditions. Still, other market reforms that are impacted by the grandfather provision are among the new protections most important to small businesses.

Small business owners want their health plans to cover basic preventive care at no cost so they can maintain a healthy workforce. We want an end to premium discrimination based on our employees' health status. And we want stronger review of premium increases and a meaningful third-party appeals process to make sure we get a fair shake. What we don't want is to be stuck indefinitely with plans that, because of their grandfathered status, allow insurers to continue ''business as usual'' without fulfilling new protections or submitting their rate increases for meaningful review—that would not be reform.

Opponents of the health law's insurance market reforms continue to hide behind business arguments and claims about increasing costs. But independent analyses show that all the new protections in the law should contribute a mere one to two percent increase to costs next year, a number easily offset by provisions like the small business tax credits in the short term and savings from increased bargaining power and investing in prevention in the longer term.

Let's be clear: those who seek to block implementation of the new grandfather regulations are acting in the best interests of the insurance industry, not Main Street small businesses.

Health reform needs to lower costs for small businesses. It also needs to end the slide toward junk health insurance. The regulations drafted by the Administration to implement the grandfather provision create a reasonable transition to a reformed insurance market. We urge your opposition to S.J. Res. 39.

Sincerely, on behalf of the Main Street Alliance,

J. KELLY CONKLIN,
Foley-Waite Associates, Inc., Bloomfield, NJ.
LEANNE CLARKE,
Haleyanne Jewelry, Seattle, WA.
DAVID BORRIS,
Hel's Kitchen Catering, Northbrook, IL.

Mr. HARKIN. One of the things we put in the health care bill when we designed it was the protection for consumers to keep the plan they have if they like it; thus, the term ''grandfathered plans.'' If you have a plan you like—existing policies—you can keep them. Well, then we left it to the Department of Health and Human Services to craft regulations to define exactly what a grandfathered plan is.

On the one hand, you want to give some flexibility to plans to be able to make reasonable changes. For example, if costs go up, they can increase their premiums somewhat. They can do certain things. But they cannot change the fundamental kind of nature of the plan and still call it a grandfathered plan. You want to protect consumers to make sure that what plan they signed up for is the grandfathered plan and not something else.

For instance, if the regulations are overturned, which is what the Senator from Wyoming wants, insurance plans could change immensely. Yet that is not what you signed up for; for example, the grandfathering rule that says the insurer cannot significantly cut your benefits. Let's say your insurer decides to cut from your plan conditions such as cancer or diabetes or heart disease. Let's say they cut that out of your plan. Well, that plan would no longer be considered grandfathered because that is not what you signed up for.

The second one says they cannot raise your coinsurance charges. For instance, if you are required to pay 20 percent of the cost for all hospital visits, your insurer cannot raise that to 50 percent because that is not what you signed up for.

They cannot significantly raise copayments. If your plan is grandfathered, you are protected from drastic increases in copays. Copays would be allowed to rise nominally each year, but if they changed significantly, that is not what you signed up for.

Grandfathered plans cannot significantly raise deductibles. Let's say your plan is grandfathered. You are protected from large increases to your deductible. That keeps your insurance company from shifting more cost to you because that is not what you signed up for.

Grandfathered plans cannot significantly increase your premiums. Well, for example, if 20 percent of your insurance costs are currently deducted from your paycheck, and your employer pays the other 80 percent, under the rule that cannot be changed by more than 5 percentage points a year. Well, what if a company came in and said: You were paying 20 percent; now you have to pay 40 percent? If they did that, that is not what you signed up for, so that should not be a grandfathered plan.

Also, grandfathered plans cannot add or tighten an annual limit on benefits. If your plan is grandfathered, your insurer cannot add a new cap on the amount they will pay for covered services each year. Why? Because that is not what you signed up for.

Grandfathered plans cannot change insurance companies. If your plan is

grandfathered, you get to keep your plan. This means you will keep your insurance company and with it your network of doctors. Because if that is changed on you, that is not what you signed up for.

So basically the rule my friend from Wyoming is seeking to overturn protects you, the consumer. It protects you in keeping the plan you like; we said, if you like a plan, you get to keep it, and you can grandfather it in. What if they change the caps on certain annual limits? What if they raise your copays? What if they raise your deductibles? What if they sell out to another insurance company that has a different kind of a policy? Why should that be grandfathered? Because that is not what you signed up for.

We want to make sure if you signed up for a plan and you like that plan, it can be grandfathered. What cannot be grandfathered is something drastically different, which puts you at a disadvantage.

So it is clearcut on this issue before us: You either stand with consumers and you stand with Main Street businesses—which I just read a letter from, which recognizes that if they want grandfathered plans, they also want to be protected, they want some certainty out there to know what those plans are going to be; and that is what these rules provide. On the other hand, if you vote to overrule this rule, you are obviously standing with the insurance companies one more time, letting them continue what we closed the door on, some of these terrible abuses of cutting people off, putting caps on what you can get, changing your policies midstream.

Well, the rule says: Yes, insurance company, you can do that, but you are no longer a grandfathered plan. That is exactly what this rule is about, to protect consumers and to provide certainty out in the marketplace for small businesses so they know what the grandfathered plans are and what they are not. Without this, if you do not have a rule, who knows what a grandfathered plan is. It is up in the air.

So with that, I yield 15 minutes to my friend from Montana who did such a great job as chairman of the Finance Committee in shepherding the health care reform bill through. He is one of our great experts in this area, and I know he feels strongly about these grandfathered plans too. So I yield 15 minutes to my friend from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from Iowa, the chairman of the HELP Committee, for his excellent service.

A weather vane shows when the wind is blowing and in what direction it is blowing and a resolution such as this shows when it is election season.

This resolution is a political stunt. It is an election-season effort to take potshots at the new health care reform law. Before the Senate now is a joint resolution of disapproval under the Congressional Review Act of 1996. Colleagues will recall that the Congressional Review Act is part of what some folks called the Contract with America.

This particular resolution would nullify a regulation that is essential to implementing the new health reform law. The resolution is, thus, a transparent effort to undermine the new law. I urge my colleagues to oppose the resolution.

From the beginning, the new health care reform law has been about ending the worst insurance company abuses. That is why the new law requires insurance companies to end lifetime limits on coverage. That is why the new law prevents insurance companies from canceling coverage when you get sick. That is why the new law requires insurance companies to allow parents to put their children up to age 26 on their insurance policy, and that is why the new law prevents most insurance companies from discriminating against kids with preexisting conditions.

These important new protections took effect just last week. From the beginning, the law has been about preserving what is good about American health care. That is why one of the central promises of health care reform has been and is: If you like what you have, you can keep it. That is critically important. If a person has a plan, and he or she likes it, he or she can keep it.

Now some on the other side of the aisle have tried to pick apart that promise. They have tried to find some rare example to the contrary. But despite what some folks might say, we stuck to that promise. If you like your health care plan, you can pretty much keep it.

Then the question becomes: How can we be sure that what you have is still the same health care plan? What changes can the insurance plan make and still remain the same plan? That is what this new regulation is all about.

The Departments of Health and Human Services, Labor, and Treasury promulgated this regulation on June 17. The regulation defines what changes an existing health care plan can and cannot make in order to retain what is called the ''grandfathered'' status.

The new health care reform law gives grandfathered plans special treatment. This treatment ensures that satisfied consumers can continue to get their current health care plans, and this treatment ensures that dissatisfied consumers can get access to a fairer marketplace.

Plans with grandfathered status get more time to incorporate some of the consumer protections guaranteed in the new health care reform law. Grandfathered status is valuable to the health insurance plans. In some cases, it exempts plans from having to make particular changes until the year 2014.

Some fundamental consumer protections, however, are so important that all plans have to comply with them right away. Many of those protections are the ones that became effective just last week. The new regulation strikes a careful balance. It protects consumers from some of the insurance companies' most egregious abuses. At the same time, it recognizes the realities of what insurers are able to do. That balance is important to maximizing consumer choice, and that balance is important to minimizing insurance market disruption.

The new regulation spells out coverage changes that would cause insurance plans to lose this special grandfathered status. For example, plans cannot significantly reduce benefits and still retain their grandfathered status. It makes perfect sense to require plans to maintain their benefits as a condition of their preferred status. After all, if a plan significantly reduces its benefits, it is not the same plan anymore. If a plan significantly reduces its benefits, the plan is not truly letting you keep what you have.

Another example under the new regulation is that plans cannot significantly increase cost sharing and retain their grandfathered status. In other words, plans cannot significantly increase deductibles, copays or coinsurance that are more than nominal.

Once again, the new regulation is only fair because plans should not be increasing the financial burden on consumers and still qualify for this special status. If a plan significantly increases the financial burden on consumers, it is not the same plan. If a plan significantly increases the financial burden on consumers, the plan is not letting you keep what you have.

A third example under the regulation is that plans cannot add new or more restrictive limits on coverage and remain grandfathered. This, too, makes sense, because imposing or lowering annual limits has the same effect as reducing benefits, and that is not something for which plans should be rewarded.

Once again, if a plan adds new or more restrictive annual limits on coverage, it is not the same plan and the plan is not letting you keep what you have. These examples demonstrate how reasonable the new rules for grandfathered status are. Plans basically have to offer the same coverage. They have to offer the same cost sharing and annual limits as they do today.

The resolution before us would allow health insurance plans to leave the path to full compliance with new, commonsense consumer protections. The resolution would leave consumers relying on the kindness of the insurance industry, and we have seen how well that works. That is the effect of the resolution before us.

The resolution before us would strike down disincentives for plans to cut benefits, increase consumers' out-of-pocket costs, or reduce how much health care a consumer may use in a year. The resolution before us would

thus free the health insurance companies to cut benefits, to increase out-of-pocket costs, and to reduce annual limits.

The new health care reform law aims to eradicate these abusive practices, and the grandfathering regulation ensures a successful transition to a fully reformed insurance market.

The new health reform law puts consumers and their doctors—not insurance companies—in charge of their health care.

This resolution would put consumers at risk. It would put consumers at risk of paying more and getting less. This resolution is the exact opposite of health care reform.

This resolution is a political stunt. It is about repealing health care reform in an election season. This resolution is an attempt by the other side to dismantle the new health care reform law piece by piece. This time, they are sending a message to their friends in the insurance industry. This resolution invites the insurance companies to continue to put profits before patients. So I ask: What is next?

The other side says they want to repeal and replace the new health care law, but we saw what happened before health care reform. Before health care reform, insurance companies could discriminate against kids with a preexisting health condition. Before health care reform, health insurance companies did not have to let adults under 26 stay part of their parents' health insurance plans. Before health care reform, health insurance companies could kick people off their rolls when they were sick and needed coverage the most. That is what the law was before the new health care reform law. Is that what the other side wants to go back to?

The bottom line is this resolution would take away consumer protections that the new health care reform law guarantees.

I urge my colleagues to reject the proposition that insurance companies know best. They don't know best. I urge my colleagues to maintain the commonsense consumer protections that have just come into effect, and I urge my colleagues to reject this election season resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the comments by both of the leaders on health care from the other side, but you can't have your own facts. You can't show significant changes as being the only thing that eliminates grandfathering.

If you look at the Federal Register, page 34,568, the last few paragraphs say: Any increase in a percentage cost-sharing requirement causes a group health plan or health insurance to cease to be a grandfathered health plan.

Another part says: Any increase in a fixed-amount, cost-sharing requirement other than a copayment—any increase in a fixed amount copayment. It doesn't say significant changes, it says any change.

I yield up to 10 minutes to my friend, the Senator from Wyoming, Senator BARRASSO.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President. As my colleagues know, I have come to the floor week after week after this bill was signed into law with a doctor's second opinion based on my nearly quarter of a century practice in Wyoming, taking care of families there. I go home every weekend and talk to people.

The people of Wyoming remember when the President of the United States spoke to a joint session of Congress and he told the American people about the plan that was later signed into law. During that speech the President said:

> . . . if you are among the hundreds of millions of Americans who already have health insurance through your job, or Medicare, or Medicaid, or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have.

Let me repeat:

> Nothing in our plan requires you to change what you have.

I think I heard the chairman of the Finance Committee say that if you like your plan, you can pretty much keep it. That is not what the President said. Pretty much keep it? With those words, the President—and congressional Democrats—made a vow to 170 million people who get health coverage through their employer. The President and congressional Democrats promised that if you like what you have, then the health care law would let you keep it. What a difference a year makes.

On June 14 of this year, the Obama administration released a 121-page ''grandfathered health plan'' rule. It is a rule that clearly violates—clearly violates—the President's promise.

Let me explain how. ObamaCare included a provision allowing existing insurance plans to be ''grandfathered'' under the new law. Theoretically, that means that employers and individuals would not have to give up the coverage they have and they like to comply with onerous government rules and mandates.

So you have to make sure, though, that you read the fine print. Look at the chart. The chart in the new administration rules estimates between 39 and 69 percent of businesses will lose their grandfathered health plan status.

The picture is even worse for small businesses in America, and it is small businesses that are the engines that drive this economy. The same chart in this report estimates that by the year 2013, up to 80 percent—80 percent—of small businesses will lose their grandfathered status. This means American businesses will not be able to keep their current insurance plans. That is what this means. They will be required by the Federal Government to comply with all the new mandates which are very expensive and are contained in the new health care law. This only serves to drive employer health care costs up, making it even more difficult for them to offer health insurance to their workers.

I am sorry. Maybe the American people are confused. The American people believed the goal of reform was to lower health care costs. America's small businesses struggle each and every day to find a way to provide health insurance to their employees. The government should be making it easier for businesses to keep providing the coverage. Instead, this bureaucratic regulation drives prices up. This is going to increase the odds that employers are going to simply choose to stop offering health care insurance coverage completely.

Additionally, this so-called grandfather regulation makes it much harder for employers to make health insurance changes that would actually help to keep down the cost of care, to keep down the cost of coverage. Today, businesses have very few options if they want to keep costs in check, as well as keep their grandfathered status. Businesses that lose their grandfathered status are then forced to comply with all the new rules, all the mandates in the health care law, and now, even by the White House's own admission, we are talking about up to 80 percent of the small businesses in this country.

Subjecting employers to these mandates forces them to change and to expand their insurance plans. What does that mean? Well, it means costs are going to go up. No surprise. It is obvious this administration doesn't want the American people to be able to keep what they have if they like it. The law wasn't written that way, and certainly the regulations were written in a way that violates—and this is the White House—the White House regulations were written in a way that violates the pledge the President made to the American people.

President Obama and congressional Democrats certainly like using their talking points, but the American people know it is just spin. That is why this bill was unpopular when it was signed into law and now, 6 months later, it is even more unpopular, with 61 percent of the American people wanting this bill and this law repealed and replaced.

That is why I come to the floor today to support the efforts of my friend, the senior Senator from Wyoming, the ranking member of the Health, Education, Labor and Pensions Committee, who has introduced Senate Joint Resolution 39, a resolution of disapproval that would overturn the administration's so-called grandfather rule. It is an honor to stand with Senator ENZI and fight against this job-killing Washington mandate. I appreciate his leadership but, more importantly, his dedication to make sure the President

keeps his promise—a promise that if you like the health insurance you had before the new health care law was passed, then you can actually keep it.

That is my second opinion. That is why we need to repeal and replace this health care law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I wish to proceed under my leader time.

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

Mr. MCCONNELL. Mr. President, first, I had an opportunity to hear the remarks of Dr. BARRASSO, the Senator from Wyoming, about health care, and I wish to thank him for the ongoing contribution he has made in this very important debate. This is an issue that is not over and we will keep on revisiting the flaws in the coming years. So I thank the Senator from Wyoming for his important contribution.

I also thank the other Senator from Wyoming who is sitting to my left, who is the author of this measure we will be voting on—a necessary step. I thank the Senator from Wyoming for his important contribution as well.

VOICES GROW LOUDER

Mr. President, for the past year and a half, Americans have witnessed something truly remarkable here in Washington. They have watched a governing party that was more or less completely uninterested in what the governed had to say about the direction of the country. In a nation where the government's power is derived from the consent of the governed, that is a pretty risky governing philosophy. That is why the voices of the American people have grown louder and louder.

Republicans have listened to those voices. We heard the concerns Americans had with the stimulus bill that was based on the discredited premise that having bureaucrats and Democratic lawmakers spend $1 trillion on their favorite programs would revive the economy, and we opposed it. We heard the concerns Americans had about a health spending bill that was built on the discredited premise that spending more money and growing the Federal bureaucracy would make health care less expensive, and we opposed it. We heard the concerns Americans had about a financial regulatory bill that was built on the discredited premise that hiring more of the same kind of bureaucrats who missed the last crisis was a good formula for preventing the next one, and we opposed it.

Again and again, Democrats were faced with a problem, and their solution was to ram through some costly, big government solution Americans did not want, but that they are now expected to pay for. And they are still not finished.

In order to fund even more programs, more government, our friends on the other side now want to raise taxes. Nearly 15 million Americans are looking for work and can't find it. Another 11 million are underemployed, meaning they have settled for part-time work instead of a full-time job. Household income is down for the second year in a row, and Democrats want to take more money out of people's pockets.

Just yesterday, the nonpartisan Congressional Budget Office said these tax hikes will hurt the economy and slow the recovery. So what did we do here over the past week in the Senate? An ill-conceived bill the chairman of the Finance Committee said would put U.S. companies at a competitive disadvantage, and a campaign finance bill, the entire goal of which was to give Democrats an electoral advantage in the upcoming elections by muzzling their opponents.

If Americans need any further proof that Democrats haven't been listening to them, this past week has provided all the evidence they need. Americans want us to focus on jobs, and our friends on the other side focused on preserving their own jobs and spending more taxpayer dollars.

It has to stop.

That is why earlier this month I proposed a bill that would prevent a massive tax hike from going into effect on anyone at the end of the year, and that is why Republicans put forward an appropriations cap that would cut $300 billion from the President's budget, even as our friends on the other side neglected to bring a single appropriations bill to the floor.

Sometime today or tomorrow, we will be leaving Washington to head back to our States and when we do, Democrats will have a lot of explaining to do about how they have spent their time here in the last year and a half. As for Republicans, we will be able to say we listened.

TRIBUTE TO LARRY COX

Mr. President, in the reception area of my office in the Russell Building, there is a framed copy of a page from my hometown newspaper hanging on the wall. It is from section B, the front page, and the date reads January 21, 1985, just days after I was first sworn in as Kentucky's newest Senator.

There is a picture of me sitting in my new Senate office, talking on the phone, with quite the head of dark hair. Behind me you can see a man in a sport coat lifting some boxes. And he looks like he can lift them quite easily, too. The caption under that photo reads:

''McConnell made a few telephone calls while aide Larry Cox moved boxes in on the first day.''

The first day.

Now, in too many ways, it feels like an era has reached its final days. Because after more than 25 years of Senate service, and nearly 30 years of setting his own ego aside to help me and my career, on September 2 of this year, Larry Cox retired.

No other single person worked as hard or did as much for Team McConnell as Larry has. And because Larry was there from the beginning—when on any given day, he could serve as driver, security detail, advance man, political operative, caseworker, legislative advisor, and my eyes and ears all at once—no other single person probably ever will.

We have heard the phrase ''jack of all trades,'' but Larry is a master of all trades—not only because of the many roles he filled in my office, but for the fullness of his life outside the office as well.

As the State director in my office beginning in 1985, Larry was my chief representative in Kentucky. He oversaw an 18-member field staff, spread out amongst six offices in the State, and led my efforts in constituent casework, project development, and outreach.

Beyond that, however, Larry was the picture of the perfect Senate staffer. Content to stay in the background, for years he happily worked without seeking credit. He is a man of fairly strong opinions, and was somewhat our resident keeper of the ideological flame—but he would never force his opinion on you if you didn't ask for it.

Most of all, for the hundreds of staffers that have been through my offices, he served as a role model, an example of good character, and a true friend.

Larry and I have more in common than just our Senate service. We were both born in Alabama, just a year apart, and after a little traveling, we both ended up about as Bluegrass as one can get. Additionally, both Larry's father and mine served in World War II.

After the war, Larry's father, Lawrence E. Cox, Jr., worked for Gulf Oil, and that job took him and his family all across the southern United States. Larry spent time growing up in Louisiana, Arkansas, and Tennessee.

He attended George Peabody College of Vanderbilt University, and earned his master's at the University of Tennessee. A city planner by trade, he finally moved home—that is to say, to Louisville—in 1972.

My friendship with Larry began in 1981, when Larry began working for county government as the deputy secretary for community development. I was the county judge/executive, and I successfully lured Larry away from his old job. By 1984, he was with me as I made by first run for the Senate.

I can't talk much longer about Larry without mentioning his lovely wife Joanie. Larry came to start working for me just 3 months after he and Joanie got married. It is lucky for me it wasn't 3 months before. Joanie didn't know just how much I would take her husband away from her over the years.

Elaine and I have to thank Joanie for sharing Larry with us, because as we all know, sometimes Larry's work obligations have gotten the lion's share.

Sometimes Larry served as a one-man security detail. It was like being staffed by Clint Eastwood. You could call him ''Dirty Larry,'' and he was

just waiting for someone to make his day.

Larry is not a guy you want to make mad, even though those of us who know him know that under that tough exterior is a very kind and caring man. I am probably going to get in trouble with him for saying that out loud.

In the old days, Larry and I crisscrossed every county in the State, in a car that Larry faithfully had service every 3,000 miles. Every event, he had planned precisely down to the minute. Executing Larry's plans was like executing a military maneuver.

This was also when I first learned about Larry's honest-to-gosh superpower. He is a walking, talking human GPS. Ask him how to get anywhere, and he can give you landmarks, travel time, distance and cardinal direction.

Naturally, a fellow like that became one of my very first Senate staffers after we were victorious in the 1984 election. And he was the perfect choice to be my State director.

In that job, he has been to every town parade and county festival. I believe he could name the sitting judge/executive in all 120 Kentucky counties, or tell you which counties towns like Eighty Eight or Grab are in. Since 1985, there have been 14 commanding generals at the Fort Knox Armor Center, and he has known and worked with every one of them.

And in the hundreds of thousands of hours I have spent with Larry, if he ever had a bad day, he did it pretty well.

Maybe that is because Larry never got bored. I have already described how he did everything in my office, no job too big or too small. And the rich and complete life he leads has given him plenty else to do as well.

Larry knows a lot about a lot of things. If you are on the road with him, and you point out a nice looking Corvette, he will be able to tell you it's a ZR1 with 638 horsepower and over 600 pounds of torque that can pull one 'G' in a turn and goes zero to 60 in 3.5 seconds.

Larry once stopped me from boarding a plan because he could smell that it had been filled with the wrong kind of fuel. Despite the so-called experts telling him otherwise, he insisted they double check. Turned out he was right. Larry's nose saved some lives that day.

Larry's favored method of transportation, however, is not by air, but by land—specifically, by motorcycle. You can catch him driving across Kentucky on his Suzuki Bandit 1250, and he is usually with friends. In fact, Larry's got so many friends in the biker community that I have benefited from having a fleet of motorcycles roll in to many of my events. Larry's also a strong supporter of the second amendment. He believes in gun control—gun control being a firm hand and a steady grip.

I don't know how many guns Larry has, he may not even know, but I believe the number is somewhere north of 50. Years ago, Larry used to shoot skeet competitively.

You could even say Larry is one of those ''bitter'' people, the type who clings to his guns and his religion. He is a devout Christian who has been attending St. Matthew's United Methodist Church in Louisville since 1978.

He has faithfully volunteered countless hours over the years, including time spent at Susannah House, a daycare center run by the church. He has held every church leadership position, including serving on the board of trustees.

In what is becoming a recurring theme for Larry, he is always willing to do whatever is asked, and whatever it takes. On top of his church, he gives his time generously to the Kiwanis, and to the State Republican Party.

Larry is a great lover of the outdoors. He and Joanie have a farm in Hart County, KY, that is just shy of 100 acres. Now that Larry is leaving us I know he will be spending a lot more time there.

Larry generously opens up his farm to the McConnell Scholars, students at the University of Louisville who are part of a scholarship program for kids that I helped establish in 1991. He has held retreats for them there, mentored the students, and helped bring in speakers for other McConnell Center events. His contribution is so great that Dr. Gary Gregg, the center's director, puts it this way: ''Simply put . . . we would be impoverished without Larry.''

Dr. Gregg has a 15-year-old son, and Larry has helped encourage his interest in deer hunting, by letting him use his farm and his fields and educating him about shooting and gun safety. Whenever he has a chance to share his love of nature and the outdoors, Larry shines.

Anyone who thinks Republicans can't be conservationists, I want them to meet Larry and go visit his farm. The Green River runs through it, and Larry participates in the CREP program—a Kentucky conservationist effort to preserve and protect the river.

A third of the farm is planted with warm-season native grasses, to prevent soil erosion into the river and enhance the local wildlife. A third of the property is in timber, and a third in hayfields. You may have noticed what's missing on this farm—Larry has to abide by Joanie's rule, ''No crops, no critters.''

Larry is so well known throughout the State for his conservation efforts, he was honored this year as the Kentucky Association of Conservation Districts Person of the Year. He is also the first person to receive the Award for Distinguished Service from the Natural Resources Conservation Service.

My wife Elaine is also close to Larry and Joanie, and I know she is going to miss them a lot. Larry was one of the first Kentuckians she met when she came to the State, and he was so knowledgeable and friendly he made her feel just at home. She liked going to Larry and Joanie's home, where she knew she would always find good food and good company.

During my 1996 campaign, Elaine's sister Angela came to Louisville to volunteer, and Larry and Joanie generously put her up in their home. They have done that many times for other volunteers and staffers through the years. The McConnell Team has always been grateful to stay at their home.

I have wondered often over the years how a man as unique and special as Larry Cox came to be, and how I was lucky enough to find him.

To the second question, I can only credit providence. But the first question, that I can take a stab at answering.

I know Larry learned a lot about living from his mother. So did I. So did everyone lucky to know her. Beryl O. Cox was a spirited, adventuresome woman—in other words, she was a lot like Larry.

She raised three boys, and she was like one of the boys. She knew her priorities: She loved her family, her church, her motorcycles, and her bourbon—not necessarily in that order.

She and Larry would go riding together. She had her own motorcycle, a Honda Valkyrie. She didn't drive it—Larry would drive, and she would sit on the back.

Beryl was a delightful woman—''a real kick,'' according to Joanie. And may I say she was a close friend of mine as well. I remember how much she volunteered on many of my campaigns.

She was about the same age as my own mother. She lived a full and robust life, until her passing at the age of 95 in 2007.

A full and robust life, well lived. Larry obviously learned that from his mother as well. And just like her, he has made countless friends along the way.

Those friends will get to see a lot more of Larry now. So will his family. Whether it is time spent on the farm or on the back seat of his motorcycle, if it is time spent with Larry, I am sure they are grateful.

The Cox family includes Larry's wife Joanie; his daughter and son-in-law Lisa C. and Steve Pieragowski; his son and daughter-in-law J. Randall and Kristen A. Cox; his grandchildren Alexa Brooke Pieragowski, Erin Phoebe Pieragowski, Hayden Lawrence Cox, and Hadley Marie Cox; his brother and sister-in-law Alvin J. and Cammie Cox; his brother and sister-in-law Davis S. and Lynn C. Cox; his nieces and nephews Christopher L. Cox, Carter Cox, Lindsay F. Cox, and Stephen Cox; and many more beloved friends and family members.

Larry, your family's gain will certainly be our loss. It is a loss for my office, and a loss for the entire State of Kentucky that you have faithfully served for so many years.

As for me, I am going to miss my old friend.

After 30 years, there is too much to be said, so I simply say, thank you, Larry. For your dedication, your service, and your friendship, I don't think you can ever be thanked enough.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, before I yield to the Senator from Connecticut, I listened to my friend from Wyoming before the minority leader spoke. He was reading from the Federal Register, if I am not mistaken, saying that any change—and he kept repeating ''any change,'' ''any change,'' any increase because we have been talking about there had to be significant increases and changes. My friend from Wyoming was reading from the Federal Register and said ''any increase.''

After reading through this, it reminds me of an example I have often used about not taking things out of context. It comes from Psalm 14 in the Bible. There is a sentence in the Bible that says, ''There is no God.'' I say to a lot of people, it cannot be true. Yes, there is a sentence in Psalm 14. It is right there. The problem is the sentence before that says: ''The fool in his heart says there is no God.'' You can take things out of context. I started reading this and saw how this was taken out of context.

First of all, my friend from Wyoming said ''any increase in fixed amount cost sharing requirement.'' But, it says—he did not read on—''if the total percentage increase exceeds the maximum percentage increase,'' as defined in another paragraph over here, which is basically expressed as a percentage of inflation plus 15 points. So it is not any increase, it is any increase based on whether it is inflation plus 15 points.

Then my friend said: ''Any increase in fixed amount copayment.'' But you have to read on because it says ''determined as of the effective date if the total increase in the copayment exceeds the greater of an amount equal to $5 or the maximum percentage increase,'' as I mentioned before, which is medical inflation plus 15 percentage points.

I ask unanimous consent to have printed in the RECORD this chart to show that it is not any changes, as my friend was saying.

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

CHANGES THAT DISQUALIFY PLANS FROM GRANDFATHERED STATUS

Plan Element	Disqualifying Change*
Copayment	The greater of an increase of more than $5 (adjusted for medical inflation since March 23, 2010) or an increase above medical inflation plus 15 percentage points.
Deductible	An increase above medical inflation (since March 23, 2010) plus 15 percentage points.
Out-of-Pocket Limit.	An increase above medical inflation (since March 23, 2010) plus 15 percentage points.
Co-Insurance	Any increse in the co-insurance rate after March 23, 2010
Annual Limit	Any decrease of an annual limit that was in place on March 23, 2010, disqualifies a plan. Adoption of a new annual limit for plans that did not have one on March 23, 2010, also disqualifies a plan.**

CHANGES THAT DISQUALIFY PLANS FROM GRANDFATHERED STATUS—Continued

Plan Element	Disqualifying Change*
Employer Premium Contribution Rate (in group plans).	A decrease of more than 5 percentage points below the existing employer contribution rate as of March 23, 2010
Benefits Package	The elimination of all or substantially all covered benefits to diagnose or treat a particular condition after March 23, 2010.

*See the interim final rule on grandfathered plans, listed under ''Additional Resources,'' for information regarding exceptions to the March 23, 2010 date. Exceptions may apply to plans that had already filed pending changes at the time that health reform was enacted.

**If a plan had a lifetime limit but no annual limit on March 23, 2010, it may replace its lifetime limit with an annual limit while maintaining its grandfathered status, as long as annual limit has a dollar value that is equal to or greater than the previous lifetime limit.

Mr. HARKIN. Mr. President, you have to read the whole paragraph. There is one where there is any change at all would disqualify a grandfather plan, and that is any increase in the percentage cost sharing. You can understand that. If you have a percentage cost sharing, let's say it is 20 percent, if the cost of the plan goes up, medical inflation goes up, then your total cost will go up because 20 percent of $100 is $20; 20 percent of $120 is $24. Your out-of-pocket will go up.

The only thing that would deny a plan from being grandfathered is if they changed the percentage of your copay. But if they have a fixed amount of copay, say $20, they can go above that by the maximum percentage increase of inflation plus 15 points.

I wanted to try to clear that up, that there is only one case in which any change at all denies grandfathering, and that is if, in fact, the plan changes your percentage of what you have to pay in. I wanted to make that clear.

Now I yield to my good friend, Senator DODD, who was the leader on our committee in getting the Affordable Care Act through and who knows the importance of making sure we keep these protections, not only for consumers but for small businesses.

I yield whatever time he wants.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I express my gratitude to my friend and colleague from Iowa and his terrific work. He, along with so many others, brought us to the point that has defied administrations and Congresses for more than half a century. Together, we were finally able to expand access, try to stabilize costs, and increase the quality of health care. It is no easy task. These efforts, obviously, consumed a great amount of this Congress's time and attention.

Despite the rigid opposition of those opposed to these changes, without an alternative ever being offered, for the first time the American people can look forward in the years to come to having increased access to health care, improved quality, in my view, but also stabilizing costs. Without these changes, we would put our great economy in this country at significant risk, beyond the other problems we are grappling with today.

I say respectfully—because my friend from Wyoming knows he and I have worked together on many issues over my tenure and his—it is with a deep sense of respect for him that I rise today in opposition to what his resolution would attempt to achieve and to associate myself with the remarks of Senator HARKIN, Senator BAUCUS, and others who worked day to day, along with their staffs, to achieve this health care reform package.

We are told health reform is not popular. I listened to one of my colleagues give a presentation that this is not terribly popular in the polls, as if somehow that is going to determine whether what we are doing is right or wrong.

I recall 1948, the Marshall Plan. If popularity in the polls had been the deciding factor as to whether we passed the Marshall Plan, it would have failed miserably. About 17 percent of Americans thought we should rebuild Europe. The Civil Rights Act and the Voting Rights Act—I can guarantee to this day there were those who said this was not a terribly popular idea. I am not sure how it would fare in certain quarters. I do not think anybody in this Chamber would disagree we are a better country today because of what we did in the Marshall Plan, what we did with the Voting Rights Act, the Civil Rights Act, and others.

I think it is disturbing that we ought to determine the outcome of trying to make America achieve its great potential by the results of polling data. I know that has become the standard some people use. It ought not be the standard by which the Senate determines its course of action.

Health reform is the culmination of more than a half century—in fact, arguably going back to Teddy Roosevelt's day, almost a century ago—a struggle by Democrats, Republicans, and Congresses to try and get to a point where we can get our arms around this very important issue. At long last, we set ourselves on a course to manage this issue.

At the center of that struggle was the question: Who would control a person's health care? On this issue there seems to be unanimity. I think all of us would like individuals and their health care providers to be in control when it comes to deciding what a person's health care coverage would be, and not the insurance industry that has a history of abusing those who fall ill and need coverage.

Just 6 months ago, we answered this question definitively. Americans should be able to control their own health care, and the insurance industry should not. This resolution before us today would take us backwards once again on that fundamental, underlying question at the heart of the long debate that consumed this Congress: Who would control whether a person had good health care, the insurance industry or the individual, their family, and their providers?

The law we passed phases in many new protections over several years protecting Americans' rights while ensuring stability of the health care system.

Just last Thursday on the 6-month anniversary of the passage of the health care reform bill, many consumer protections came into effect making up what we call the Patients' Bill of Rights.

This Patients' Bill of Rights, which my colleagues and I fought so very hard to include in our final bill, provides that sense of security to people across the Nation and in each of our respective States by prohibiting the worst of the insurance companies' abuses and practices. These abuses went on year in and year out, disadvantaging average citizens in our country. As a result of that bill of rights we adopted in our health care reform bill and as a result of last Thursday, the following rights became the law of this land:

All insurance plans must end lifetime limits on coverage. How long have we heard that debate and how important is it today that protection exists?

All insurance plans must stop canceling coverage when you get sick. How many of my colleagues at townhall meetings heard the frustrations expressed by our constituents that just when they needed the coverage the most, they would be dropped by the insurance industry?

And, today, parents who have adult children but under the age of 26 know they can carry those kids on their plan. How many families, because of the economy we are in with high unemployment, particularly among younger people, go through sleepless nights worrying about their children who have been dropped from their plans, knowing they are struggling to get on their feet? The law today protects those families and those young adults.

New insurance plans must offer additional benefits and protections to consumers under our bill such as preventive services—which Senator HARKIN championed day in and day out to be included as part of this bill—covered with no cost sharing, an increased choice of providers, and no prior authorization requirement for emergency care. Those protections benefit millions of people across this country.

If they knew what was at stake with this kind of a resolution, which can throw these back and change these plans in such a way, I suspect those using polling numbers to identify a reason for being for this resolution or against the health care bill might have second thoughts. When we began to debate the health care reform bill, the President of the United States made clear that part of having control of one's health care was having the right to keep what you have. We enshrined that in the bill during the HELP Committee markup, the Finance Committee markup, and the Senate debate on this bill.

No matter how important we thought those protections were, we said you can keep what you have, if that is what you want. But this was not carte blanche for the insurance industry to ignore the new law and continue abusive practices that have been in place for too long. They can continue their old plans as long as they did not dramatically increase the cost to their customers.

It made no significant negative changes to the coverage consumers were paying for. In other words, you can keep what you have. But if the insurance companies try to take away what you have, the law will protect you. In the parlance of Washington, this is called grandfathering.

To clarify to businesses, insurers, and all Americans what this meant in practice, the administration released a regulation on June 17. This regulation strikes an important balance of keeping our businesses strong while ensuring that employees and their families are able to weather difficult economic times, such as the ones we are in.

Under the regulation adopted on June 17, grandfathered plans are not required to offer the additional benefits included in the Patients' Bill of Rights. I wish they were, but they are not. The grandfather regulation provides insurers and businesses flexibility to continue to innovate and to grow and still maintain their status.

Businesses' health plans will not lose their grandfather status unless significant changes are made to policies which unduly burden employees and average American families.

For example, if a health plan increases co-payment charges for a working mother in Hartford, CT, as has been pointed out by Senator HARKIN, by more than 15 percentage points, it will lose the grandfather status. Or if a health care plan significantly reduces benefits for a family in New Haven, CT, it loses its grandfather status, as it should.

These are not unreasonable requirements as we strive to protect average families in our country.

My colleague from Wyoming and I disagree about this new law. We sat together day in and day out during those long markup periods. He is a good man, a good Senator, and a good friend. But I disagree with him strongly on this resolution. In my view, he wrongly claims this repeal would benefit small businesses. I say today that adopting this resolution would not only hurt small businesses but also roll back the important consumer protections that ended some of the worst insurance industry abuses across our country.

If we repeal the grandfather regulations, we will harm small businesses and their employees because nothing would protect them from the insurance companies raising premiums by double digits each year, without offering any new and better benefits to the very people who would suffer.

Nothing would protect them from insurance companies deciding to drop benefits or price them out of reach for these very employees.

This resolution would not guarantee the right to keep what you have. What this resolution does guarantee is that the insurance industry can decide what you are going to get from them—not what you want. That is the fundamental difference if we adopt this resolution.

Health reform changed that by handing control, as we all agreed on, back to you and your family. If we adopt this resolution we fundamentally shift that equation once again. In order to help small businesses more easily provide coverage to their workers and make premiums more affordable, the law provides tax credits for that coverage. In Connecticut alone, there are 54,000 small businesses that will benefit from these tax credits. This is just the first step toward bringing health care costs down, as we all want, and ensuring quality care, as we all want as well, for coverage of average Americans and their providers.

This resolution is not about small businesses and harming them. This is another effort to dismantle health reform, and I believe it is fundamentally wrong for thousands of small businesses and employees across the country. It is a gift to the insurance industry, which all of us agree should no longer be the ones to decide what you get based on what they want to charge you, but whether you have insurance and confidence you are going to get for your family what you need not what they decide you get.

For those reasons, I strongly oppose this resolution and hope my colleagues will join us in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I yield up to 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, Congress meets in the District of Columbia. The District of Columbia is an island surrounded by reality. Only in the District of Columbia could you get away with telling the people if you like what you have you can keep it, and then pass regulations 6 months later that do just the opposite and figure that people are going to ignore it. But common sense is eventually going to prevail in this town and common sense is going to have to prevail on this piece of legislation as well. I support the resolution of Senator ENZI, disapproving the regulation on grandfathered health plans.

The partisan health care overhaul enacted last March and subsequent implementation represents so many broken promises that I hardly know where to begin. But the resolution of Senator ENZI certainly sheds some light on one of the most glaring broken promises we have seen so far, and is as good a place as any for us to start.

Time and again throughout the health care debate, supporters of the health care overhaul assured voters that even after their proposal became law, ''If you like what your current health plan is, you will be able to keep it.''

The administration's own regulations prove this is not the case. Under the grandfathering regulation, according to the White House's own economic impact analysis, as many as 69 percent of businesses will lose their grandfathered status by 2013 and be forced to buy government-approved plans.

The estimates are even more troubling if you are a small business. Again, according to the administration's own estimates in the regulation, as many as 80 percent of small employers will be forced out of their current plan and into a more expensive government-approved plan. It is no wonder that the grandfathering regulation is opposed by pretty much every employer organization in the country. The National Federation of Independent Businesses, the Chamber of Commerce, the National Association of Manufacturers, and the National Retail Federation have all weighed in against this burdensome and disruptive policy. In every one of those cases, businesses that are members of those organizations want to provide health insurance and have been providing health insurance for their employees, and they want to keep it. They were believing Congress when they said if you have what you like you can keep it, and now they are finding out otherwise.

It is true our economy is in a fragile place right now. Yet the implementation of the new health care law is creating more uncertainty and higher costs for American businesses. How can we ask them to go out and create jobs and hire new people when each new health care regulation adds another layer of bureaucracy and uncertainty? The White House should be making it easier to do business in this country, not harder.

This is not just about confusion, it is also about costs. When employers and individuals make even modest changes to their benefits and lose grandfathered status, they are forced to buy a new government-approved health care plan that in most cases will cost more than their current plan. That means the government will tell employers what benefits they have to cover, to whom they have to offer coverage, and how much they are going to have to contribute.

We have already seen data from health plans saying that the requirement in the new law could drive up premiums by about 9 percent. This is in line with the Congressional Budget Office's estimate that the overall increase in premiums could be as much as 10 percent to 13 percent. When you factor in medical inflation, some people are still seeing premium increases of 20 percent or more after the passage of the health care law.

What happened, then, to President Obama's promise about lowering premiums by $2,500? Are we supposed to add that to the list as another broken promise? Each day it seems as if another news story comes out that shows why the partisan health care overhaul was the wrong approach. Health plans are being forced out of the child-only market. Some have stopped selling in individual markets entirely. Premiums continue to go up at twice the rate of inflation.

The White House's own actuary is telling us that health care inflation will be worse now than it was before the health care reform bill became law. Over 1 million seniors are being forced out of their current national Medicare Advantage or Medicare prescription drug plans, and this is only going to get worse. Businesses are considering dropping retiree health care benefits and possibly dropping health care coverage altogether.

With these kinds of stories coming out on a daily basis, it is no wonder that polls are showing close to 60 percent of the American people opposed to this new law. I support the efforts of Senator ENZI and appreciate that he is willing to shed some light on this issue. There is a lot of misinformation out there and people need to understand what this health care overhaul means for them.

The grandfathering regulation is a clear violation of the promises made by supporters of the health care law that, if you like what you have, you are able to keep it. We owe it to our constituents to fix that misrepresentation.

I urge my colleagues to support the resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Nevada, Senator ENSIGN.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, many Americans may be wondering what this huge stack of paper is that I have on my desk. Over 2,000 pages of this stack of paper represent the actual health care bill. The rest of the stack consists of the regulations that have been written to this point.

From what we understand, once the whole health care bill and regulations are written, this stack of paper will grow much higher; estimates are as much as 20,000 pages total. The complexity of the health care law is incredible. The resolution we have before us today concerns grandfathered health plan status. This regulation is one of those regulations that many of us believe is going to do damage to our health care system. I want to talk a little bit about the regulations under discussion today.

Over the last couple of months, I have gone around to many businesses in my home State of Nevada, to talk about many of these regulations as well as the health care bill. Let me tell you, many small business owners in my State are very concerned about what this health reform bill is going to do to their businesses. A lot of small businesses struggle to do the right thing by giving their employees health care. A lot of them cannot afford the Cadillac plans that a lot of big businesses have, but they are trying to do the right thing. Some businesses cover half of what their employees pay. Some businesses have slimmed-down plans. The vast majority of the health plans that small businesses offer would not meet the minimum standards that this health care bill is going to require.

Why is that important? The President said during the health care debate that if you like your plan you can keep it. If you like your doctor, if you like your plan, you will absolutely be able to keep it. There is a small detail he left out. The detail is this: If you change your health plan—and it does not have to be in a significant way—or if you change your copays—you could lose your grandfathered status. If you lose your grandfathered status you now have to comply with the minimum standards in the Federal law. That is a problem because, for most small businesses, these standards will dramatically increase the cost of their health insurance for their employees and a lot of them are barely keeping their doors open today. A lot of small businesses I talk to are actually putting pencil to paper and figuring out whether they are even going to be able to keep the plans they have today.

The advocates will say: Well, don't change your plan. The reality is that every single year, businesses look at the health care plans that they offer and almost every year they make changes to those health care plans. Under this regulation, if you make changes to your health care plan you could lose the grandfather status. That is a major problem.

According to the government's own statistics, by 2013 as many as almost 70 percent of all employer plans and 80 percent of small business plans will relinquish their grandfathered status. Those are the government's own estimates. Based on these numbers, it doesn't sound like everybody is going to be able to keep their plan, as the President talked about in his promises about this health care legislation.

In my view—and I think this view is shared by a lot of experts who are studying this health care plan, this bill is going to raise costs for those who currently have insurance. Think about it; if you are going to cover 30 million people there will be costs associated with that coverage. There was a $500 billion cut in Medicare and there was an increase in taxes. We know that a lot of different taxes were increased to pay for this bill. But the other pay-for in this bill, that was not officially scored as a pay-for, is that for people who have insurance—it is going to become more expensive for them because of a lot of the mandates in the bill.

We have seen recently, insurance company after insurance company, when they are going to their State commissions bringing forward fairly large increases.

I was talking to a small business owner the other day in Nevada. He told

me his plan is going up 38 percent. That was the lowest bid he could get; a 38-percent increase for this year. The insurance companies told him it is because of this health care bill.

I was on a telephone call yesterday. I did a telephone townhall meeting back in my State. A senior citizen was on the phone. He was telling me about his Medicare supplemental insurance that is covered by his union. The copays and the premiums for that were going up dramatically. He was wondering how he was going to be able to pay his rent. He has virtually no discretionary income, so any premium increase is going to make it tough for him. He is actually figuring out how he is going to be able to make his rent payments. Those are some of the unintended consequences with this bill and the regulations that are being written.

I think we need to take a second look at health reform. First of all, obviously I wish to see the health reform bill repealed and replaced with real health insurance reform that makes insurance more affordable. I support things such as buying insurance across State lines—similar to how we buy car insurance across State lines. I also wish to see us enact real medical liability reform that would lower the costs of health care in this country. All of these things would be good to make health care more affordable and accessible for more Americans as opposed to what we have today. But let's at least start this process by rejecting the regulations that are going to hurt the grandfathered-in status of a lot of these plans. If you take away grandfathered status from a lot of plans, a lot of small business owners are going to be hurt and a lot of people who work for small businesses are going to lose their health insurance. This is because the small businesses will not be able to afford to comply with this health care bill and the regulations that are associated with it.

I urge support of this resolution of disapproval. I appreciate Senator ENZI for bringing this resolution of disapproval of these regulations forward. I think this resolution is something the Senate should support and support in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 8 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in support of Senator ENZI's resolution of disapproval and thank him for that. It seems every day a new story comes out about the negative consequences of the health care reform law, and I cannot keep up with them. I know people involved in the health care industry are having a very difficult time also.

Do you remember the campaign pledge that health care reform would immediately reduce family's premiums by $2,500? Well, last week a slew, a slew of new mandates on health insurers, including coverage of preventative services without any cost sharing, restrictions on annual limits on coverage, and coverage of children up to age 26—I guess a child 25 is a child—took effect.

Many of them, in fact, may be beneficial to some Americans, but they will not come free. Health insurers have begun alerting their customers to the fact that these new mandates cost money, money that has to be charged in additional premiums. I think most Americans understand you cannot get something for nothing.

But instead of admitting that their policies are causing health insurers to raise their rates, the Obama administration has unleashed Health and Human Services Secretary Kathleen Sebelius to silence its critics by intimidation.

In a letter to America's health insurance plans, the Secretary explicitly threatens health insurers that do not toe the line on ObamaCare with exclusion from the State health insurance exchanges, which start in 2014. ''There will be zero tolerance for this type of misinformation and unjustified rate increases,'' she has warned. ''We will also keep track of insurers with a record of unjustified rate increases: those plans may be excluded from health care exchanges in 2014.''

Well, let's be clear about what the Secretary, on behalf of the President, is saying. She is threatening to shut down private companies for exercising their first amendment right to free speech, and she is keeping a list. Some have called this gangster government in the press. As a former newspaper man, I am shocked. I am stunned by my former Governor's actions. First, it was the gag order on Humana Insurance for daring to describe the consequences of slashing more than $100 billion from Medicare Advantage to the customers, now this.

This administration says it wants transparency. Well, transparency is a two-way street. It does not mean muzzling dissenting opinions or inconvenient facts because they are not advantageous to the administration. As the Wall Street Journal opinioned: ''They're more subtle than this in Caracas, Venezuela.''

Not only are the actions of the Obama administration unconstitutional, they are also extremely hypocritical in light of their own highly misleading rhetoric. For example, the President and Secretary Sebelius have been touting the recent decision of health insurer Blue Cross Blue Shield in North Carolina to issue rebates to its customers in the individual market as a supposed ObamaCare victory.

President Obama claimed this victory at a recent campaign stop in Virginia, saying that the insurance commissioners are newly empowered to look after consumers, that we are already seeing ObamaCare's new levels of accountability pay off.

Well, aside from the fact that most State insurance commissioners have had the ability to review rate increases for years, a fact that Secretary Sebelius, as a former Kansas insurance commissioner, knows all too well, they are leaving out another very important fact, the rest of the story.

What they are not telling you is, the reason why the insurer is paying out rebates is, because of ObamaCare, their plans in the individual insurance market will cease to exist in 2014. This means the reserves they have stored to protect their solvency are no longer necessary.

That is where the rebates are coming from, not some well of hidden profits. The insurer is paying the rebates out of their reserves because the plans will no longer exist. This is hardly a victory for the thousands of people enrolled in those plans. If that is not misleading, I do not know what is.

What about the Secretary's taxpayer-financed mailer regarding Medicare Advantage that was recently sent to seniors all across the country? This mailer misleadingly claims that Medicare Advantage enrollees will not see any changes to their benefits under ObamaCare. That is a claim that is demonstrably false.

Already we are seeing insurers such as Harvard Pilgrim drop their Medicare Advantage plans altogether as a result of these huge cuts. So actually thousands of seniors will see changes in their benefits. They will not have any. I urge the President and the Secretary to reconsider their use of these tactics which only serve to further erode the government's credibility with the American people and to insult their elected representatives.

In the United States of America, private citizens are not only allowed to disagree with the government, it is a cornerstone of our democracy. So I say to the Department of Health and Human Services and the administration, stop the gag orders and the intimidation. To HHS, do not tread on the first amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, while I am waiting for another speaker to come, I will make some additional comments.

Mr. HARKIN. Mr. President, can I ask how much time is remaining?

The PRESIDING OFFICER. There is 27 minutes on the Senator's side and 21 minutes on the other side.

Mr. ENZI. Mr. President, I just wish to get a few things read into the RECORD. I have a list of 54 organizations that are supporting my resolution. They include the Latino Coalition, the Chamber of Commerce, the Coalition of Affordable Health Coverage, the Health Care Leadership Council, the National Federation of Independent Business, the National Restaurant Association, the Small Business and Entrepreneurship Council, to name just a few of the 54.

I ask unanimous consent to have printed letters of support from the Chamber of Commerce, the National Association of Health Underwriters, the National Association of Manufacturers, the National Federation of Independent Business, the National Retail Federation, the Small Business Entrepreneurship Council, and the Associated Builders and Contractors, all of which are in support of this and I suspect will be key voting this particular resolution.

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

(See exhibit 1).

Mr. ENZI. The Chamber of Commerce, for instance, says:

> The administration released an extremely complex regulation that makes it virtually impossible for plans to maintain grandfathered status, instead subjecting them to many expenses and burdensome new requirements. In our view, this regulation violates Congressional intent, and does not live up to the promises of proponents of the new law.

NFIB, a small part of their letter says:

> If required to comply with the administration's interim final rule, millions of small businesses will be forced out of the plans they know and like—

Which means their employees lose the plans they know and like.

The Associated Builders and Contractors say:

> The grandfathered rule demonstrates a fundamental failure of the Federal Government to understand the needs of small businesses. With the current unemployment rate of 17 percent, the construction industry cannot endure another cost increase at the hands of the Federal Government. It is unfortunate that the Federal Government continues to fail to provide employers and their employees with health care solutions that are practical or affordable.

Earlier, there were some mainstays of health care that—I think there was an aspersion I was getting rid of with my resolution. I want you to know that if the resolution passes, businesses will still be prohibited from discriminating against someone with preexisting conditions, businesses will still be prohibited from imposing annual limits on benefits, all plans will still be prohibited from imposing lifetime limits on benefits, all plans will still have to cover kids under the age of 26 on their parents' plan, all plans will still be prohibited from canceling coverage because of a paperwork error.

All those things will exist when this resolution passes, and this resolution needs to pass. All those things that I mentioned, preexisting conditions, annual limits, lifetime limits, children under the age of 26, and canceling coverage for paperwork errors, all those cost money. That is why the price is going up at the present time.

The price is going up at the present time. This was supposed to be cutting costs. Help does not arrive until 2014. But small businesses, particularly small businesses, are going to be required to meet this grandfathering rule now. They cannot afford the grandfathering rule now. Another thing I am objecting to is watching television and seeing an old favorite of mine, Andy Griffith, getting paid, at taxpayer expense, to tell us that this whole deal is excellent.

You saw the stack of regulations over there. They estimate there will be 100 pages of regulation for each page of that bill. There are 2,700 pages in the bill. That means there are going to be 270,000 pages of regulations. We do not legislate that way. We try and fill in those blanks. You do not even know what those blanks are going to hold yet, neither does small business.

They already know these are things that are going to drive up cost in the beginning, with no cost-cutting opportunity, and then the grandfathering rule kicking in right away, which means for 3 years, before they even know what some of those regulations are going to be, they are going to have to constrain everything in their organization within 15 points, as is pointed out, and we can expect the first year's increases to be even greater than the 15 points.

But they will try and stay with that grandfathered plan because it is what they can afford and it is what their employees like. So we are trying to keep people in the insurance they like. It is an employee request. I also noticed one of the Senators mentioned the Marshall Plan that was not liked when it was first passed; and the Civil Rights Act that was not liked when it was first passed.

I would like to point out those were both very bipartisan acts that were passed—bipartisan. It was not a partisan bill. You would have to notice that a lot of these people have been mentioning this was all passed by one side of the aisle, and there was a lot of warning before that if you do things in a hurry and you do it just partisan, that you do not devote the time that is necessary or put it in a small enough package that people can understand it.

There are vast parts of this that people did not get to read before they passed it. It is particularly noted on the House side. That leads to the kinds of difficulties we have now. We also turn over to bureaucrats writing the rules, and this is one of the examples, and we have a chance to overturn that at this point. They can go back and rewrite it again.

But, at this point, we can say: No, enough is enough. You cannot put all these things into place. You cannot kick people out of their insurance and let's see what happens in 2014 when we have all the regulation. So I think we have put a lot onto businesses that does increase cost. Because we do—even when this passes, we will still prohibit discriminating against someone with a preexisting condition, we will still prohibit imposing annual limits on benefits, we will still prohibit imposing lifetime limits on benefits. All plans will still have to cover kids under the age of 26. Although, I have noticed a whole bunch of the companies now are not going to write some of the plans that would do this, and they are getting out of the business. But all plans will still be prohibited from canceling coverage because of a paperwork error. Those drive up costs.

Relief is not in sight until 2014.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

LIST OF 54 ORGANIZATIONS SUPPORTING S.J. RES 39

Aetna; American Council of Engineering Companies; American Osteopathic Association; American Rental Association; American Road & Transportation Builders Association; AMT—The Association For Manufacturing Technology; Associated Builders and Contractors; Association of Clinical Research Organizations; Assurant Health; Automotive Recyclers Association; Chamber of Commerce; Cigna; Coalition for Affordable Health Coverage; Communicating for America; Furniture Dealers Association; Health Equity; Healthcare Leadership Council; Independent Electrical Contractors; Inc; International Franchise Association; International Foodservice Distributors Association.

International Housewares Association; Manufacturers' Agents Association for the Foodservice Industry; National Association for Printing Leadership; National Association of Health Underwriters; National Association of Insurance and Financial Advisories; National Association of Manufacturers; National Association of Mortgage Brokers; National Association for the Self-Employed; National Association of Wholesaler-Distributors; National Club Association; National Federation of Independent Business; National Office Products Alliance; National Restaurants Association; National Retail Federation; National Roofing Contractors Association; National Tooling and Machining Association; Northeastern Retail Lumber Association; NPES The Association for Suppliers of Printing, Publishing and Converting Technologies; Office Furniture Dealers Alliance; Pediatrix.

Pharmeceutical Research & Manufacturers Association; Plumbing-Heating-Cooling Contractors—National Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Self-Insurance Institute of America; Service Station Dealers of America; Small Business & Entrepreneurship Council; Small Business Coalition for Affordable Health Care; Specialty Equipment Market Association; Textile Care Allied Trades Association; Tire Industry Association; Turfgrass Producers International; The Latino Coalition.

THE SPIRIT OF ENTERPRISE,
U.S. CHAMBER OF COMMERCE,
Washington, DC September 27, 2010.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to support S.J. Res. 39, a resolution of disapproval that would repeal the onerous grandfathering regulations promulgated pursuant to the Patient Protection and Affordable Care Act.

The President and many other proponents of the new health care law repeatedly promised, ''if you like the plan you have, you can keep it,'' and the grandfathering provision was meant to ensure this promise. The statute contained a few short paragraphs specifying that a plan operating when the bill was

enacted could continue to operate as before; new employees and dependents of employees could also be added to the plan. The provisions demonstrate Congress clearly intended to preserve maximum flexibility for employer plans and those currently in operation.

However, the Administration released an extremely complex regulation that makes it virtually impossible for plans to maintain grandfathered status, instead subjecting them to many expensive and burdensome new requirements. Rather than allowing plans to continue operating in the manner they are accustomed to, the regulation specifies numerous ways by which such plans would lose grandfathered status. Thus, many existing plans would be forced to change in order to comply with an array of new mandates. In our view, this regulation violates Congressional intent, and does not live up to the promises of proponents of the new law.

Due to the critical importance of this issue to the business community, the Chamber strongly urges you to support S.J. Res. 39. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS,
Arlington, VA, September 28, 2010.

Hon. MICHAEL B. ENZI,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Association of Health Underwriters (NAHU), which represents more than 100,000 health insurance agents, brokers and employee benefit specialists involved on a daily basis in the sale and service of private health plans, I am writing to convey our support for your resolution of disapproval (S.J. Res. 39) to overturn the so-called grandfather rule in the Patient Protection and Affordable Care Act (PPACA).

As you know, throughout the legislative debate on health system reform, President Obama and congressional leaders repeatedly stated that ''if you like the coverage you have, you can keep it.'' Unfortunately, the proposed interim final rule (IFR) on grandfathering issued this past June follows a rigid path in defining the requirements for ''keeping what you have,'' which our professional benefit specialist members conclude will have a negative impact on employers large and small, their employees and their families. The complex and inflexible requirements could ultimately undermine the ability of employers to continue to provide existing health coverage for their employees.

The current grandfather IFR has not provided adequate guidance on various scenarios employers and consumers may encounter and, as such, there are many questions about the allowable changes that may be made to employer plans and the risk of losing grandfathered status. Once grandfathered status is lost, employers will be forced to follow a number of expensive new insurance rules, which will increase costs for employers and employees, threatening the coverage Americans currently have.

The Departments of Treasury, Labor and Health and Human Services own estimates indicate that the complex and restrictive IFR regime would effectively make grandfathering temporary: More than half of all employers, and two-thirds of all small employers, will relinquish their grandfathered health plans by the end of 2013.

Barring employers from changing insurance carriers or increasing cost sharing percentages of any level, for example, severely limits the ability of employers to maintain their grandfathered status. Other requirements to maintain grandfathered status, such as limits on the increases for fixed-amount cost sharing, are simply out of touch with the individual and small-group insurance markets since most employers have little control over the plan designs offered in the small-group and individual market.

In addition, the current grandfather rules do not afford protections for individuals and employers who lose their grandfathered status through no fault of their own. For example, if an individual or employer's health insurance carrier pulls out of a state marketplace, the only option the consumer has is to buy a new non-grandfathered policy or cease to be covered altogether. Unfortunately, our members report that a number of carriers are vacating many health insurance markets as a result of PPACA provisions, particularly in the individual and limited benefit plan markets, and that millions of their clients will be affected.

Our members also report that many large health insurance carriers are reorganizing all of their policy offerings as a means of streamlining administrative expenses. So while an individual or employer may be offered identical benefits through the carrier, their contractual dates may shift and they may technically be sold a new policy offering. Such administrative simplification moves may inadvertently cause millions to relinquish their grandfathered status.

We are very concerned that a great number of individuals and employers will be left with even less choice and flexibility and will be faced with the difficult choice of paying more to maintain grandfathered coverage, shopping for a new (and more expensive) plan or possibly dropping it entirely.

A workable and sustainable grandfathering protection framework should be aimed at achieving a number of important health reform objectives: (1) to promote stability during the transition to full health care reform by ensuring that Americans have a choice of keeping their current coverages; (2) to allow individuals to better control their health care costs; (3) to preserve affordable coverage options and limit disruption of coverage for currently insured individuals; and (4) to lessen the potential for regulatory uncertainty.

Unfortunately, the current grandfather rules fall short of these objectives on a number of levels. As such, we very much support your resolution of disapproval of the current grandfather rules, and hope that Congress and the Administration can work together toward a more sensible and sustainable policy moving forward.

Sincerely,

JANET TRAUTWEIN,
Executive Vice President and CEO.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, September 23, 2010.

Hon. MICHAEL ENZI,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR RANKING MEMBER ENZI: The National Association of Manufacturers (NAM)—the nation's largest industrial trade association—urges you to support S.J. RES. 39, a ''resolution of disapproval'' to prevent implementation of the Interim Final Rule defining grandfathered health plans under the Patient Protection and Affordable Care Act.

The grandfather rule, as currently drafted, does not meet the standard on which the push for reform was predicated—insure the uninsured and allow those with coverage to keep an existing plan. The Department of Health and Human Services' own analysis determined that up to 80 percent of existing small plans will lose their grandfathered status. Employers are proud to offer their employees health insurance, and freezing this benefit limits employers' ability to provide quality coverage.

Currently, 170 million people receive insurance from their employers. Under the new law, the health plans covering these employees were to have grandfathered status and were not to be subjected to the broad insurance market reforms necessary for newer plans. This exemption was intended to allow employees to keep the coverage they currently have and with which they are most comfortable. However, the Interim Final Rule limits the ability of these plans to make routine modifications that will control the rising health care costs crippling many manufacturers.

The rule also removes grandfathered status from those who are fully insured if they change issuers. This eliminates the ability of many smaller businesses to negotiate with insurers to obtain lower rates. Those that are fully insured should be able to negotiate with competing issuers and maintain grandfathered status if they change issuers. This would allow for a competitive marketplace, keep costs down and create parity for smaller businesses that, without a large pool of insured to manage costs like most self-insured plans, use the competition of an open market to lower costs. As a result, the current rule places small businesses at a significant disadvantage.

Ninety-seven percent of NAM members provide health insurance to their employees. Manufacturers are proud to provide health care to their employees and would like to continue that benefit. The rule, as it stands, will decrease competition and create a stagnant, uncompetitive and more expensive insurance market.

The Senate should disapprove this rule because it will unnecessarily disrupt the current employer-based system, which provides coverage to millions of Americans. As manufacturers face tremendous uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J. RES.39 and look forward to working with you on our shared goals for a strong economy and job creation.

Sincerely,

JOE TRAUGER,
Vice President,
Human Resources Policy.

SEPTEMBER 28, 2010.

Hon. MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of S.J. Res 39, the Enzi disapproval resolution regarding the Interim Final Rule on grandfathered plans under the Patient Protection and Affordable Care Act (PPACA). The vote in support of the motion to proceed to S.J. Res 39 will be considered an NFIB Key Vote for the 111th Congress.

NFIB believes the Administration has overstepped its legal authority under PPACA in writing regulations that go beyond the legislative authority embedded in the statute. A strict reading of Section 1251 in the Act clearly outlines what defines a grandfathered plan. However, through its Interim Final Rule the government inappropriately reinterprets the intent of Congress by narrowing the scope of how plans qualify to retain grandfathered status.

The Interim Final Rule appears to be based on an assumption that coverage choices should be narrowed in the run up to 2014. Nothing in the statutory language of the PPACA supports this assumption. In fact, interpreting the PPACA so that it narrows the range of coverage choices is inconsistent with the spirit of the Act, as well as the letter of the law.

If Congress is unable to overturn the Interim Final Rule, NFIB remains deeply concerned that the new regulations will most heavily impact small, rather than large businesses. As written, the Interim Final Rule is so restrictive that the rule provides small businesses with little to no flexibility to keep their plan.

The precedent set forth by this Interim Final Rule is especially detrimental for the men and women who currently have coverage through small businesses. Millions of Americans rely on small business plans for their health coverage, and must continue to rely on those plans until at least 2014 when new purchasing options become available. However, if the Interim Final Rule is not overturned, the government's own analysis confirms what many small businesses fear most—that upwards of 80 percent of small employers could lose the plan they have today by 2013.

NFIB strongly supports the Enzi resolution of disapproval. As the 111th Congress comes to a close, Congress must restore the true meaning of ''if you like what you have today, you can keep it.'' If required to comply with the Administration's Interim Final Rule, millions of small businesses will be forced out of the plans they know and like. Thank you for your hard work on behalf of small business, and NFIB looks forward to working with you to address this critical issue.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

SEPTEMBER 27, 2010.

Hon. MIKE ENZI,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ENZI: I write to lend the support of the National Retail Federation (NRF) to the resolution of congressional disapproval (S.J. Res. 39) you have recently introduced to block the ''grandfathered plan'' regulations. We strongly support and endorse your effort and urge that the resolution be promptly adopted.

We are also concerned that regulators have taken too narrow a view of the grandfathered plan regulation. NRF's formal comments (submitted on August 16, 2010) noted in part that: ''[o]ur concern is that the [interim final regulation's] rigid, trip-wire rules make it entirely too possible (if not probable) that a plan that elects grandfathered plan status will not be able to maintain that status for long. Many plans may not even bother to elect grandfathered plan status.'' Our letter recommended several specific steps to improve the grandfathered plan regulation:

1. Allow employers to change insurance carriers without losing grandfathered status provided that: The coverage is actuarially equivalent or better, and that provider networks are substantially equivalent; prohibiting a change in carriers will needlessly inhibit competition bases on price and quality of service.

2. Allow for improvements in prescription drug formularies and provider networks without jeopardizing grandfathered plan status. New drugs come onto the market with great regularity and medical practice changes quickly. Formulary changes in the interest of plan beneficiaries are appropriate and necessary. Provider networks require regular maintenance to allow for retirements, addition of new providers and to maintain network quality. Reasonable changes that do not compromise ongoing treatment should be allowed.

3. Provide greater flexibility to manage future medical inflation. Changes in fixed dollar cost sharing should be made on a year-to-year basis rather than be based on March 23, 2010 and percentage increases from that.

We strongly concur with your view that a formal resolution of congressional disapproval is the appropriate next step under existing law. We urge its prompt adoption. Again, NRF commends you for introducing this legislation.

Sincerely,

STEVE PFISTER,
Senior Vice President, Government Relations.

SMALL BUSINESS &
ENTREPRENEURSHIP COUNCIL,
Oakton, VA, September 23, 2010.

Hon. MIKE ENZI,
Ranking Member, Health, Education, Labor and Pensions Committee, Senate Russell Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the Small Business & Entrepreneurship Council (SBE Council), I am writing to applaud you for introducing a Resolution of Disapproval (S.J. Res. 39) relating to the rule on ''grandfathered plans'' issued by the U.S. Department of Health and Human Services (HHS). The rule, as written, is in clear violation of President Obama's promise that Americans would be able to keep the health plans they currently have upon passage of the Patient Protection and Affordable Care Act (PPACA). In addition, we believe that HHS has taken creative license in its interpretation of PPACA, bringing an ideological bent that is not supported by the statutory language.

SBE Council strongly supports your Resolution. Without its successful passage most small business owners and their employees will lose the health coverage they currently enjoy.

Small business owners and the self-employed were promised by President Obama and supporters of PPACA that they could keep the plans they currently have under the legislation. However, this promise has turned out to be false and small business owners feel betrayed by what transpired during the rule-making process, as well as what is occurring in the insurance marketplace. In order to qualify for grandfathered status, small business owners must stay with their current carrier and not significantly alter their current health plan or coverage. If their current carrier significantly raises their premiums, small business owners cannot shop around for more affordable plans or they will risk losing grandfathered status. The alternative is to move to another carrier and face more costly coverage mandated by the new health care law. In sum, small business owners are rendered helpless by this catch-22 rule.

Rather than helping small business owners and their workforce keep their plans, it appears the rule has been rigged to force most small businesses and their employees out of grandfathered status. We are aware that HHS estimates, worst case, 80 percent of small business owners will lose their current health plans. SBE Council believes 80 percent is the likely scenario, if not a conservative figure.

The consequence of the rule is obvious—more small business owners will drop coverage. Hiring will remain weak and jobs will be lost. This was not the promised outcome of PPACA.

Senator Enzi, SBE Council shares your desire to overturn this unjust rule. We applaud your leadership, and will do what it takes to see that S.J. Res. 39 advances into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Arlington, VA, September 28, 2010.

Hon. MIKE ENZI,
United States Senate.

DEAR SENATOR ENZI: On behalf of Associated Builders and Contractors (ABC), a national association with 77 chapters representing 25,000 merit shop construction and construction-related firms with 2 million employees, we are writing to express our strong support for S.J. Res. 39, which would overturn the recently issued rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act (PPACA).

Throughout the health care reform debate, ABC advocated for policies that reduce the cost of health care for employers and their employees. ABC called on Congress to advance commonsense proposals that would address the skyrocketing costs of health insurance, especially for employer-sponsored plans, and the rapidly rising number of uninsured Americans. ABC believes true reform should provide greater choice and affordability and allow private insurers to compete for business.

Unfortunately, the new health care law will do nothing to reduce the cost curve; instead it simply will enroll more Americans into a broken and unsustainable health care system. Specifically, the recently issued grandfather rule will increase, rather than decrease, costs for small businesses.

On June 17, the Departments of Health and Human Services, Labor and Treasury issued an interim final rule relating to a plan's status as a ''grandfathered health plan'' under PPACA. As part of the Small Business Coalition for Affordable HealthCare, ABC and several other organizations filed comments expressing concern that the grandfather rule is overly restrictive and could make it even more likely that small businesses will choose to drop their plans prior to 2014 as they are faced with unsustainable premium increases. Instead of lowering the number of uninsured Americans, the rule could actually increase the number of uninsured before the health care law is fully enacted.

The coalition also pointed out that neither PPACA nor the grandfather rule address the core problem facing small businesses: the rising costs of health care. Instead, the rule strips small employers of the ability to exercise flexibility in adjusting to cost increases in order to maintain their current plan.

The grandfather rule demonstrates a fundamental failure of the federal government to understand the needs of small businesses. With a current unemployment rate of 17 percent, the construction industry cannot endure another cost increase at the hands of the federal government. It is unfortunate that the federal government continues to fail to provide employers and their employees with health care solutions that are practical or affordable.

Once again, ABC strongly supports S.J. Res. 39 and we commend you for introducing a resolution that is intended to reduce health care costs for a struggling sector of our economy: small businesses. We look forward to working with you in the future on commonsense health care initiatives.

Sincerely,

BREWSTER B. BEVIS,
Senior Director, Legislative Affairs

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

I have to say to my friend from Wyoming: Where did that come from—100 pages of regulations for every page that is in the bill? That is going to be 200,000 pages of regulations. Where did that come from? It sounds like it came from the health insurance industry to me. Boy, I tell you, that is quite a figure. Well, obviously, it is a bogus number, and I do not know where that figure came from. I would like to ask my friend where that did come from.

But I say to my friend from Wyoming, the Senator just said there is no help—I wrote it down here as fast as I could—no help for small businesses until 2014.

Wait a minute. Wait a minute. In the Affordable Care Act, we attached—in the tax bill that Senator BAUCUS got through the Finance Committee, small businesses, beginning this year, 2010, will receive a tax credit—a tax credit, not deduction, a tax credit—of up to 35 percent of the cost of an employee's health insurance.

So you have a small business, prior to this year, that did not get a tax credit, I say to my friend from Wyoming. I mean, the Republicans ran this place for 8 years under George Bush—8 years. They had a Republican President, Republican Senate, Republican House. They did not give small businesses any tax breaks for health insurance. We did. It is in the bill, a 35-percent tax credit this year for small businesses. That would cover 83.7 percent of all small businesses in the country. That is quite a bit of help for small business.

I have heard from small businesses in my State that can get that tax credit this year that they have never had before. A lot of these small businesses are small businesses that employ just a few people—10, 12. They know their employees. They go to the same churches, schools. They are neighbors. I can't tell my colleagues how many small business owners in Iowa have told me: I feel so bad. Because of the increasing costs of health insurance, whether they are increased copays or deductibles, cutting out benefits, I have had to increase the cost of health insurance to my employees to the point that it is almost not worth it anymore because of high deductibles.

They feel badly about it because these are their friends, neighbors. They are related a lot of times. I have had them come to me and say: Finally, this year I can get a tax credit, up to 35 percent.

Quite frankly, in my State, 90.8 percent of small businesses will get the maximum 35 percent tax credit. Small businesses don't have to wait until 2014 to get help; they are getting that help right now.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my friend from Illinois.

Mr. DURBIN. I would like to ask the Senator from Iowa, if the Senator from Wyoming prevails in what he is seeking to do this morning, it is my understanding that almost half the people in America who currently have health insurance through their employers, people who are so-called grandfathered in under this bill, would not get the new protections that are coming in the law, protections that say that under their health insurance, they will not be subject to a lifetime limit. For example, if someone gets into long-term cancer therapy that is going to be very expensive over a long period and the insurance company decides halfway through they will cut them off, we now protect people so that they can continue to get the care they need. They can't be limited.

Isn't it also true that the effort of the Senator from Wyoming would protect the right of the insurance companies to literally cancel one's policy because of an error made in the application for the policy, to rescind the policy?

I might add, it is my understanding that this rescission is abused in my State more than any other in the Nation. The rescission rate on health insurance in Illinois is three times the national average. We have had over 5,000 people who have had their health insurance canceled. When they went to the company and said: I am facing surgery, I am facing cancer therapy, and I need coverage and want to make sure I have it, they ended up getting their policies canceled.

I ask the Senator, would the effort by the Senator from Wyoming take away these protections we are now building into the law to make sure health insurance is there when people need it the most?

Mr. HARKIN. Mr. President, we have two things here. We have the Patients' Bill of Rights which just went into effect. That covers everybody. That covers all plans. That covers grandfathered plans. They can't escape that. However, if a plan wanted to be grandfathered, we left it up to the Department to write rules and regulations as to what grandfathered means. For example, let's say the Senator from Illinois and I have a contract. We both have agreed to it. We say we are going to let that contract go into the future. After a certain date, you are grandfathered in that contract.

What the Senator from Wyoming would say is that if you are the insurance company and I am the individual covered, we will grandfather it, but you can change it any way you want. You can raise my copay. You can raise my deductible. You can reduce the annual limit on claims you will pay. You can eliminate benefits, such as the Senator just pointed out, for cancer or diabetes. And guess what. You would still be considered grandfathered. But I am stuck with that. That is what is so important here. That is what people have to understand about what the Senator from Wyoming is trying to do. He is saying that basically we will grandfather it in, but the insurance companies can change it however they want, and you are stuck with it.

Mr. DURBIN. So if the Senator from Wyoming prevails and I am one of the grandfathered plans—in other words, I have my health insurance plan that I like through my employer—my health insurance company on my grandfathered plan can literally cut me off when I need health insurance the most, can literally put a limit on the amount they are going to pay on an annual basis?

Mr. HARKIN. That is right.

Mr. DURBIN. Can really take away my health insurance protection.

I ask the Senator from Iowa, hasn't he heard, as I have from people in my State, how vulnerable they are when you empower health insurance companies to bail out when you need them the most? If we voted with the Senator from Wyoming, we would empower the health insurance companies at the expense of vulnerable people who may face an accident or a diagnosis tomorrow that changes their lives. Isn't that what this gets down to in its most basic form? Do we want to give power to the people who are insured or power to the health insurance companies? As I understand the Senator from Wyoming, he thinks the health insurance companies should have the power and we should not be providing protection to the people who need it most.

Mr. HARKIN. That is the way I see it. It just seems that we have rules and regulations. What the Department has said is that, OK, to be a grandfathered plan, you have to fall under these items: You can only raise your copayment a certain amount. By the way, it is quite a bit. You can raise your copayment either the greater of 5 bucks or medical inflation plus 15 percent. That is pretty good. It says you can change different things but within certain limits. They can't, for example, raise your coinsurance charges—that is, if you have a percentage. For example, if it is 20/80, they can't just raise that. It has to stay the same percentage. They could raise the copayment if it is a dollar amount.

That is why the Senator from Illinois is so right. If this resolution passes, all of the protections for consumers are wiped out.

Mr. ENZI. Will the Senator yield for a question?

Mr. HARKIN. On whose time?

Mr. ENZI. I am about out of time.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 17 minutes, and the Senator from Wyoming has 13½ minutes remaining.

Mr. HARKIN. Mr. President, I will be glad to yield time if he will yield me time if I have a question.

Mr. ENZI. Certainly.

The Senator from Iowa is not answering the same question the Senator from Illinois is asking. I did say that when the resolution passes, they would

not be able to discriminate on preexisting, they would not be able to impose annual limits. They will not be imposing lifetime limits. They will have to keep people until age 26, and they will not be able to cancel it for paperwork error. I think that is the question the Senator from Illinois was asking, not the copays and those things.

Mr. HARKIN. I did respond that the bill of rights applies to all plans.

Mr. ENZI. All plans, even if the grandfathering clause is taken out?

Mr. HARKIN. Absolutely. I made that very clear. The bill of rights that came into effect stays for everything. But what I am saying is that the Senator is right, and I responded that way concerning the bill of rights. But what doesn't apply to grandfathered plans are preventive services that are covered with no cost. That is not covered. The right to an appeal to a third party is not covered. Restrictions on annual limits is not applied. They can put annual limits on coverage under these grandfathered plans. Direct access to OB/GYNs without a referral is not part of the Patients' Bill of Rights. No higher cost sharing for out-of-network emergency services, no prior authorization requirement for emergency care—none of that is in the bill of rights. So all of that is wiped out by the resolution of the Senator from Wyoming.

Again, for emphasis, you have a contract. You work for an employer. They have a plan. You are part of that plan. If you like that plan, you can stay with it. My friend from Wyoming said: Only in Washington, DC, could they say, if you like your plan, you can stay with it, and then they change it. No. Only in the health insurance industry, perhaps in the Republican philosophy, would you say that you can grandfather a plan, but you the consumer are stuck if the insurer wants to change it any way he wants to change it, with the exception of the bill of rights. They could raise your copayment, they could take away your right of access to an OB/GYN without referral, and all the other things I mentioned.

If your insurer dramatically raises your copayment, that is not what you signed up for. That was not the plan you signed up for. If your insurer dramatically raises your deductible, that is not what you signed up for. If your insurer reduces the annual limit on claims they will pay, that is not what you signed up for. If your insurer eliminates covered benefits, such as cancer or diabetes, that is not what you signed up for.

We are saying: You have a plan here. You signed up for it. You like it. You can keep it.

But what if your insurer comes along and says: Guess what. We are not going to cover it if you get diabetes, and we are going to put an annual limit on claims we will pay, and we are going to raise your deductible by a huge amount. Is that the plan you signed up for? No. So why should you be stuck with that? Why should that be a grandfathered plan?

A grandfathered plan means a plan that was in existence before April of this year that you like but which is not changed dramatically on you by your insurer. So if you have a grandfathered plan, you are fine. What the Department did is that they issued regulations to define what that is. Quite frankly, I thought they were very lenient. For crying out loud, they can raise your copayment by the greater of $5 or medical inflation plus 15 percent. Fifteen percent of medical inflation sounds like a lot to me. That is quite lenient.

Again, my friend had a lot of letters he included for the RECORD. I would like to insert letters in opposition from the Small Business Majority, from the Center for Budget and Policy Priorities. Here is a letter signed by the American Cancer Society Cancer Action Network, the American Diabetes Association, the American Heart Association, Families USA, the National Partnership for Women and Families, National Women's Law Center, SCIU, and U.S. PIRG. I also have letters from Health Care for America Now, Service Employees International Union, the AARP, and Trust for America's Health. I ask unanimous consent to have these letters printed in the RECORD.

All are in opposition to the Enzi resolution.

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

SMALL BUSINESS MAJORITY,
Sausalito, CA, September 28, 2010.

Hon. TOM HARKIN,
Chair, Senate Committee on Health, Education, Labor and Pensions, Senate Dirksen Office Bldg., Washington, DC.

Hon. MIKE ENZI,
Senate Russell Office Bldg., Washington, DC.

DEAR SENATORS: Small Business Majority strongly opposes S.J. Res. 39—a resolution of disapproval that would prevent implementation of the grandfathering regulations under the Patient Protection and Affordable Care Act. This unnecessary resolution would impede the orderly and responsible implementation of comprehensive reform—which would deny small businesses and their employees the protections reform provides, and make it more difficult for them to access affordable care.

The passage of healthcare reform was a huge victory for small businesses, many of whom are being crushed under high healthcare costs and were looking to reform to give them some relief. However, there are small businesses that like their existing plans and want to keep them. The legislation allows them to do so. But these plans must continue to resemble their current form and also must work in the context of overall reform.

The regulations issued by Health and Human Services on June 15 strike the right balance. They require that the existing plans don't increase costs more than 15% above medical inflation and that they don't disturb reforms that will be put in place in 2014—such as prohibiting insurance companies from denying coverage due to preexisting conditions. We found from extensive opinion polling that these requirements address small business owners' biggest concerns: controlling costs and the elimination of preexisting condition rules. While we believe the regulations make sense, they aren't set in stone; HHS is open to making additional changes based on small business input.

Small Business Majority continues to support healthcare reform. Small businesses are the lifeblood of our nation's economy and shouldn't be denied the benefits reform provides, which is why we urge you to vote against this counterproductive resolution.

Sincerely,

JOHN ARENSMEYER,
Founder & CEO.

[From Off the Charts, Center on Budget and Policy Priorities, Sept. 29, 2010]

ENZI PROPOSAL WOULD THREATEN MARKET REFORMS IN AFFORDABLE CARE ACT

The Senate is expected to vote today on a proposal from Senator Mike Enzi (R–WY) to overturn federal regulations related to some of the Affordable Care Act's key health insurance market reforms that took effect last week.

The regulations define ''grandfathered plans.'' Here's why this definition matters. Among other things, the new health reform law would require health plans to cover preventive care without cost-sharing, undergo reviews to see if their premium rate increases are unreasonable, and offer enrollees the choice of their primary care provider. But plans that existed when the law was enacted on March 23, 2010—known as ''grandfathered'' plans—aren't required to comply with these reforms.

The regulations define how much a grandfathered plan can change before it is considered a new plan that must abide by these new reforms and consumer protections. As we explained in a recent fact sheet, they strike a good balance for consumers, allowing people to keep the plans they have while ensuring that consumer protections kick in if an insurance company reduces a plan's benefits or raises consumers' out-of-pocket costs significantly.

Repealing the regulations, as Senator Enzi is proposing, would confuse consumers, employers, and insurers about which plans are grandfathered and which plans have to comply with market reforms. As a result, it would threaten the implementation of the immediate market reforms, thus making the insurance market less stable and would likely leave many consumers without access to critical protections the Affordable Care Act provides.

In short, the Enzi proposal—which would require just 51 votes to pass—would be a significant step backward.

SEPTEMBER 29, 2010.

DEAR SENATOR: The undersigned organizations write to you to express opposition to Senate Joint Resolution 39, Disapproval of Grandfathered Health Plans, filed by Senator Mike Enzi. The resolution would block key insurance reforms included in the Affordable Care Act that protect consumers and ensure high quality, affordable care.

Specifically, the resolution would eliminate an interim final rule issued by the Departments of Health and Human Services, Labor and Treasury in June that clarified important consumer protections. Many provisions in the Affordable Care Act apply to all plans, new and existing. However, some provisions only apply to new plans. The rule outlines how health insurance plans could maintain or lose their ''grandfathered'' status.

The rule, issued by the Administration, strikes the right balance between protecting consumers and providing stability and flexibility for employers. Specifically, the rule

prohibits plans from significantly cutting or reducing benefits, increasing copays by an excessive amount, dramatically raising deductibles or decreasing employer contributions that result in an increase in workers' share of premiums. If plans significantly raise out-of-pocket costs for consumers, they lose their ''grandfathered'' status and would be considered a new plan, subject to further requirements in the law. Senator Enzi's resolution would completely eliminate the rule, making it impossible to enforce important consumer protections against potential insurance company abuses. If enacted, the resolution would put consumers' rights in jeopardy.

We strongly urge you to stand up for American families and vote ''no'' on SJ Resolution 39.

Sincerely,

American Cancer Society Cancer Action Network.
American Diabetes Association.
American Heart Association.
Families USA.
National Partnership for Women and Families.
National Women's Law Center.
SEIU.
U.S. PIRG.

HEALTH CARE FOR AMERICA NOW!,
Washington, DC, September 28, 2010.

DEAR SENATOR: On behalf of Health Care for America Now, we urge you to oppose the Joint Resolution of Disapproval of the ''grandfathering rules'' filed by Senator ENZI. We understand this could come up for a vote as early as Wednesday, September 29. The Enzi resolution would nullify the interim final rule defining grandfathered plans. In striking the rule, Senator Enzi's resolution potentially allows any health plan to be grandfathered—shielding plans indefinitely from complying with important new consumer protections that benefit millions of Americans.

Like the Affordable Care Act (ACA) itself, the interim final rule issued by the Departments of HHS, Labor and Treasury sought to strike a balance that allows consumers to keep current plans they like, while also ensuring that plans evolve to incorporate new consumer protections. To do this, the rule laid out the circumstances under which a health plan loses grandfathered status, and therefore must comply with certain new consumer protections. Factors that result in a plan losing grandfathered status include significant benefit cuts, cost-sharing hikes, lower employer contributions, a new or tightened annual limit, or switching insurance carriers.

The Enzi resolution wipes away the rules that define grandfathered plans, potentially allowing any plan to assert its permanent non-compliance with consumer protections. This would invalidate many benefits of the ACA for people that currently have insurance and indefinitely lock them into plans that fail to meet basic consumer protections. Though claiming to help small business, the resolution will plunge many small business health plans into a maze of litigation. This resolution is a transparent attempt to gut some of the most important provisions of insurance reform.

Consumers lose under the Enzi resolution. Plans would not have to cover preventive services at no cost. The right to internal and external appeals could be stripped. A trip to the emergency room could again require prior authorization and result in enormous out-of-network costs. These protections are so basic, popular and bipartisan that there can be no explanation for this resolution other than pandering to an insurance industry that lost the battle but is still gunning to win the war against consumers on health reform.

On September 23, people all around the country celebrated the arrival of key consumer protections. Advocates hosted hundreds of events nationwide, including 87 sponsored by Health Care for America Now and the Main Street Alliance. This spiteful resolution threatens to rip away those hard-won consumer benefits. We urge Senators to vote no on the motion to proceed and no on the resolution.

Sincerely,

ETHAN ROME,
Executive Director.

SERVICE EMPLOYEES INTERNATIONAL UNION.

On behalf of the more than 2.2 million members of the Service Employees International Union (SEIU), I urge your boss to oppose S.J. Res. 39 filed by Senator ENZI. This resolution of disapproval would strike the interim final rule submitted by the Departments of Health and Human Services, Labor and Treasury on the grandfathered health plans under the Affordable Care Act (ACA).

Many of the new protections under the ACA apply to all health plans, both those in existence known as grandfathered plans and new health plans or non-grandfathered plans. Those provisions covering all health plans include a prohibition of rescissions, a ban on annual lifetime coverage limits, coverage of children until age 26, and an end to exclusion of children based on pre-existing conditions. There are certain provisions that do not apply to grandfathered plans, including the requirement to provide preventive health services with no cost sharing and the new internal appeals and external review process. Senator Enzi's resolution seeks to disapprove the interim final rule which states that health plans would cease to be the same plan that was in effect on March 23, 2010 and therefore no longer maintain grandfathered status if they significantly cut benefits, raise deductibles or co-pays or lower employer contributions.

This resolution would give insurance companies free reign to change the structure of a health plan such as increasing co-pays and deductibles and not be required to provide stronger consumer protections/benefits enacted under health care reform designed to increase access and affordability. In short, S.J. Res 39 is a blatant attempt to erode the protections provided to consumers under health care reform.

SEIU strongly urges you to oppose S.J. Res. 39. SEIU will add votes related to this issue to our Congressional Score Card located on our Web site at www.seiu.org. Should you have any questions or concerns, contact Desiree Hoffman, Assistant Director of Legislation, at desiree.hoffmanaseiu.org.

SEPTEMBER 29, 2010.

AARP: SENATE RESOLUTION WOULD WEAKEN NEW HEALTH INSURANCE PATIENT PROTECTIONS

ASSOCIATION URGES SENATORS TO OPPOSE S.J. RES. 39.

WASHINGTON.—AARP Legislative Director David Certner released a statement in advance of today's expected vote on S.J. Res. 39, a Senate resolution of disapproval that would weaken the patient protections put in place under the health care law. Certner's statement follows:

''The rules created earlier this year strike a good balance between preserving the rights of individuals to keep their existing coverage, while also honoring the purpose of the Affordable Care Act in providing for patient protections and important insurance reforms that safeguard individuals from practices that lead to denials of coverage or to underinsurance in the event of serious illness or accident.

''As I stated in AARP's letter regarding the Interim Final Rule (IFR) to implement the grandfather status rules, 'AARP supports the general thrust of the IFR that plans not lose their grandfather status for changes that are modest in nature. This is consistent with the need to balance the objectives in the ACA of preserving the right of individuals to keep their existing coverage with the goal of ensuring access to affordable essential coverage and improving the quality of that coverage.' AARP agrees with the IFR's determination of what would cause plans to lose their grandfather status (e.g., cannot significantly cut or reduce benefits, cannot significantly raise co-payment charges, cannot significantly lower employer contributions) as important consumer protections and consistent with the statute.

''As a result, AARP urges Senators to oppose this resolution to ensure critical new protections and rules remain in place so that the vast majority of Americans who get their health insurance through employers will have clear guidelines on how their plans comply with the new law.''

AARP is a nonprofit, nonpartisan social welfare organization with a membership that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP does not endorse candidates for public office or make contributions to either political campaigns or candidates. We produce AARP The Magazine, the definitive voice for 50+ Americans and the world's largest-circulation magazine with over 35.1 million readers; AARP Bulletin, the go-to news source for AARP's millions of members and Americans 50+; AARP VIVA, the only bilingual U.S. publication dedicated exclusively to the 50+ Hispanic community; and our website, AARP.org. AARP Foundation is an affiliated charity that provides security, protection, and empowerment to older persons in need with support from thousands of volunteers, donors, and sponsors. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

TRUST FOR AMERICA'S HEALTH,
Washington, DC, September 29, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The Trust for America's Health urges you to oppose S.J.Res 39, a resolution of disapproval of the interim final rule that stipulates what actions health plans are precluded from taking if they wish to be considered a ''grandfathered'' health plan under the Patient Protection and Affordable Care Act (ACA).

Among the many benefits of this critical law enacted earlier this year is the renewed focus of the law on the importance of prevention. As a result of ACA, patients and consumers who enroll in new health insurance plans will have access to recommended preventive clinical services for little to no cost. This represents a tremendous opportunity to encourage Americans to seek out and receive recommended preventive services, which will have a real impact on improving health outcomes. Furthermore, guaranteed coverage of preventive services is a critical component of establishing a national culture of prevention and wellness.

While we hope that one day all Americans will be guaranteed this access, a certain category of ''grandfathered'' health plans are exempt from this requirement. As released

in June, the rule requires that health plans not make significant changes to plan benefits, premiums, or cost-sharing requirements should they wish to maintain their ''grandfathered'' status.

Enactment of this resolution would block the Department of Health and Human Services from implementing this rule and effectively permit any existing health plan to avoid the important affordability and benefit protections created under health reform, including coverage of preventive health services.

Once again, we urge you to vote against this resolution to ensure that ''grandfathered'' status does not become a route to curtailing the important prevention components of health insurance reform. We hope you will stand on the side of ensuring that patients have access to clinical preventive services and other important insurance reforms contained within ACA.

Sincerely,

JEFFREY LEVI,
Executive Director.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Wyoming.

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

Mr. MCCAIN. I would say to my friend from Wyoming, this seems like old times—what we tried to stop for over a year, and now our predictions came true, beginning with they turned 2 pages of this 2,733-page bill—2 pages—into 121 pages of regulation. Is that correct, I would ask my colleague from Wyoming?

Mr. ENZI. In one of the instances, that is correct.

Mr. MCCAIN. So in a 2,733-page bill, if we have 121 pages of regulation for every 2 pages, that is going to be pretty interesting, isn't it? And the fun has just begun. The fun has just begun.

If the Senator might recall, I ask my friend from Wyoming, President Obama—quote after quote, time after time:

And if you do have health insurance, we'll make sure that your insurance is more affordable and more secure.

We know that is not true from every estimate. It is neither affordable nor secure.

If you like your health care plan, you can keep your health care plan. This is not some government takeover. . . . I don't want government bureaucrats meddling in your health care. . . . That's what reform is about.

I quote from the President of the United States.

So now they have taken 2 pages of a 2,733-page bill, and that is 121 pages of regulation.

Now, isn't it true, I would ask my colleague from Wyoming, who knows as much or more about this than anyone, that it will result in 50 percent of all employees being in plans ineligible for grandfathered status? Is that a correct statement?

Mr. ENZI. That is not only a correct statement, the estimate is a little low, according to the administration.

Mr. MCCAIN. According to the administration.

Mr. ENZI. According to the administration, in small businesses, 80 percent of the people—unless this is passed—will lose the insurance they have and like, and in all businesses 69 percent will. Those are not my numbers; those are the administration's numbers.

Mr. MCCAIN. But isn't it also true that is the case for small business and people and entrepreneurs all over America except the unions? Isn't that true? Isn't this a carve-out again, part of this sleaze that went into putting this bill together, part of the ''Cornhusker kickback,'' the ''Louisiana purchase,'' the buying of PhRMA—all that went into this—the ''negotiations'' that were going to take place on C–SPAN that the President said during the Presidential campaign that went from one sweetheart deal cut to another. Part of one of those sweetheart deals was the unions are exempt; is that correct?

Mr. ENZI. That is correct. And so were the other parts that were done in order to buy the bill in a bipartisan way.

Mr. MCCAIN. So what you are saying is that unless a health care policy provided by an employer is absolutely unchanged totally for an unspecified period of time, then that health insurance policy can be declared invalid by the Department of Health and Human Services, and they will have to go to a government-mandated health insurance policy or pay a fine. Is that a correct assessment?

Mr. ENZI. It is a correct assessment in most of the parts. They will have to give up the insurance they have now, even if they like it, which the President did mention 47 times in public speeches. And there are some requirements on how much of a change there can be.

But I have been talking to small businessmen traveling across Wyoming, talking to them and visiting them, because Congress thinks ''profit'' is a bad word, and a lot in Congress think every business is simple to run. But they have never been out there and scratched the surface a little bit to see just how tough it is.

I have had businessman after businessman whom I have visited and ones who have come to Washington because they have been so concerned who have said: I am going to do everything I can to keep my plan just exactly the same because this regulation is so difficult to understand, and I am pretty busy anyway, so I don't think I dare make any changes.

That is not true. They could make a few changes, but if they do, they will lose their status, and they will have to pay more.

Mr. MCCAIN. So an employer, a small businessperson provides health insurance for their employees. That employer sees health care costs go up,—as everybody knows, and that is every objective estimate—so that employer says to its 10, 50, 60, whatever, employees: Look, we are going to have to increase your copay. We are going to have to increase your copay because, simply, the costs are prohibitive, and we would like to sit down, and I think you would probably agree to it given the overall situation across health care. And the employees agree with that and they change the copay, and then automatically they are finished. Is that correct?

Mr. ENZI. Yes, that is correct. That is correct. If they change the copay, they are no longer grandfathered.

Mr. MCCAIN. So even though it is obvious that the cost of health care is going up, continues up dramatically—that is estimates of OMB, of literally every objective observer; the curve has not been bent down—that unless employers keep exactly, with very little wiggle room, basically the same health insurance policy for their employees, then they will then have to comply with a government-mandated health insurance policy. Is that correct?

Mr. ENZI. That is correct. The Federal bureaucrats have figured out what the minimum amount of insurance is that you ought to have and everybody else in America ought to have, and even if you like what you have, you are going to have to go to that if there are certain changes in your policy.

The small businessmen are worried about any changes. Because this thing is so complicated, they do not even know what the rest of the rules are going to be. They have talked about this tax credit, but a number of them have looked at the requirements on the tax credit and said: How in the heck do I ever comply with that? So they are a little worried about being able to get that too.

Mr. MCCAIN. So I guess it was one of our colleagues and the President who intimated: Well, the American people really don't pay attention. The American people don't really—they are deceived by FOX News, et cetera.

The American people knew this was a bad deal then, and they know it is a bad deal now. The majority of the American people want it repealed. And all of this is suspicions confirmed when you take 2 pages of legislation and turn it into 121 pages of regulation—a 2,733-page bill.

Mr. ENZI. Yes, it will be dramatic. We have not begun to touch all of the regulations that have to be written on this yet. We looked at the Medicare bill and how many pages of regulations came out of that, and it was 100 per page, which would be 270,000 pages on this one. That is where that number came from.

Mr. MCCAIN. So here we are with an economy that the administration, the President, and his crack economic team said that if you pass this stimulus bill, maximum unemployment will be 8 percent. What is the problem with

investment and hiring and economic growth in America today? The total uncertainty. We have just punted on the extension of the tax cuts or an Obama tax increase. We have just punted on a number of issues, and the American people now are going to have to—this small businessperson the NFIB represents is going to have to thumb through 121 pages of new regulations in order to understand. Big businesses and small businesses are going to say: What are the next 121 pages of regulations that are coming down for 2 pages of the bill? I guess the title page probably would not have regulations associated with it, but the other 2,732 would.

Mr. ENZI. And the Senator from Arizona has not even mentioned the 1099 problem that is supposed to help pay for part of this bill.

Mr. MCCAIN. Yes, which our colleagues just voted down. They voted down a resolution by the Senator from Nebraska that would allow them not to have to report every single transaction of $600 or more. No wonder small and large businesses in America are reluctant to invest and hire with this kind of foolishness going on.

Mr. ENZI. Right.

Mr. MCCAIN. The CPAs come to me in Arizona and say: I can't advise my clients. I don't know what the tax structure will be.

So here we are with a new 121 pages of regulation which obviously will affect 50, 60, 80 percent—let's say it only affects 50 percent of businesses in America—and we are going to vote down, probably, with the big-government majority here, this effort to not have this regulation implemented.

All I can say to my colleague from Wyoming is, thank you for your leadership. Thank you for your thoughtful dissertation on this issue. And I guarantee you, maybe next January, we can take this up again.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, last June, President Obama promised on national television that ''Government is not going to make you change plans under health reform.''

In his September 2009 address to Congress he told Americans, ''If you have health insurance through your job, nothing in our plan requires you to change what you have.''

Many Americans doubted this would be the case, and they have been proven right.

In the months after the health care law was passed, the administration wrote the regulations for plans with grandfathered status. Grandfathered status was supposed to allow employers to continue offering current health plans, even if those plans don't meet all of the government's new cost-increasing mandates and requirements. And we were told it was intended to help protect Americans enrolled in these plans from ''rate shock,'' or significant premium increases, as a result of the new government mandates.

The consulting firm Mercer has bad news for people hoping to keep what they currently have. It released a new survey of employers on the impact of the health care law. One-quarter of employers surveyed estimate that the law would raise premiums by at least 3 percent. That increase is beyond this year's normal rise in costs due to medical inflation.

A majority of respondents—57 percent—said they will ask employees to pay a greater share of the cost of coverage in 2011, meaning higher deductibles and copays.

As the Mercer study notes, ''The rules for maintaining grandfathered status were tougher than many employers expected. As they start to get a clearer picture of projected costs for 2011, many are finding they need more flexibility to get their cost increases down to a level they can handle.''

Yet the administration's regulations expose employers and employees to extensive bureaucratic redtape just so they can keep their current plans.

In fact, the administration's own experts at the Department of Health and Human Services estimate that between 39 and 69 percent of businesses won't be able to keep the health plans they have now.

Small businesses will fare even worse. By 2013, up to 80 percent of small businesses could lose their grandfathered status. All of this means that few health plans will qualify for grandfathered status, so many Americans will not get to keep what they have.

Employers that lose grandfathered status for their health plans will be forced to comply with all of the new mandates included in the health care law and all of the administration's regulations.

Subjecting employers' health plans to these mandates will either force them to change their plans and increase their costs of insurance or pay a fine and dump their employees into the Federal Government's new insurance exchange.

I do not support the health care law at all, but I believe Americans should get to keep what they have, as promised, so I support the Enzi resolution of disapproval. The resolution would nullify these regulations and direct the administration to develop true grandfathering protections that allow Americans to keep their current coverage.

These latest developments are consistent with the pattern that has emerged ever since this bill passed and was signed into law—one of broken promises. Americans never liked or wanted this bill, and we are continually reminded why they opposed it in the first place.

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in the RECORD, the following letter to Secretary Sebelius which discusses my thoughts on the interim final rule, ''Rule'', regarding grandfathered plans—75 Fed. Reg. 34538—as part of the Affordable Care Act. While I will vote against the motion to proceed on Senator ENZI's joint resolution of disapproval, S.J. Res. 39, I do have concerns that the rule itself is overly restrictive. I look forward to working with the administration and my fellow colleagues on continuing to develop guidance on this issue.

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

U.S. SENATE,
Washington, DC, September 29, 2010.

Hon. KATHLEEN SEBELIUS,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS I write regarding the Interim Final Rule (''Rule'') regarding grandfathered plans (75 Fed. Reg. 34538).

While I understand that the Rule seeks to balance consumer protections while still allowing consumers to keep their existing plans, I am concerned that as currently written, the Rule is overly restrictive. In some places the Rule places significant restraints on the ability of employers and health plans to make adjustments to their existing plans that contain costs while maintaining the overall benefit structure and value for plan participants.

As a starting point for more flexibility, I urge you to reconsider the provision that automatically revokes grandfathered health plan status if an employer-sponsored health plan changes insurance carriers. This provision, as written, is overly restrictive and unfairly locks in employers to a specific carrier. For instance, changing carriers should not trigger a loss of grandfathered status if the benefit coverage under a different insurer remains the same. In fact, many new carriers have shown that they can offer lower cost-sharing to employees due to a better rate.

I hope to work with you to refine and adjust this and other aspects of the regulation as we further define grandfathered plans to ensure appropriate stability in the marketplace. I appreciate the opportunity to assist the Agencies in continuing to develop guidance on this important issue.

Sincerely,

MARK R. WARNER,
United States Senator.

Mr. HARKIN. Mr. President, how much time do we have?

The PRESIDING OFFICER. Eleven minutes 12 seconds.

Mr. HARKIN. How much time does the other side have?

The PRESIDING OFFICER. Three and a half minutes.

Mr. HARKIN. Mr. President, I yield 4, 5 minutes to the Senator from Illinois.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, I just listened to the Senator from Arizona, who is my friend and whom I respect. I cannot remember how many pages were in the McCain-Feingold bill. I voted for it. I believed in it. I did not count the pages. I thought he was on the right track to change campaign financing in America. It was a bipartisan bill, and I supported it.

Has that now become the measure in the Senate—we will count the pages, and if it goes over 1,000 pages, we are not going to pass the bill? I hope not because this bill, the underlying bill on health care reform, to make it more affordable and more accountable, took on

one of the major industries in America, where the cost of health insurance has gone up 10, 15, 20 percent a year.

We know the health insurance industry and the companies behind it are not going to go down without a fight. They are going to hire the lawyers and the lobbyists—and they did—to fight the passage of the bill and to fight its implementation in court and everyplace you turn because what is at stake is their money, their profit. What is at stake is the way they do business, and they know it. So when this administration writes the rules and regulations to make sure that when we are challenged in court, this is going to stand up under the law, it is the reasonable thing to do, and I think even the Senator from Arizona would acknowledge it.

Now, I know the Senator from Wyoming does not feel this way because he told me personally this morning that he does not favor repeal of the bill. I do not know what the position of the Senator from Arizona is. But I would say to those who want to repeal the health care bill that the President signed into law, this is what they want to repeal. They want to repeal the consumer protections which we have finally put into the law which say the health insurance companies cannot cancel your coverage when you need it the most. They cannot deny you coverage because of a preexisting condition. They cannot deny to children under the age of 18 coverage under health insurance for a preexisting condition. They cannot deny to you the right to keep your kids under your health insurance policy, your family's policy, until they reach the age of 26.

In that bill was also a new deduction for the cost of health insurance for small businesses so they can afford to find health insurance for the owners and the employees of the businesses. In this bill was closing the doughnut hole on the Medicare prescription Part D, sending a $250 check to the seniors who needed it this year and increasing that amount over the year and still not adding to the deficit overall with this bill. That is what they want to repeal.

Well, I am not going to stand before you and tell you that the bill we voted for was a perfect law. The only perfect law I am aware of was carved in stone tablets and carried down a mountain by Senator Moses. All the other bills that have been passed are going to need some changes over the years. But the change the Senator from Wyoming brings to the floor is a bad change—a bad change—because what he wants to do is empower the health insurance companies to increase the amount of money Americans pay for their coverage. That is it. Give them more protection so they can raise costs.

The Senator from Wyoming said we should not be embarrassed to say these companies are in business for a profit. I understand that. But this underlying bill limits the profits of the company and says that 80 percent of the premiums they collect need to be spent on health care. That leaves them 20 percent for their bonuses, for their salaries, whatever they want. But we want to make sure people across America have a fighting chance to have health insurance protection when they absolutely need it the most.

I see my colleague on the floor, the Senator from South Dakota. He and I had an unexpected experience in the month of August. We were both in a hospital for surgery. Lucky for us, Senator JOHNSON and Senator DURBIN—and also the Senators on the other side of the aisle—are protected by the best health insurance in America. Shouldn't the people of this country have that same kind of peace of mind so that when they need medical care, even expensive medical care, their health insurance is there to protect them?

All of the people standing on the floor railing against government-administered health care are covered by government-administered health care. Our health insurance plans in Congress are administered by the Federal Government, and not a single Senator on the other side of the aisle has said: In principle, I am going to give up my health insurance to show you how much I hate government-administered health care. They have not done it because the plans are too darn good. We want to give every American the same peace of mind Members of Congress have.

We have to defeat the Enzi approach today. It empowers health insurance companies at the expense of people who need health insurance when they face a diagnosis, a surgery, a cancer treatment that could literally bankrupt their family unless they have health insurance protection. I urge my colleagues to oppose Senator ENZI's effort on the Senate floor today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARKIN. Mr. President, again, I don't know where all of these figures come from, how many pages of regulations per page on the bill, and all that kind of stuff.

I have in front of me the Federal Register of Thursday, June 17, 2010. What we are dealing with today are grandfathered plans, right? The resolution offered by the Senator from Wyoming has to do with what is a grandfathered plan and the regulation of the grandfathered plan.

Well, I looked at the rules in the Register. It is one page and not even a half, about a page and one-third—well, not actually even a page and a third, a little over a page, a page and a third. I have it right here. Page 34,568 and page 34,569: Maintenance of Grandfather Status. That is what it is, and that takes into account all of the things to which the Senator from Wyoming referred.

It is a page and a quarter, right there. There is a bunch of other stuff in this regulation that comes through there, including accounting tables and all kinds of things, but the actually rule, regulation, is a page and a third. I don't know what all this other stuff is in here. It is probably make work for somebody, I don't know. But it is a page and a third.

But getting to the crux of it, we provided in the health reform bill, which is now law, that if you had a plan you liked, you could keep it. If that plan was in effect prior to April of this year, you can keep it. It is called grandfathering. Many of the things we provided for new plans don't apply to those grandfathered plans, things such as preventive services. As my colleagues know, all new plans now must cover certain preventive services without any copays or deductibles, that type of thing. All new plans have a right to an external appeal to a third party, if you want. There are restrictions on annual limits and coverage in the individual market. There is direct access to OB/GYNs without a referral. You can't charge a higher cost sharing for out-of-service emergency services. You don't need a prior authorization requirement for emergency care. Those are just some of the elements that apply to new plans that will not apply to a grandfathered plan.

So then you have to ask, well, what is a grandfathered plan? A grandfathered plan is a plan that was in existence prior to April of this year on which the insurer and the insured agreed, like a contract.

What if that grandfathered plan—what if that insurer then says: Well, we agreed on a certain coinsurance charge. It was 20 percent. But now we are going to raise it to 40 percent. Well, that is not what you agreed to. That is not what you signed up for.

Let's say they want to raise deductibles. Let's say your deductible was $1,000, and they say now they are going to raise your deductible to $2,500. That is not what you agreed to. That is not the plan you liked or you signed up for. Or let's say the plan wants to significantly increase your premiums or they want to tighten down on your annual limits. That is not what you signed up for.

So the rules and regulations say: Look, there are certain limits. You can raise your copayment, but not more than $5 or 15 percentage points above medical inflation. So there are certain restrictions put on what an insurer can do and still claim to have a grandfathered plan. That seems to me to make infinitely good sense because they leave the consumer with nothing. They are at the whims of the insurance company. That is what it was like before we passed the health care reform bill. That is what my friends on this side of the aisle want to go back to: Giving the insurance companies the wherewithal to define everything and tell the consumer what it is that a consumer has to have. They call the shots.

Well, quite frankly, what this regulation does is it gives more empowerment to consumers. It says to an insurer: You can't just willy-nilly change your plans that you had prior to April and call it a grandfathered plan. If you change it, if you make all of these big changes, guess what. You are going to have to cover preventive services without copays and deductibles. If you do all of these big changes, well, your insurer is going to have the right to appeal that. Quite frankly, I think that has a lot to do with this. We said for any new plans, the insurer has the right to appeal to a third party—not the grandfathered plans but the new plans. That is why a lot of the old plans don't want to become new plans. They don't want to give you that right of appeal.

There are restrictions on annual limits, which I mentioned before, in the individual market.

So, again, if you want to have a grandfathered plan, fine, but you can't just change it dramatically. I say again to my friend from Wyoming, read it in full. It doesn't say any changes; it says any changes based upon certain things.

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

Mr. HARKIN. So I say to my friends, we should vote this down and move ahead with health care reform and protect the consumers of America.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, when we talk about 121 pages, we are talking about what the small businessman has to access. He has to go on the Internet and print out the pages. There are 121 pages. Yes, if he could get it in the format of the Federal Register, he would have 34 pages. But you can't ignore everything but 1½ pages. You have to do the whole thing.

Small business is upset about this. That is why I listed the 54 different organizations that are opposing this bill. I have gotten, and I am sure everybody has gotten—even though I only brought this resolution up last week, there are hundreds of letters coming in with examples of what this will do to them.

From Fort Lauderdale, FL: They received such a large increase of people being grandfathered out of the plan, they will be forced to get a new plan because they made their current plan so expensive. Now the new plans have much higher deductibles, more out-of-pocket costs, and more affordable plans only offer to pay 50 percent coinsurance. So the options are limited.

The options are limited to all of the businesses. I have letter after letter that shows how it isn't just the business that has to absorb these costs. The individuals who have the insurance who have been pleased with their insurance are going to have to go out on the open market because the company is going to say it can't afford to do it anymore. They are trying to keep the insurance, but that has been the problem for small businesses all along.

Our economy is already struggling. It doesn't need more job-killing, cost-increasing government mandates. We are hearing from small businesses across the country which are already being forced to swallow large premium increases that will prevent them from hiring more workers. That is jobs. We need to create more jobs, not write regulations that lead to less jobs.

The bill was sold as letting people keep what they have, but the devil is in the details. Do a little digging. It is clear. Americans would not be able to keep what they have. The simple truth is, because this new rule will drastically tie the hands of employers, few employers are expected to be able to pursue grandfathered status.

The Enzi resolution is about protecting small business and the people who work there. Anytime an individual doesn't like what they are getting, they can go out on the open market and get something, but most of the help on getting that doesn't arrive until 2014.

Where is the cost cutting they were promised in the bill? Now we are going to add this regulation to it, and small businesses are telling me they can't afford it. If this becomes the grandfathered thing, 80 percent of small businesses are going to have to change unless my resolution is passed. Sixty-nine percent of all businesses are going to change unless my resolution is passed. People out there who like what they have—listen to this. Help your small business and help get this grandfathered thing passed.

As I mentioned, there are several organizations that are key voting on this one because it is so critical to their members and the people who work for them.

I ask my colleagues to support the resolution.

I yield the floor.

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

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

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

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

[Rollcall Vote No. 244 Leg.]

YEAS—40

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

NAYS—59

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

NOT VOTING—1

Murkowski

The motion was rejected.

RECESS

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

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3081, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of Calendar No. 107, H.R. 3081, an act making appropriations for the Department of State, Foreign Operations and Related Programs for the fiscal year ending September 30, 2010, and for other purposes.

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

Mr. KAUFMAN. Mr. President, I ask to speak as in morning business.

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

FAREWELL ADDRESS

Mr. KAUFMAN. Mr. President, I love the Senate. It is not always a beautiful thing, and surely it is not a picture of a well-oiled machine, but years ago I found a home here. As my colleagues know, I first came to the Senate in 1973 as an aide to a young man who had won a stunning and very improbable election against a respected incumbent. At that campaign victory party 38 years ago—I can remember it as if it was yesterday—I thought to myself I would never again believe that anything is impossible.

In the intervening 37 years I have seen a lot of campaigns. I never saw one that was as big an upset as JOE

BIDEN's. When I started working for JOE BIDEN that year, I told the DuPont Company—that is where I worked—I would take a 1-year leave of absence. I stayed for 22 years.

I will soon be leaving the Senate. I am grateful beyond words to have gone through much of JOE BIDEN's Senate career as his chief of staff and observed his career firsthand. I can say if my Senate career had ended then, if I had not been called on to serve as his successor, that experience, helping to represent Delawareans and fighting for the values that JOE BIDEN and I shared, would have been more than fulfilling enough. I would have been happy.

I thank our leader, HARRY REID, who is most responsible for the most historic, productive Congress since FDR. I thank my committee chairs. They have been great to me: PAT LEAHY, JOHN KERRY, CARL LEVIN, and JOE LIEBERMAN. I especially want to thank my senior Delaware colleague, Senator CARPER, for whom I have the greatest respect and who has helped me tremendously during my last 2 years in all manner of issues. I know I am going to alienate some of my Senators, but he is without a doubt the best senior Senator in the entire Senate.

After almost four decades, I think I finally got used to the unpredictable rhythms of the Senate. In the short time since I was sworn in last January, the Senate has seen heated debate over a basic principle under which this body functions—the filibuster. All Members are frustrated with the slower pace, and they are right to be frustrated when good bills, important bills that promise to help millions of Americans, are blocked for the wrong reasons.

But rule changes should be considered in the light of the fact, which we all know, that the Senate is not the House of Representatives. It serves a very different constitutional purpose, and the existence of the filibuster remains important to ensuring the balanced government the Framers envisioned.

Indeed, the history of the Senate is that of a struggle between compromise and intransigence. But this is the place where we protect political minorities. This is the place where we make sure the fast train of the majority doesn't overrun the minority. While I think there are changes, and good changes, that are being considered, I do think the filibuster should remain at 60 votes because during the long struggle in the Senate, certain traditions have been adhered to by Members on both sides of the aisle. Whenever anyone moves to change one of those traditions in a way that may diminish the comity under which this body must function, I believe they should do it very carefully. I know my colleagues will do that.

Regardless, I continue to have faith that out of the debates in the Senate, the fights we are having now, out of the frustrations of some of the intransigence of others, we will eventually find our way toward the next great compromises we need to solve many of our problems, compromises that will keep America great.

I am incredibly proud of the opportunity I have had to work on important issues during the brief service I have had in the Senate. I feel especially privileged to have served in this historic Congress, when there were so many great challenges facing this country. I have been hanging out in this place since 1973. There has not been another Congress like the 111th, one where we have dealt with more issues. During my first month in office, more than 700,000 Americans lost their jobs on the heels of the economic collapse in late 2008.

People are wondering why are people upset? How soon they forget. Less than 2 years ago, 700,000 people lost their jobs in a month, and it was not the first month and it was not the last month. Action by the Federal Government to stop further decline was critical—and we acted. I am proud of my vote on the American Recovery and Reinvestment Act. I believe the ARRA worked to arrest the financial free fall to jump-start the economy—and if I had another hour and a half, I would show my charts and graphs to demonstrate it.

All across Delaware I have seen the benefits of this law—the investments in infrastructure and education and new technologies for our future, and I met with the people whose jobs were saved, literally met with the people whose jobs were saved or who found new employment that flowed from these investments.

We succeeded in passing many other initiatives to foster growth and to bring much needed help to those who have been hit hardest by the recession, which was my No. 1 job in the Senate. As Senator CARPER knows, it is all about jobs, jobs, jobs. We actually did a great many things that I firmly believe helped make us a stronger country.

As you know, as you grow older you realize that life is not about what you accomplish or about winning. It is about having tried, and I feel good that I tried my very best.

I was so pleased to work with Senators LEAHY and GRASSLEY on the Fraud Enforcement and Recovery Act, to chair oversight hearings in the Judiciary Committee on law enforcement efforts to pursue financial fraud associated with the financial crisis, and to sit with my friend, Senator CARL LEVIN, as he and the Permanent Subcommittee on Investigations held hearings on financial fraud. I was honored to be a part, as were all of my colleagues, of two Supreme Court confirmation hearings for Justices Sotomayor and Elena Kagan.

I had the distinct honor, and it is a true honor, of serving on the Foreign Relations Committee with Chairman JOHN KERRY and ranked member DICK LUGAR, as well as on the Armed Services Committee with Chairman LEVIN and Senator JOHN MCCAIN.

I made two trips to Israel and the Middle East, three trips to Afghanistan and Pakistan, and four trips to Iraq in the last 18 months. I know a number of things: No. 1, we must build our civilian capability for engaging in counterinsurgency, and in this Congress we passed legislation to enhance civil-military unity of effort through joint training at Camp Atterbury.

Along with Senator BROWNBACK, I cofounded the Senate Caucus on Global Internet Freedom to promote greater access to freedom of expression and freedom of press online.

I also highlight the importance of U.S. public diplomacy efforts, especially international broadcasting. As you know, I served on the board for 13 years—there is nothing more important in our battle than international broadcasting and public diplomacy. I sought to raise the awareness of the limitations on press freedom in countries such as China and Iran through the passage of resolutions and have coauthored legislation funding the development of Internet censorship circumvention technology in Iran—getting around the jamming that Iran is doing to deny its citizens the right to get information on the Internet.

I have also had the privilege of working to promote science, technology, engineering, and mathematics, or STEM, education during my time in the Senate. As a former engineer, I know firsthand the importance of STEM education.

I spent much of my career in government service, and I decided early in my term to come to the Senate floor each week and recognize the contribution made to this country by our Federal employees. I honored 100 great Federal employees from this desk, sharing their stories and accomplishments with my colleagues and the American people, and I am very pleased that Senator WARNER from Virginia is going to be taking that on when I leave. I could not have left it to a better person.

Last but not least, I have tried my hardest to be a voice for the average investor and to work for financial accountability and stability so our economy can thrive. That is what it is about. We can't thrive if we don't have credibility in the markets. I offered legislation with my good friend, Senator JOHNNY ISAKSON, to curb abusive short selling. I gave a number of speeches on this floor, from this desk, calling for the Securities and Exchange Commission to conduct a comprehensive review of equity market structure and high-frequency trading and to advance reforms that promote clear and transparent markets—not always clear and transparent to everybody listening. As I said from the floor dozens of times, it is critical that we preserve the credibility of our markets, one of our Nation's crown jewels, if our grandchildren are to live in the most economically powerful country in the world.

Finally, I repeatedly highlighted from the Senate floor the importance

of the problem of too big to fail in the financial reform debate, working with my good friend, Senator SHERROD BROWN, to offer the Brown-Kaufman amendment. We made the good fight but, again, trying was better than succeeding—not better but the alternative to succeeding, and I thank every Senator who voted for that amendment. I am proud of that. While our amendment was not agreed to, I will ever be proud of the opportunity to work with Senator CHRIS DODD and participate in Senate debate on financial reform.

I could not have achieved anything—and I genuinely mean anything—during my term without the help and hard work of my excellent staff. I spoke early this week about the staff. They are vital to our work. I am going to tell you as someone who spent years delivering staff work and now someone who has been a consumer, I am more impressed than ever with my staff, and with Senate staffs and the job they do.

I want the American people to understand that one of the reasons I love the Senate is because it is filled with intelligent, hard-working people who are passionate about serving this country. This goes for Members and staff alike. The Senate is a magnet for those who feel called to public service. It is the destiny for countless improbable journeys. Our constitutional Framers would have been relieved to see this noble experiment working, to know that in the Senate today serve a farmer from Big Sandy, a realtor from Cobb County, a mayor from Lincoln, a former Army Ranger from Cranston, a social worker from Baltimore, and a doctor from Casper.

All of them are here for the same reason as the other Senators—because they love this country and their communities dearly and want to give back. Their paths to public service may have been different in their first steps just like mine was, but they converged here and this is what continues to sustain my faith in the Senate.

Here this leg in my improbable journey comes to an end. Although I leave the Senate as a Member, I will not be leaving the Senate behind. I will continue to teach about the institution to my students and encourage them to pursue their own path to public service. I will continue to speak out on issues that I worked on here because that important work, as always, goes on.

I love the Senate, and I will always cherish the unlikely opportunity I had to serve Delaware as its Senator. With deep gratitude to those who worked with me and stood by me through my journey—to my staff, to my colleagues, to my wife Lynn, to our children, grandchildren—with great appreciation to former Governor Ruth Ann Minner and the people of Delaware for the responsibility they gave me, and with optimism and faith in the future of the Senate and this great Nation, for the last time, I yield the floor.

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

COMMENDING SENATOR TED KAUFMAN

Mr. WARNER. Mr. President, for a variety of reasons, turnover in the Senate has been more rapid recently than at almost any other time in our history.

For some of us, the turnover has been the result of elections. For some, it has been the result of the passing of Senate legends Ted Kennedy and Robert Byrd, and as a result, as well, of filling Senate seats once held by our President, Vice President and the Secretaries of State and the Interior, while most of us—I think I saw a number of my colleagues from the freshman class here earlier listening to my good friend and colleague from Delaware—got here through the ballot box. We have been blessed to serve with some extraordinary individuals who were appointed to serve in this body.

Perhaps no one stands out more in this regard than our colleague for the past 21 months, the Senator from Delaware, Mr. TED KAUFMAN. But I think most of us have come to know Senator KAUFMAN's service to this body extends well beyond the 21 months he served as a Senator.

In fact, as we just heard from his comments, and he is oft to remind all of us freshmen, he actually has spent most of the last 20 years serving previously as a Senate staffer.

No matter how accomplished—I think we have former Governors, former State senators, folks who have been superintendent of school boards—no matter what our background was before we got to the Senate, we all have had a lot to learn about the peculiar institution rules, morays, and the flow of this body.

I think I may speak for some of my colleagues in the class of 2008, TED KAUFMAN has been an extraordinarily generous resource. He has known the rhythms of this institution, has been someone who has counseled us at times as our—at least I can speak personally—my head was about to explode about some of the process, to kind of sometimes recognize the need to tune out some of the ceaseless distraction, to recognize the great power of this institution and, as he has demonstrated by his own conduct, that sometimes the best path is to simply keep your head down and do hard work.

Senator KAUFMAN, in his speech, went through the litany of activities he has participated in, in that short 21 months. I know we have other Members. I wish to speak about two of them, briefly. One was the incredibly important role he played on financial reform and, secondly, this, I think perhaps much underrecognized but incredibly important role, a role he has been kind enough to leave to me, pass the torch to me, in terms of recognizing our Federal workforce.

Senator KAUFMAN did not serve on the Banking Committee. But in terms of nonmembers on the Banking Committee, there was nobody more active in financial reform, on a host of issues, than TED KAUFMAN. We did not always see eye to eye. But nobody approached issues with more thoughtfulness, more hard work, and more generosity of spirit, who recognized we could have different opinions, but we both realized the financial system needed to be dramatically reformed.

But the area I particularly wish to call attention to is the fact that it was TED KAUFMAN, before virtually anybody else in this body, and for that matter beyond most of the commentators in the financial markets, who spotted and identified what could be the first sign of the next potential financial crisis, the lack of transparency, particularly around high-frequency trading and some of the techniques and tactics used by firms to institute that tool.

As the Member who oftentimes had the privilege, respectively, of sitting in the chair on Monday afternoons, I got to be educated by TED KAUFMAN, as he mentioned earlier, as he went through an explanation of the challenges this technique posed.

Because of his actions and working with Members across the aisle, he has raised the attention of the SEC to this very important issue. Again, this is an area I hope to pick up the baton on. Because the actions of May 6, in terms of the precipitous fall in the stock market, could have been that first warning shot, in many ways perhaps due to some of the techniques TED KAUFMAN has simply said let's bring more transparency to.

Senator KAUFMAN, as well, has done something that perhaps most of us in this institution and, for that matter, most of the 300 million Americans do not often pay enough homage and respect to, literally, millions of folks who work for the Federal Government.

As somebody who has committed his whole life to public service, and most of that public service in serving the Federal Government, Senator KAUFMAN decided, during his tenure, that each and every week he would come down and recognize somebody who works in the Federal Government who is a star. He has now recognized over 100 of these Federal employees, and Senator KAUFMAN has again reminded all of us that while we have challenges in terms of getting the Federal Government right, we still have in the Federal workforce the best in the world. I, again, look forward to the honor of picking up that baton.

Public service is never easy at any moment. But I cannot think of a time in my 20 years around public service that its times are tougher than now, with a great kind of disregard about many of us who serve. But I can think of no better example of someone throughout his whole life who exemplified the best of public service, serving the staff roll, serving as a Senator,

constantly calling us to our better angels, recognizing the great traditions of this body.

So while we heard that Senator KAUFMAN for the last time yielded the floor, at least it is my hope, and I believe the hope of many of my colleagues, that you will still continue to frequent this institution, that you will still continue to be an individual whom we can count on for respect, for guidance, and recommendations.

I have to say that while you will be missed, this body will be greatly diminished by your absence. I again wish to salute my colleague, I wish to salute my friend, and I thank Senator KAUFMAN for his distinguished service to not only the people of Delaware but to the people of the United States.

I yield the floor.

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

Ms. STABENOW. Before I speak about a very critical piece of legislation, I wish to join the Senator from Virginia in recognizing our friend and colleague from Delaware who has done such an extraordinary job in the time he has been here. I wish to associate myself with the comments of the Senator from Virginia.

There is no one who brings more intelligence, passion, commitment or generosity of heart than the Senator from Delaware, and the fact that he has given his life to public service is something we all thank you for. You will be greatly missed.

UNANIMOUS-CONSENT REQUEST—S. 3706

Mr. President, I rise this afternoon and join with my friend from Rhode Island as well, a cosponsor, to speak about a critical issue affecting millions of Americans around the country. That is the question of lack of jobs and the need to help those who, through no fault of their own, find themselves without a job, trying to hold things together for their family, trying to keep moving, looking for work at a time that is incredibly difficult for our country.

So I rise to speak and to offer S. 3706, the Americans Want to Work Act, and to ask that our body act on this today—now. Americans want to work. That is a fact. That is a fact. People want to work. But this is the worst recession in our lifetime, the worst since the Great Depression.

Millions of people are out of work through no fault of their own and they need our help. Things are beginning to turn, but it is painfully slow, and too many families are caught in the middle. Nationally, we know the unemployment rate stands at 9.6 percent, much higher in my home State of Michigan. Of those, 42 percent who have been out of work have been out of work for more than 27 weeks and many of them, too many of them, much longer.

The reality is, as much as people want to work, there are, frankly, not enough jobs. When people say: Well why don't folks get out and get a job, go out and get a minimum wage job, the reality is there are five people are out of work for every one job that is available. That is a fact.

Now it is better than it was. At one time, it was six for one job opening. So we are creeping along. But the reality is we still have five people out of work for every one job. It is not their fault that they cannot find a job in this circumstance. We know there are about 3 million jobs available nationally, and there are more than 15 million people who need a job. We cannot just walk away from them, from this circumstance, caused by an economic tsunami between the crisis on Wall Street, between our lack of focus over the last decade on fair trade laws.

We have seen too many jobs being shipped overseas, which we tried to address yesterday and could not get any of our Republican colleagues to support us on to be able to get past that. There are multiple things that have happened but none of them caused by the people who have lost their jobs.

This is a moral issue as well as an economic issue. That is why I have authored the Americans Want to Work Act. I wish to thank all the cosponsors. First, I wish to thank our majority leader, Senator REID, who has given us the opportunity today to make the case and who understands the incredible urgency of this issue, and to Senator SCHUMER as well, who has been a great partner in this effort in combining an extension of unemployment benefits with his very successful HIRE Act, to be able to give a one-two punch.

I also wish to thank Senator BROWN of Ohio, Senators CASEY, DODD, LEVIN, REED, GILLIBRAND, LAUTENBERG, and Senator WHITEHOUSE. Our bill does two things to help people who have been out of work the longest. It creates a new tier of unemployment insurance that extends benefits for an additional 20 weeks, and it extends and expands Senator SCHUMER's HIRE Act tax credits to encourage companies to hire those workers who have been looking for work the longest.

I realize this is the longest extension of unemployment benefits ever. I understand that. But this is also the worst recession in our lifetime, and we also need to understand that. I have received so many phone calls and letters from people all across my State who are trying so hard to get work. They are out every single day pounding the pavement or checking the Internet. They are filling out applications. They are sending out resumes. They are making phone calls, trying so hard to find a job so they can put food on the table for their family and, frankly, keep their head above water, try to keep their house above water, to be able to have a roof over their head while they are looking for work.

They want to work. They do not want to be getting unemployment benefits. They do not want to be in this situation. They want the dignity of having a good-paying job so they can provide for themselves and their families.

I wish to share just one of the thousands of stories I received over the last month. It comes from Janice in Sterling Heights, MI.

At the age of 54—

She writes—

> I have already worked 35 years of my life. Back when I was young, there was always talk of 30 and out. Never once did I dream at my age that I would be unemployed for over a year. That even though I apply for any job I am qualified for, I never hear back. Now, all I have to look forward to is working until the day I die, wondering where my health care is going to come from, and how I am going to be able to continue to pay my bills. I do not know how long I can hang on until my current unemployment benefits run out. I have nothing, nowhere to go, if evicted. I am so angry because I was brought up that working hard all your life is what you are supposed to do to have a home and a family and a retirement.

That is exactly what we are talking about—people who do nothing but work hard and play by the rules and are found in a situation they did not create.

She goes on to say:

> I am angry and disappointed in the government because they are taking away benefits I have expected to be there after working for 35 years and paying into this system.

There are millions of stories like Janice's, not only in Michigan but in every State. We have been working hard to create jobs, to get the economy back on track. We have passed, according to Business Week, four major jobs bills, including the small business jobs bill passed a couple of weeks ago and the President signed on Monday. That is expected to create hundreds of thousands of jobs. The reality is we are in a situation where the majority of our Republican colleagues voted no on the small business jobs bill. Yesterday they blocked our ability to bring up a bill to close loopholes, to stop jobs being shipped overseas. We now stand asking that they not block again help for people who can't find work because this economy is not moving fast enough.

I hope today my colleagues will join me in passing the Americans Want to Work Act. We should not walk away from so many Americans who are looking for work and need our help. I urge my colleagues to join us in saying yes on something, yes to the millions of Americans who want to work.

I will offer a unanimous consent request in a moment. I yield the floor to my friend, the Senator from Rhode Island. Then I wish to return to make my unanimous consent request.

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

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Michigan for her eloquent words that try to bring into this institution some of the difficulties and anxiety and pain

families in our States particularly are feeling. Because while the national unemployment rate is at an atrocious above 9 percent, in our States it is considerably worse. In Rhode Island the unemployment rate hovers still around 12 percent. This has been a prolonged recession. For many Rhode Islanders, they have been out of work for as long as unemployment insurance benefits allow. Now they are coming to the end of the 99-week period under which they are allowed to recover. The plain, unvarnished fact is that the jobs aren't there. In a different economy, I might be less impatient with the argument that we have to cut off unemployment benefits on folks because, frankly, after a while they get lazy. And if we don't cut off the benefits, then they will wait around, collecting their unemployment, goofing off and not going back to work. That is the argument I hear made against this all too often.

When one is in a State where the jobs simply are not there, where the economy has not come close to recovering, then it is not logical, and it is heartless and wrong. There are now more than 65,000 Rhode Islanders out looking for work. By contrast, the economic recovery bill created 11,000 jobs in Rhode Island. It would be far worse were it not for the action we took. But when we compare 11,000 families who now have jobs and paychecks because of the Recovery Act to the 65,000 still wondering when is this economy coming back for me, clearly we have a lot of work to do. To extend unemployment benefits for those who have run it through is the least we can do.

I remember visiting not too long ago Network Rhode Island, a job placement agency in Pawtucket and speaking to a married couple, a middle-age married couple sitting side by side at one of the computer screens looking for something. They come in to look every day. They have filed hundreds of applications for jobs. They have been unable to find anything because of the job market. They said: We are anxious. We are running out of our benefits. This was one of those occasions when the Republicans had filibustered extending unemployment benefits, adding additional funding. I assured them that when we got back we would be restoring those benefits, and we would be protecting them because we had that commitment and we had that determination. They said: No, you can't help us. We are in the 99ers. We have come to the end of the duration for which you are allowed to collect unemployment benefits.

I felt helpless, that there was nothing we were doing for them. Senator STABENOW and I discussed this problem. She filed this wonderful legislation, of which I was an immediate cosponsor. It addresses a problem that at least in our States is very real.

Two of the Rhode Islanders who have written to us and contacted me about this have let me use their images. Just so we are not always talking about heartless, bloodless statistics on the floor, 12 percent, 65,000, there are real people behind those statistics. There are real families. There are those terrible late nights at the kitchen table trying to figure out how you keep the mortgage, how you keep the health insurance, what you cut, what you give up. Those are discussions that are being had by real families.

This is Michael Coppola. He lives in Smithfield. He was a truckdriver for the same company from 2000 to 2007. He was laid off in October of 2008 when his unit closed. This month Michael hits the current 99-week limit for unemployment insurance benefits. He has had to give up health insurance. He is trying to keep up with his mortgage payments so he doesn't lose his house and add to the tide of foreclosures sweeping across Rhode Island and the rest of the country. His wife is totally disabled. As a result, she receives Social Security benefits and that is helping them keep the family together. But he wrote me to say:

> Any extension of benefits for people like me who have exhausted their benefits would help allow me to stay in my house, pay my taxes, and [allow me] to regain my health coverage.

Michael actually took this picture for us so we could have a picture here to show on the floor and put a human face on this problem that is so often drowned in statistics.

Here is another Rhode Islander from Portsmouth. This is Nancy Babcock. Nancy is 59 years old. She lost her job about 24 months ago. She had worked for 15 years steadily in the insurance industry. Next week she hits her 99-week limit. She has been able to find a little bit of part-time work, but it has not been enough to pay her bills and keep her finances afloat. Rhode Island's WorkShare program has permitted her to supplement her unemployment insurance benefits with a small amount of part-time income. This is a woman who has worked essentially all her life, who while on unemployment insurance has tried to find what work she could find and was permitted and has continued to look for work. She has a bachelor's degree. She has several industry certifications. She has extensive background in sales and marketing. Despite the long drought of unemployment she has had to live through, so many Rhode Islanders have had to live through, she is still out there every day looking for work, hoping the economy will turn for her. She has been going through the classifieds, beating her feet against the pavement trying to get to places where she might get an interview. She has been reaching out to friends, doing all the things that families do in this circumstance, trying to reach out wherever she can, and still, after 99 weeks, to no avail.

I thank Senator STABENOW for her leadership. In a better world, this would be an easy thing and the unanimous consent to allow us to go to this bill and extend these unemployment insurance benefits would be uncontroversial. It should be clear to anybody that these people have lost their jobs and have been out of work for this lengthy period through no fault of their own. Michael was not fired for cause. Nancy didn't lose her job because she did something wrong. The people who did something wrong were in Wall Street, with the Securities and Exchange Commission, creating phony baloney securitization of home mortgages. Most of them got bailed out. The banks are back rolling, firing off the big bonuses, reporting huge earnings, not loaning much money yet but taking care of their folks, rolling in the paychecks and the bonus checks. They are back on their feet again. But for the people who got clobbered by the tsunami of economic catastrophe that the Wall Street implosion and the housing implosion set off, they are still being washed around. Nobody has bailed them out.

Let's extend the unemployment insurance they have been contributing to, that they are a part of. Let's help our fellow Americans weather this unique financial storm.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the Senator from Rhode Island. He is correct. The folks at the top got bailed out, and middle-class families are stuck on the hook. Five people looking for every one job. It is critical that we act. I am hopeful that instead of hearing another round of no, we will hear yes and that people will come together. There are millions of people out of work who have hit this wall. They are in every State. They are in red States, blue States, purple States. They are in every State. This should not be a partisan issue.

On behalf of millions, at least 2 to 3 million people who find themselves in this particular situation, who are asking us to understand, who are asking us for help, asking us to give a lifeline to them so they can care for their families and get back to work, I ask unanimous consent that the Finance Committee be discharged from S. 3706, the Americans Want to Work Act; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statement relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEMIEUX. Mr. President, reserving the right to object, may I ask of my colleague from Michigan a couple of questions.

Ms. STABENOW. Yes.

Mr. LEMIEUX. We have just been handed this. I wonder if my colleague could let us know what the cost of this bill is and how it is paid for.

Ms. STABENOW. The bill is designated, as other unemployment extensions have been designated, as emergency spending, just as we would do for

any other catastrophe. If 15 million people out of work isn't an economic disaster, I don't know what is. For the millions involved, this is viewed as disaster assistance. We intend to move forward with a sense of urgency to put people back to work so in fact we will turn this economy around.

Mr. LEMIEUX. Respectfully, without knowing how much it is going to cost and how we will pay for it, while we are all certainly sympathetic and want to work to make people go back to work—my home State of Florida is certainly suffering with very high unemployment—we need to know what it is going to cost and how we will pay for it so we don't put the debt on our children and grandchildren.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. STABENOW. Mr. President, the reality for us in America is that we will never get out of debt. We will never get out of debt with more than 15 million people out of work. We know it is substantially more than 15 million. We know there are millions of others who have exhausted their benefits. When folks talk about the deficit and leaving the deficit for our children, we will never get out of debt in this country until people get back to work, until they have good-paying jobs. And in between time, we will not move this economy forward until we are helping people to keep going in this recession.

We know from the economists that for every $1 we put into the kinds of benefits we are talking about in this bill, we are stimulating more than $1.40 into the economy. So it more than pays for itself by the economic activity, and it is viewed as one of the top two best ways to stimulate the economy in a recession: to put money in the pocket of people who have to spend it because they do not have a job.

I deeply regret that one more time it is ''object'' and it is ''no'' under the false argument that somehow we cannot afford to stimulate the economy, to understand that this is about Americans who want us to understand what they are going through, and to give some temporary assistance that does stimulate the economy, while we are focusing on putting people back to work.

Unfortunately, this is the end of a week that demonstrates tremendous frustration, after we were able to get the small business jobs bill done, and then we hear ''no'' on efforts to stop jobs from going overseas, and ''no'' on helping the people caught because their jobs went overseas. So I am deeply disappointed. We will continue to bring the case of these millions of people to the floor of the Senate.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes as in morning business.

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

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 14 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JOHANNS. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, this is a big day because in the House, they are about to consider the NASA bill we passed by unanimous consent in the Senate back in the first week of August. It is on what is called the consent calendar in the House which, in order for any of the six items on that consent calendar to be considered, they have to pass with a two-thirds vote. They are generally items that are less controversial in nature. It is certainly my hope that is going to be the case later this afternoon when the House takes up the NASA authorization bill.

This is so important because the new fiscal year starts this Friday, October 1, and NASA is without direction. Even though the appropriation is going to be decided in our lameduck session starting in November—probably by taking a whole bunch of appropriations bills and putting them together into what is known as an Omnibus appropriations bill and therefore the funding for NASA would be determined at that point. But this bill, the authorization for NASA for funding, for appropriations, is the blueprint, the roadmap. Even though certain appropriations may not be available until November or December, this gives direction to NASA to know what to do.

For example, in our bill—there is an additional shuttle that is ready to fly beyond the two that are scheduled, one for November and one for February. That hardware is ready to go, and there is still additional equipment and supplies that we need to get to the space station. So our proposal in the authorization bill is, which was agreed to by the Senate Appropriations Committee that appropriated very closely to what the NASA authorization bill was in the Senate, it gives the direction to NASA to go ahead and start the preparations for that third flight of which all the hardware is already there. But they have to know that. They can't wait around until next January or February to start that preparation; they have to start it now. These are some of the critical issues.

It is also critical that, for example, at the Kennedy Space Center, there are 1,100 jobs that are going to terminate tomorrow. This NASA authorization bill lays out the program for the future so they can start planning on some of those jobs that would be lost that may not be lost or recalled. That is why it is my fervent hope that we are going to get at least, if not more than, two-thirds of the House voting this afternoon to pass the NASA bill and then send it to the President for signature next week.

Most of us have seen Ron Howard's dramatic film starring Tom Hanks called ''Apollo 13.'' Tom Hanks played the commander of that mission, who was Jim Lovell. Remember, that was the mission, Apollo 13, where en route to the Moon there was a major explosion onboard. We thought we had basically three dead men because how were we going to bring them back. It is one of the greatest space successes coming out of failure because, real time, astronauts back in Houston and the engineers all over America—at the cape, at Houston, all in different NASA facilities, the industries, the aerospace corporations—they all came together trying to figure out how we were going to get this crippled spacecraft back that had just lost its power, that had just lost its engines. Of course, that is one of the great success stories, that they brought it back, and ''Apollo 13'' chronicles that enormous success.

Tom Hanks, who is playing Jim Lovell—in a part of the film, a person asks Jim:

> Jim, people in my State are asking why we're continuing to fund this space program, now that we've beaten the Soviets to the Moon.

This is back in the late sixties and seventies because, remember, it was President Kennedy who said: We are going to the Moon. And we landed well before the Soviet Union did. They tried, but they never could make it. We landed in 1969.

That person said:

> Jim, people in my State are asking why we're continuing to fund this program, now that we've beaten the Soviets to the Moon.

What does Jim Lovell say? He said:

> Imagine if Christopher Columbus came back from the new world—and no one ever returned in his footsteps.

If we had not had discoverers who were willing to discover the unknown, if they had not gone back to the new world, we would not be here today. We would not have this wonderful country that has been built.

I think it is a truth that a society which does not seek to expand and explore is not going to be a society that will foster freedom and creativity, individuality, or progress.

Think about the birth of this Nation. We are, by nature as Americans, our character is that we are explorers, we are adventurers. We set out and explored this Nation, following the longings of our souls. And each generation born since has advanced constantly and consistently, such that today we have to decide where do we go next.

This country always had a frontier. When John F. Kennedy announced that we were going to the Moon, he had an administration that was called the New Frontier. We remember the development of this country. The frontier developed westward. Where is that frontier now? That frontier is upward. Then with the discoveries we are finding in science, it is also inward. It is the discovery of matter. It is the discovery of the workings of the human body and how to keep it healthy. And it is the exploration upward of space.

What President Kennedy said was:

> The exploration of space will go ahead, whether we join in it or not.

He said:

> It is one of the great adventures of all time—and no nation which expects to be the leader among other nations can expect to stay behind.

Since those prophetic words of President Kennedy back in the early sixties, when the Soviet Union had beat us into space with the first satellite and then beat us into space with the first human to orbit, we see what this Nation has done. Look at what we have received on Earth from the first 50 years of exploring space. We went to the Moon, and we have gone beyond. We have gone out of the solar system with exploring satellites, spacecraft. During this time, this space program has produced thousands of scientists, mathematicians, and engineers. And it has helped make our Nation one of the most advanced and powerful in history. It has advanced the cause of science, and it has dramatically improved the quality of life on the surface of the Earth.

Why do you think we have the GPS that can tell us, at a moment, the pinpoint location of where we are? Why do you think we now take it for granted to turn on our TVs and have instant, uninterrupted communication on the other side of the globe real time? Why do you think we take it for granted that we turn it on if we hear of an inbound hurricane and that we can also monitor climate change?

We now, fortunately, have airbags in our automobiles. We have modern medical miracles such as kidney machines and heart ultrasound equipment and LASIK surgery. Where do you think all these things came from? They came from the spinoffs of the development of technology for the space program.

Look at a little watch such as this, which I have had for years. That came out of the microminiaturization revolution. Where did that come from? Back when we were going to the Moon, we had to develop highly reliable systems that were small in volume and light in weight. That set off the microminiaturization revolution.

As a result of all these spinoffs, we have created new companies and tens of thousands—hundreds of thousands of jobs for skilled workers.

Back in the summer, working with the White House, we developed this bipartisan legislation to get NASA on what we think is off the wrong track and on the right track. As I said in my opening comments, the House is taking up the Senate bill in about an hour, hour-and-a-half.

What the President did was he declared Mars to be the ultimate goal. The goal is not to go back to the Moon. We were there 40 years ago. The goal is to get out of low-Earth orbit, get out of Earth's environment, and to explore the cosmos. The Senate bill provides the blueprint for NASA to lead the way for humans to explore beyond low-Earth orbit.

We recognize that more nations and more commercial operators can get into space. Look at all the private services now that you can get from a satellite: photographs of the ground, photographs of buildings—incredible—high-resolution photography. You can buy that from private companies.

The Presiding Officer used to be a major radio broadcaster off of a satellite radio. Where do you think that comes from? That was developed with technology that came out of the early days of the space program. That has been perfected and is now a multibillion-dollar business that employs Americans. Clearly, the Cold War shaped our space program to begin with—we against our adversary, the Soviet Union, the two nuclear-tipped nations. Look now. We have built the International Space Station with the Russians and 14 other nations.

Now we have the space station there but the shutdown of the space shuttle coming in another year. The space station is being completed in its construction, but NASA was starved over the last decade, and we do not have the new rocket ready. This legislation is going to reduce the time we have to depend on Russia for access to space, even though they have been a good partner, and their *Soyuz* spacecraft is a reliable way to get to and from the space station. It is going to shorten the time we have to depend just on them to get to the International Space Station.

As a result of this new legislation, many of the space centers that would receive huge layoffs—and as I said at the outset, there are 1,100 pink slips that have been delivered and take effect tomorrow afternoon just at the Kennedy Space Center and 1,000 or so more are coming at the Johnson Space Center and other space centers around. So what our legislation will do is it will push NASA's development of a new heavy-lift rocket that will allow us to explore the cosmos, it will push it forward with a goal to fly by 2016, and it would make a significantly higher investment in commercial space ventures, specifically by accelerating the development of commercial carriers to take both cargo and crew to and from the International Space Station.

Previously, NASA was going to shut down the space station by 2015. This is 2010, almost 2011. We are just completing the space station. Are we going to throw away, in 4 years, an investment of $100 billion? No. What this bill does, upon the suggestion of the President—which I appreciate so much—it is going to keep the space station alive until the year 2020.

Now we have the time to move forward and start to get out and explore the cosmos. The bill develops the inspace technology that can help in the servicing and reusing of equipment to lessen the need to launch from Earth for future trips. By that I mean we take this heavy-lift vehicle, we get components up into low-Earth orbit, and in the zero gravity of the orbit with the capability of on-orbit refueling, we can put spacecraft together up there and not have to expend the energy to get out of gravity when we go out to an asteroid or we go out ultimately to Mars. It requires that this heavy-lift vehicle be designed to get us to other points beyond low-Earth orbit in a flexible path to Mars.

Rather than throw away the investments and capabilities that have already been developed in this space shuttle, we direct NASA in this bill, to pursue an evolvable heavy-lift vehicle, one you can build from the existing technology but you can improve that hardware.

At the same time, we insist that it be affordable. Designing and building within a budget is obviously the new challenge for NASA. NASA, too long in the past, has blown through budgets. It is a different day. It is a different discipline. That discipline is going to be needed at NASA.

Our objectives are now beyond just getting to and being in space. We must now answer some questions. Can we harness new sources of energy in space for use there and for use here on Earth? Can we sustain human life on distant journeys? Present technology would take us 10 months. A crewmate of mine is working on a plasma rocket that will take us to Mars in 39 days. But the fact is, once we are there, we have to be on the surface of Mars for a year. Why? Because of the alignment of the planets, to get Mars back closest to Earth for the return trip. Can we sustain that human life? Can we develop the technology for those journeys? What about all the cosmic radiation from the Sun—nuclear explosions. You can't fry your astronauts with radiation on the way to Mars. Can we establish permanent outposts beyond Earth?

Our vision is, we are going to explore asteroids, possibly go back to the

Moon, and then to the surface of Mars, as this country, as the leader, and the rest of humanity journey toward the ultimate destiny in the stars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I ask consent to speak in morning business for up to 15 minutes.

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

THE FILIBUSTER

Mr. MERKLEY. Mr. President, we are only a few weeks away now from the November elections. Therefore, this is a time for reflection. For me, it is a time to recognize I am nearly through my first 2 years as a Senator. I must say it is an incredible privilege to come and be part of this debate among these 100 colleagues, representing our 50 States.

It is also time to ponder whether that debate works as well as it might. The Senate is famed as the greatest deliberative body in the world, but I have seen too little deliberation and too much dysfunction. At this time, as we prepare to return back home to our citizens, to talk to our folks back home about the upcoming elections and the ideas they have, it is also time to think about when we come back, after these elections, after a new Congress comes in next January, how can we make this Senate work better as a deliberative body.

My perspective is affected not just by the time I spent here since January 2009 but by the perspective of first coming here in 1976 as an intern for Senator Hatfield. So I thought I would compare the use of what is commonly termed the ''filibuster'' between the 1975–76 session and our last complete session, the 2007–2008 session. We had in that 2007–2008 session the use of the filibuster on amendments 30 times. But if I turn the clock back to 1975–1976, 35 years ago, the number was zero. There were zero filibusters. Then, on motions to proceed, there were 3 in 1975–1976; there were 49 in 2007–2008.

You get the picture. Not only is there a huge increase in the use of the filibuster to block final votes but also a huge increase to stop votes on amendments and a phenomenal increase to stop getting to a bill at all. Again, it was only used 3 times 35 years ago but 49 times in the 110th Congress.

We cannot have a democracy that works if we can't debate and vote on bills. I have been pondering this. I have been pondering how first we need to understand how these rules work. I used the term ''filibuster,'' and indeed with that term everyone pictures ''Mr. Smith Goes to Washington.'' He stops a vote by continuing to speak, hour after hour. But that is not actually how the rules work in the Senate. The responsibility to block a vote, if you will, is not by those who object to the regular order, who object to a vote of 51, but it is on the majority to summon a supermajority.

So take that notion of a filibuster and continuous speaking and set that aside because that is not the way it works in this body. The way it works is if a single Senator objects to the regular order of 51, then the majority must obtain a supermajority of 60 to proceed. That is why you do not see folks holding the floor day and night to block a vote—because they do not have to. It is because the burden is on the majority to get 60 votes to proceed.

This does a lot of damage. It does a lot of damage in terms of delay because when that single Senator says I object to the regular order of 51 and demands 60, not only under the rules do they trigger a 60-vote requirement but they also trigger a 1-week delay.

So you can imagine on a single bill, such an objection on a motion to proceed, an objection on one or two amendments, objection on final passage, and you now have a month wasted in this body without a final vote, with no terrific intervening debate because those who are objecting do not need to stay on the floor and make their case. Not only does this do a tremendous amount of damage to our responsibility as a Congress, as a legislative body, but it does a lot of damage to the other branches of government because it means we cannot process the nominations for the judicial branch. So, many judgeships are sitting empty as a result.

It means we cannot proceed to the nominations of folks for the executive branch. So a President probably gets the Secretaries in place, but often the second and third tier positions that develop the policy and execute the work, implement the plans, those positions are often vacant. There is nothing in our Constitution that says the right to advise and consent and indeed the responsibility to advise and consent gives this body the right to do damage to the other two branches of government. Indeed, it is an abuse of our responsibility to do so.

There are a number of things we should think about. I would like to applaud my colleagues who are putting forward so many ideas: CHUCK SCHUMER, the chair of the Rules Committee, is holding hearings; TOM UDALL, who is carrying our red rule book and studying it and thinking about the ways we can change this body; AMY KLOBUCHAR, who has recognized for a long time that dysfunction is different than deliberation; MICHAEL BENNET from Colorado, and many others—my colleague, AL FRANKEN, who is presiding. So many in the freshman and sophomore classes recognize this body needs to change so we can do the work we are expected to do by the American people.

So what are some of those ideas? One is to greatly reduce the use of the supermajority, which I will call it, because it is a much more accurate description than the filibuster. Reduce the use of the filibuster on nominations. Perhaps it should not be used on any nominations except perhaps to the Supreme Court. But find a line and a method to expedite nominations.

Second, reduce the use of the filibusters on motions other than final consideration of a bill. There should not be a question about whether we get to the point of debating a bill or whether we get to vote on amendments because at each of those points, everyone would obtain or retain the final power to oppose or trigger a supermajority on the final vote.

Then, in regard to the ability to proceed to trigger a supermajority on the final vote, put the responsibility squarely on the minority. It should not be the majority's responsibility to get a supermajority. At least those who are objecting should have to maintain a large number of Senators continuously on this floor day and night. If they believe so much that it is so wrong to proceed to a final vote, they should have the courage and dedication to be here in a substantial number day and night to make their point to the American people.

Let the American people respond to that demonstration of saying: Yes, we are with you or, no, we are not, and let that final vote happen. We have an issue about participation of the minority, and this is an extremely important point. I have heard many of my colleagues across the aisle say: We are not guaranteed the opportunity to have amendments. Well, that is a fair point. What if we were to have in this body a fallback rule so that if the majority leader and the minority leader could not reach agreement on the number of amendments and the content of those amendments to be considered, that there would be a fallback position that both parties would get 5 amendments, or both parties would get 10 amendments, so that we could proceed back and forth—a Republican amendment, a Democratic amendment, a Republican amendment, a Democratic amendment, a debate for an hour and a vote, debate for another hour and another vote, therefore, having to respond and take positions on the issues of the day rather than seeing this Chamber, without action, paralyzed.

These are the types of ideas that we need to wrestle with. We who are privileged to be here as delegates from our States have a responsibility to our citizens not just in our State but all the citizens of this Nation to make this Chamber the deliberative body that was envisioned by the Framers of our Constitution.

That is why next January, when we come in to start the next session, the 112th Congress, we need to have a major debate over our rules. We need to recognize that under the Constitution it only takes 51 Members of this body to adopt new rules. But in that context we have to do honor to the ability of the minority party, whichever party that is, to fully participate in the process.

This situation in which the House passes 300 bills that never see the light

of day, never see consideration in the Senate because we cannot get anything done on the floor of the Senate, must end. We have a responsibility to restore this body to being the greatest deliberative body on the planet.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

Mr. BROWN of Massachusetts. Mr. President, I am here to talk just briefly about an issue to which I think I have actually found the solution, the one thing that I think we can all agree on, and maybe either before we leave or during the lameduck we can work together on something I think is troubling for everybody of both parties.

I rise to speak today about an extremely important issue that has bothered me as somebody who continues to serve in the military, and others who have any affiliation with the military or care deeply as to how our military servicemembers are treated after they give the ultimate sacrifice; that is regarding the severe mismanagement of the Arlington National Cemetery, which has resulted in the mishandling of remains of many of America's fallen heroes who have served our country and given their lives to keep our Nation safe and our citizens free.

I want to first take a moment to recognize the work of Senator MCCASKILL, the chairwoman of the Senate Homeland Security and Governmental Affairs Subcommittee on contracting oversight on this issue. She and I have held a hearing on this matter. I have to tell you, it was one of the more frustrating hearings I have ever participated in, to listen to some of the responses, the cavalier answers and lack of dignity paid to the reason we are all here. Then to learn that through investigation, the causes of the absurd mismanagement and oversight lapses at the cemetery. During that July 29, 2010, hearing, we took the first step of getting to the bottom of what was going on and working to identify real solutions that will make sure this never happens again.

I am pleased to be on the Senate floor today to announce the introduction of legislation, Mr. President, I hope you will jump on and cosponsor to address these issues and to remedy the problems at Arlington National Cemetery, which I am proud to sponsor with Senator MCCASKILL.

I am sure I do not have to remind everybody listening and watching and anyone who serves here after all the reports that continue to be in the news about Arlington National Cemetery that has suffered from severe dysfunctional mismanagement and lack of established policies and procedures.

I was shocked. I remember during the hearing that they actually still keep all of the information on little cue cards, on little index cards. I mean, I have something that is a piece of modern technology that we can keep everything on in an instant, the way that we communicate around the world in an instant. My kids are using it; my grandkids are using it. Yet here we are, in one of the most historic cemeteries in our country, honoring the people who have given their lives through service, and we are on index cards. Not only that, we are burying them in the wrong grave.

Some graves do not even have bodies in them. I mean, come on. Give me a break. This bill establishes strict and recurring congressional reporting requirements for the Secretary of the Army to provide progress on correcting the management, operations, burial discrepancies, and contracting issues at the Arlington National Cemetery. The act also requires the Comptroller General to report on the management and contracts of Arlington National Cemetery and the feasibility and advisability of transferring Arlington National Cemetery to the Veterans' Administration.

The enactment of this act will also provide the appropriate congressional oversight to make certain that those responsible for managing the cemetery are being held accountable and meeting the highest standards when it comes to ensuring the proper burial of America's fallen men and women.

We absolutely cannot let this happen again at Arlington National Cemetery or any other cemetery. As I said earlier, as a 30-year member of the Army National Guard, I have tremendous respect for the men and women serving in our Armed Forces. I know you do, too, and every other person in this Chamber does who has made the ultimate sacrifice, as well as the families who provide the support to allow them to do their jobs.

These systematic problems at the cemetery have tarnished the sacred trust and are extremely troubling. Everyone entrusted with the solemn obligation has to ensure that the heroes buried at Arlington National Cemetery receive the utmost dignity and respect this country can offer.

Our legislation will help restore that so servicemembers' families will never, ever again have to endure such devastating emotional turmoil. I can't even imagine what it would be like to say: I am going to visit my loved one, and walk in the cemetery and learn the place you have been going for years, your loved one isn't even there or is maybe over there. The cavalier attitude of the people controlling this operation makes me deeply troubled.

Our legislation will provide assurances to our military members and their families that corrective actions are expeditiously implemented and that management of the cemetery will be fixed and fixed soon.

I am hopeful my Senate colleagues will join me and Senator MCCASKILL in supporting this very important piece of legislation. I hope this is one piece of legislation we can all agree on and get done and send a powerful message to the families and the service men and women who are serving that we are not going to let this happen any longer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, today I wish to describe my disappointment at the vote yesterday, a vote on whether we were going to shut down the drain in this tub of ours down which we are draining American jobs. We are trying to create jobs and put new jobs into the economy. Now what we have discovered is that the drain is wide open. Even as we talk about this, we have American jobs going overseas in search of cheap labor. We actually give a tax break in our IRS Code for allowing companies to shut their American plant, get rid of their American workers, and move jobs overseas. We tried very hard to change that. I have tried that in the past on four occasions. Yesterday was the fifth vote to say, at least let's stand up for American jobs. Let's not give a tax break to move American jobs outside of the country, especially at a time when millions of Americans are out of work. Let's not do that.

The proposal was to shut down that unbelievable tax break. The vote was, no, we can't do it. Apparently on the floor of the Senate there is plenty of support for Chinese jobs. I didn't notice anybody got up in the morning to come to this Chamber to support Chinese jobs. It seems to me the hard work here is to support American jobs.

I see the two leaders. When they wish to seek the floor, I will continue my discussion.

I can't tell you how disappointed I am. Every member of the minority voted against a bill that stands up for American jobs and shuts down the tax break for moving jobs overseas. We did get 53 votes. In other eras of the history of the Senate, that would be enough to pass legislation. Here it is not because everything needs 60 votes.

Let me yield the floor with the understanding that when the leaders are completed with their work, I know they have some important work trying to wrap up the business of the Senate, I want them to be able to do that, and then I will be recognized when their activity transpires.

I yield the floor.

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

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered yielded back and the motion to proceed to H.R. 3081 be agreed to; that the Senate then proceed to the consideration of H.R. 3081; that the bill be considered under the following limitations; that the only amendments in order be the following: Inouye substitute amendment, which is at the desk, and that once the amendment has been reported by number, it be considered read and not subject to division; Inouye title amendment; DeMint amendment regarding extending length of time on the continuing resolution; Thune amendment regarding reducing spending levels; that this amendment not be subject to a division; that general debate on the bill be limited to 2 hours equally divided and controlled between Senators INOUYE and COCHRAN or their designees; that debate on each amendment be limited to 30 minutes, equally divided and controlled in the usual form; that upon the use or yielding back of all the time, the Senate proceed to vote with respect to the amendments to the substitute in the order in which they were offered; that each of the amendments to the substitute amendment be subject to an affirmative 60-vote threshold and that if they achieve that threshold, then they be agreed to and a motion to reconsider be laid on the table; that if they do not achieve that threshold, then they be withdrawn; that upon disposition of the amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the title amendment which is at the desk be considered and agreed to; further that no Budget Act points of order be in order to the substitute or the bill. Further, that if there are any sequenced votes, then there be 2 minutes equally divided and controlled in the usual form prior to each vote and that after the first vote, the remaining votes be limited to 10 minutes each.

I also want everyone to understand it is my understanding Senator LEMIEUX wants to offer an amendment by consent to this agreement I just read.

Mr. MCCONNELL. Mr. President, it is my understanding he will offer that later. We can proceed then.

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

The Senator from North Dakota.

SENDING JOBS OVERSEAS

Mr. DORGAN. Mr. President, this unanimous consent agreement means we are now on a timeline to finish passing a continuing resolution very soon. I appreciate the work everyone has done. I do want to finish what I was saying.

It was a profound disappointment to me that after all of this time, going back 9 years and five votes, that we were not able to get sufficient votes in the Chamber, 60 votes to shut down a tax provision that rewards people who actually move their jobs overseas from this country. I won't go through the presentations I made previously, but it is quite clear that we need, on behalf of the American people, to say: Our job is to stand up for jobs in this country. Our work is to help people get back to work here and to support businesses which produce in this country, which decide to rent the building and hire the employees and produce here. That is what we ought to stand for. Yet those who produce here and stay here are at a disadvantage, because there is a tax break given to those companies that move overseas and hire foreign workers and then sell back into this country. That was the debate yesterday and the vote. Regrettably, not one Member of the minority voted with us. That is a profound disappointment. We will all get over that. But the people who are unemployed will not, if these jobs keep moving overseas. That is the point.

NEW YORK PHILHARMONIC IN CUBA

I did want to come for another reason. I will do this quickly. A long while ago I was on the floor talking about something that I think should happen, and it needs the approval of this government to make it happen, the approval of a license to make it happen. That is for the New York Philharmonic to be able to perform in Havana, Cuba. It would be a wonderful thing. They had to cancel a previous appearance because they couldn't get a license from their government to allow them to do it.

Let me describe with a couple charts what brings me to this point and the reason I want to talk about it for a moment. This is in the middle of the Cold War with Russia. This is Leonard Bernstein and the New York Philharmonic shown here performing in Moscow in 1959. It is the oldest symphony orchestra in America, since 1842, one of the most renowned cultural ambassadors for this country. It has performed all around the world in 59 countries on 5 continents. It performed many times in Communist countries with the full blessing of the U.S. Government. At the height of the Cold War the orchestra was enthusiastically received in Moscow. The audience applauded for 30 minutes following their performance. Conductor Bernstein took the New York Philharmonic to Moscow. Think of it.

In addition to performing in Moscow, the New York Philharmonic has performed elsewhere. They have performed in North Korea. I have seen the DVD of that performance. It was quite extraordinary, February of 2008 in the capital of North Korea, the first ever concert by a U.S. orchestra within the boundaries of that secretive state. We know that there is a lot wrong with North Korea, but the conductor and the president of the Philharmonic told me and a group of Senators that the State Department encouraged the visit of this orchestra, assisted with arrangements. The concert In Pyongyang was broadcast live on State radio and television. They played music by George Gershwin in North Korea's capital, even played the Star-Spangled Banner. I saw the video. The audience continued to applaud long after the orchestra had completed its music and left the stage.

This is a photograph of Hanoi, Vietnam in 2009.

The New York Philharmonic orchestra performed there, in Hanoi, Vietnam. The demand for tickets was so great they simulcast the concert live out on the streets of Hanoi.

The only country in the world in which the Philharmonic, at this point, is not able to perform in is Cuba. They had to cancel a previous visit to Cuba in October 2009. It was planned. But it was cancelled because they could not get a license from our government to travel to Cuba.

The U.S. government allows anyone, including an orchestra, to travel to North Korea, to Iran, to any other country in the world; but you have to have a license to travel to Cuba. Why is that the case? Because the Castro brothers have stuck their fingers in America's eye for a long time. We have an embargo against the country of Cuba, and we decided we were going to take care of the Castro brothers in Cuba by punishing the American people and restricting their right to travel to Cuba, unbelievably, in my judgment. We say to the American people: We are going to fix you. We will restrict the rights of the American people to travel to Cuba. So they have.

Senator ENZI and I have a bill with a large number of cosponsors in the Senate that would lift that travel restriction.

The reason I brought this issue to the floor of the Senate today is, I feel it is time to get a positive answer from this government—the Treasury Department and the State Department—to give a license to the New York Philharmonic to make this trip and perform in Havana, Cuba. They should not have to keep cancelling their plans because of U.S. government restrictions.

Some say: Well, what is the difference? What matter does it make if they are not able to travel? Do you know what? If you watch the DVD of the New York Philharmonic performing in North Korea in 2008, and then take a look at the clips and the pictures of them in Moscow in 1959, and then ask yourself whether it makes a difference for us to be able to send, in a cultural exchange, this wonderful, unbelievably world-class orchestra to perform in these countries. I think it makes a difference.

We are in a circumstance at the moment where if you do not have a license to travel to Cuba, violators, U.S. citizens, can be fined up to $50,000 by their government. It does not make any sense to me. That needs to change. Criminal penalties could be $250,000 and

10 years in prison for violating the travel ban. We need to change all that.

In the meantime, I believe this government needs to provide a license, and they can do it under existing circumstances without changing the policy at all. They need to provide that license to allow the New York Philharmonic to be able to perform in Havana, Cuba. I am talking to the Treasury Secretary and the Secretary of State and asking for their cooperation. This is not something that is difficult. This can be allowed under existing rules. Members of the New York Philharmonic, and those who work with them and those who sponsor them, who would participate fully in the youth programs in Havana, Cuba, can be, in my judgment, approved with a license from the Treasury Department. I hope Secretary Geithner understands that and will take appropriate action. I know the Secretary of State wishes to see this happen. I believe the Treasury Secretary would as well. I hope within days they will make it happen.

I intend to work next week with all of those principals to see if at last, at long last, we might be able to resolve this issue. This makes no sense to me, to decide that the way we are going to conduct diplomacy is to prevent our Philharmonic Orchestra from playing in Havana, Cuba, given the fact they have played in the capital of North Korea, in Russia, in Vietnam, and more.

Mr. President, I was going to talk a little about energy and my profound disappointment that we are going to end this session without having done something in energy, and how some of us are trying very hard between now and the lameduck session to at least get what is called a renewable electricity standard or at least perhaps get that plus the Electric Vehicle Deployment Act moving so we can advance our country's energy interests. I will find another time to talk about that issue.

I do want to finally say, in addition, before this Congress adjourns sine die at the end of the year, there must—there must—be a solution to two things. One is the Cobell settlement, because American Indians deserve that settlement. It has been negotiated, is done, is ready. This is an abuse of 120 and 150 years. It must be corrected, and that settlement needs to be done. No. 2, what is called the Carcieri fix needs to be resolved.

My colleague, the chairman of the Appropriations Committee, well understands this. Every Indian tribe that was recognized after 1934 has every parcel of land they took into trust since that time now in legal question. The Congress cannot possibly leave this session without addressing that issue. The issue arises from a court decision that in my judgment was wrong, but it places in jeopardy a wide range of facilities on Indian reservations with respect to the status of their property ownership and their lease. I hope and I know Senator INOUYE shares my feelings that we must, before the end of this year, address both of these issues.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I wish the RECORD to show that I concur fully with my colleague and that I will do my absolute best to see that his views are carried out.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to and the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, today is September 29, which means that fiscal year 2010 will come to an end tomorrow at midnight. We should all keep that in mind because in order to avoid a government shutdown, the Senate must act now to send this essential legislation to the House of Representatives.

I do not believe any of my colleagues wish the Government of the United States to be shut down on Friday, so I am hopeful we can avoid unnecessary amendments and work in a bipartisan fashion to pass this CR and send it to the House.

This is a clean continuing resolution that includes only those exceptions that are critical to allow the government to carry out its responsibilities. I would note that according to the CBO scoring of this bill, this resolution will fund the government through December 3, 2010, at a rate that is approximately $8.2 billion below fiscal year 2010 enacted levels.

Vice Chairman COCHRAN and I have done our best to ensure that this CR includes only the bare minimum of what is necessary to continue government operations until Members on both sides of the aisle are able to work out their differences and complete action on this year's appropriations bills.

In addition, the CR extends the temporary assistance for the Needy Families block grant program, which provides necessities such as food and clothing for those hardest hit by the struggling economy. This resolution also extends the current GSE loan limits, to prevent a disruption of the home mortgage market. Finally, this measure will fund current military operations for the next 2 months, ensuring that our soldiers, sailors, airmen, and marines will have what they need to carry out their missions.

While I know there are many additional matters which the administration and other Members of the Senate wish to have included, we have been unable to reach a bipartisan agreement to do so. But I can assure my colleagues that everything essential to continue government services has been included.

Time is short, and we have before us a clean CR that has the bare minimum of exceptions necessary to avoid disruptions to government services that is approximately $8.2 billion below fiscal year 2010 levels, and that has the approval of both the majority and minority leaders.

I urge my colleagues to vote to support this CR and to send it to the House as quickly as possible.

I reserve the remainder of my time, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. 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. INOUYE. Mr. President, I ask unanimous consent that the time expended during the quorum call be equally divided on both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. 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. CORKER. Mr. President, I want to speak for a few minutes. My understanding is that Senator THUNE is coming to the floor in a moment to offer an amendment to the continuing resolution that would reduce spending in the continuing resolution by 5 percent on discretionary items that are nondefense oriented.

I want to say that I just came from a meeting with Chairman Bernanke talking about our debt situation. I know we have a Deficit Reduction Commission right now that is working on that and will have a report due on December 1. But I think everyone in this body understands it is a huge issue for our country and that right now the markets have allowed us to have lower interest rates because we are considered to be a safe haven. But the fact is, at some point in time we all understand this is going to disconnect and, in fact, we will pay higher interest rates because of our lack of ability to control our spending.

I think a great first step for us to be able to walk into—hopefully, something constructed by the Deficit Reduction Commission and, if not, by our own actions this next year, where we know the No. 1 issue that threatens our economic security in this country—and

by virtue of threatening our economic security, it threatens our national security—is the huge amount of spending that is taking place. I think we have all seen throughout the country what I would say is a very centered and deep concern about the amount of money we spend here in Washington.

I want to say, anybody who thought last year's appropriations bills were far higher than they should have been should support the Thune amendment. The fact is, what we are actually doing by virtue of the CR that has been offered is we are actually continuing spending at 25 percent of our gross domestic product, which is a full 5 percentage points above our historic 50-year average of 20.3 percent.

I think the Thune amendment is an appropriate first step. I think all of us in this body know that over the course of the next couple years we are going to have to take Draconian steps to rein in spending, which has been out of control. We are operating this year without even a budget.

I do not cast blame. I just want to focus on solutions. The very best way we can start walking toward a solution that ensures continued economic security in this country is to support the Thune amendment.

I am here to talk for a few minutes. I know the Senator from Arizona has just stepped on the floor. I think the Thune amendment is thoughtful. I hope all of us on both sides of the aisle will consider it thoughtful, and that we will get behind it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, obviously we are 1 day away from the end of the fiscal year. We have before us a continuing resolution, better known as a CR. It totals over $1.1 trillion to fund the operations of the Federal Government through December 3, after the elections.

In addition to continuing appropriations, this measure also includes numerous authorizing provisions from the fiscal year 2011 Defense authorization bill. We shouldn't have to selectively tack important, defense-related provisions on to appropriations bills in order to meet the pressing needs of the Armed Forces.

The majority has decided to wait until the very last minute to bring this stopgap measure to the floor with the hope that Members will simply vote yes so that we can all go home and focus on the upcoming elections. I will not be voting yes. I will be voting no. If we pass this resolution, we can be assured that we will be considering yet another massive omnibus spending bill in December. The simple fact that we are considering this continuing resolution is evidence of the majority's inability to lead effectively and do the people's business.

As I said, we are 1 day from the end of the fiscal year. This body has not considered a single one of the annual appropriations bills on the floor. We have a $13.5 trillion debt and a deficit of nearly $1.4 trillion. Yet we have not debated a single spending bill or considered any amendments that would cut costs or get our debt under control.

Furthermore, the majority decided they just didn't feel like doing a budget this year, so we didn't do a budget this year.

On top of all of this, the majorities in both Houses have decided there will be no debate, no vote on extending the tax cuts that are due to expire at the end of this year. On Monday of this week, the New York Times published an editorial called ''Profiles in Timidity.'' The editorial stated, in part:

> We are starting to wonder whether Congressional Democrats lack the courage of their convictions, or simply lack convictions.
>
> Last week, Senate Democrats did not even bother to schedule a debate, let alone a vote, on the expiring Bush tax cuts. This week, House Democrats appeared poised to follow suit.

The New York Times goes on to say:

> This particular failure to act was not about Republican obstructionism . . . This was about Democrats failing to seize an opportunity to do the right thing and at the same time draw a sharp distinction between themselves and the Republicans.

Those are not my words; those are the words of the New York Times.

Anyone who converses with people in the business community around this country, whether it be small businesspeople or whether it be the largest, all of them will say the same thing: We have no certainty about what the financial future will hold, whether we will see tax increases or whether we will see tax cuts. What about the estate tax? What about all of these other ''tax cuts'' that will or will not be extended?

So rather than act one way or the other, we have now punted the ball down the field until after the election. At least we should have taken it up and debated and voted. I will stand by my vote to extend all the tax cuts because I don't believe we should increase anybody's taxes in tough economic times. But instead we will punt, go home, campaign, and then sometimes be curious why the approval rating of Congress is somewhere in the teens.

We have no business at the eleventh hour considering a continuing resolution so we can pack up and go home. We should stay here, in session, and consider each and every appropriations bill in regular order and give Members ample opportunity to offer amendments. Following that, we should debate the Defense authorization bill and consider all amendments by Members, not just those the majority deems necessary to please their base.

When the authorization bill was proposed to be brought up on the floor of the Senate, on this side, we said: Let's have 10 amendments on either side—10 amendments on each side—and we will move forward with regular debate and votes. The majority leader didn't want that to happen. The majority leader only wanted to consider don't ask, don't tell, secret holds, and the DREAM Act, and then take the bill off the floor and wait until—guess what—after the elections. That is not how this body should operate. We should consider all amendments. We would agree to time agreements. And if there are tough votes to be taken, that is why we are sent here—to take tough votes.

We should debate and vote on whether to extend the tax cuts, as I said. Each day this issue is left unresolved, millions of American taxpayers and small business owners are left without the ability to properly budget for the next year.

At a townhall meeting, a guy stands up and says: I am a CPA. I make a living advising people how they should adjust their estates and their expenses and their investments based on, at least in part, what kinds of tax liabilities they will be facing. I can't do my job because we don't know.

The environment of uncertainty is holding back investment and job creation in this country, and at least the people of this country should have the right to know what their taxes are going to be next year. That won't be the case.

Let me return for a minute to the continuing resolution and the very serious concerns I have about one of its provisions. According to the Appropriations Committee and press reports, section 146 of this bill would authorize Fannie Mae and Freddie Mac to continue buying and guaranteeing mortgages up to $730,000 in expensive housing markets through September of next year. Under current law, that amount was scheduled to drop to $625,000 at the end of this year. One would think that by now we would all be sensitive to the disastrous fiscal implications of Fannie's and Freddie's performance and find ways to rein them in rather than maintain or expand their operations. Fannie and Freddie are synonymous with mismanagement and waste and have become the face of too big to fail.

Congress had the responsibility to ensure that Fannie and Freddie were properly supervised and adequately regulated. Congress failed, and the devastation caused by that failure continues to reverberate across the Nation every day.

A recent editorial in the Dallas Morning News said:

> They—Fannie and Freddie—had long ago evolved from the modest backer of loans that met high underwriting standards into full-scale casino players in high-risk mortgages. By purchasing or backing the loans of mortgage companies and banks, Fannie and Freddie made it possible for lenders to create more money for new loans to new homeowners.
>
> But Fannie and Freddie also conveniently benefited from their hybrid status: They could make loans at advantageous rates and run to Washington at the first sign of trouble. As a major political donor, they seldom

heard the word ''no'' anywhere inside the Beltway.

That is right. They seldom heard the word ''no'' anywhere inside the beltway. Some suggest that because of their deep pockets and generous campaign contributions, Congress routinely overlooked the growing problems at Fannie and Freddie and allowed them to continue operating in the most obscene, corrupt fashion.

So where are we now? To date, the American taxpayer has spent $160 billion to bail out Fannie Mae and Freddie Mac, and experts estimate those costs could rise to over $1 trillion. Isn't it time we phase them out of being a government-supported enterprise? So why in the world would we provide these failing institutions with authority to continue to buy these high-dollar mortgages? It makes no sense.

My colleagues might recall that in May I offered an amendment to the financial regulatory reform bill to address the serious problems surrounding Fannie Mae and Freddie Mac. The amendment was designed to end the taxpayer-backed conservatorship of Fannie Mae and Freddie Mac by putting in place an orderly transition period and eventually require them to operate without government subsidies on a level playing field with their private sector competitors. Unfortunately, but not surprisingly, that amendment failed.

The time has come to end Fannie Mae and Freddie Mac's taxpayer-backed free ride and require them to operate on a level playing field. Fannie and Freddie continue to post loss after loss and are failing right in front of our eyes. For Congress to yet again allow them to continue business as usual is the height of irresponsibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, a cursory review of the record will indicate that the Appropriations Committee has 12 subcommittees. Eleven of these subcommittees have reported their bills to the full committee, and they have all passed. They are on the desk, ready to go. But something has happened in the interim.

I ask my colleagues to keep in mind that the bulk of them—by that, I mean nine of the subcommittee bills—were passed by the middle of July. That is a long time ago. We have had hearings with not one or two witnesses but hundreds of witnesses. We have discussed and debated all of the items in the measure, and we present that to the floor and we try to schedule them, but there are holds and threats of filibuster and such. Therefore, I want the Senate to know that the Appropriations Committee has done its utmost to make certain that these measures are passed in the regular order.

One subcommittee has not been able to conclude its resolution because a new budget agreement just came in—a budget amendment which the committee has to consider, and therefore they have to look it over. We are not just cursorily rubberstamping every budget amendment.

AMENDMENT NO. 4674

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 4674.

Mr. INOUYE. 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 printed in today's RECORD under ''Text of Amendments.'')

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

The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum call.

Mr. INOUYE. I will. I did not see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are. There is no question the chairman of the Appropriations Committee has finished his bills, and they have not come up. But the quality of the work doesn't meet with the depth of the problem we have today, No. 1; No. 2, it doesn't address the concerns of the American public.

So we are going to have a continuing resolution that we are going to pass through this body tonight, probably by a vote of about 80 to 20 or 75 to 25. But the signal we are sending is based on our tin ear. We are going to continue spending at the same rate we have been spending. We are borrowing $4.2 billion a day under this continuing resolution. The government now is twice as big, in terms of expenditures, not including the war, as it was in 1999. We are not addressing what the American people want us to address; that is, that we ought to start living within our means.

I will not offer an amendment to the bill. There are several amendments. My colleague from South Dakota offered one that will bring us back to 2008 levels, but that is not enough. The fact is, we have to engage the American public in what is rightfully a cogent criticism of the Congress; that is, that we are allowing wasteful Washington spending to go on, not by intent—and I am not questioning anybody's motives—but the fact is, we have not done our job in terms of oversight.

We heard Senator MCCAIN talk about the tax cuts and raising taxes during a very soft economic time. The vast majority of the Americans don't want us to do that. I don't know why we are not discussing it, and I don't know why we are leaving town before we send that signal, but that is way above my pay grade.

What I will tell you is, I can take any group of Americans and sit down and go through this with them and show them, without question, $350 billion worth of waste every year in the Federal Government. The amendment of my colleague from South Dakota is cutting less than $50 billion from what we are going to spend—in fact, we did it in 2008, other than for homeland security, defense, and veterans. So even though I love what my colleague is doing, it doesn't go nearly far enough compared to what the real need is for us.

There are two real needs. One, if we are going to finance the debt we have today, we have to send a message and signal to the world that we are interested in getting our house back in order, that we are interested in becoming efficient, and interested in becoming austere with our taxpayers' money. The second message we need to send is to those who have capital in this country; that they, in fact, can have confidence that we are going to right this ship, and we will start seeing them deploy some of those assets to create the very jobs we so desperately want for the American people who do not have them today.

I have been here long enough to know what is going to happen. But what I wish to do is register my dissatisfaction that we are not addressing the real problems in front of our country today. Instead, we are ducking out on tough decisions so we can go home—and I am up for reelection as well—and get to the voters. My question is a much more powerful message than going to the voters; it is us making hard choices that the American people want us to make.

This week, the 2010 fiscal year is coming to a close. On October 1, 2010, it will become the new budget year. Here is what we failed to do as a body—our fault just as much as yours. We didn't pass a budget. We didn't set priorities. We didn't decide where to spend and where to save. We didn't pay for new spending—$266 billion in the last 6 months in this Congress on new spending that we waived pay-go on and borrowed it against our children. We didn't pass any appropriations bills. We didn't make any tough choices. We didn't conduct any significant oversight on the waste, fraud, and abuse in the Federal Government or the duplication in the Federal Government. We didn't eliminate any duplicative or ineffective programs—not one. We didn't do our job. No wonder America is disgusted with us.

What did we do? We increased the debt limit to more than $14 trillion. We added more than $1.4 trillion to the deficit and charged it to our grandchildren. We ignored the Constitution and expanded Washington's reach into our private lives, shrinking freedom

and growing government. We put ourselves first and the country second. Despite promises from us that government programs can solve every challenge, taxpayers are getting ripped off. We sent $1 trillion of their income to the Treasury this year just to watch it waste $350 billion. At the same time, we created a lot of new programs, and some people are very proud of them. I am very worried about them. But I give you the credit that you went down the road you thought was right and did it.

The real problem is, we are continuing the same old habits. The real issue is, until we truly understand the severity of the difficulty we are in and start acting like we understand it, this ship is going to continue to sink. We are not going to create the confidence in the American public or the $2 trillion that is sitting on the sidelines right now if, in fact, they had a clear signal it would start flowing into investment and capital that would create jobs.

Last December, my office spent 3 weeks just looking at duplicative programs. When we passed the debt limit, we agreed with an amendment I inserted that the GAO would give us a list of those. They are starting that work, and this February we will see the first large tranche of that. It is going to take 3 years to compile that because the government is so big.

We ought to have a little taste, and the American people ought to have a little taste, of what we didn't get rid of and didn't fix. We have 1,399 Federal programs that serve rural America; 337 of them are considered key. One thousand of them aren't considered key. They are not considered substantive. That is before you even take the test of saying whether they are authorized by the U.S. Constitution.

The Federal Government operates 70 programs costing tens of billions of dollars that provide domestic food assistance—70 different programs—and many of them overlap or are inefficient. Most of them cannot demonstrate they are effective. That is according to a recent review by the Government Accounting Office. We didn't fix it. We could have saved taxpayers some of that money. There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase opportunities for students to study abroad. Why do we have 14 programs? Why not have one good one that meets the needs of Americans?

We fund 44 job training programs, administered by 9 Federal agencies across the bureaucracy. The cost is $30 billion a year, and we don't know what the overhead is because we have 44 programs instead of 2 or 3. We didn't address any of that. There are 17 offender reentry programs across 5 Federal agencies, costing $¼ billion. There has been no oversight. In other words, we have not looked where the problems are. We have not looked to say: How do we make this government more efficient?

What we have done is to say we are going to raise taxes—or at least we are not going to vote on raising taxes until after the election. No matter whether you are middle income, lower income, or upper income, it makes no sense for us to say we need more money here, when we will not do the very simple job of eliminating the waste.

I don't question the motivation for job training programs; I think they are necessary. I don't question the motivation for food programs; I think they are necessary. But 44 and 70 different programs, with 70 sets of bureaucracies and 44 sets of bureaucracies? Then we are going to tell Americans they should pay more tax, when we will not even do the simple thing to save $100 million here or there. With a $30 billion program, if you save 10 percent, that is $3 billion. So all you have to save is one-tenth of 1 percent or three-tenths of 1 percent. We will not even do that.

I have a book full of duplicative programs. It is available to anybody who wants it. We ought to ask what kind of rating or grade would the American people give us—Republicans and Democrats alike—in terms of running the government, funding the government, and working to make the government efficient and effective. I don't think we have any good defense. I think people's intentions around here are excellent, but we never get around to the hard work of holding the bureaucracies accountable.

Senator CARPER had a great hearing today on the Defense Department and the fact that the Defense Department is trying to get where they can manage what they are doing by measuring it with a significant system, in terms of IT. It is just $6.9 billion over budget. Where is the oversight on that procurement? What the GAO said is the following: The management was ineffective at looking at those programs. The management was ineffective in the testing of those programs during their development. The management was ineffective in terms of the procurement of those programs. When I asked the heads of every branch in the military whether they agreed with that, they said, yes, they agreed they were ineffective.

We don't have anything in the appropriations bills to change that effectiveness. We didn't have anything in the Defense authorization bill to change that effectiveness. We are just going to let it go on, and next year it will be $7.9 billion or $8.9 billion over. So we are not doing our job.

That is not to question my colleagues' motive; it is to raise the awareness that the jig is up. The American people know we are not doing our job. They want us to start doing our job—both Republicans and Democrats.

We have several colleagues on the floor. Rather than take more time, I just note that I am consistent in terms of coming down here and worrying about our future. I have done so for 5½ years—much to the chagrin of a lot of my colleagues. I wish to leave you with one statement.

Our children deserve to have the same opportunities in this country that we have experienced. By us failing to do the very duties that are called upon us in a rational, straightforward basis, of doing oversight of the Federal Government and making the hard choices, we abandon our oath, but, more importantly, we steal the heritage that was given to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 4676 TO AMENDMENT NO. 4674

Mr. THUNE. Mr. President, I ask unanimous consent to call up my amendment No. 4676 and ask that it be made pending.

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

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 4676 to amendment No. 4674.

Mr. THUNE. 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 reduce spending other than national security spending by 5 percent)

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111–117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of $29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading ''Department of Commerce—United States

Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111–117), except for division E.

Mr. THUNE. Mr. President, as you know, the budget-appropriations process has broken down. Neither the House nor the Senate passed a budget resolution which provides a basic roadmap for our spending decisions for the next fiscal year.

As a result of not having a budget, not a single appropriations bill has been signed into law for the new fiscal year that starts tomorrow at midnight. The House has passed only 2 of its 12 appropriations bills. Unfortunately, this 17-percent batting average, 17-percent success rate surpasses the Senate which has failed to pass any of the 12 appropriations bills.

Because of this, we find ourselves considering a measure to provide stopgap funding through December 3 to provide more time for completion of our annual appropriations bills.

This delay and lack of floor debate on any of the annual appropriations bills has prevented us from having a much needed debate on the size of government and the amount of money we should be spending.

Keep in mind, the overall growth in nondefense spending since 2008 has amounted to roughly 21 percent at a time when inflation has amounted to only 3.5 percent. This excludes any mention of the $814 billion stimulus bill.

The continuing resolution before us today seeks to provide funding at the same rate as fiscal year 2010. I will say that I am somewhat pleased to see that my colleagues on the other side of the aisle have not attempted to add other funding measures to this measure. That is commendable that we at least are going to do a continuing resolution that is relatively speaking clean. It would be my preference to dial back the overall spending level to the fiscal year 2008 levels.

I have introduced legislation that will do just that, as have some of my colleagues. Senator INHOFE from Oklahoma has a bill that will do that. Some of my House colleagues have come up with a similar proposal that will do that. I guess I would say to my colleague from Oklahoma who just got up and spoke and mentioned this amendment probably does not go far enough that I do not disagree. Frankly, I would like to see us go back to the 2008 levels.

What I am trying to do today is seek the support of my colleagues to at least take a measured step in reducing discretionary spending. My amendment simply seeks to reduce by 5 percent accounts not related to defense, homeland security, or veterans. This would not affect funding for the START treaty or any of the other new provisions in this continuing resolution.

On an annualized rate, it would, however, save us about $22 billion compared to the $1.25 trillion score that CBO has provided for the proposed continuing resolution before us today.

While this is a modest number and it is not going to solve our debt problems overnight, it is a necessary first step to reduce spending. Since nondefense discretionary spending has grown over 21 percent in the last 2 years—again, at a time when inflation was only 3.5 percent—I think the least we can do is support this reasonable reduction until we return after the election to decide what the remaining funding level should be for the fiscal year 2011 spending bills.

To put things into context as my colleague from Oklahoma, who just finished speaking, has done, we are looking at a $13.4 trillion debt. Our deficit for 2010 is estimated to be $1.3 trillion. About 40 cents out of every dollar that is spent in Washington, DC, by the Federal Government now is borrowed.

If we look at the last 34 years, there have only been four times—4 years—where all the appropriations bills have been passed on schedule.

If we actually did go to a freeze at 2008 spending levels and index it for inflation, it would save $450 billion over 10 years. That makes a lot of sense.

As I said, that is legislation I introduced earlier. At a minimum, what we ought to be able to do is say to the American people, at a time when many of their family budgets are shrinking, at a time when they are trying to make ends meet, that we get it. In Washington, DC, we understand: You want our Federal Government to do with a little bit less.

What I am proposing is a 5-percent haircut; that is all, 5 percent. That is the least we can do for the American people at a time when, as I said, we are running these $1.3 trillion deficits and have future generations of Americans faced with a massive amount of debt that will be on their backs for generations to come.

I hope today we can find the political will in the Senate to take what I think is a very modest, a very measured approach to reduce spending in this continuing resolution by 5 percent. When we come back in December, we can have a full-blown debate about what the size of government should be, which we should be having now and should have been having throughout the course of these last few months when these appropriations bills should have been debated and should have passed a budget.

That being said, we do not have a budget. We have not passed appropriations bills. We are where we are. The least we can do, in fairness to the American people, the taxpayers of this country, is send a clear message to them that we are going to do a modest amount, at least a 5-percent reduction over last year's level in this continuing resolution and try in a very small way to get some of the overspending that is occurring in Washington, DC, under control.

Mr. President, 21 percent over the past 2 years at a time when the inflation rate was 3.5 percent, meaning that we are spending at the Federal level five to six times the rate of inflation, what the rate of price increases are across this country for most Americans. That is not fair to the American taxpayers. I hope my colleagues will support this amendment.

The Senator from Massachusetts is here. I believe he wants to speak as well to this issue and to this amendment. I yield as much time to him as he may consume.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for yielding. I stand here in support of the Thune amendment and thank him for his leadership on this good first step.

To me, it is pure common sense. I agree with everything he has said in terms of we have overspent. It is time to draw a line in the sand, lead by example, and show the American people that they are doing without, and we can do without.

We are only talking about 5 percent. It is $22 billion. I remember—it seems like 10 years ago I got here. I remember being in the Massachusetts Legislature, and we were throwing around millions. Here they throw around trillions like it is nothing. I know it is only $22 billion we can save, which is still real money where I come from, and so over $300 billion potentially over a 10-year period.

It is time. It is time to start leading by example. It is time to show we can also make some cuts. Quite frankly, I do not think they will hurt. We need to send a signal to our constituents and to the rest of the world that we are trying to finally get our fiscal house in order.

I just met with representatives from Great Britain. They are doing across the board a 25-percent cut. They recognize they do not want to be in a similar financial predicament as other countries in that part of the world. They are sending a very powerful bipartisan message to the people in that country

that they have to get their fiscal house in order. We need to start sending that very same powerful fiscal message to do the same thing.

I remember when I got here back in the beginning of January, the national debt was about $11.95 trillion. As Senator THUNE just pointed out, it is almost $13.3 trillion or $13.4 trillion right now. That is less than 7 months. Our deficit is over $1 trillion.

At what point do we eliminate the inefficiencies and duplications throughout our Federal Government, as Senator COBURN has identified cuts in many wasteful programs? I agree with him. We have to start somewhere. Can we not do just one thing—just one, that is it—to show the American people that, yes, we get it, we feel your pain, we get it. It is time. They are sending a very powerful message. They sent it in January and they are sending it again that they are tired of overspending, they are tired of deficit spending, they are tired of overtaxing. We have to get our fiscal house in order.

I thank Senator THUNE for his leadership and Senator COBURN for taking the time to find all these duplicate programs.

Mr. THUNE. Mr. President, before the Senator from Massachusetts yields the floor, will he yield for a question?

Mr. BROWN of Massachusetts. Yes.

Mr. THUNE. I ask the Senator from Massachusetts if he is hearing from his constituents back in his State the same message I hear from my constituents in South Dakota; that is, we are experiencing economic difficulties. In this economic downturn, many people lost jobs, many had a loss of income, many family budgets are being squeezed.

Does not the Senator from Massachusetts hear the same thing from his constituents I hear from South Dakotans; that is, we want the Federal Government to lead by example, and rather than growing at four, five, six times the rate of inflation, actually take some steps to get its spending under control in the same fashion, the same way we are having to do it?

That is what I hear from people in South Dakota. They are tired. They think the Federal Government is growing too fast, has gotten too big. They think it is a runaway train, especially when it is running $1.3 trillion annual deficits.

I think 5 percent on this particular continuing resolution, this funding bill is a modest amount that at least most of my constituents would think is reasonable.

I ask the Senator from Massachusetts if he thinks his constituents believe this Federal Government could live with 5 percent less at a time when they are living with a lot less in many circumstances?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for his question. I commend his constituents on having the foresight to instruct him and let him know they are hurting. The people in my State are hurting also. They are absolutely concerned about the disconnect between Washington and the State I represent.

What I notice not only in Massachusetts but my travels throughout the country is that they believe the people in Washington go around saying: You are great, you are great, everything is wonderful, there is no recession in Washington. All the restaurants are full. The housing market is great. Everything is great around here. But outside that, they say: He doesn't get it; she doesn't get it; we are going to make a statement pretty darn soon.

They are absolutely looking for fiscal leadership. Listen, there is absolutely a role for government. Government needs to know when to get out of the way also. It needs to know when to get out of the way and let free enterprise and the free market take shape and let us get the economy going through something besides government-created jobs.

I thank the Senator for his question. I agree wholeheartedly, yes, there is a great concern that we are overspending, we are overtaxing, we are overregulating, and we need to make sure this gesture, this 5 percent—I do not want to throw billions around like it is not money, but compared to the trillions we are all used to dealing with here, it is not big money. But I tell you what, it is a very good start. It sends a very powerful message to the people in Massachusetts and throughout the rest of this country and the world that a group of Senators have finally gotten together and have sent a message to the rest of the administration and to the folks that we are going to start to do one thing—just one thing: to start to get our fiscal house in order.

Mr. THUNE. Mr. President, if I might just say to the Senator from Massachusetts, again, I appreciate his willingness to come down here and express his support for this amendment. The Senator from South Carolina is here. I expect he will speak too. He has an amendment he would like to offer as well.

Most Americans believe government spends too much, especially at a time when their budgets, as I said, have been shrinking.

This is the kind of amendment that ought to attract broad bipartisan support. We are going to fund the government with this continuing resolution until December 3 because, again, we have not passed any appropriations bills or a budget—which, by the way is a discussion, perhaps, for another day but one that I think needs to be joined, a debate that needs to be joined, and that is, what are we going to do to fix this broken-down budget process that year after year puts us in a position where, at the very end of the fiscal year, we have to pass a continuing resolution because we have not gotten our work done? That is an incredibly strange way to run a $3.5 trillion enterprise like the Federal Government.

I think the American people deserve better. They need a budget process that has some teeth in it, that is binding, that makes sense, where there is an appropriate role for oversight, as the Senator from Oklahoma pointed out—all the agencies where there is duplication and redundancy where we can find savings. We don't do a lot of that around here because we have a budget process that has broken down.

I have a bill to reform the budget process which, again, I hope is something we can undertake. It is not going to happen now because we are going to wrap things up here this week, it seems. I would be happy to stay around and talk about budget reform, but I think a lot of my colleagues have other things and other places they want to go.

In the meantime, let's at least do something here that will rein in Federal spending and send a very important message and signal to the American people, who have been hurting: The Federal Government here in Washington doesn't live in a bubble, we actually get it, we are listening to the voices of the American people, and we can find a mere 5 percent in our Federal budget, this massive Federal budget, and demonstrate we are willing to tighten our belt a little bit, consistent with what is happening to the American people and the experience they are having in this economic downturn.

I reserve the remainder of my time. I do not know how much time I have left, but I reserve the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator has consumed all of his time on the amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I commend Senator THUNE for, again, a very small request of the Senate to continue to fund the government at a 5-percent reduction. It is hardly a radical idea—except in Washington. I hope my colleagues will support that.

I would like to talk about another amendment for a minute, but first I think we need to address what I think has been the most irresponsible Congress I have seen in my time here.

Over the last 4 years, the majority has almost doubled the national debt of all previous Presidents in 4 years. We are on that track to do it. This year, things are so bad that we didn't even bother to do a budget. We are not going to show the American people what we plan to spend, what things are costing.

We are trying to get out of town today without passing funding bills to keep the government operating. We have to do a little makeshift continuing resolution. But we are getting out of town without addressing the fact that we are getting ready to stick the American people with one of the largest tax increases in history. By not doing anything, we are voting with our feet to raise taxes on everyone from

the lowest income to the largest corporation, to tax dividends at a higher level, to tax death at a higher level. We are just leaving town.

In the meantime, as people are getting ready to leave town, there are 20 or 30 bills that folks here would like to pass in secret, by unanimous consent, without a vote, without any debate. Some of them have some pretty big price tags. And they are squealing like someone is doing them wrong if we ask for a day or two to read these bills, to see what they cost, to see what they would do to our country.

There is a sense of entitlement here that we have to pass their bill; it is some kind of emergency. But their bills have been hanging around here for months. One of them I just saw was from December of 2009. They are not emergencies, but we have to pass them but we are not going to do the business of the American people. We are not going to carry out our constitutional responsibility to set a budget, to appropriate money for the operation of our government, but we want to get our bills passed and we want to go home.

What we are doing is we are going to pass a continuing resolution tonight to fund the government until December. But the only reason to fund it until December is so we have to come back after the election in a lameduck Congress and pass another spending bill to keep our government going until the new Congress comes in. I think the only reason to do that is so Senators who are not coming back can come here and pass an omnibus spending bill with thousands of earmarks that people have come to expect, so they can take home the bacon to their States one last time.

There is no reason for us to have a continuing resolution that ends in December. We are going to have to come back and use the threat of a government shutdown to force through a bigger spending bill. We should not do that in the chaos after the election.

My amendment would take the exact same continuing resolution that everyone is going to agree on tonight and have it expire on February 4, after we have sworn in a new Congress, after the dust has settled. Then we can make a good decision with people who maybe represent the voices of the American people a little better because they have just come in off of the campaign trail. Instead of passing something in the chaos of November and December, let's do something that is more responsible and more focused.

My amendment is the exact same as the amendment tonight. The only thing it does is it strikes December 3, 2010, and inserts February 4, 2011, so it does not end, there is no emergency, there is no crisis, and there is no threat of a government shutdown. We come back in November and hopefully stop the tax increases and then go home and start over with the new Congress, with folks who are representing the voices of the American people.

My hope is that my colleagues will support this amendment. There is no reason not to support it unless you want to come back here in November and increase spending, pass an omnibus and pass all of these porkbarrel earmarks to take home one last time.

I encourage my colleagues to support the amendment. I understand we will have a vote on it later this evening, and I will reserve the remainder of my time.

AMENDMENT NO. 4677 TO AMENDMENT NO. 4674

Mr. President, I understand I need to offer the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the Senator's amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4677 to amendment No. 4674: Section 106(3) of the bill is amended by striking ''December 3, 2010'' and inserting ''February 4, 2011''.

Mr. DEMINT. Thank you. I didn't think it would be too painful to read that whole thing at this time. This is one I can guarantee I read.

Do I need to ask for a recorded vote at this time?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, if I may again repeat, in June of this year, 9 of the 11 subcommittees of the Appropriations Committee passed their bills in the full committee and reported to the desk. They are all at the desk. But somebody held it up, and I can assure you none of us held it up.

I rise to speak against the amendment just submitted by Senator DEMINT, which would extend the CR from the current expiration date of December 3 to February 4 of next year.

I am certain most of my colleagues are aware that the government frequently operates under a short-term continuing resolution, not because they like to do it but because it takes time. It is not the most efficient way to operate. I agree with that. But it is frequently necessary as we resolve the differences over spending levels.

While our agencies decry living under the CR—and I have said many times that this is not the way to run our government—I believe these agencies have learned to operate in the short term, and I emphasize the two words ''short term.'' This CR was crafted with a very narrow focus in the expectation that it would only last 2 months. It was agreed upon by both leaders, the majority and minority leaders.

The minimal authorization extensions were included in a bipartisan attempt to keep this bill as clean as possible. Many requested anomalies were excluded because it was clear the CR would expire on December 3. Hopefully, the Congress will have concluded its work by that date. If not, a new CR will be required, and I can assure my colleagues that it will be significantly longer than this bill, with many more anomalies to cover exceptions that must be continued if this CR is extended.

A short-term CR is not efficient, as I have said before, but it is manageable. However, each week we go beyond that period, we further damage the ability of the government to function effectively. For example, contract awards can be delayed a month or two but not for 4 months.

The Appropriations Committee has worked very hard. We have held many hearings, heard from hundreds of witnesses—not just the administration but opposition witnesses—and in a truly bipartisan fashion come to an agreement on the CR we have before us. A large part of that effort was based on the good-faith assumption that once we agreed on an end date—in this case, December 3—Members and staff would use that date to properly identify programs that needed adjustments in order to function as they were intended.

If we accept this amendment and arbitrarily change the end date to February 4 of next year, we will ensure that the exact opposite will happen: The Government will not function as it should. Let me offer a few specific examples.

As chairman of the Defense Subcommittee, I know there are programs essential to the wars in Iraq and Afghanistan that would be disrupted if the Senate were to arbitrarily change the end date of the CR. To say that our troops deserve better is an understatement of the highest order. As a specific example, the Defense Subcommittee carefully reviewed the plans of the Department of Defense and the Department of State for the authorities under the Pakistan counterinsurgency fund. This authority allows the Secretary of Defense, with the concurrence of the Secretary of State, to provide funding for initiatives to reduce the terrorist presence in Pakistan. The subcommittee concluded that a 2-month delay would have minimal negative impact. However, stretching beyond 2 months could seriously erode our counterinsurgency efforts in Pakistan.

As my colleagues know, new starts are prohibited under CRs, so a CR through February 4 would restrict the DOD from proceeding with any new military construction projects during the first third of the fiscal year. Losing 4 months of the year before DOD can begin to implement its 2011 construction program puts the timely execution of the entire program at risk. Fifty percent of the requested funding is anticipated to be awarded by the end of February 2011.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by the Office of Management and Budget. The delay would present shortfalls in funding for food and drug safety approval programs at the Food Safety and Inspection Service and the Food and Drug Administration due to a shortfall in the budget authority.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by OMB. The delay would present shortfalls in funding for food and drug safety and approval programs at the Food Safety and Inspection Service and Food and Drug Administration due to a shortfall in new budget authority. In addition, if the child nutrition reauthorization is not approved, a further delayed CR will result in reduced food services for children.

As another example, the administration sought to extend a highway provision of interest to Maine and Vermont but since it does not expire until December 17, it was not necessary to include in this CR. But if the CR does not expire until February, that provision is needed.

A final example. The delays that would result from this amendment would stall the implementation of all planned new law enforcement initiatives at the Justice Department, including $366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases.

This CR was negotiated in good faith, it has bipartisan support, and it ensures the government will continue to operate in good order until December 3. This amendment violates all three of those tenets. Arbitrarily changing the end date violates our good faith, is highly partisan, and ensures that the government will not function as it should.

For all of these reasons I urge my colleagues to vote ''no''.

Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 3888 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FRANKEN. Mr. President, I yield the floor and suggest the absence of a quorum and ask that the time be divided equally between both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEMIEUX. Mr. President, in a moment I will request unanimous consent to address an issue important to the people of Florida having to do with the EPA and a mandate set to go into effect next month. The timing of this effort is critical. That is why I take the extraordinary measure of bringing it to the Senate floor today. I wish to make it clear that this effort is bipartisan. I am joined by the senior Senator from my State, Mr. NELSON, in this request. If we don't act, something is going to happen to Florida that will have a grave impact upon our economy. Although this is a Florida-specific issue now, it will have an impact on other States and set a precedent as time goes by.

Let me describe my amendment. Then I will talk about the issue. The amendment would prohibit the EPA from using any of the funds in the continuing resolution to implement or enforce the water standard rules that it is working on for Florida. Due to a consent decree between a group in the EPA which is part of a lawsuit, the rule setting water quality standards for inland waters in Florida is set to be finalized on October 15. It singles out Florida and only Florida for these new water standards. However, how this rule is promulgated will serve as a template for how rules are promulgated against other States. For example, EPA is already looking into an effort to promulgate these standards for the Chesapeake Bay area.

We are not against clean water. In fact, Florida has been working on clean water issues for some time and has made remarkable progress. However, this proposal is going to have a dramatic impact on the State of Florida without peer-reviewed science as the basis of this rule.

I ask unanimous consent to have printed in the RECORD an Article from the Jacksonville Business Journal.

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

[From the Business Journal, Sept. 24, 2010]

JACKSONVILLE SEWER CHARGES COULD DOUBLE

JEA CEO Jim Dickenson said the utility's sewer rates could nearly double by 2014 if new federal regulations require JEA to spend $1.3 billion to remove more nitrogen from its sewage plant discharges.

Companies and hospitals—including Anheuser-Busch InBev, Southeast Atlantic Beverage Co., St. Vincent's Medical Center and Mayo Clinic Florida—are expected to be hit the hardest if the U.S. Environmental Protection Agency toughens its pollution standards in 2012. The new rules, which will also make new development projects costlier, make Florida less competitive with its less regulated Southeast competitors, said Keyna Corey, spokeswoman for Associated Industries of Florida, a business lobbying group with about 8,000 members.

''We're not against keeping the water clean,'' she said. ''I can't recruit a company to a dirty state, but we are going to lose jobs because Florida is the only one doing it.''

The EPA's nutrient-criteria mandate is expected to deal an annual $1.1 billion blow to the state's agriculture industry, costing about 14,500 jobs, Corey said. The new rules are expected to cost the pulp and paper industry more than $169 million annually. The EPA's push for more stringent water pollution rules came after environmental groups, including the St. Johns Riverkeeper and the Sierra Club, sued the agency in 2008, alleging the agency wasn't enforcing the federal Clean Water Act strongly enough in Florida. Under the settlement, tougher criteria will come in mid-October regarding nutrient levels in the state's rivers, streams, springs and lakes.

Nitrogen is the main type of nutrient the EPA wants to reduce in water bodies, because in high concentrations, it can create algae blooms, which can cause fish kills, a localized die-off of the fish population. The St. Johns River was plagued by algae blooms and fish kills this summer.

Dickenson is worried that the $400 million the utility has already spent to reduce nutrient discharges won't satisfy the EPA when it applies the new criteria to the state's estuaries, canals and coastal waters in 2012. If these past projects—aimed at meeting the federal total maximum daily limits rule—don't meet EPA's new mandate, JEA would have to spend $1.3 billion or more to meet the higher standards, since the majority of its wastewater discharges are in the coastal region. The utility has 44 sewage plants.

To pay for the required upgrades, sewer rates would nearly double, causing the average residential sewer rate to increase annually to about $1,400, Dickenson said. The average sewer rate for commercial and industrial JEA customers isn't known, but the rates are expected to be affected similarly.

If the EPA mandate ''would actually help the environment, there would be no objection,'' said Paul Steinbrecher, JEA's director of environmental services, permitting and assessments.

He said JEA's past work to accommodate the TMDL limits brings nutrient levels to the natural level and he is unsure how levels could be further reduced under the new criteria.

The amount of nitrogen discharged annually by the average JEA residential user has decreased from 13 pounds in 1975 to about 2.2 pounds, Dickenson said.

''If we'd known the EPA would change the rules midstream, we'd have done our TMDL projects differently,'' Dickenson said.

The EPA projects the annual cost of meeting the new criteria to be $130 million for all utilities in Florida. Darryll Joyner, chief of the Florida Department of Environmental Protection's bureau of assessment and restoration support, said that's not nearly enough. He projected the actual cost at between $5 billion and $8 billion. The EPA was not available for comment.

Joyner said JEA's $1.3 billion estimate on how much it would have to pay to meet the criteria is correct. He is optimistic that the DEP will be able to make the case to the EPA that improvement gained through meeting the less-stringent TMDL requirements will satisfy the new criteria.

Steinbrecher said he hopes Joyner is right, but the EPA's decision to allow it to enter a ''legal no-man's-land law'' doesn't instill him with confidence.

Mr. LEMIEUX. This rule is going to deal a $1.1 billion blow to the State's agricultural industry. A joint study by the Florida Department of Agriculture and Consumer Services in the University of Florida projects that it could cost in total up to $1.6 billion a year and eliminate 14,500 jobs. The Environmental Protection Agency estimates it

to cost more than between $5 and $8 billion. Water utilities in Florida have estimated that sewer rates would increase by $62 per month or more than $700 per year.

This article from the Jacksonville Business Journal talks about sewer charges doubling in Jacksonville because of the water standard that has not been peer reviewed and does not have the scientific basis it should.

Today, because I was coming to offer this unanimous consent proposal, the EPA has issued a 30-day stay of execution on the implementation of this rule. It was supposed to be October 15. Now it will be November 14. Conveniently, that is the day before we are likely to come back in November and bring Congress back into session. So we will be unable to continue this during our recess. This will most likely go into effect and do damage to Florida.

This is a bipartisan effort. In fact, on the House side, members of our delegation, some 20 of the 25—I believe it is 21, actually—have come together to support not letting this rule go into effect. Senator NELSON and I make this request.

I ask unanimous consent that the LeMieux-Nelson amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection.

Mr. INOUYE. Mr. President, on behalf of Senator CARDIN, chairman of the subcommittee that has jurisdiction over this measure, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEMIEUX. If I may, that is unfortunate. It is unfortunate because this is a bipartisan agreement. This damage is going to be done to Florida, a State that is suffering from the worst unemployment that anyone can remember, nearly 12 percent, and the worst economy that anyone can remember. Now these ill-conceived rules that don't have a peer-reviewed scientific basis will go into effect and impact our economy to the tune of billions of dollars, hurting our workforce and doubling people's sewer rates at a time when they least can afford it. It is unfortunate we have an objection when we have both Senators from Florida, Democratic and Republican, supporting this; when we have the vast majority of the Florida delegation in the House asking for this measure to be stated. It is not saying it would not go into effect. It is asking for more time so there would not be a rush to judgment and it would not be brought into effect in a hurried manner.

It is unfortunate we have an objection when we have such bipartisan support.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am concerned about the problem in Florida. I am well aware there may be some consternation. But I must once again remind the Senate that we are now considering the continuing resolution as a result of a bipartisan agreement reached by the majority leader and the minority leader. That agreement calls for a clean CR. There are many amendments that my colleagues would like to submit, but we have had to say, reluctantly, no. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INOUYE. 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. INOUYE. 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. INOUYE. Mr. President, I rise to speak against the Thune amendment. There are a number of reasons the Thune amendment is a bad idea. A 5-percent cut across the board may seem reasonable, small, and not a big cut. But it is a devastating cut when Members understand the specific programmatic impact. A 5-percent cut against non-national security accounts would be about $20 billion below the current fiscal year spending level. This cut would be in addition to the current CR level which is $18 billion below the Sessions amendments offered earlier this year.

I remind my colleagues that we have a $5 billion problem outside of all this cutting in terms of addressing the Pell grants shortfall. I believe the vast majority of my colleagues are in favor of the Pell grants. I can assure them that the Pell grant problem is not going to magically cure itself.

Members may try and hide from taking responsibility for the devastating impacts of a generic across-the-board cut of this magnitude, but I am standing before my colleagues now and putting everyone in this Chamber on notice for what the actual impact of passing this amendment will be.

For starters, let me discuss America's security outside of the Department of Homeland Security and outside of the department that handles the southwest border. Cutting funding by 5 percent would mean a loss of $1.5 billion for the Department of Justice. It is not part of Homeland Security and not part of the Defense Department. The FBI's uniform crime report that was just released tells us that violent crime is down 5.3 percent, a decrease for the third year in a row, and a total 9 percent drop since 2006. Now is not the time to cut resources for Federal, State, and local law enforcement partners. We depend on Federal law enforcement to protect Americans from terrorism and violent crime and uphold the rule of law.

Cutting Federal law enforcement by 5 percent across the board would mean 1,650 fewer FBI agents to combat terrorist threats, 420 fewer DEA agents to reduce the flow of drugs across the U.S.-Mexican border, and over 2,000 fewer Federal correctional officers to safeguard our prisons.

In addition to the cuts to the Department of Justice, this amendment would reduce funding for the Treasury Department's Office of Terrorism and Financial Intelligence and Financial Crimes Enforcement Network by $8.8 billion. Cuts of this magnitude would cripple the Treasury Department's unique efforts to keep our country safe.

Specifically, the Office of Foreign Assets Control would be forced to cut staff who enforce the Iran and North Korea sanctions programs and sanctions efforts aimed at al-Qaida and its affiliates, terrorist groups in Afghanistan, international drug traffickers, and other national security threats.

The Treasury Department's Office of Intelligence and Analysis would be forced to cut staff who work to locate hidden funding sources of terrorist networks. Finally, the Financial Crimes Enforcement Network would significantly reduce overseas staff who work with foreign government counterparts in support of law enforcement efforts, investigations that protect Americans.

In terms of our consumers and our small business owners, cutting the budget of the CFTC and the SEC by 5 percent would erode their ability to conduct necessary oversight of the futures and securities markets, respectively, at a time when such scrutiny is paramount. Such a move is simply irresponsible, given the Wall Street scandals that led to the financial meltdown and economic strife plaguing so many American households.

My colleagues on the other side of the aisle objected to funding any anomalies that would have allowed these agencies to increase staffing during the pendency of the continuing resolution to implement the Dodd-Frank requirements. To insist on a further cut in light of these new requirements is not responsible. For the CFTC, a rollback would diminish aggressive efforts in the past 18 months to enhance previously decimated staffing levels which would not have been adequate to keep pace with the growing markets the agency oversees.

The SEC would suffer similar erosion of critical seasoned professionals. During the past 2 years, efforts have been made to restore staffing shortages. This amendment will force these staff to be furloughed, which would undermine the significant strides to become a more aggressive and vigilant protector of American investors.

Funding for the Small Business Administration would be cut at a critical point in the Nation's economic recovery, severely diminishing the agency's ability to implement the Small Business Jobs and Credit Act recently signed into law. Such a cut would hamper the ability of the Small Business Administration to provide counseling services to small businesses at a time when they need it most.

Cuts to Small Business Development Centers, microloan technical assistance, SCORE, and the Women's Business Centers would be a blow to SBA's ability to assist citizens trying to start, sustain, or grow their small businesses.

In terms of public safety, the FAA faces challenges in maintaining an adequate workforce of trained air traffic controllers. Funding the FAA at 5 percent below the fiscal year 2010 level would force it to absorb almost $500 million in cost-of-living and inflation expenses. Since 75 percent of the FAA's operation budget is payroll, the FAA would need to implement a hiring freeze, thereby reducing its air traffic controller and inspector workforces, increasing flight delays, and curbing air travel at many airports.

When it comes to NASA, this amendment would require $936 million less in funding. I have heard from many Members concerned about job losses at NASA facilities in their States. I can assure you, the level of funding that will result from this amendment will only expedite these losses.

Specifically, this random across-the-board cut will jeopardize scientific discovery as well as the development of a new heavy-lift launch vehicle and space capsule, costing thousands of high-tech, high-skill jobs in States such as Alabama, Florida, Texas, and Colorado. The United States would abandon the high ground of space to Russia, China, and Europe, sacrificing our leadership.

In terms of environmental funding, this amendment would require a $174 million cut to EPA's Clean Water and Drinking Water State Revolving Funds. That means 58 fewer sewer and water projects in our communities to ensure clean and safe water.

It would also require a $302 million cut to the basic operating accounts at the National Park Service, the Forest Service, the Fish & Wildlife Service, and the Bureau of Land Management. That means approximately 2,000 fewer Park Rangers, Forest Rangers, refuge managers, and BLM managers.

The 5-percent cut proposed in this amendment would require the National Park Service to furlough virtually all of the seasonal employees that would result in the closing of many National Park facilities. Further, it would cut energy efficiency and renewable energy programs by over $145 million, stopping in its tracks evolving R&D on solar energy and electric vehicles. That is what we have been talking about here: alternative energy sources. It would cut the nuclear energy R&D program by $51 million, hampering the nuclear renaissance, and simultaneously it would hamper the cleanup of our nuclear weapon and civilian nuclear sites by cutting $366 million from those programs. This action calls into question our ability to undertake new weapon and civilian nuclear activities if we cannot deal with the back end of the programs.

In terms of our senior citizens, the most vulnerable in our society, this amendment requires a cut of $40 million to senior nutrition services at the Administration on Aging, which translates into a reduction of 13 million senior meals.

It also requires a cut of $922 million from the fiscal year 2010 operating level for the Social Security Administration. This would force the Social Security Administration to furlough employees and severely increase the waiting times for everyone with a disability claim, retirement claim, or disability appeal.

In the last 3 years, the number of disability claims SSA has received has increased 30 percent, the number of disability hearings has increased 20 percent, and the number of retirement claims has increased 13 percent. By the end of the year, this cut would leave 900,000 more Americans waiting on a determination of their disability claim, almost doubling the current backlog, and 150,000 more waiting on an appeal of their disability case. This would also drastically limit program integrity efforts that save $7 for every $1 spent.

Section 8 tenant-based rental assistance, which helps the Nation's most vulnerable individuals and families find and maintain safe and affordable housing in the private market, would be cut by $816 million, which would put as many as 85,000 of our country's low-income families, elderly, and disabled at risk of losing their housing.

Mr. President, I would like to submit for the RECORD a more comprehensive list of programs that will be severely impacted by this amendment. There are too many important programs being impacted by this amendment and not enough time to discuss them all.

I ask unanimous consent that list be printed in the RECORD.

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

LIST OF PROGRAMS IMPACTED BY THE THUNE AMENDMENT AND LEVEL OF IMPACT

The Thune amendment would require:

A $148 million cut to the clinical health services provided by the Indian Health Service. For some of our most vulnerable citizens, that means at least 1,000 fewer inpatient admissions; approximately 200 fewer direct outpatient visits; and 200 fewer doctors and nurses that are required to staff the 4 new health care facilities scheduled to open next year.

A $169 million cut to the Forest Service and Interior Department wildland fire accounts. That could mean as many as 2,560 fewer firefighters next year.

A $22 million cut to the Interior Department's Outer Continental Shelf oil and gas leasing and inspection programs. That means a halt to many ongoing reform efforts, increasing the likelihood of environmental disasters like the BP Deepwater Horizon oil spill, and delaying the timeline for resumption of drilling in Gulf of Mexico deep water.

A $38 million cut to the Smithsonian Institution. That means rolling closures of museums on the Mall and stopping construction of the African American Museum of History and Culture.

The Thune amendment would cut $1.16 billion in discretionary spending for agricultural programs which will result in cuts to nutrition programs, food safety, rural housing, conservation, drug inspection, and farm service programs among others.

Specifically, cuts to the Food Safety program would reduce current levels for meat and poultry inspections, and cuts to FDA would reduce current levels for drug and food safety inspections (including imports) and drug approvals.

Both the Bush and Obama administrations have pushed the goal to double funding for science programs over 10 years—this amendment would put that initiative in reverse by cutting over $300 million from DOE's Office of Science program. This will severely impact the United States ability to compete internationally.

The nuclear non-proliferation program would lose $139 million. This would be lunacy in the face of bi-partisan acknowledgement of the threat posed to the United States by unsecured nuclear material in the world.

The Naval Reactors program, which must design a new reactor core for the new Ohio class submarine and refuel its test reactor, would be cut by $61 million.

Finally, the Corps would be cut by $270 million and the Bureau of Reclamation by $56 million. As we struggle to maintain and build our infrastructure in this country these cuts would have significant implications to on-going projects.

Internationally, the Thune amendment will require a cut of $388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

The amendment will require an additional cut of $87 million beyond the $165 million supplemental funding not counted as part of the CR for aid for refugees. This translates into millions of lives lost.

The amendment will require a cut of $42 million for international disaster relief. This cut along with the reduction of $460 million that was included in the FY 10 Supplemental that is not counted in the CR would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

$16.5 million reduction to U.S. Capitol Police would result in the loss of approximately 90 officers. Capitol Police are already dealing with a $10 million shortfall going into FY11. This would further decrease their mission of protecting the Capitol Complex.

The GAO would be reduced by $28 million, which would be devastating to GAO's operations, staff, and ability to provide timely service to the Congress. To absorb a reduction of this magnitude in a labor intensive budget would require a reduction of almost 200 employees.

A cut of $18 million to the Mine Safety and Health Administration. The tragic loss of 29 lives at the Upper Big Branch mine and other mine accidents this year were tragic reminders of what can happen when workplaces are not safe. This funding level will prevent MSHA from adequately enforcing the law which protects mineworkers.

This amendment would reduce funding for lifesaving medications by $43 million, including the $25 million recently allocated to 11 States to get 2,100 people off the waiting lists in Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Montana, North Carolina, South Carolina, South Dakota and Utah. The drugs cost an average of $12,000 a year a person, meaning that this cut would eliminate access to care for over 3,500 people.

This amendment would reduce funding for health professions training by $35.5 million.

A reduction of five percent below the FY 2010 funding level would cut approximately $163 million that is necessary for States to administer unemployment benefits. Under

current economic conditions, an estimated 14 million unemployed individuals will be served in FY 2011, an increase of approximately 60 percent, or 5.2 million individuals, since 2008. The proposed cut in funding would result in long wait times for claimants, increased erroneous payments, and continued neglect of aging infrastructure.

A reduction of 5 percent below the FY 2010 funding level for NIH would result in a cut of $1.6 billion. This reduction is roughly equivalent to the total cost of all FY 2010 NIH funded research on asthma, Parkinson's disease, lung cancer, ovarian cancer, childhood leukemia, infant mortality, lymphoma, multiple sclerosis and sickle cell disease combined.

A cut of $30 million for purchasing the medications and supplies needed in case of a bioterrorism attack or a pandemic illness.

This cut would prevent the implementation of all planned new law enforcement initiatives at DOJ, including $366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases; $153 million in new funding intended to strengthen DEA and ATF investigative activity focused on the activities of Mexican drug cartels; $97 million intended to increase the number of FBI agents and US Attorneys working corporate, mortgage and government fraud cases.

For the U.S. Marshals Service, $1.3 million would be cut from its construction resources bringing to a complete halt the Marshals' courthouse security improvement program, which funds the installation of security equipment in Federal courthouses and the construction of secure space for holding and processing Federal prisoners in courthouse facilities. Currently, less than a third of Federal courthouses meet established security standards; this percentage will further decrease if the Marshals do not continue to make necessary upgrades and improvements.

Without these funds, the Bureau of Prisons (BOP) would have to reduce staff by over 2,000, leaving prison staffing at less than 89 percent of the level identified by BOP as necessary to ensure prison security.

Grants to state and local law enforcement and community safety groups would be decimated by nearly $200 million. We would be taking resources from law enforcement to fight violent crime, drug trafficking, terrorism and child predators. This cut would slash funding for the State Criminal Alien Assistance Program (SCAAP). We need to make sure police have every tool available to fight violent crime and drug trafficking, and keep our families and communities safe.

Further, NIST is responsible for creating standards that keep consumers safe and test new technology to advance America innovation. Cutting NIST's research funding by 5 percent would end the multi-year effort to double funding for investments in scientific research through the agency. Hardest hit would be American manufacturers who would lose over $10 million in competitive grants that are designed to send new technology out to the workplace, improving efficiency and making American business more globally competitive.

This amendment would also put communities at risk for pipeline explosions. The Pipeline and Hazardous Materials Administration (PHMSA) ensures the safety of the interstate pipeline system and monitors State oversight of intrastate pipelines. In the wake of the San Bruno, California, pipeline explosion that killed 8 people and destroyed more than 50 homes, it is not the time to be cutting funding for pipeline safety. Rather, Congress needs to ensure PHMSA is adequately staffed to ensure companies are maintaining their pipelines to prevent senseless tragedies such as San Bruno from reoccurring. This reduction would do the opposite, curtailing safety oversight of the nation's 2.5 million miles of pipeline.

An across the board cut would impact NOAA and the National Weather Service which is standing watch over our communities to keep us safe. NOAA has made improvements to better warn American's about dangerous tornadoes, hurricanes, and other storms, but a spending cut would send NOAA's forecasting capabilities backwards and eliminate 40 forecasting jobs. Further, a 5 percent cut would harm NOAA weather satellite program resulting in gaps in weather data, forcing the United States to rely on foreign countries to supply weather data, or worse, leaving Americas completely blind to severe weather events.

Mr. INOUYE. In closing, I would like to note that the CR that is being considered by the Senate this afternoon is at a rate that is $18 billion below the Sessions amendment. The amendment being proposed by the Senator from South Dakota proposes a rate that is an additional $23 billion below the Sessions amendment.

To ask our agencies to continue to operate for the next 2 months at a rate that is $41 billion below the Sessions amendment will be devastating and is simply unacceptable. Under this scenario, every single program gets cut.

I believe what I have provided my colleagues is a thorough analysis of exactly what you are cutting. Make no mistake, a vote for this amendment is a vote for cutting these programs. It is that simple. I, for one, do not believe this is the way Congress should be doing business, and I will oppose this amendment. I encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding the time on our side is controlled by the chairman of the Appropriations Committee.

The PRESIDING OFFICER. That is right.

Mr. DURBIN. Can I ask, Mr. President, how much time is remaining?

The PRESIDING OFFICER. For the majority, there is 40 minutes remaining for general debate.

Mr. DURBIN. If I could have the chairman's consent to speak for 5 minutes?

Mr. INOUYE. Absolutely.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman for that time.

One of the first amendments we will consider is a 5-percent across-the-board cut. There is some surface appeal to this because it is almost like taking money and not leaving any fingerprints because you do not have to pick the different agencies that are going to be reduced in spending. You just say generically cut 5 percent and call us back when it is all over. It sounds like an easy assignment, but it overlooks the obvious.

Senator INOUYE, as chairman of the Appropriations Committee, is already preparing for next year's spending by reducing the spending level suggested by the President of the United States—if I am not mistaken, some $16 billion below President Obama's budget request.

So the Senator, as chairman of this important committee, is acting in good faith to bring down spending. It is my understanding this continuing resolution, at least for the next few months, cuts even more deeply in terms of the money that will be allowed.

So if there is some argument being made on the Senate floor that we are not sensitive to the deficit needs of America and we have not already accepted responsibility to cut spending, they are ignoring Senator INOUYE's leadership on the Senate Appropriations Committee and the fact that this bipartisan compromise cuts even more deeply.

Now comes the Senator from South Dakota who says: Well, let's cut some more. Let's cut 5 percent across the board. Then you take a look at the various programs, and you say to the Senator from South Dakota: Well, let's get down to specifics. Do you think we should cut 5 percent of the spending at the National Institutes of Health where they are engaged in medical research to find cures for the diseases which are afflicting and threatening people across America? Well, I bet he would say: No, we don't want to cut there. Yet when you do an across-the-board cut and you are not specific, unfortunately, you run the risk of cutting a critical program like that.

Would you go to northern California and say to the people living there: Now is the time to cut the inspections of natural gas pipelines in the United States of America, after the terrible tragedy which occurred there just a few weeks ago, claiming innocent lives? No. Would you argue that now is the time to take away inspections for oil rigs across America? I think we are trying to move to the point where we resume drilling but with some confidence that we have inspected all these rigs and they are safe and we can move forward. Senator THUNE is saying, Well, let's cut across the board. That is going to take money away from that timely inspection which we want to get completed so we can put people back to work in that region of the country and around the United States.

How about the Centers for Disease Control? Do we take money out of the Centers for Disease Control at this moment in history? I think not. They are doing important work to try to protect us against the next influenza epidemic and whatever else might challenge us. Do we want to take money away from food safety and inspection? How many of us read newspaper stories on a daily basis about innocent people who ate spinach or peppers or peanut butter and ended up with salmonella or E. coli, in the hospital, and their health compromised for months, if not years?

So do we want to reduce the inspections on food? How about the inspections on imported food? Does the Senator from South Dakota believe we should cut back on inspecting the food coming into our markets, being served on the tables of families across America? I think not.

Does he want to cut back on the COPS Program at a time when States and local cities are running out of money and laying off policemen? Do we want to cut back on the Federal funds we are sending so that there are cops on the beat to keep our neighborhoods safe?

Does he want to cut back on education? Does he believe that now is the time, when we are seeing layoffs of teachers, even though we have made some efforts here to try to reduce that? Does he want to cut more money from education when school districts across America are suffering? That is what he is proposing.

If he were standing here with the only proposals or cuts that the Congress is considering, we might say, Well, we have to face up to it, but he comes late to the party. The chairman of this committee has already taken this through the exercise of bringing down the spending for next year that starts on October 1, and this continuing resolution cuts even more deeply.

I am going to urge my colleagues to vote against this 5-percent across-the-board cut. The Senator from South Dakota has exempted a few agencies, but there are a lot that he hasn't. As a consequence, we are in a position where many of these agencies and the critical programs that are important for the health and safety of Americans are literally at risk because of this amendment.

Let's do this in a sensible, honest way. Let's not send a general letter. Let's use the appropriations process to bring down spending. The Congress cannot and should not abdicate its responsibility to review individual programs and make individual spending recommendations based on that review. The desire to hold spending in check should be based on congressional oversight of specific programs. We shouldn't take a meat ax, across-the-board, call-me-when-you-are-done approach. We should not yield our power to the President. We have our own special responsibility here on Capitol Hill.

Senator COBURN has been a strong proponent of oversight of spending. I support that oversight. He has come to this floor and advocated for the committees to look closely at spending and authorizations for scores of Federal programs. I think they should; I agree with him. This is exactly what the Appropriations Committee did last year in crafting bipartisan bills that garnered vast majorities of congressional support. The continuing resolution before us continues those levels for a short time at last year's spending levels while we work at crafting a responsible spending bill for the remainder of this fiscal year. I am committed as a member of that committee, working with Chairman INOUYE, to meeting that challenge to reduce our deficit, but I am just as committed to doing it in an appropriate, responsible, and effective way. This amendment that is being offered for a 5-percent, across-the-board cut is not such an amendment.

I urge my colleagues to oppose that amendment. I urge them to support the passage of this continuing resolution so that the important business of our Federal Government and keeping American families safe and healthy can continue and not be interrupted.

Mr. LEAHY. Mr. President, the chairman of the Appropriations Committee has described in detail the severe consequences for domestic programs and personnel of the amendment offered by Senator THUNE. I want to mention three examples of what the Thune amendment would do to critical international programs that mean the difference between life and death for the world's poorest people.

It would cut $388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

It would cut $87 million for aid for refugees, the world's most vulnerable people.

Funding for refugees will already be well below the amount provided in fiscal year 2010 because an additional $165 million was included in the fiscal year 2010 Supplemental that is not counted in the CR, so the actual cut for refugee aid including this amendment would be $252 million below the fiscal year 2010 total level. This translates into millions of lives lost.

It would cut $42 million for international disaster relief. Funding for this account will already be reduced by $460 million that was included in the fiscal year 2010 supplemental that is not counted in the CR.

The total amount under this amendment for disaster relief would therefore be $502 million below the fiscal year 2010 total level. This would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

These are not theoretical examples. They are real. This amendment is not just about dollars and cents. It is about human lives. It is a moral issue. A 5-percent cut may not sound like a lot. The sponsor of the amendment says it is only 5 percent. What he does not say is that the consequences of this amendment would be devastating for millions of people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask that the time be divided equally between both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that upon disposition of H.R. 3081, as amended, the Senate then proceed to the consideration of H. Con. Res. 321 and the Senate then proceed to vote on adoption of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. All time has been yielded back, Senator INOUYE and Senator COCHRAN so advise me.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the Thune amendment.

Mr. REID. 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 legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—48

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

NAYS—51

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

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 4677

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the DeMint amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment only makes one change to the underlying continuing resolution. It changes the date from January 3 to February 4. There is no reason we should fund the government only to the lameduck. We need to wait until we have a new Congress and the dust settles after the election. We don't need to be passing another continuing resolution or an omnibus spending bill with the pressure of a government shutdown before Christmas. So the amendment is just a couple of lines that change the date. Everything else in the continuing resolution is the same. Let's push the operation of the government all the way through January to a new Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Appropriations Committee worked in a bipartisan fashion on this bill. It was crafted with a very narrow focus and the expectation that it will last only 2 months. As we all know, the short-term CR is not efficient, but it is manageable. For the many reasons I enumerated earlier, we know that if we accept this amendment, the government will not be able to function as it should. I urge that we vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4677.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Graham	McConnell
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kyl	Vitter
Crapo	LeMieux	Wicker

NAYS—60

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

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The substitute amendment (No. 4674) is agreed to.

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

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. KYL. 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 legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—69

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

NAYS—30

Barrasso	DeMint	McCain
Brown (MA)	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Feingold	Roberts
Burr	Graham	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	LeMieux	Wicker

NOT VOTING—1

Murkowski

The bill (H.R. 3081), as amended, was passed.

The amendment (No. 4682) was agreed to, as follows:

Amend the title so as to read: ''Making continuing appropriations for fiscal year 2011, and for other purposes''.

PROVIDING FOR A RECESS AND/OR ADJOURNMENT OF THE HOUSE AND SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 321, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 321) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arizona (Mr. KYL), and the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—54

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

NAYS—39

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

NOT VOTING—7

Bond	Kyl	Sanders
Carper	Murkowski	
Dodd	Rockefeller	

The concurrent resolution (H. Con. Res. 321) was agreed to, as follows:

H. CON. RES. 321

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, September 29, 2010, through Friday, October 8, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 15, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, September 29, 2010, through Friday, November 12, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 15, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Iowa.

GAO REPORT ON AIRPORT SECURITY

Mr. GRASSLEY. Mr. President, on January 8 of this year, I requested the Government Accountability Office to conduct followup tests of our Nation's airport security screening procedures. Investigators attempted to smuggle bomb-making materials past security checkpoints in a number of airports around the country. This is something the GAO has done for Congress on several occasions since the 9/11 terrorist attacks.

It is an important reality check for Congress to find out exactly how effective or ineffective the Transportation Security Administration's screening procedures are. TSA has spent a lot of time and money trying to prevent future terrorist attacks, and we are, no doubt, safer in many ways than we were before 9/11. However, it is important to cut through the talking points and the press releases. We need to test the system in real time with real people carrying potentially destructive materials once in a while to find out how vulnerable we still are.

Unfortunately, the Obama administration, which is now responsible for keeping airline passengers safe, does not want you to know the results of these tests. In fact, the administration classified almost every word of the GAO report as ''secret.'' These sorts of classification decisions ought to be made only when the information is actually sensitive for national security reasons. The power to classify information should not be used merely to hide information that might be embarrassing to the administration.

I understand that certain details of how GAO investigators did what they did should not be made public. No one wants to give the terrorists a roadmap of how to attack us again. I do not want to do that, and the GAO investigators do not want that to happen.

That is why I asked them to draft a report that did not include those sorts of details so that a declassified version could be released to the public. The problem, however, is that the Obama administration classified the report anyway.

The key data that should be public are the results. Did the GAO investigators succeed in penetrating our airport security checkpoints? If so, how many times? How many times did they fail? The public has a right to know those bottom-line results.

Those results are not going to help terrorists figure out how to better attack us, and they certainly are not going to give them any more motivation to try than they already have.

Keeping the results secret will accomplish one thing, however. It will ensure that the public has no idea how effective our airport screening strategy actually is, and it seems that is the way the Obama administration likes it.

Therefore, I am asking the TSA Administrator to personally come to our secure facilities here in the Senate and explain his decision. Several of my colleagues joined me in asking the GAO to do this work, including the chairs and the ranking members of the Homeland Security Committee in both the House and the Senate. I invite them to join us and help resolve this situation.

We need to work together to make sure that the entire Congress and the public are aware of the results of this important work while maintaining the security of information that truly needs to remain secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST—H.R. 5481

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oilspill and Offshore Drilling; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, I will not object if the Senator would kindly amend her request to include a substitute amendment with a Barrasso proposal to establish a National Commission on Outer Continental Shelf Oilspill prevention.

The PRESIDING OFFICER. Does the Senator so amend her request?

Mrs. SHAHEEN. Mr. President, I think we should have as many eyes looking into this issue as possible, and as a member of the Energy Committee I supported the Barrasso amendment. But the issue before us today right now is that we already have a bipartisan commission appointed by the President. The commission is up and running.

The President's commission will issue its report in January, and the President's commission needs subpoena power to do its job right now. This was the largest environmental disaster in our country's history. It is important we get to the bottom of it.

I am disappointed that, once again, we are hearing our colleagues on the other side of the aisle who are objecting to giving the President's commission subpoena power.

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. The BP oilspill was an unprecedented disaster—lives were lost, and the gulf region will suffer the environmental and economic consequences for years to come. We cannot turn back the clock and stop what happened. But we can prevent future disasters by finding out exactly what went wrong. We need to investigate this spill, and we need to make sure it never happens again.

That is why the President appointed a commission to investigate. But without subpoena power the commission cannot do the job they were appointed to do.

Already, we have seen reports that some witnesses are stonewalling the commission. Former Senator Graham and former President Nixon's EPA Administrator, William Reilly, who are cochairing the President's commission, told the press yesterday that investigators have ''encountered resistance to full responses to their questions.'' That is unacceptable. We cannot let BP and Transocean cover up the truth. The American people deserve answers.

This is the fourth time I have asked for unanimous consent on the Senate floor to pass a bill giving the BP Oilspill Commission subpoena power. Unfortunately, as we saw, this is the fourth time the Republicans in the Senate have objected.

This should be noncontroversial. In the House of Representatives, 169 Republicans voted in favor of this bill in June. It is outrageous that this simple bill is being obstructed here in the Senate. A thorough investigation is needed, and it is needed now.

Commission cochairman William Reilly, who used to sit on the board of ConocoPhillips, even said yesterday that it is ''unjustifiable'' for Congress

to not provide the commission with all of the tools they need to resolve this disaster. I could not agree more. I am totally disappointed in what we have heard from the other side.

I yield the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a brief question? I know my colleague is waiting to speak.

Mrs. SHAHEEN. Yes.

Mr. DORGAN. I want to make the point—and then ask a question—this is probably a fitting description near the end of at least this portion of this session of the almost total lack of cooperation that exists in this Chamber. The House of Representatives passed this almost unanimously. On commissions that are important—the Three Mile Island Commission, the Commission on 9/11, the Financial Crisis Commission—they were all given subpoena power. Why? Because you need that if you are going to force and compel people to produce the records.

I was on the Energy Committee, and we heard the three parties that were out there drilling in that well site: BP, Transocean, and Halliburton. They were all involved. All of them were pointing at each other. The only way this commission can function is with subpoena power. What on Earth can they be thinking of to block subpoena power for this commission four successive times?

I would ask the Senator—first of all, I thank the Senator for doing this. Second, it is unthinkable to me that we see continued blockage. It represents a complete lack of cooperation. They did not do that in the House of Representatives. The minority was very interested in seeing that this works. Here the minority seems very interested in seeing that the commission cannot work.

I would ask, is this not the fourth occasion on the floor of the Senate that the Senator has made this request, and on four successive occasions the minority has objected, in some cases for other—they have a new excuse each time—but isn't this the case that four times the Senator has asked for this consent and four times it has been denied?

Mrs. SHAHEEN. Absolutely. I appreciate the Senator from North Dakota pointing this out, and also pointing out what has been a bipartisan history in the past when we have dealt with these kinds of disasters and tragedies in the country, that this used to be a bipartisan effort, and how sad and disappointing that now it has come down to partisanship rather than working together.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—H.R. 3617

Mrs. MURRAY. Mr. President, I have been working very hard over the last several months to extend the critical sales tax deduction for families and small businesses in my home State of Washington and in a number of other States in this country. I know how important this is to middle-class families in my State, and I have heard from so many of them about how important it is that this deduction be extended.

But every time we brought forward a bill that would help these families, Republicans have banded together to block it. They would stand here on the floor and say they objected to the way we paid for this deduction or they did not like some of the other tax cut extensions we included in the bill. They gave different reasons each time, but they refused to come to the table with real solutions for this serious issue facing middle-class families.

I have been urging Senate Republicans to change their minds, and finally, on Monday night, Senate Republicans came forward with a proposal. Their bill came at the 11th hour, and it stripped away all of the other tax credits that would have helped families, clean energy companies, and small businesses.

Senator BAUCUS was here and he objected to it because he wanted to focus on a tax cut extension bill we had been working on for many months that already had the support of a majority of the Senate. But extending the sales tax deduction is too important for families in my home State of Washington to let the perfect be the enemy of the good.

So over the last several days, I have talked to a number of my colleagues about this. I made sure they understood that this issue is about more than the political back-and-forth in DC; it is about real people in my home State of Washington. It is about removing a bias in the Tax Code that is fundamentally unfair to our families. It is about putting more money into their pockets at a time when they can use all the help they can get.

So I am here to say that after many conversations with my colleagues on the Democratic side, they have agreed to set aside their objections and allow the sales tax deduction extension to pass this evening because, frankly, this issue shouldn't be controversial, and the livelihoods of middle-class families shouldn't be used as a political football in election year games.

So in just a minute I will ask unanimous consent to pass a bill that pulls the sales tax exemption out of the legislation we had it in before, which will allow it to stand alone tonight. It is what Republicans offered us on Monday night, with one small compromise. It is very close to the version the Republicans offered. I can't imagine they are going to object to it this evening, but rather than a permanent extension that I and many others would prefer, what I will offer is to extend the sales tax exemption alone for 1 year, which will offer greater stability and confidence for middle-class families in these tough times. I believe this is a reasonable compromise, and I believe it can and ought to pass tonight.

I was proud to work with my colleagues to put politics aside and advance this proposal that will help people and solve problems. It is very narrowly drafted for just the State sales tax deduction. I know it is important to my State and to many, and I hope the Republicans will allow this to go forward tonight.

So I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3617, that all after the enacting clause be stricken, and the text of S. 35, as amended, with the amendment at the desk, be inserted, and that the amendment be agreed to.

I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, reserving the right to object, and I will not object if the Senator from Washington would substitute the language which is at the desk which extends all the things she has talked about this evening, as well as provides a 2-year extension for the physician fee issue which is expiring on November 30, but does it with spending reductions as opposed to tax increases. That amendment is at the desk, and if the Senator from Washington would substitute that language for her amendment, I will not object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I object to the modification offered by the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection to the original request by the Senator from Washington?

Mr. THUNE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, while the Senator from South Dakota is here, I wish to make sure he understood what I offered tonight. It is what the Republicans offered to us on Monday night, which is the simple extension of just the sales tax deduction, which I know affects his State as well as mine, for 1 year. So I want him to understand that is all I have asked to do tonight, to just extend the sales tax deduction which I know is important to his State and to mine, and I would again ask the Senator from South Dakota if he would allow us to move forward with just that deduction this evening.

Mr. President, I would again ask the Senator from South Dakota if we could just extend not the rest of the package but just the sales tax deduction, as your side offered to us on Monday night.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I would say to the Senator from Washington through the Chair that I would be happy to take a look at this and run it by my colleagues. Obviously, this is not something I think everybody—there isn't

anybody here right now—has had an opportunity to look at. We have tried repeatedly to get some cooperation on an extenders package that includes a number of important tax provisions that have expired already, as well as some that are set to expire, and to do that through offsets that reduce spending as opposed to raising taxes, particularly at a time when the economy is in recession.

So as much as I would agree with the Senator from Washington that this is an important issue that needs to be addressed—and it is important to my State—I would have to object until we have an opportunity to look at the amendment that the Senator from Washington put forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just have to say I am really confused by this because what we have offered is simply what the Republicans agreed to—offered Monday night, and I have come back to offer it again. It is perplexing to me on an issue that is so important to my State, and to several other States, that we can't now, a few days later, do this. So I am not sure we are not just having games about this. It is extremely important to people in my State, and I am deeply disconcerted that the Republicans have not agreed to allow us to just pass the State sales tax deduction for 1 year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 2010 AND 2011

Ms. CANTWELL. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3619, the Coast Guard Authorization Act.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3619) entitled ''An Act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with amendments.''

Ms. CANTWELL. I move to concur in the House amendments with amendments, and I ask unanimous consent that at the appropriate time, a budgetary pay-go statement be read; further, that the motion to concur in the House amendments with amendments be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

The amendment (No. 4684) was agreed to, as follows:

(Purpose: To make certain conforming amendments)

In section 617(b), in the quoted subsection (d), strike ''INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore'' and insert ''Individuals qualified as able seamen—offshore''.

Strike section 917 and insert the following:

''SEC. 917. MARITIME LAW ENFORCEMENT.

''(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

'' '(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

'' '(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

'' '(B) The aggravating factor referred to in subparagraph (A) is that the offense—

'' '(i) results in death; or

'' '(ii) involves—

'' '(I) an attempt to kill;

'' '(II) kidnapping or an attempt to kidnap; or

'' '(III) an offense under section 2241.

'' '(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

'' '(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.'.

''(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

''(1) by amending paragraph (3) to read as follows:

'' '(3) the term ''vessel subject to the jurisdiction of the United States'' has the meaning given the term in section 70502 of title 46;';

''(2) in paragraph (4), by striking 'section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).' and inserting 'section 70502 of title 46; and'; and

''(3) by adding at the end the following new paragraph:

'' '(5) the term ''transportation under inhumane conditions'' means—

'' '(A) transportation—

'' '(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

'' '(ii) at an excessive speed; or

'' '(iii) of a number of persons in excess of the rated capacity of the vessel; or

'' '(B) intentional grounding of a vessel in which persons are being transported.'.''.

Strike section 1032(b) and insert the following:

''(b) VIOLATIONS; SUBPOENAS.—

''(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena will not interfere with a criminal investigation; or

''(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

''(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

Strike section 1033(a)(2) and insert the following:

''(2) SUBPOENAS.—

''(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(ii) the Attorney General—

''(I) determines that the subpoena will not interfere with a criminal investigation; or

''(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

''(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. After consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for H.R. 3619, as amended.

Total Budgetary Effects of H.R. 3619 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 3619 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3619, THE COAST GUARD AUTHORIZATION ACT OF 2010, AS AMENDED, AND AS FURTHER AMENDED BY A DRAFT SENATE AMENDMENT (''JEN10924'') AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 29, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0/

[a] Title VI of H.R. 3619 would authorize the U.S. Coast Guard (USCG) to extend certain expiring marine licenses, certificates of registry, and merchant mariners' documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection costs. CBO estimates that the net effect on direct spending from enacting this provision would be insignificant.

Title X of the legislation would establish new criminal and civil penalties. CBO estimates that any new revenues resulting from those penalties or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than $500,000 a year.

Other provisions of H.R. 3619 would direct the USCG to donate certain real and personal property to local governments or other nonfederal entities. CBO expects that, under current law, nearly all of that property would either be retained by the USCG or eventually given to other federal or nonfederal entities; therefore, donating those assets under the legislation would result in no significant loss of offsetting receipts.

Ms. CANTWELL. Mr. President, I see the leader is on the Senate floor, and I will defer to him before making a statement about the legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much my friend allowing me to get some of this housekeeping stuff out of the way.

EXECUTIVE SESSION

HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 2, Treaty Document No. 110–21; that the treaty be considered as having advanced through the various parliamentary stages, up to including the presentation of the resolution of ratification; that any committee reservations and declarations be agreed to as applicable; that the DeMint amendment, which is at the desk, be agreed to; that any statements be printed in the RECORD; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid on the table, and the President of the United States be immediately notified of the Senate's action.

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

The amendment (No. 4683) was agreed to, as follows:

(Purpose: To provide an understanding that the preamble to the Treaty does not create any obligations of the United States under the Convention on the Rights of the Child as a matter of United States or international law)

In the section heading for section 1, strike ''**TWO RESERVATIONS AND THREE DECLARATIONS**'' and insert ''**TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS**''.

In section 1, strike ''the reservations of section 2, the declaration of section 3, and the declarations of section 4'' and insert ''the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5''.

Strike ''**SEC. 3. DECLARATION**'' and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike ''**SEC. 4. DECLARATIONS**'' and insert ''**SEC. 5. DECLARATIONS**''.

Mr. DEMINT. Mr. President, Americans seem to be losing more and more control over their lives due to government intrusion. The government has decided what kinds of cars we can drive, what kinds of light bulbs we can purchase and what kind of health insurance we must carry. But now the government is going even further by reaching into the family unit.

I rise today to speak about an issue of great importance to families across America—the rights that parents have over their families and the ever encroaching role of the international community in American life—specifically through a treaty, the United Nations Convention on the Rights of the Child.

While the Convention on the Rights of the Child has many noble goals, I have significant concerns about the effects a treaty like this would have on parental rights in America. This week we looked at the Rights of the Child treaty again when it was referenced in the preamble of a different treaty—one on the international role in child support concerns, the Hague Treaty on International Recovery of Child Support and Other Forms of Family Maintenance.

So today, I am offering an amendment to the resolution of ratification for the Child Support Recovery Treaty that reinstates that the United States has not ratified the United Nations Convention on the Rights of the Child. My amendment states that ''The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.''

Last year, I introduced a joint resolution proposing an amendment to the U.S. Constitution concerning the rights of parents and their families, which would protect the liberty of parents to direct the upbringing and education of their children in the face of government intrusion.

Earlier this year, 30 Senators, including myself, introduced a resolution to oppose the ratification of the United Nations Convention on the Rights of the Child. My resolution focuses on the fact that the Convention on the Rights of the Child is incompatible with the Constitution of the United States and threatens U.S. principles of sovereignty and self-governance. It would place the U.S. under international legal standards in multiple areas of domestic policy that would have far-reaching effects on the way we educate and raise our children.

The Federal Government, or any source of international law, should not be mandating guidelines or setting standards for raising children. The Convention on the Rights of the Child would create international standards for parents that could be enforced through U.S. courts at the expense of the Constitution; courts could inappropriately use references to the Convention as legal precedent.

Parents are best equipped to decide how their children are raised and educated, not the government, and certainly not a board of bureaucrats headquartered in Geneva, Switzerland.

The fight for protecting parental rights goes on. The DeMint amendment to the Child Support Recovery Treaty is intended to ensure that despite the reference in the preamble, the Convention on the Rights of the Child has no place in the U.S. legal system.

As our Nation encounters new challenges, I believe the answers must include more freedom for Americans, not more government control—and certainly not more international control. Congress must work to protect and strengthen the freedom of American families who are the backbone of our strength as a nation.

I yield the floor.

Mr. REID. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, was agreed to, as follows:

TREATY

[Hague Convention on International Recovery of Child Support and Family Maintenance (Treaty Doc. 110–21)]

Sec. 1. Senate Advice and Consent subject to two reservations, one understanding, and three declarations.

The Senate advises and consents to the ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the ''Convention''), adopted at The Hague on November 23, 2007 (Treaty Doc. 110–21), subject to the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5.

Sec. 2. Reservations. The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) In accordance with Articles 20 and 62 of the Convention, the United States of America makes a reservation that it will not recognize or enforce maintenance obligation decisions rendered on the jurisdictional bases set forth in subparagraphs 1(c), 1(e), and 1(f) of Article 20 of the Convention.

(2) In accordance with Articles 44 and 62 of the Convention, the United States of America makes a reservation that it objects to the use of the French language in communications between the Central Authority of any other Contracting State and the Central Authority of the United States of America.

Sec . 3. Understanding. The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of the United States or international law.

Sec. 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares, in accordance with Articles 61 and 63 of the Convention, that for the United States of America the Convention shall extend only to the following: all 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

Sec. 5. Declarations. The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Article 55 of the Convention sets forth a special procedure for the amendment of the forms annexed to the Convention. In the event that the United States of America does not want a particular amendment to the forms adopted in accordance with Article 55 to enter into force for the United States of America on the first day of the seventh calendar month after the date of its communication by the depositary to all parties, the Executive Branch may by notification in writing to the depositary make a reservation, in accordance with Article 62 of the Convention, with respect to that amendment and without the approval of the Senate.

(2) This Convention is not self-executing.

TREATY WITH UNITED KINGDOM CONCERNING DEFENSE TRADE COOPERATION

TREATY WITH AUSTRALIA CONCERNING DEFENSE TRADE COOPERATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate consider Calendar Nos. 5 and 6, Treaty Document Nos. 110–7 and 110–10; that the treaties be considered as having advanced through the various parliamentary stages, up to and including the presentation of the resolutions of ratification; that any committee reservations and declarations be agreed to as applicable; that any statements be printed in the RECORD; further, that when the votes on the resolutions of ratification are taken, the motions to reconsider be considered made and laid on the table en bloc, and the President of the United States be immediately notified of the Senate's action.

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

Mr. REID. Mr. President, I ask for a division vote on each resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

TREATY

[Treaty with United Kingdom Concerning Defense Trade Cooperation (Treaty Doc. 110–7)]

Section 1. Senate Advice and Consent Subject to Conditions, Understandings And Declarations.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110–7) (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to insure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120–130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized United Kingdom Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1-R, ''Information Security Program,'' and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation. Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of the United Kingdom has promulgated all necessary regulatory changes, including:

(A) changes to export control regulations, setting forth a Treaty-specific Open General Export License (OGEL);

(B) changes to the United Kingdom Security Policy Framework and related security regulations for Government and United Kingdom Industry; and

(C) changes to the MOD Classified Material Release Procedure (F680), to take account of Treaty Re-exports and Re-transfers.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Changes to the definition of the territory of the United Kingdom.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 15 days of the initiation of consultations with the United Kingdom concerning the inclusion of any additional territory or territories in the definition of ''Territory of the United Kingdom'' for the purposes of Article 1(8) of the Treaty, and shall inform the Committees within 15 days of receipt through diplomatic channels of notice that a territory or group of territories has been added to the definition of ''Territory of the United Kingdom'' for the purposes of Article 1(8) of the Treaty.

(B) The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before approving any addition to the United Kingdom Community of a non-governmental entity or facility outside the territory of England, Scotland, Wales, or Northern Ireland.

(6) Approved community membership.

(A) If sanctions are in effect against a person in the United Kingdom Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 7(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the United Kingdom Community of a nongovernmental United Kingdom entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(7) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 8(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the United Kingdom Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(8) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(4)(b)(vi) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(9) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the United Kingdom Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following understandings, which shall be included in the instrument of ratification:

(1) Meaning of the phrase ''identified in.''

It is the understanding of the United States that the phrase ''identified in'' in the Treaty shall be interpreted as meaning ''identified pursuant to.''

(2) Meaning of the word ''scope.''

It is the understanding of the United States that the word ''Scope'' in the Treaty shall be interpreted as meaning ''the Treaty's coverage as identified in Article 3.''

(3) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(4) Investigations and reports of alleged violations.

It is the understanding of the United States that the words ''as appropriate'' in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that ''Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall

promptly inform the other Party of the results of such investigations.''

(5) Exempt defense articles.

It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(6) Intermediate consignees.

It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(7) Scope of treaty exemption.

The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended.

Accordingly, the United States interprets the term 'license or other written authorization' in Article 2 and the term 'licenses or other authorizations' in Article 6(1), as these terms apply to the United States, and the term 'prior written authorization by the United States Government' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to 'the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with the United Kingdom Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution.

This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights.

This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights.

No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms ''Treaty with the United Kingdom Concerning Defense Trade Cooperation'' and ''Treaty'' mean the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007.

(2) The terms ''Implementing Arrangement Pursuant to the Treaty'' and ''Implementing Arrangement'' mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, which was signed in Washington on February 14, 2008.

(3) The terms ''Defense Articles,'' ''Export,'' ''Re-export,'' ''Re-transfer,'' ''Transfer,'' ''Approved Community,'' ''United States Community,'' ''United Kingdom Community,'' and ''Territory of the United Kingdom'' have the meanings given to them in Article 1 of the Treaty.

(4) The terms ''Management Board'' and ''Management Plan'' have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms ''person'' and ''foreign person'' have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term ''U.S. person'' has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

The PRESIDING OFFICER. Senators in favor of the next resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to, as follows:

TREATY

[Treaty with Australia Concerning Defense Trade Cooperation (Treaty Doc. 110–10)]

Section 1. Senate Advice and Consent Subject to Conditions, Understandings and Declarations

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110–10). (as defined in section 5 of this resolution), subject to the conditions in section 2, the understandings in section 3 and the declarations in section 4.

Section 2. Conditions.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following conditions, which shall be binding upon the President:

(1) United States preparation for treaty implementation.

(A) At least 15 days before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a report—

(i) describing steps taken to ensure that the Executive branch and United States industry are prepared to comply with Treaty requirements;

(ii) analyzing the implications of the Treaty, and especially of Article 3(3) of the Treaty, for the protection of intellectual property rights of United States persons;

(iii) explaining what steps the United States Government is taking and will take to combat improper or illegal intangible exports (i.e., exports as defined in part 120.17(a)(4) of title 22, Code of Federal Regulations) under the Treaty; and

(iv) setting forth the issues to be addressed in the Management Plan called for by Section 12(3)(f) of the Implementing Arrangement and the procedures that are expected to be adopted in that Plan.

(B) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress a certification that changes to the International Traffic in Arms Regulations (parts 120–130 of title 22, Code of Federal Regulations) have been published in the Federal Register pursuant to the Arms Export Control Act, as appropriate, that would, upon entry into force of the Treaty,—

(i) make clear the legal obligation for any person involved in an Export, Re-export, Transfer, or Re-transfer under the Treaty to comply with all requirements in the revised International Traffic in Arms Regulations, including by taking all reasonable steps to ensure the accuracy of information received from a member of the Approved Community that is party to an Export, Re-export, Transfer, or Re-transfer under the Treaty;

(ii) make clear the legal obligation for Approved Community members to comply with United States Government instructions and requirements regarding United States Defense Articles added to the list of exempt Defense Articles pursuant to Article 3(2) of the Treaty;

(iii) limit a person from being a member of the United States Community, pursuant to Article 5(2) of the Treaty, if that person is generally ineligible to export pursuant to section 120.1(c) of title 22, Code of Federal Regulations; and

(iv) require any nongovernmental entity that ceases to be included in the United States Community to comply with instructions from authorized United States Government officials and to open its records of transactions under the Treaty to inspection by United States Government and, as appropriate, authorized Australian Government officials pursuant to Article 12 of the Treaty.

(C) Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall submit to the Congress—

(i) a certification that appropriate mechanisms have been established to identify, in connection with the process for determining whether a nongovernmental entity is in the United States Community pursuant to Article 5(2) of the Treaty, persons who meet the criteria in section 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1));

(ii) a certification that appropriate mechanisms have been established to verify that nongovernmental entities in the United States that Export pursuant to the Treaty are eligible to export Defense Articles under United States law and regulation as required by Article 5(2) of the Treaty;

(iii) a certification that United States Department of Homeland Security personnel at United States ports—

(a) have prompt access to a State Department database containing registered exporters, freight forwarders and consignees, and watch lists regarding United States companies; and

(b) are prepared to prevent attempts to export pursuant to the Treaty by United States persons who are not eligible to export Defense Articles under United States law or regulation, even if such person has registered with the United States Government;

(iv) a certification that the Secretary of Defense has promulgated appropriate changes to the National Industrial Security Program Operating Manual and to Regulation DoD 5200.1–R, ''Information Security Program,'' and has issued guidance to industry regarding marking and other Treaty compliance requirements; and

(v) a certification that a capability has been established to conduct post-shipment verification, end-use/end-user monitoring and related security audits for Exports under the Treaty, accompanied by a report setting forth the legal authority, staffing and budget provided for this capability and any further Executive branch or congressional action recommended to ensure its effective implementation.

(2) Treaty partner preparation for treaty implementation.

Before any exchange of notes pursuant to Article 20 of the Treaty, the President shall certify to Congress that the Government of Australia has—

(A) enacted legislation to strengthen generally its controls over defense and dual-use goods, including controls over intangible

transfers of controlled technology and brokering of controlled goods, technology, and services, and setting forth:

(i) the criteria for entry into the Australian Community and the conditions Australian Community members must abide by to maintain membership, including personnel, information and facilities security requirements;

(ii) the record-keeping and notification and reporting requirements under the Treaty;

(iii) the handling, marking and classification requirements for United States and Australian Defense Articles Exported or Transferred under the Treaty;

(iv) the requirements for Exports and Transfers of United States Defense Articles outside the Approved Community or to a third country;

(v) the rules for handling United States Defense Articles that are added to or removed from the list of items exempted from Treaty application;

(vi) the rules for transitioning into and out of the Australian Community;

(vii) auditing, monitoring and investigative powers for Commonwealth officials and powers to allow Commonwealth officials to perform post-shipment verifications and end-use/end-user monitoring; and

(viii) offenses and penalties, and administrative requirements, necessary for the enforcement of the Treaty and its Implementing Arrangement; and

(B) promulgated regulatory changes setting forth:

(i) the criteria for entry into the Australian Community, and terms for maintaining Australian Community membership;

(ii) the criteria for individuals to become authorized to access United States Defense Articles received pursuant to the Treaty;

(iii) benefits stemming from Australian Community membership, including a framework for license-free trade with the United States in classified or controlled items falling within the scope of the Treaty;

(iv) the conditions Australian Community members must abide by to maintain membership, including:

(a) record-keeping and notification requirements;

(b) marking and classification requirements for defense articles Exported or Transferred under the Treaty;

(c) requirements for the Re-transfer to non-Approved Community members and Re-export to a third country of defense articles; and

(d) maintaining security standards and measures articulated in Defense protective security policy to protect defense articles pursuant to the Treaty;

(v) provisions to enforce the procedures established pursuant to the Treaty, including auditing and monitoring powers for Australian Department of Defence officials and powers to allow Department of Defence officials to perform post-shipment verifications and end-use/end-user monitoring;

(vi) offenses and penalties, including administrative and criminal penalties and suspension and termination from the Australian Community, to enforce the provisions of the Treaty; and

(vii) requirements and standards for transition into or out of the Australian Community and Treaty framework.

(3) Joint operations, programs and projects.

The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives informed of the lists of combined military and counter-terrorism operations developed pursuant to Article 3(1)(a) of the Treaty; cooperative security and defense research, development, production, and support programs developed pursuant to Article 3(1)(b) of the Treaty; and specific security and defense projects developed pursuant to article 3(1)(c) of the Treaty.

(4) Exempted defense articles.

(A) The President may remove a Defense Article from the list of Defense Articles exempt from the Scope of the Treaty, if such removal is not barred by United States law, 30 days after the President informs the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of such proposed removal.

(B) When a Defense Article is added to the list of Defense Articles exempt from the Scope of the Treaty, the Secretary of State shall provide a copy of the Federal Register Notice delineating the policies and procedures that will govern the control of such Defense Article, consistent with Section 4(7) of the Implementing Arrangement, as well as an explanation of the reasons for adopting those policies and procedures, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within five days of the issuance of such Notice.

(5) Approved community membership.

(A) If sanctions are in effect against a person in the Australian Community pursuant to section 73(a)(2)(B) or section 81 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) or 2798), the United States shall raise the matter pursuant to Article 4(2) of the Treaty and Section 6(9) of the Implementing Arrangement.

(B) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days before the U.S. Government agrees to the initial inclusion in the Australian Community of a nongovernmental Australian entity, if the Department of State is aware that the entity, or any one or more of its relevant senior officers or officials:

(i) Has been convicted of violating a statute cited in paragraph 38(g)(1) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)); or

(ii) is, or would be if that person were a United States person,

(a) ineligible to contract with any agency of the U.S. Government;

(b) ineligible to receive a license or other form of authorization to export from any agency of the U.S. Government; or

(c) ineligible to receive a license or any form of authorization to import defense articles or defense services from any agency of the U.S. Government.

(C) The Secretary of State shall inform and consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not later than 5 days after the United States Government agrees to the continued inclusion in the Australian Community of a nongovernmental Australian entity, if the Department is aware that the entity, or any one or more of its relevant senior officers or officials, raises one or more of the concerns referred to in paragraph (B).

(6) Transition policies and procedures.

(A) No fewer than 15 days before formally establishing the procedures called for in Section 5(5) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the transition to the application of the Treaty, pursuant to Article 3(3) of the Treaty, of Defense Articles acquired and delivered under the Foreign Military Sales program.

(B) No fewer than 15 days before formally establishing the procedures called for in Section 7(2) of the Implementing Arrangement, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning the policies and procedures developed to govern the members of the Australian Community wishing to transition to the processes established under the Treaty, pursuant to Article 14(2) of the Treaty, from the requirements of a United States Government export license or other authorization.

(7) Congressional oversight.

(A) The Secretary of State shall inform the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives promptly of any report, consistent with Section 11(6)(f) of the Implementing Arrangement, of a material violation of Treaty requirements or procedures by a member of the Approved Community.

(B) The Department of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regularly regarding issues raised in the Management Board called for in Section 12(3) of the Implementing Arrangement, and the resolution of such issues.

(8) Annual report.

Not later than March 31, 2011, and annually thereafter, the President shall submit to Congress a report, which shall cover all Treaty activities during the previous calendar year. This report shall include:

(A) a summary of the amount of Exports under the Treaty and of Defense Articles transitioned into the Treaty, with an analysis of how the Treaty is being used;

(B) a list of all political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with Exports of Defense Articles under the Treaty in order to solicit, promote, or otherwise to secure the conclusion of such sales;

(C) any action to remove from the Australian Community a nongovernmental entity or facility previously engaged in activities under the Treaty, other than due to routine name or address changes or mergers and acquisitions;

(D) any concerns relating to infringement of intellectual property rights that were raised to the President or an Executive branch Department or Agency by Approved Community members, and developments regarding any concerns that were raised in previous years;

(E) a description of any relevant investigation and each prosecution pursued with respect to activities under the Treaty, the results of such investigations or prosecutions and of such investigations and prosecutions that continued over from previous years, and any shortfalls in obtaining prompt notification pursuant to Article 13(3) of the Treaty or in cooperation between the Parties pursuant to Article 13(3) and (4) of the Treaty;

(F) a description of any post-shipment verification, end-user/end-use monitoring, or other security activity related to Treaty implementation conducted during the year, the purposes of such activity and the results achieved; and

(G) any Office of Inspector General activity bearing upon Treaty implementation conducted during the year, any resultant findings or recommendations, and any actions taken in response to current or past findings or recommendations.

Section 3. Understandings.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following understandings,

which shall be included in the instrument of ratification:

(1) Meaning of the phrase ''identified in.''

It is the understanding of the United States that the phrase ''identified in'' in the Treaty shall be interpreted as meaning ''identified pursuant to.''

(2) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(3) Investigations and reports of alleged violations.

It is the understanding of the United States that the words ''as appropriate'' in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that ''Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations.''

(4) Exempt defense articles. It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(5) Intermediate consignees. It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(6) Scope of treaty exemption. The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term ''license or other written authorization'' in Article 2 and the term ''licenses or other authorizations'' in Article 6(1), as these terms apply to the United States, and the term ''prior written authorization by the United States Government'' in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to ''the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act'' in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate's advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution. This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights. This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights. No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government's permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms ''Treaty with Australia Concerning Defense Trade Cooperation'' and ''Treaty'' mean the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007.

(2) The terms ''Implementing Arrangement Pursuant to the Treaty'' and ''Implementing Arrangement'' mean the Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, which was signed in Washington on March 14, 2008.

(3) The terms ''Defense Articles,'' ''Export,'' ''Re-export,'' ''Re-transfer,'' ''Transfer,'' ''Approved Community,'' ''United States Community,'' ''Australian Community,'' and ''Scope'' have the meanings given to them in Article 1 of the Treaty.

(4) The terms ''Management Board'' and ''Management Plan'' have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms ''person'' and ''foreign person'' have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term ''U.S. person'' has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged en bloc from the following nominations: PN2091, Nancy Lindborg; PN2098, Donald Kenneth Steinberg; and PN2128, Cameron Munter; that the Senate then proceed en bloc to their consideration; the nominations be confirmed en bloc; the motions to reconsider be considered made and laid on the table en bloc; that any statements related to the nominations be printed in the RECORD; the President of the United States be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, vice Michael E. Hess, resigned.

Donald Kenneth Steinberg, of California, to be Deputy Administrator of the United States Agency for International Development, vice Frederick W. Schieck, resigned.

DEPARTMENT OF STATE

Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged en bloc of the following nominations: PN1991, PN1988, PN1992, PN1952, PN1994, PN1989, PN1995, and PN2129.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations are discharged en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to their consideration; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Mark M. Boulware, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United Sates of America to the Republic of Chad.

Kristie Anne Kenney, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Christopher J. McMullen, 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 the Republic of Angola.

Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons.

Wanda L. Nesbitt, of Pennsylvania, 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 the Republic of Namibia.

Jo Ellen Powell, of Maryland, 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 the Islamic Republic of Mauritania.

Karen Brevard Stewart, of Florida, 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 the Lao People's Democratic Republic.

Pamela Ann White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Mr. REID. Mr. President, I now ask unanimous consent that the Agriculture Committee be discharged en bloc of the following nominations for membership on the Board of Directors of the Commodity Credit Corporation, and that the Senate then proceed en bloc to their consideration: PN832, PN833, PN834, and PN836; that the nominations be confirmed en bloc, the motions to reconsider be considered

made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Kevin W. Concannon, of Maine, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Kathleen A. Merrigan, of Massachusetts, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James W. Miller, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Dallas P. Tonsager, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration en bloc of Calendar Nos. 1102, 1103, 1104, 1105, 1106, and 1107; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1172, the nomination of Maria Raffinan, to be an associate judge of the DC Superior Court; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1140 to and including 1170 and 1171, and all nominations on the Secretary's Desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order, that any statements relating thereto be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Alfred J. Stewart

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher J. Bence

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 lieutenant general

Maj. Gen. James M. Kowalski

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. Philip M. Breedlove

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. William L. Shelton

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 lieutenant general

Lt. Gen. Richard Y. Newton III

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 lieutenant general

Lt. Gen. Herbert J. Carlisle

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 lieutenant general

Maj. Gen. Stanley T. Kresge

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 lieutenant general

Maj. Gen. Susan J. Helms

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 lieutenant general

Maj. Gen. Darrell D. Jones

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 lieutenant general

Lt. Gen. Larry D. James

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Arthur W. Hinaman

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Curtis M. Scaparrotti

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. Phillip M. Churn, Sr.

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. Daniel J. Dire

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. Ronald E. Dziedzicki

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Johnson

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Joseph A. Brendler

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated in the United States Army under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Dana M. Capozzella
Col. Stephen L. Danner

The following Army National Guard of the United States officer for appointment in the

Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Maria L. Britt

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. William L. Freeman, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank J. Grass

IN THE MARINE CORPS

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5043 and 601:

To be general

Gen. James F. Amos

The following named officer for appointment as Assistant Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5044 and 601:

To be general

Lt. Gen. Joseph F. Dunford, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas D. Waldhauser

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert B. Neller

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard T. Tryon

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Terry G. Robling

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Charles D. Harr

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (Selectee) John M. Richardson

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Cecil E. Haney

CENTRAL INTELLIGENCE

David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency, vice John Leonard Helgerson.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2151 AIR FORCE nominations (30) beginning ROBERT L. GAUER, and ending RAJENDRA C. YANDE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2152 AIR FORCE nominations (40) beginning ARLENE D. ADAMS, and ending AMY S. WOOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2153 AIR FORCE nominations (63) beginning MARIANNE E. ALANIZ, and ending MARK L. WIMLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2179 AIR FORCE nomination of Ernest J. Prochazka, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2227 AIR FORCE nominations (3) beginning DANIEL P. GILLIGAN, and ending NGHIA H. NGUYEN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

IN THE ARMY

PN2048 ARMY nomination of Robert H. Kewley, Jr., which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2049 ARMY nomination of Wiley C. Thompson, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2050 ARMY nomination of Raymond C. Nelson, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2051 ARMY nomination of Bernard B. Banks, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2052 ARMY nomination of David A. Wallace, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2053 ARMY nominations (3) beginning MELISSA R. COVOLESKY, and ending JOHN H. STEPHENSON, II, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2054 ARMY nomination of Jonathan J. McColumn, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2055 ARMY nomination of Daniel E. Banks, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2056 ARMY nomination of Latanya A. Pope, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2057 ARMY nomination of Ned W. Roberts, Jr., which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2058 ARMY nomination of John W. Paul, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2059 ARMY nominations (3) beginning ERIC S. ALFORD, and ending MICHAEL K. HANIFAN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2060 ARMY nominations (2) beginning GEORGE W. MELELEU, and ending AARON L. POLSTON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2061 ARMY nominations (3) beginning DEAN P. SUANICO, and ending ELIZABETH R. OATES, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2062 ARMY nominations (3) beginning BRIAN F. LANE, and ending KIMBERLY D. KUMER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2063 ARMY nominations (3) beginning DUSTIN C. FRAZIER, and ending COURTNEY T. TRIPP, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2064 ARMY nominations (2) beginning DONALD P. BANDY, and ending KEITH J. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2065 ARMY nominations (10) beginning STANLEY GREEN, and ending JON B. TIPTON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2073 ARMY nominations (3) beginning PATRICK L. MALLETT, and ending SCOTT H. SINKULAR, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2074 ARMY nominations (38) beginning LANNY J. ACOSTA, Jr., and ending PATRICK L. VERGONA, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2140 ARMY nomination of Polly R. Graham, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2141 ARMY nomination of Dwaine K. Warren, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2142 ARMY nominations (4) beginning JAMES K. BARNETT, and ending EDWARD D. NORTHROP, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2154 ARMY nomination of Thomas E. Koertge, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2155 ARMY nomination of Edward B. Martin, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2156 ARMY nomination of Timothy S. Allison-Aipa, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2157 ARMY nomination of Vickie M. Jester, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2158 ARMY nominations (2) beginning BERNARD H. HOFMANN, and ending GREGORY SEAN F. MCDOUGAL, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2159 ARMY nominations (2) beginning CHARLES L. CLARK, and ending OKSANA BOYECHKO, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2160 ARMY nominations (2) beginning ALLEN L. FEIN, and ending ROSTYLAV R.

SZWAJKUN, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2161 ARMY nominations (2) beginning ROBERT KIRK, and ending TIMOTHY M. SNAVELY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2162 ARMY nominations (3) beginning PAUL OLIVER, and ending MICHAEL A. KELLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2163 ARMY nominations (6) beginning AMANDA J. CONLEY, and ending THOMAS F. SPENCER, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2164 ARMY nominations (9) beginning JEFFREY D. ALLEN, and ending TIMOTHY REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2165 ARMY nominations (20) beginning DIXIE J. BURNER, and ending ELIZABETH A. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2166 ARMY nominations (78) beginning MICHELL L. AUCK, and ending D010491, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2167 ARMY nominations (139) beginning LANEICE L. ABDELSHAKUR, and ending SASHI A. ZICKEFOOSE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2168 ARMY nominations (177) beginning JOSEPH H. AFANADOR, and ending D010299, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2180 ARMY nomination of David C. Decker, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2181 ARMY nomination of Elizabeth S. Mason, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2182 ARMY nominations (2) beginning YVONNE J. FLEISCHMAN, and ending WENDY M. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2183 ARMY nominations (2) beginning MARILYN S. CHIAFULLO, and ending HOWARD D. REITZ, JR., which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2184 ARMY nomination of Connie C. Dyer, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2185 ARMY nomination of Jonathan J. Beitler, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2186 ARMY nomination of David K. Powell, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2187 ARMY nominations (7) beginning JOHN J. FERENCE, and ending DAVID M. SCHLAACK, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2188 ARMY nominations (9) beginning JULIE A. BLIKE, and ending AVA J. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2189 ARMY nominations (14) beginning WILLIAM B. BRITT, and ending LYNN A. WISE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2190 ARMY nominations (16) beginning JAMES T. BARBER, and ending JOSEPH C. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2191 ARMY nominations (16) beginning SANDRA L. ALVEY, and ending AARON TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2193 ARMY nominations (18) beginning JAN E. ALDYKIEWICZ, and ending LOUIS P. YOB, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2194 ARMY nominations (23) beginning REBECCA L. ALLEN, and ending TONI Y. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2195 ARMY nominations (39) beginning GEORGE A. BERNDT, III, and ending DOUGLAS W. YODER, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2196 ARMY nominations (7) beginning ALAN D. ABRAMS, and ending MARK D. SCHULTHESS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2197 ARMY nominations (5) beginning PAMELA Y. DELANCY, and ending KAREN L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2198 ARMY nominations (4) beginning ERICK J. ALVERIO, and ending CYNTHIA E. PIERCE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2199 ARMY nominations (3) beginning BESS J. PIERCE, and ending TY J. VANNIEUWENHOVEN, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2200 ARMY nominations (3) beginning STEVEN M. GRODDY, and ending HEIDI M. WIEGAND, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2201 ARMY nominations (23) beginning HOWARD A. ALLEN, III, and ending SUZANNE P. VARESLUM, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2202 ARMY nominations (22) beginning TYLER C. CRANER, and ending BRENNAN V. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2003 ARMY nominations (6) beginning STEPHEN J. BETHONEY, and ending KIRK A. YAUKEY, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2204 ARMY nominations (3) beginning LAWRENCE E. WIDMAN, and ending JAMES I. JOUBERT, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2209 ARMY nominations (4) beginning PAMELA K. KING, and ending MARILYBN TORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2229 ARMY nominations (4) beginning MARIA E. BOVILL, and ending JOANNA J. REAGAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2230 ARMY nominations (6) beginning MARK E. BEICKE, and ending JAMES D. TOOMBS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2231 ARMY nominations (7) beginning TODD O. JOHNSON, and ending TAMI ZALEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2232 ARMY nominations (17) beginning MARK R. BENNE, and ending JAMES WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2233 ARMY nominations (25) beginning CELETHIA M. ABNERWISE, and ending LISA A. TOVEN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2234 ARMY nominations (31) beginning PAUL D. ANDERSON, and ending ALEX P. ZOTOMAYOR, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2235 ARMY nominations (92) beginning WILLIAM P. ADELMAN, and ending DAVID C. ZENGER, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

IN THE NAVY

PN2066 NAVY nomination of Timothy J. Ringo, which was received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2067 NAVY nominations (3) beginning WILLIAM A. BROWN, JR., and ending PAUL J. WISNIEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2068 NAVY nominations (4) beginning JAIME E. RODRIGUEZ, and ending VINCENT M. PERONTI, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2010.

PN2075 NAVY nomination of Robert C. Moore, which was received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2076 NAVY nominations (2) beginning STEVEN D. SENEY, and ending NICHOLAS A. SINNOKRAK, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2077 NAVY nominations (3) beginning ABBY L. ODONNELL, and ending STELLA J. WEISS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2078 NAVY nominations (6) beginning PATRICK P. DAVIS, and ending JERRY Y. TZENG, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2079 NAVY nominations (18) beginning ROBERT E. ATKINSON, and ending GIANCARLO WAGHELSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2080 NAVY nominations (20) beginning ANTHONY H. BEASTER, and ending JONATHAN C. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2081 NAVY nominations (20) beginning CHARLES M. ABELL, and ending CATHERINE F. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2082 NAVY nominations (29) beginning RANDY J. BERTI, and ending ROBERT H. VOHRER, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2083 NAVY nominations (30) beginning KATIE M. ABDALLAH, and ending NATHAN J. WINTERS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2084 NAVY nominations (40) beginning JEREMY S. BIEDIGER, and ending SCOTT

E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2085 NAVY nominations (42) beginning ADRIAN E. ARVIZO, and ending LISA L. ZUMBRUNN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2086 NAVY nominations (70) beginning PHILIP T. ALCORN, and ending SCOTT D. ZIEGENHORN, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2087 NAVY nominations (184) beginning ARMAND P. ABAD, and ending MATTHEW A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2088 NAVY nominations (913) beginning BENJAMIN P. ABBOTT, and ending DANIEL W. ZUCKSCHWERDT, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 2010.

PN2143 NAVY nomination of Tina F. Edwards, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2144 NAVY nominations (2) beginning JOXEL GARCIA, and ending LARRY E. MENESTRINA, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2145 NAVY nominations (2) beginning BRIAN D. ONEIL, and ending JOSE R. PEREZTORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2146 NAVY nomination of Erik Rangel, which was received by the Senate and appeared in the Congressional Record of September 15, 2010.

PN2169 NAVY nomination of Victor John Catullo, which was received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2170 NAVY nominations (3) beginning WILLIAM A. MIX, and ending JOHN H. STEELY, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2171 NAVY nominations (9) beginning RONALD K. BACH, and ending ANNA A. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2010.

PN2205 NAVY nomination of Brian O. Walden, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2206 NAVY nomination of Jeffrey P. Simko, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2207 NAVY nomination of Patrick A. Garvey, which was received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2208 NAVY nominations (2) beginning SHERWIN Y. CHO, and ending JEFFREY G. SOTACK, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2010.

PN2236 NAVY nomination of Dominic V. Gonzales, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2237 NAVY nomination of Michael H. Hooper, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2238 NAVY nomination of Virgilio S. Crescini, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2239 NAVY nominations (10) beginning ALDRIN J.A. CORDOVA, and ending JERALD L. ROOKS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2240 NAVY nominations (60) beginning JOHN W. BAISE, and ending NING L. YUAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2241 NAVY nominations (25) beginning RAYNARD ALLEN, and ending ROBERT B. WILLS, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2242 NAVY nominations (114) beginning JOSE G. ACOSTA, JR., and ending SCOTT A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2243 NAVY nominations (156) beginning KONIKI L. AIKEN, and ending JAMES S. ZMIJSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2244 NAVY nominations (38) beginning DOMINIC J. ANTENUCCI, and ending DELICIA G. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2245 NAVY nominations (134 beginning BRENT N. ADAMS, and ending EMILY L. ZYWICKE, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2246 NAVY nominations (27) beginning TERESITA ALSTON, and ending ERIN K. ZIZAK, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2247 NAVY nominations (284) beginning KENRIC T. ABAN, and ending FRANKLIN R. ZUEHL, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

CONFIRMATION OF DAVID BUCKLEY

Mrs. FEINSTEIN. Mr. President, I am in support of the nomination of Mr. David Buckley to be the next inspector general of the Central Intelligence Agency, CIA.

On Tuesday, the Senate Select Committee on Intelligence voted unanimously to recommend Mr. Buckley's nomination. So there is overwhelming, bipartisan support for Mr. Buckley.

It is also important that the Senate act on this nomination before the upcoming recess. The position of the CIA inspector general has remained vacant since the retirement of John Helgerson in March 2009.

The Senate Intelligence Committee has seen firsthand the importance of the CIA inspector general. Many of the reports and audits from this office remain classified, but have had a major impact on our committee's understanding of CIA programs and at times have led directly to major changes in those programs.

Other reports have been made public, like the 2004 Special Review into the CIA detention and interrogation program. The report raised major questions about the program's legality and compliance and allowed the public to see some of what went wrong with the CIA program.

The inspector general of the CIA plays a crucial role. The CIA is an agency that is charged with operating in secret in locations around the world, conducting covert actions and collecting intelligence. It shields its activities from the public, but it needs oversight. The IG's Office has been conducting independent reviews of Agency offices and programs, recommended measures of accountability where appropriated, and performed detailed audits of CIA expenditures and financial statements.

In April 2010, Vice Chairman BOND and I wrote a letter to President Obama, pointing out the importance of the CIA IG position and the need to nominate and confirm a strong, independent auditor and investigator.

I am pleased that he nominated Mr. Buckley. His confirmation hearing was held on September 21, where Senators reviewed his record, his views on the position to which he has been nominated, and his plans if confirmed. Mr. Buckley was straightforward with our committee and very clear about his belief in a strong and independent IG.

Mr. Buckley has had more than 30 years of experience in government service that should provide him with an excellent background for the challenges he will face when confirmed.

Mr. Buckley enlisted with the Air Force in 1976, specializing in investigations. He continued service with the Air Force Office of Special Investigations as a civilian in 1984, working for 3 years before moving to the Senate Permanent Subcommittee on Investigations under then Chairman Sam Nunn.

Senator Nunn offered the following endorsement for Mr. Buckley when he wrote to the committee recently:

> I found David to be a consummate professional of the highest integrity, and he enjoyed a great reputation on both sides of the aisle. He has excellent judgment and an abundance of common sense.

Following 8 years on the Senate Permanent Subcommittee on Investigations, including time as chief investigator, Mr. Buckley worked as a special assistant to the inspector general of the Department of Defense, at the General Accounting Office, and at the Treasury Department for 7 years, most of it as assistant inspector general for investigations.

Mr. Buckley then served from 2005 to 2007 as the minority staff director of the House Permanent Select Committee on Intelligence. As such he had a purview of the entire intelligence community, including the CIA, and developed an understanding from the congressional point of view of the important relationships the intelligence committees have with the CIA inspector general.

Finally, Mr. Buckley has worked as a senior manager at Deloitte Consulting since 2007, consulting in the national security arena. In short, David Buckley has spent 34 years in a career focused on conducting oversight, much of it in the defense and intelligence areas.

I believe his background makes him an excellent candidate and I look forward to working with Mr. Buckley in his new position.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from the following nominations: PN1499, PN1976, and PN2071; that the Senate then proceed en bloc, to the consideration of those nominations, that they be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; that any statements relating to the nominations be printed in the RECORD; and that the President be notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Mark F. Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years, vice Sheldon J. Sperling, term expired.

Paul Charles Thielen, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years, vice Warren Douglas Anderson, term expired.

Michael C. Ormsby, of Washington, to be United States Attorney for the Eastern District of Washington for the term of four years, vice James A. McDevitt.

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate consider en bloc the following nominations on the Executive Calendar: 500, 501, 1108, 1054, 810, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, and 1134; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table en bloc; and that the Senate then proceed to Calendar Nos. 1009, 1010, and 1011, and that the Senate proceed to vote on each of these three nominations.

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

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

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

Mr. REID. Mr. President, it is my understanding that in addition to what we have already agreed to, we have to have the question laid before the body on Calendar Nos. 1009, 1010, and 1011. I ask that the Chair consider first No. 1009.

The PRESIDING OFFICER. The question is on agreeing to Executive Calendar No. 1009.

The nomination was agreed to.

Mr. REID. It is now my understanding we are going to move to Calendar No. 1110 and 1111 en bloc; is that right, Mr. President?

The PRESIDING OFFICER. That is correct.

Without objection, the question is on agreeing to Calendar Nos. 1110 and 1111 en bloc.

The nominations were agreed to.

Mr. REID. I want to make sure the RECORD reflects that I have asked consent on the numbers I read before in addition to 1009, 1010, and 1011; and that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate now resume legislative session.

The PRESIDING OFFICER. That is the Chair's understanding.

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

LEGAL SERVICES CORPORATION

Julie A. Reiskin, of Colorado, to be Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

DEPARTMENT OF STATE

Raul Yzaguirre, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

FEDERAL RESERVE SYSTEM

Sarah Bloom Raskin, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2002.

Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2010.

Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

DEPARTMENT OF ENERGY

Anne M. Harrington, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

FEDERAL HOUSING FINANCE AGENCY

Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency.

EXPORT-IMPORT BANK OF THE UNITED STATES

Osvaldo Luis Gratacos Munet, of Puerto Rico, to be Inspector General, Export-Import Bank.

AFRICAN DEVELOPMENT FOUNDATION

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.

Johnnie Carson, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2015.

Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2015.

DEPARTMENT OF STATE

Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Alexander A. Arvizu, 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 the Republic of Albania.

Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Services, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

DEPARTMENT OF JUSTICE

William C. Killian, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

David Mark Singer, of California, to be United States Marshal for the Central District of California for the term of four years.

Jeffrey Thomas Holt, of Tennessee, to be United States Marshal for the Western District of Tennessee for the term of four years.

Steven Clayton Stafford, of California, to be United States Marshal for the Southern District of California for the term of four years.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Mary Minow, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2014.

NATIONAL SCIENCE FOUNDATION

Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

NATIONAL COUNCIL ON DISABILITY

Pamela Young-Holmes, of Wisconsin, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

LEGAL SERVICES CORPORATION

Harry James Franklyn Korrell III, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Joseph Pius Pietrzyk, of Ohio, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PROMOTING NATURAL GAS AND ELECTRIC VEHICLES ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar

No. 577, S. 3815, and I have a cloture motion 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 the motion to proceed to Calendar No. 577, S. 3815, the Promoting Natural Gas and Electric Vehicles Act of 2010.

HARRY REID, JEFF BINGAMAN, MAX BAUCUS, TOM UDALL, JON TESTER, RICHARD J. DURBIN, JEANNE SHAHEEN, FRANK R. LAUTENBERG, ROBERT P. CASEY, JR., JACK REED, TOM HARKIN, THOMAS R. CARPER, BILL NELSON, KENT CONRAD, BYRON L. DORGAN, DANIEL K. AKAKA, AL FRANKEN.

Mr. REID. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the consideration of Calendar No. 561, S. 3772, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report 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 motion to proceed to Calendar No. 561, S. 3772, the Paycheck Fairness Act.

HARRY REID, PATRICK J. LEAHY, JOHN F. KERRY, CARL LEVIN, JACK REED, BERNARD SANDERS, BENJAMIN L. CARDIN, FRANK R. LAUTENBERG, RON WYDEN, TOM HARKIN, AMY KLOBUCHAR, SHERROD BROWN, KIRSTEN E. GILLIBRAND, CHRISTOPHER J. DODD, PATTY MURRAY, BARBARA BOXER.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to the consideration of Calendar No. 247, S. 510, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report 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 motion to proceed to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

HARRY REID, TOM HARKIN, RICHARD J. DURBIN, JEFF BINGAMAN, MAX BAUCUS, TOM UDALL, JON TESTER, BENJAMIN L. CARDIN, JEANNE SHAHEEN, FRANK R. LAUTENBERG, HERB KOHL, ROBERT P. CASEY, JR., JACK REED, THOMAS R. CARPER, BILL NELSON, KENT CONRAD, CARL LEVIN, MARY L. LANDRIEU.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum with respect to the cloture motions be waived; further, that any pro forma sessions not count as an intervening day.

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

Mr. REID. I express my appreciation to the Senator from Washington for allowing me to conduct this business.

The PRESIDING OFFICER. The Senator from Washington is recognized.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 2010—Resumed

Ms. CANTWELL. Mr. President, I rise to talk about the Coast Guard Authorization Act of 2010, which we have passed back to the House, with amendments. Hopefully, they will pass it later this evening, and it will be the first time we have gotten this authorization passed and the work that we have been doing for the last 4 years on reforming the Coast Guard's Deepwater Acquisition Program from the mistakes made in the past and setting on a new course will actually become law.

As the Presiding Officer knows, the Coast Guard is a vital agency for us in the Pacific Northwest, everything from maritime safety to protecting our environment to our fisheries and the important missions they carry out. Obviously, making sure the Coast Guard has the tools it needs to get the job done is very important.

I thank Senators SNOWE, ROCKEFELLER, and HUTCHISON for their hard work and for Members on both sides of the aisle for working on this legislation.

I said it has important acquisition reforms, and I wish to mention a few of those because the Deepwater program, with its acquisitions, ran into many problems.

First and foremost, the Coast Guard will return to its appropriate competitive procurement practices. This legislation ends what was an industry self-certification process, and it codifies the very rigorous process that the Coast Guard should have with the Major System Acquisition Manual. It establishes the right leadership and oversight for that and, an important aspect, I think, of all procurements related to acquisitions of this size, analyses of alternatives conducted by an independent third party.

This legislation also has other important safeguards for oilspill prevention and for fishing vessel safety, as the Presiding Officer knows, because one of the provisions in this legislation is to require a tug escort of double-hulled tanks in Prince William Sound, something the Presiding Officer, the Senators from Alaska, Mr. BEGICH and Ms. MURKOWSKI, asked be included in the bill.

This is important legislation, as we can see from the gulf incident and from incidents before. We obviously have to have large vessels escorted in and out of sensitive areas. I appreciate the leadership of the Senators from Alaska on this legislation.

It also adds new protections to the Olympic Coast National Marine Sanctuary off the State of Washington, making sure it is protected from vessels that pose an oilspill threat.

It also extends the important oilspill response assets through Washington's very vulnerable Strait of Juan de Fuca making sure that it, too, is more protected and has more resources to deal with incidents in the case of oilspills.

Finally, there is a new requirement for fishing vessel safety designed to protect the life and welfare of those fishermen who risk their lives to bring seafood to our tables. It requires that large fishing vessels get a safety certification from independent third parties, and it mandates that smaller fishing vessels meet the same Coast Guard safety standards as recreation vessels.

This is important because we know our fishing vessels take great risk in providing catch to us in the product they bring to market. But it is important we do so in a safe and responsible fashion. Having this type of independent safety requirements will be much needed.

It allows the Alaska-Washington pollock fleet to replace their boats to help meet the new safety standards. As the President knows, the fishing fleets for Washington and Alaska are large operations. The pollock fishery alone is over a billion-dollar industry. Making sure these vessels operate in a safe manner is critical for our industries to continue to succeed.

I thank the Presiding Officer for his input and for my colleagues on the Coast Guard Subcommittee of the Commerce Committee and the committee at large for their help in getting this legislation passed.

As I said, it has been nearly 4 years in the making to get this important legislation through Congress. It comes at a time when we continue to want the Coast Guard to have the best resources to meet the missions and requirements of their job but to do their acquisition in a responsible way, to right the wrongs that has been in the Coast Guard acquisition process at the beginning of the Deepwater program, to make sure there is oversight and third-party evaluation of that, and to make sure, as I said, that this bill establishes new laws on oilspill prevention and on fishing vessel safety so we

can continue to operate in these pristine waters in a safe and effective manner.

I yield the floor. 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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:45 p.m., recessed subject to the call of the Chair and reassembled at 11:39 p.m. when called to order by the Presiding Officer (Mr. BEGICH).

MORNING BUSINESS

Mr. DURBIN. 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.

EXPIRING TERMS OF APPOINTED SENATORS

Mr. REID. Mr. President, the 111th Congress will be recorded as one of the country's most historic. It will be rightfully remembered for the landmark legislation we passed to help our economy recover from recession and to help Americans afford to recover from health problems and for the passion that characterized the debates over many of these laws. But it will also be remembered for the replacement of remarkable Senators, under remarkable circumstances, by dedicated and devoted appointees.

Two years ago, for the first time in half a century, the men elected President and the Vice President of the United States were sitting U.S. Senators. One year before the last time that happened, in 1959, Robert C. Byrd was sworn in for the first of his record nine consecutive full terms in this body.

In the 111th Congress, three pairs of the biggest shoes in American history needed to be filled, three public servants were chosen to sit in the seats vacated by the President, the Vice President, and the longest serving Member of Congress. That has never happened before and will probably never happen again.

Though Senators EDWARD KAUFMAN, ROLAND BURRIS, and CARTE GOODWIN were selected and not elected, none was content to be merely a footnote of history or the answer to a congressional trivia question. Each made the most of his time in the service of his State.

Before he became the junior Senator from Delaware, TED KAUFMAN was an engineer, a university professor, and Vice President BIDEN's right-hand man in this body for two decades. He spent nearly all his political career behind the scenes but impressed everyone in his State and in the Senate every time he stood up on the Senate floor or spoke out in a committee hearing.

Rarely has an appointed Senator serving such a short term made such an impact. Senator KAUFMAN wrote legislation to make sure no Wall Street bank is too big to fail and made it easier for Federal prosecutors to root out financial fraud. His ideas on how to crack down on health care fraud are now the law of the land.

He served less than one Congress, but he was no rookie. His knowledge of parliamentary procedure is vast, and he was a great legislative partner to me personally over the last 2 years.

But among the most remarkable things Senator KAUFMAN did in his time here were the 100 tributes he gave on the Senate floor honoring Federal employees of all stripes: military engineers, intelligence analysts, nuclear scientists, Medicare benefits administrators, advocates for the homeless and the sick, and so on everyone from administrative secretaries to assistant Cabinet Secretaries.

Senator KAUFMAN knows that the 2 million selfless public servants who choose to spend their careers in the Federal Government often make personal and financial sacrifices to work in relative anonymity and rarely receive recognition. He knows they often bear an undeserved reputation as part of a vast bureaucracy. But Senator KAUFMAN, a great former Federal employee himself, has both the character and class to publicly honor them for their good, hard, and honest work. He should be recognized for the same.

ROLAND BURRIS came to the Senate under difficult circumstances, but he impressed our caucus by rising above the controversy and concentrating on doing his job for the people of Illinois. He had already built an impressive record in that State, becoming the first African American to ever hold statewide office in Illinois and spending more than three successful decades in the public and private sectors.

During his time here, Senator BURRIS stood up for many progressive causes, including advocating for better civil rights education and writing legislation in support of our servicemembers overseas. He also presided over the Senate Chamber far more than anyone else during the 111th Congress, soaking in every minute of it along the way.

Senator GOODWIN succeeded the irreplaceable Senator Byrd with humility and honor. He was here only briefly, and he didn't waste any time before delivering for West Virginians. In his first day as a U.S. Senator, he cast our caucus crucial 60th vote to break a filibuster and extend unemployment insurance for the millions of Americans who had lost their jobs and exhausted their benefits while looking for new ones. In the aftermath of this year's Big Branch Mine disaster that killed 29 West Virginians, Senator GOODWIN fought for comprehensive mine safety reforms.

In his young career, Senator GOODWIN has worked as a lawyer, as the general counsel to the Governor of West Virginia, the chairman of his State's School Building Authority, and the Independent Commission on Judicial Reform. He will soon be a 36-year-old former Senator, and my colleagues and I eagerly anticipate following the bright career he has ahead of him.

Senators EDWARD KAUFMAN, ROLAND BURRIS, and CARTE GOODWIN represented their respective States with distinction. They will forever hold a special place in American history for the good work they did in the short time they were U.S. Senators.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, although September is coming to a close, we are right in the middle of Hispanic Heritage Month. Every fall we recognize how the invaluable contributions America's 47 million Latinos—Americans with roots in dozens of nations—strengthen our own Nation, and the way their rich cultures enrich our country.

It is a special time every year. But this Hispanic Heritage Month is even more exciting than most. This year we are also celebrating the bicentennials of four great nations' independence: Argentina, Chile, Colombia and Mexico. More than 200 million people in these great countries are commemorating 200 years of freedom, liberty and opportunity, and the United States of America celebrates alongside our global neighbors.

It is no secret, though, that the past year's challenges have tested our communities and our resolve closer to home. It has been tougher on Nevada than any other State, and tougher on Hispanics than any other group.

But in the year that has passed between last Hispanic Heritage Month and this one, we have achieved so much:

We affirmed the promise that affording to live a healthy life in America is the right of every citizen—not just a privilege for the wealthy few.

We cleaned up Wall Street so this kind of recession can never happen again, and ended the era of big-bank bailouts. That law also brings transparency to the remittance industry, which saves customers and their families millions of dollars.

We cracked down on mortgage fraud, including funding Spanish-language ads to stop scammers from preying on Latino homebuyers. I directed my staff

to help Hispanic families in danger of foreclosure, and my office has held a number of housing workshops to help Latino homeowners avoid mortgage scams and stay out of foreclosure.

Important credit card reforms went into effect this summer that protect consumers from crippling late fees, protect college students from predatory lenders, and protect families from having to pay a fee to simply pay a bill.

And just a week before last year's Hispanic Heritage Month started, Sonia Sotomayor heard her first case as a Supreme Court Justice.

We're going to make this year even better. Hispanic Heritage Month is as much about the past as it is about the future. It is as much about honoring tradition as it is securing a legacy of honor for the next generation.

I will continue fighting for tough, fair and practical immigration reforms, including giving the children of immigrants the opportunity to serve America—the only nation they have ever called home—and to earn an education and contribute to our society.

I believe that everyone who grows up as an American and wants a quality American education should have the chance to pursue it. And I know our economy will not recover if we don't give everyone the opportunity to repair it.

REMEMBERING JOHN W. KLUGE

Mr. REID. Mr. President, on Tuesday, September 7, 2010, John Kluge passed away at a family home in Charlottesville, VA. He was 95.

Mr. Kluge was a successful businessman who parlayed the money he earned from a Fritos franchise into a multibillion-dollar communications company, Metromedia. This conglomerate grew to include 7 television stations, 14 radio stations, outdoor advertising, the Harlem Globetrotters, the Ice Capades, radio paging and mobile telephones.

Mr. Kluge was born on September 21, 1914, in Chemnitz, Germany. His father died in World War I. After his mother remarried, John was brought to America in 1922 by his German-American stepfather to live in Detroit. He began work at the age of 10, working for his stepfather's family contracting business. At the age of 14, he left home to live in the house of a schoolteacher, driving by his desire to have an education.

He worked hard to learn and speak well the English language and get the grades he needed in high school to win a scholarship to college. He first attended Detroit City College, which was later renamed Wayne State University, and transferred to Columbia University when he was offered a full scholarship and living expenses. He graduated from Columbia in 1937 and went to work for a small paper company in Detroit. Within 3 years he went from shipping clerk to vice president and part owner.

After serving in Army intelligence in World War II, he turned to broadcasting and, with a partner, created the radio station WGAY in Silver Spring, MD, in 1946. In the 1950s he acquired radio stations in St. Louis, Dallas, Fort Worth, Buffalo, Tulsa, Nashville, Pittsburgh and Orlando, FL. Meanwhile, he invested in real estate and expanded the New England Fritos Corporation, which he founded in 1947 to distribute Fritos and Cheetos in the Northeast, adding Fleischmann's yeast, Blue Bonnet margarine and Wrigley's chewing gum to his distribution network.

In 1951 he formed a food brokerage company, expanding it in 1956 in a partnership with David Finkelstein, and augmented his fortune selling the products of companies like General Foods and Coca-Cola to supermarket chains.

Mr. Kluge served on the boards of numerous companies, including Occidental Petroleum, Orion Pictures, Conair and the Waldorf-Astoria Corporation, as well as many charitable groups, including United Cerebral Palsy.

His philanthropy was prodigious. The beneficiaries of his gifts included Columbia University and the University of Virginia.

Mr. Kluge also contributed to the restoration of Ellis Island and in 2000 gave $73 million to the Library of Congress, which established the Kluge Prize for the Study of Humanities.

In his business endeavors, Mr. Kluge savored the chance to move into new areas of high technology and often took Wall Street by surprise with some of his commercial decisions. He never lost his zest for developing new businesses or his taste for complex financial deals. Mr. Kluge once said, ''I love the work because it taxes your mind.''

At the time of his death, Mr. Kluge was deeply involved in a new biological cancer treatment that has a positive effect on multiple organ cancers, with no side effects. He also was engaged in a new treatment for diabetes.

He is survived by his wife Maria, sons John, Jr. and Joseph, a daughter Samantha, a grandson Jack, and stepchildren Jeannette Brophy, Peter Townsend, and Diane Zeier.

EXTENDING UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, when the earthquake on Wall Street sent shockwaves throughout the country, Nevada got hit the worst. The economic collapse took down our housing and job markets along with it.

When so many Nevadans lost their jobs, they lost much more than just a place to go to work in the morning. They lost their incomes, their savings and their retirement security. Many lost their gas money and their grocery money. Some lost their children's tuition payments. They have lost a measure of dignity. All of this through no fault of their own.

But even after losing so much, they haven't lost hope. Now they wake up every morning and look for new work, a new way to support their families.

It hasn't been easy. Jobs are harder to come by today than at any other time in recent memory. The Labor Department reports there is only one open job in America for every five Americans desperate to fill it. As a result, nearly half of the unemployed in this country have been out of work for 6 months or longer.

One of those people is Scott Headrick of Las Vegas. Scott's been out of work for more than two years. He wrote me recently because he's angry how some on the other side are trying for political reasons to stigmatize and demonize the unemployed.

He has good reason to be upset. One of the top Republicans in the Senate called unemployment assistance a ''disincentive for them to seek new work.'' Another senior Republican Senator said these Americans—people who want nothing more than to find a new job—''don't want to go look for work.'' And a third senior Republican Senator argued, ''We should not be giving cash to people who basically are just going to blow it on drugs.'' That's a direct quote. Others have made the absurd allegation that you can make more money on unemployment than through a honest day's work.

These comments are not only offensive; they're also dead wrong. And that's why Scott was so upset. He wrote me the following:

''I've been unemployed since July 2008 and have not been able to obtain a position at a supermarket packing groceries. I've been religiously seeking, searching and applying for work without any luck. I have since left my family in Las Vegas, a wife and five children, to look for work in other states and again, without any luck.''

While people like Scott seek, search and apply for work, they rely on unemployment insurance to get by. No one gets rich off of unemployment checks. They merely provide a fraction of one's old income to help keep food on the table this week, and keep a roof over a head this month, and keep the heat on this winter.

Unemployment insurance doesn't only help the out-of-work make ends meet—it can also help our economy recover. Respected economist Mark Zandi calculated that every time a dollar goes out in an unemployment check, $1.61 comes back into the economy. The Congressional Budget Office has estimated that number could actually be as high as two dollars, meaning we double our investment.

It is easy to see why. When you are desperate, you don't keep that check under your mattress. You turn around

and spend the money. You immediately pay your bills and go to the store and keep up with your mortgage payments.

You spend it on the basics and the bare necessities while you look for work. The money goes right back into the economy, which strengthens it, fuels growth and ultimately lets businesses create the very jobs the unemployed have been looking for, for so long.

But those benefits don't last forever. They expire. And in a crisis like today's, expiring benefits are leaving too many out in the cold. The Nevada Department of Employment, Training and Rehabilitation said that 22,000 Nevadans have exhausted both their state and federal benefits. Nationwide, that number reaches well into the millions.

I am proud to cosponsor Senator STABENOW's bill to help the hardest hit among us: out-of-work Americans who have exhausted their unemployment insurance. It is called the Americans Want to Work Act, and it is called that for a very good reason.

Contrary to the other side's reckless and heartless spin, the people we are trying to help want to find work. They're trying to find work. And they would much rather get a paycheck than an unemployment check.

These are people who have tried and tried to find work, who scour job listings, who send out résumés, who fill out applications, who go to interviews—but who haven't had any luck for weeks and months and, in some cases, years.

The Americans Want to Work Act recognizes that we can do more to help those who lost their jobs through no fault of their own.

First, it extends unemployment benefits for an additional 20 weeks—the longest extension ever to match the most painful crisis we've seen in generations.

Second, it takes the powerful and successful incentives we're giving businesses to hire and makes them even better. We passed a bill this year—the HIRE Act—that says to businesses: If you hire unemployed workers, we will give you a tax cut—you don't have to pay the Social Security payroll tax this year. These incentives are already working; businesses are starting to hire because of it. Senator STABENOW's bill will extend that tax credit through next year, too.

It will also double the tax credit we're giving businesses for keeping those previously long-term unemployed workers on the payroll for at least one year. The HIRE Act gave businesses a $1,000 tax credit for each such new hire. Senator STABENOW's bill will raise that tax credit to $2,000 for workers who have exhausted their unemployment benefits.

Hundreds of thousands of Nevadans and millions of Americans want to work. Like Scott Headrick, they seek, search and apply, but time and again they hear nothing but ''no'' in return. What a shame it is that they are hearing the same answer from Republicans in the Senate when we propose sound legislation like this to give them a hand when they're hurting the most.

Americans need jobs. Nevadans need jobs. And it is our job to help them.

REMEMBERING SENATOR TED STEVENS

Mr. KYL. Mr. President, I offer my condolences to Catherine Stevens and to the entire family of Senator Ted Stevens and to the families of those who also lost their lives in that tragic August 9 accident.

I knew Ted for many years and will always remember his devotion to the U.S. Senate and, of course, to the State of Alaska. Ted tirelessly committed himself to help transform Alaska into a modern State. Even if he had not become the longest serving Republican Senator in history, with a career spanning over 38 years, ''Uncle Ted'' would still have become an Alaskan legend. He was beloved throughout the State. And his love for his State was well known, from the largest cities to the smallest towns.

Ted devoted his whole life to public service. Before he was elected to Congress, Ted went through pilot training in Douglas, AZ, and earned his Army Air Corps wings in May 1944. For his service in World War II, he received the Air Medal and the Distinguished Flying Cross.

Incidentally, Ted often told me of his appreciation for the time he spent training in Arizona, my home State. He often spoke, too, of the town of Wickenburg, AZ, where his wife is from.

During his time in the Senate, Ted became a master of Senate procedure. Republicans would often ask him to sit in the Presiding Officer's chair during an important vote because we knew he would handle all of the procedural details and intricacies perfectly.

Not only was he a good legislator, he was a tough legislator. Ted was not shy about inviting comparisons with the Incredible Hulk. When he debated an issue that meant a lot to him, he would wear his Incredible Hulk necktie. Indeed, that necktie saw many a political battle.

As much as I admired Ted for his tough side, I will most fondly recall his gentle spirit and his compassion for the people he was so proud to represent. His soft side and kind nature were so apparent I sometimes wondered how much of his feistier side was for effect.

It was an honor to have known him and a privilege to have served alongside him here in the Senate.

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant and leader, Senator Ted Stevens. After a lifetime of unprecedented service to his State and Nation, Senator Stevens passed away in Alaska on August 9, 2010, at the age of 86. His death was a loss to the U.S. Senate, the State of Alaska, and the Nation.

A decorated World War II pilot who survived a deadly 1978 plane crash, Senator Stevens was the longest-serving Republican Senator in the Nation's history and Alaska's most beloved political figure. Known as a giant in the Senate and affectionately referred to as ''Uncle Ted'' by his constituents, Stevens helped usher Alaska into statehood in 1959 and was instrumental in its economic growth. He was first and foremost a devoted advocate of Alaska and its people.

Born in Indianapolis, IN, Senator Stevens attended Oregon State University before serving as an Air Force pilot in World War II. He went on to graduate from the University of California Los Angeles—UCLA—with a bachelor of arts degree in political science, and from Harvard University with a juris doctor degree in law. After a successful career as a member of the Alaska House of Representatives, Stevens was appointed to the U.S. Senate, making him the third Senator in the State's history.

Senator Stevens is greatly admired for what he did during his four decades of service in the U.S. Senate. I had the pleasure of seeing the Senator in action on many occasions and particularly admired his deep commitment to working across the aisle to get things done. Senator Stevens was one of the Senate's most effective Members, both as a valuable ally and worthy opponent. Stevens' colleagues, both Republicans and Democrats alike, greatly enjoyed working with him and respected his views. We can all learn from the example he set.

I ask that the U.S. Senate join me in commemorating Senator Ted Stevens' lifelong dedication to the service of our country and to the State of Alaska. He was a courageous advocate for his State, and a dear friend who will be greatly missed by all.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the seventh budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of congressional action through September 24, 2010, and includes the effects of legislation enacted since I filed my last report for fiscal year 2010 in June. The new legislation includes:

Public Law 111–191, an act to amend the Oil Pollution Act of 1990 to authorize advances from the Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill;

Public Law 111–192, Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010;

Public Law 111–197, Airport and Airway Extension Act of 2010, Part II;

Public Law 111–198, Homebuyer Assistance and Improvement Act of 2010;

Public Law 111–205, Unemployment Compensation Extension Act of 2010;

Public Law 111–212, Supplemental Appropriations Act, 2010;

Public Law 111–224, United States Patent and Trademark Office Supplemental Appropriations Act, 2010;

Public Law 111–226, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes;

Public Law 111–228, General and Special Risk Insurance Funds Availability Act of 2010;

Public Law 111–230, an act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; and

Public Law 111–237, Firearms Excise Tax Improvement Act of 2010.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by $17.1 billion for budget authority and $5.4 billion above for outlays. For revenues, current level shows that $14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, September 29, 2010.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through September 24, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated June 10, 2010, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust fund for the Deepwater Horizon oil spill (Public Law 111–191);

Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (Public Law 111–192);

Airport and Airway Extension Act of 2010, Part II (Public Law 111–197);

Homebuyer Assistance and Improvement Act of 2010 (Public Law 111–198);

Unemployment Compensation Extension Act of 2010 (Public Law 111–205);

Supplemental Appropriations Act, 2010 (Public Law 111–212);

United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224);

An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes (Public Law 111–226);

General and Special Risk Insurance Funds Availability Act of 2010 (Public Law 111–228);

An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single housing mortgage insurance, and for other purposes (Public Law 111–229);

An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111–230); and

Firearms Excise Tax Improvement Act of 2010 (Public Law 111–237).

Sincerely,

ROBERT A. SUNSHINE,
FOR DOUGLAS W. ELMENDORF,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF SEPTEMBER 24, 2010

[In billions of dollars]

	Budget Resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget authority	2,897.5	2,914.6	17.1
Outlays	3,010.1	3,015.5	5.4
Revenues	1,612.3	1,626.5	14.2
OFF-BUDGET			
Social Security Outlays [3]	544.1	544.1	0.0
Social Security Revenues	668.2	668.1	−0.1

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $10.4 billion in budget authority and $5.4 billion in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of Table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF SEPTEMBER 24, 2010

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: [1]			
Revenues	n.a.	n.a.	1,633,385
Permanents and other spending legislation	1,656,952	1,651,725	n.a.
Appropriation legislation [2]	1,917,749	2,048,775	n.a.
Offsetting receipts	−690,252	−690.252	n.a.
Total, previously enacted	2,884,449	3,010,248	1,633,385
Enacted this session:			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111–126)	0	0	−40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111–127)	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L. 111–142)	−4	−4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111–145)	10	6	0
Hiring Incentives to Restore Employment Act (P.L. 111–147)	20,903	141	−4,380
Patient Protection and Affordable Care Act (P.L. 111–148)	8,500	2,130	−580
Satellite Television Extension Act of 2010 (P.L. 111–151)	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111–152)	1,130	220	−1,930
An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill (P.L. 111–191)	200	50	0
Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (P.L. 111–192)	−450	−450	119
Airport and Airway Extension Act of 2010, Part II (P.L. 111–197)	−485	0	0
Homebuyer Assistance and Improvement Act of 2010 (P.L. 111–198)	−10	−6	−25
Supplemental Appropriations Act, 2010 (P.L. 111–212)	9,874	−18	0
United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111–224)	0	−29	0
An act to modernize the air traffic control system . . . and for otherpurposes (P.L. 111–226)	5,187	298	0
General and Special Risk Insurance Funds Availability Act of 2010 (P.L. 111–228)	−94	−94	0
An act to increase the flexibility of the Secretary of Housing and Urban Development and for other purposes (P.L. 111–229)	−75	−75	0
An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–230)	−100	0	0
Firearms Excise Tax Improvement Act of 2010 (P.L. 111–237)	0	0	−82
Total, enacted this session	44,638	3,219	−6,916
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and mandatory programs	−14,500	2,066,	0
Total Current Level [2 3]	2,914,587	3,015,533	1,626,469
Total Budget Resolution [4]	2,907,837	3,015,541	1,612,278
Adjustment to the budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,897,487	3,010,093	1,612,278
Current Level Over Budget Resolution	17,100	5,440	14,191
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] Includes legislation affecting budget authority, outlays, or revenues that was enacted in the first session of the 111th Congress.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as amergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resoluton. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1)	12,042,	21,040	−4,475
Temporary Extension Act of 2010 (P.L. 111–144)	7,942	7,901	−704
Continuing Extension Act of 2010 (P.L. 111–157)	14,401	14,337	,−1,292
Unemployment Compensation Extension Act of 2010 (P.L. 111–205)	8,545	8,545	0
Supplemental Appropriations Act, 2010 (P.L. 111–212)	45,615	5,419	0
An act to modernize the air traffic control system . . . and for other purposes (P.L. 111–226)	−2,604	−17	0
An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–230)	600	0	0
Total, amounts designated as emergency requirements	86,541	57,225	−6,471

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution. Those revisions are as follows:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary approprations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	−1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−11	−11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(6))	5,708	5,708	−38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a))	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4))	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	−5,220	−6,670	−9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	−7,280	−4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a))	8,500	3,130	−580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a))	1,130	220	−1,930
Revised Budget Resolution Totals	2,907,837	3,015,541	1,612,278

[5] S. Con. Res. 13 includes $10,350 million in budget authority and $5,448 million in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the discretion of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

RECOGNIZING HELMETS TO HARDHATS PROGRAM

Mr. CONRAD. Mr. President, today I want to recognize and thank the Helmets to Hardhats program for its important work on behalf of our Nation's veterans.

In these tough economic times, unemployment among recent veterans is a growing concern. Recent statistics indicate that the jobless rate among Iraq and Afghanistan veterans tracks a full five points higher than the rate for the Nation as a whole. It is clear that we must take serious steps to address this issue.

The Helmets to Hardhats program has helped tens of thousands of veterans find work in the construction industry by evaluating recently separated servicemembers to identify their strengths and experience and match them with employers within the construction industry. The long-term partnerships that result benefit veterans, construction firms, and the Nation as a whole.

In times of crisis, it is our best and bravest that step forward in defense of our Nation. We owe our servicemembers a debt of gratitude for their sacrifice that we can never fully repay. The least that a grateful nation can do is to give them assistance in finding good jobs when they return from service.

Though the Departments of Defense and Veterans Affairs do excellent work with their transition programs, organizations like Helmets to Hardhats serve as the ''boots on the ground'' forces needed to help our veterans realize the American dream. I thank all of those involved in this important organization for their work across the country, and look forward to partnering with them to help veterans in North Dakota.

ECONOMIC RECOVERY

Mr. REED. Mr. President, yesterday we were again thwarted in our attempts to take another important step in supporting our Nation's economic recovery.

in 2009, we passed the American Recovery and Reinvestment Act, which provided a much needed jump-start to get our economy going again, save and create jobs, and make critical investments in our infrastructure.

In March of this year, we passed the HIRE Act, which has been providing businesses with tax incentives to hire out-of-work Americans.

Just Monday, President Obama signed the Small Business Jobs Act into law, which will provide support and relief to small businesses and lay the groundwork to help these businesses create up to 500,000 jobs.

Yesterday, Republicans blocked consideration of the Creating American Jobs and Ending Offshoring Act, which would have supported our Nation's manufacturing sector by encouraging American companies to bring jobs back to America. Even though we have been witnessing a growth in private sector jobs, we are still struggling to prevent the loss of good jobs.

The Creating American Jobs and Ending Offshoring Act would provide a tax break to companies that bring jobs back to the United States, in the form of relief from the employer share of the Social Security payroll tax.

Additionally, this legislation would discourage firms from eliminating American jobs and moving facilities offshore by prohibiting firms from taking any deduction, loss, or credit for amounts paid to reduce operations in the United States and start or expand similar operations overseas.

It would also end the Federal tax subsidy—known as deferral that rewards firms that move their production overseas by allowing them to defer paying tax on income earned by their foreign subsidiaries until that income is brought back to the United States.

The Creating American Jobs and Ending Offshoring Act would encourage American companies to get back in the business of hiring American workers. Nonfinancial companies in the United States are reportedly sitting on $1.8 trillion of capital. With these reserves, it should not be prohibitive to bring new American workers on the payroll. This legislation would ensure that these companies are using their resources to create new American jobs instead of sending those jobs overseas.

I am disappointed that my colleagues on the other side of the aisle failed to join with us to support this commonsense legislation, which would provide desperately needed jobs to out-of-work Americans and support America's manufacturing sector. Instead, they have voted to preserve tax breaks that reward companies who ship jobs overseas.

I am also disappointed that we have failed to extend the TANF Emergency Contingency Fund, which is set to expire on Thursday. I joined with a number of my colleagues to introduce and press for legislation to extend the fund for 3 months.

The TANF Emergency Contingency Fund has been used to support the successful Jobs Now program in Rhode Island, which has provided local businesses with subsidies to hire workers from struggling families. In addition to providing jobs to out-of-work Americans, this program is a win for businesses that could not otherwise bring new workers on board. Without this fund, these businesses will be hard-pressed to keep these new employees on the payroll. Unfortunately, in outcome that has become all too common, this extension was subject to an objection from the other side of the aisle.

I hope my colleagues on the other side of the aisle will recognize what is at stake and join us in the effort to give American workers and businesses the help they need. I remain committed to pressing for innovative and commonsense efforts that will bolster the economy, create jobs, and help the middle class.

EDUCATION JOBS AND MEDICAID FUNDING

Mr. BAUCUS. Mr. President, I want colleagues and those who read the RECORD to know that the nonpartisan Joint Committee on Taxation has made available to the public the document entitled ''Technical Explanation of the Revenue Provisions of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 1586, Scheduled for Consideration by the House of Representatives on August 10, 2010.'' This document is an explanation of the education jobs and Medicaid funding bill that the Senate passed last month. This explanation reflects the intentions of the Senate and its understanding of the legislative text. It is available on the Joint Committee's Web site at http://www.jct.gov/publications.html?func=startdown&id=3702 and is listed as document number JCX–46–10.

In addition, I would like to comment on the Secretary's grant of authority to issue regulations in section 211 of the legislation, which adds new section 909 to the Internal Revenue Code of 1986. I note that this grant of authority allows the Secretary to provide exceptions, as appropriate, from the application of the provision to certain foreign tax credit splitting events resulting from foreign consolidation regimes, group relief, or similar loss-sharing arrangements.

DEFENSE MODERNIZATION

Mr. INHOFE. Mr. President, I read an article from the October 2010 edition of the Defense Technology International this morning that discussed military and other technology advances. Entitled ''Big Guns: China muscles up artillery punch,'' this article details China's efforts in the development of artillery and rocket systems and the associated doctrine they have created. Specifically, it addresses Chinese efforts in research and development in areas such as computer-based fire control, digital communication, and command capabilities, use of sophisticated radars and jammers, and the development of ramjet powered and stealth coated artillery shells, to name a few key areas. Though not necessarily new items of research and development for the United States, China's efforts in these areas tells me one thing: China is pursuing modernization and development initiatives that, based on our recent history of research and development specific to artillery and rockets, may be superior if they are not at least equal to our efforts

Now let me shift same gears to another potential peer country: Russia and its fifth-generation fighter development. In the same context as China's efforts in artillery and rocket capability, Russia is pursuing the deployment of a fifth-generation fighter, known as the PAK FA advanced tactical frontline fighter. Russia has publicly stated that this aircraft is the peer to the F–22. This aircraft, together with upgraded fourth-generation fighters, will define Russian Air Force potential for the next several decades and will challenge our aviation efforts without question. And don't think that China isn't developing their own fifth-generation aircraft; they are. It is called the JA-12 it is also going to go head to head with our F–22.

The point to this is not a comparison of capabilities or numbers but a public reinforcement of an assessment I have maintained for a long time. We, the United States of America, are not taking our future national security seriously, because we are failing to focus on maintaining the edge that we have had for the last several decades.

So where is the United States in terms of future military hardware necessary to maintain that edge? Did you know that the oldest combat vehicle in the Army inventory is the M109A6 Paladin howitzer and we are on the sixth version of this vehicle which is built around a refurbished chassis circa 1963? The Army's answer to artillery modernization has been the Crusader, which was supposed to replace the Paladin, the Non-Line-of-Sight Cannon as part of FCS, the Non-Line-of-Sight Launch System, another FCS related system, and now the Paladin Integrated Management, or PIM program, which is a modification of the Paladin to a Bradley chassis. All but the PIM program have been cancelled in the last 8 years or so, and the PIM program has been delayed in production.

Current Army fleets of armored personnel carriers, tanks, wheeled vehicles, and helicopters were developed and procured 30 to 60 years ago. DOD and the President's answer to that: cancel FCS, with no viable replacement options, and continue to ''upgrade'' current fleets of Bradleys an Abrams tanks until the next-generation ground combat vehicle can be figured out.

Our strategic bomber fleet of B–52s, B–1s and B–2s vary in age from 10 to 30 years. The SECDEF has publicly stated in the press and in Congress that 2020 will be the first time we see a new bomber, which means that current airframes will have to remain in service until at least 2040.

One of our two fifth-generation aircraft, the F–22, the peer to the Russian's PAK FA and Chinese JA–12, has had the production line cancelled with only 187 aircraft built out of a requested 750, pulling us in a ''high risk'' state for air dominance. The other fifth-generation aircraft, the F–35, will not be ready until at least 2015, has suffered significant cost and timing problems, and will be 250 aircraft less than the requested 1,240.

Our Ohio class Trident submarines, the ones that deliver ballistic missiles from the sea, are an average of 20 years old. Replacement builds don't start till 2019 and won't be finished until 2028. As well, the administration remains opaque about plans for replacement of the 30-year-old air-launched cruise missile which is a critical component of our nuclear and long-range conventional strike capability. This is the same for our Minuteman ICBM, which is decades old as well.

I am convinced well beyond any reasonable doubt that we are heading down a slippery slope due to a short-sighted and dangerous strategy from our current administration. The litany of programs cancelled, modified, or mismanaged over the last two budget periods is minf-boggling—FCS, F–22, F-35, NLOS–C and LS, PIM, missile defense, nuclear stockpile, surface and submarine ships, strategic bombers—the list is overwhelming.

I, for one, will not let this happen. I will continue to voice my concerns over this issue. I will continue to fight for a flat expenditure of at least 4 percent of GDP spent on defense to ensure that this country continues to have the best military in the world. I will continue to press the administration to do more for the future of our national security.

I ask unanimous consent to have printed in the RECORD the article ''Big Guns'' to which I referred.

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

[From the Defense Technology International, Oct. 2010]

BIG GUNS—CHINA MUSCLES UP ARTILLARY PUNCH

(By Richard D. Fisher, Jr.)

The International Institute for Strategic Studies' Military Balance 2010 report places China third in the number of artillery systems it fields, after Russia and North Korea. But China doubtless exceeds both in resource commitment and breadth of artillery investments. Credited with an estimated 17,700–plus towed, self-propelled and rocket systems, the People's Liberation Army (PLA) has at least 56 artillery systems in use, development or available for export. The U.S. Army and Marine Corps, by contrast, have 8,187-plus artillery pieces of roughly 10 types.

China has had a mixed record of using artillery for military and political-military goals. Its successes as when it routed Indian forces in 1962 with the high-altitude use of artillery and mortars, have been offset by incidents provoking third-party responses or leading to regional standoffs. Examples include the shelling of islands controlled by Taiwan in 1955–58, resulting in U.S. intervention and a stalemate over the Taiwan Strait. In July, a unit based in the Nanjing military region fired missiles from 300–mm. PHL–03 multiple rocket launchers (MRLs) into the Yellow Sea to show China's anger at U.S. naval exercises with South Korea. The exercises, a result of China-backed North Korea's sinking of the South Korean frigate Cheonon in March, went ahead anyway.

China evolution as an artillery power stems from Soviet and Russian influences dating to the Korean War Soviet artillery and training improved PLA artillery operations during the war and led to the formation of the first formal artillery command. Soviet aid continued through the 1950s, and by the time of the Sin-Soviet split of the 1960s, China was producing copies or modified versions of Soviet pieces.

The PLA makes extensive use of Soviet-origin 152-, 130- and 122-mm. calibers, though Western calibers such as the 155- and 105-mm. are seeing greater use. China purchased the Russian 9A52 Smerch 300-mm. MRL in the 1990s, and the PLA produced a near facsimile in the A–100/PHL-03 MRL. The 155-mm. PLZ-05 self-propelled artillery system that emerged in 2005 bears an uncanny resemblance to the Russian 2519 MSTA.

In the 1990s, PLA artillery was affected by reforms in strategy (its closest concept to doctrine) and organization. Toward the end of the decade, the PLA was immersed in strategy goals of ''informatization'' and ''mechanization.'' The former included the broad application of improving information technologies, which for artillery included new computer-based fire controls and ever-improving digital communication and command linkages. PLA artillery units increasingly include flrefinding counter-battery radar such as the 50-km.-range (31-mi.) SLC-2 and Type 704, and use sophisticated electronic warfare systems such as the Russian SPR–2 radio fuse jammer, a possible Chinese facsimile and possibly a recently revealed artillery radar jammer. Artillery recon vehicles and recon troops feature advanced optronic and digital communication capabilities. In addition, PLA artillery units have sophisticated meteorological capabilities and use muzzle velocity radar to improve accuracy.

Mechanization put renewed emphasis on developing tracked and wheeled self-propelled tubed artillery, with rocket artillery largely truck-mounted. This trend was emphasized in late 2004 when Chinese Communist Party and PLA leader Hu Jintao enunciated the PLAs new ''historic missions,'' a euphemism for invasions, which call on the PLA to defend state interests abroad. It is likely that new medium-weight artillery systems based on airmobile armored personnel carriers will follow for these strategic missions.

Organic PLA artillery units have decreased in size, following the pattern of general large-scale troop reductions. When combined with ''informatization'' advances, this will permit many infantry and armored divisions to be reformed into mechanized brigades. However, in a counter-trend that emphasizes their continued importance, the PLA maintains five independent artillery divisions and 20 independent brigades. Of these, two divisions and six brigades are stationed in the Shenyang and Beijing military regions, for potential Korean contingencies. Three divisions and eight brigades are in the Nanjing Guangzhou and Jinan military regions, for Taiwan contingencies.

Among artillery systems, mortars include a 60-mm. hand-held system used by infantry and special forces. The new Type 93 60-mm. fixed mortar weighs 22.4 kg. (49.2 lb.) and fires 20 rounds/min. to 5.5 km. There are also fixed W91 and W87 81–mm. mortars that fire to 8 km. and 5.6 km., respectively. The PLA has largely copied Russia's Vasilyek 81–mm. automatic mortar, called the W99 or SM–4, which comes in a towed version or mounted in a Hummer-like vehicle. It fires four rounds in 2 sec. out to 6.2 km. The W86 120–mm. towed mortar weighs 206 kg. and fires 20 rounds/min. to 4.7 km.

In 2001, the PLA revealed the PLL-05 mobile mortar based on the Russian 120-mm. 2S23 NONA-SVK that it purchased in the 1990s, but mounted on a WZ-551 6 X 6 armored personnel carrier (APC). It fires a rocket-assisted round 13.5 km. In 2007, the PLA revealed a laser-guided 120-mm. mortar round, though it is not clear if it is in service.

Towed and self-propelled tubed systems dominate artillery units. The largest number of towed guns are likely the 122-mm. versions. These include the Type-96, based on the Russian D-30, with a 360-deg. traversing base, and the simpler Type-83. Their rocket-assisted rounds have a 27-km. range. The Type-59 130-mm. towed gun fires a rocket-assisted round 44 km. Of heavy towed artillery, the 152-mm. Type-66, a copy of the Russian D-20, is most numerous and fires rocket-assisted rounds 28 km. In 1999, the PLA revealed the 155-mm. PLL01/WA 021 towed artillery system, based on the Austrian Noricum GH N-45, which fires a rocket-assisted round 50 km. The PLL01 and the Type-66 fire 155- and 152-mm. versions of the Russian Krasnopol laser-guided shell.

Self-propelled tubed artillery includes the PLL02, which places the Type-86 100-mm. gun on a WZ-551 APC. In 2009, the PLA revealed the new Type-07 122-mm. tracked artillery system, which features hull and electronic improvements over the previous Type-89 Tracked 122-mm. system. In 2009, photographs appeared on the Internet of the SH-3, a truck-mounted 122-mm. artillery system with digital control systems in a hatch over the cab.

Heavy self-propelled systems include the 155-mm. PLZ-05, which has a version of the PLL01 gun, and appeared in 2005. It is replacing the 152-mm. Type-83, which entered service in 1983. The PLZ-05 also fires the Krasnopol laser-guided projectile and a rocket-assisted round 50 km., and is capable of flat-trajectory antitank fire. Unconfirmed reports state the PLZ-05 has an automatic gun-loading system and weighs 35 tons.

PLA investments in rocket artillery are impressive. A five-wheel all-terrain vehicle has been modified to carry a 107-mm. MRL for experimental mechanized special forces units. The tracked Type-89 and more recent Type-90 truck-mounted 122-mm. MRL feature self-contained 40-round rocket reloaders. In addition, the Smerch-derived 12-round PHL-03, which reportedly fires a 150-km.-range missile, is entering increasing numbers of artillery units. The latest AR1A export variant features a modular U.S. MLR system-style 5-round rocket carrier, which speeds reloading. In 2009, Norinco revealed an as yet unidentified truck carrier for this 5-round rocket box, similar to Lockheed Martin's High-Mobility Artillery Rocket System.

The PLA is also investing in larger MRL systems. The 400-mm. WS-2D reportedly has a range of 400 km., and one payload features three ''killer unmanned aerial vehicles,'' according to a Chinese report. An earlier 200-km.-range version, the WS-3, uses navigation satellite guidance to achieve a remarkable 50-meter (164-ft.) circular error probable. The WS family complements the 150-km.-range P-12 and 250-km. B-611M maneuverable navsat-guided short-range ballistic missiles (SRBMs), which could supplement or replace the PLA's two brigades of 300–600-km. DF-11A SRBMs.

New artillery systems are entering amphibious and airborne units for possible missions abroad. PLA marine and army amphibious units are receiving the Type-07B tracked 122-mm. amphibious artillery system, which places the gun from the Type-07 on a larger hull. Airborne units are equipped with a version of the Type-96 122-mm. gun, but a new tracked airmobile APC may feature a mortar or gun system. The ZBD-09 122-mm. gun system could eventually feature in airmobile army units. Future artillery systems may feature electromagnetic launch, an area of extensive research. The PLA is also interested in ramjet-powered and stealth-coated artillery shells.

SUDAN

Mr. KERRY. Mr. President, in just over 100 days, Sudan will face a defining moment. The choices its leaders make can lead to a peaceful two-state solution. Or, as many fear, they could result in a return to chaos and war in a place too often synonymous with both.

Responding to this urgency, the Obama administration has recently launched a heightened campaign of diplomatic engagement with both North and South Sudan to help the parties to find their way through this process. I traveled to Sudan in April 2009 and I have met with Sudanese from all parts of the country since that time, including Salva Kiir, the leader of Southern Sudan, last week. Today, joined by Senators BROWNBACK, DURBIN, WICKER and FEINGOLD, I am introducing legislation known as the Sudan Peace and Stability Act. Congress must not be silent at this critical time.

On January 9, 2011, the people of Southern Sudan and the adjoining territory of Abyei are scheduled to hold referenda on secession. Realistically, Sudan's choice is no longer between unity and separation—southerners have apparently made that decision. Every reliable source indicates that they will vote for separation, dividing Africa's largest country and taking with them some eighty percent of known Sudanese oil reserves. The Secretary of State has called a vote for separation inevitable. No, the choice before the peoples of Sudan is that between a future of peaceful coexistence or a return to the country's bloody past.

The Sudanese, both North and South, set out on this path when they signed the 2005 Comprehensive Peace Agreement. The CPA brought to a close a war that had raged for two decades and claimed millions of lives. And it offered Southern Sudan the promise of a choice in 2011 between continuing unity and separation from the Sudanese government in Khartoum.

The landmark agreement ended the war, but it intentionally postponed the

tough decisions about the modalities and meaning of 2011. In theory, the six intervening years were intended to solidify connections between former enemies. But not enough was done to build those ties, and the death of South Sudan's most forceful voice for unity, Dr. John Garang, further diminished unity's prospects. For champions of separation, the time period meant a deferral of their dream of independence that has now come due. But this intervening period has also served one crucial purpose: It has demonstrated that North and South can live side by side in peace.

With January fast approaching and progress scant on the mechanisms for division, the two sides are almost out of time to craft a peaceful transition. To fulfill the full promise of the landmark 2005 peace agreement, they must negotiate terms of separation and prepare for a future in which they remain fundamentally connected.

Southern Sudan possesses most of the known petroleum reserves, but the pipelines to market for that oil run through the north. An estimated million and a half southerners displaced by the war live in Khartoum and may well remain there, and northerners will live in the South. Every dry season, herders from the north's Arab Misseriya tribes cross into what will likely become the country of Southern Sudan and then return. The Nile will continue to flow northward, irrespective of borders and politics. Boundaries must simultaneously be demarcated and accommodating. And the parties need to finalize the details fast enough to ensure that violence cannot fill the vacuum.

The last war between North and South lasted for decades and claimed millions of lives. And, earlier this year, then Director of National Intelligence Dennis Blair told Congress that, over the next five years, Southern Sudan is the place where ''a new mass killing or genocide is most likely to occur.''

America acted as one of the architects of the CPA in 2005, and has a moral obligation as well as a strategic interest in helping the parties to see it through. The Sudanese must make the decisions, but we—and others—can help them navigate this process. Failure to act now—whether by high level diplomatic engagement, scenario planning for a variety of potential outcomes, and pre-positioning humanitarian supplies in the region—may contribute to a larger crisis later.

While we try to prevent the next potential wave of genocide, we cannot ignore the fact that Darfur's tragedy remains unresolved. Even as America asks how it can help Southern Sudan prepare for the likely burdens of statehood, it must also consider the Sudan that remains and Darfur's need for peace, stability, and justice. Attention to Darfur must not be a casualty of our necessary fixation on the North-South crisis.

The goals of the legislation are:

1. To spell out clearly the objectives of U.S. policy and the bilateral and multilateral tools available to pursue them;

2. To emphasize the need for all parties to commit to see the CPA through the January referenda and beyond;

3. To underscore the importance of Darfur and to provide policy guidance on both the peace process and the humanitarian situation;

4. To lay the legal groundwork, spur the humanitarian planning, and shape the policy framework in the likelihood of secession; and

5. To strengthen both capacity building and accountability.

Our bill offers a number of specific prescriptions, including the designation of a senior official to work with the Special Envoy to Sudan by heading up the U.S. team in the Darfur peace process, much as Ambassador Princeton Lyman is currently doing in Juba in the South. The legislation also seeks to strengthen multilateral efforts to build capacity in the South and aid implementation of the CPA.

In approaching Sudan we are rightly concentrating for the moment on the things that the parties must do between now and January 9, 2011, from registering voters for the referenda to coming to terms on major issues such as citizenship, oil, debts, and the border territory of Abyei. But we must also look beyond January as well. Much has to be done between January and July 2011, when, under the terms of the CPA, Southern Sudan and Abyei are to become independent if that is the outcome of the referenda. But even more importantly, we have to think beyond that milestone, to what independence will mean for a new and fragile country in the south and a significantly changed country in the north, including for Darfur.

The United States helped to bring about the Comprehensive Peace Agreement. We have led the world in providing humanitarian assistance and in supporting the peacekeeping mission in Darfur. While the Sudanese must own their future, the United States can help the parties find a path forward to peace and stability.

EPA OVERSIGHT

Mr. INHOFE. Mr. President, I would like to take a few minutes today to speak about the importance of oversight.

As you may recall, on April 22, 2010, EPA's new lead-based paint, the lead, renovation, repair and painting rule, went into effect. At that time, offices on the Hill were inundated with intense public outcry from constituents—from homeowners to contractors to landlords to plumbers—all trying to get more information about a rule that, in most cases, they had just learned about. People were confused about the implications of the rule.

This rule affects anyone who owns or lives in a home built before 1978 and looking to do a renovation. Specifically, the rule requires that renovations in these homes that disturb more than six square feet must be supervised by a certified renovator and conducted by a certified renovation firm. In order to become certified, contractors must submit an application—with a fee—to EPA, and complete a training course for instruction on lead-safe work practices. Those who violate the rule could face a fine of $37,500 a day.

In my role as ranking member of the Environment and Public Works Committee, prior to implementation, I sent several letters to EPA expressing concern with the rate of training. I wrote on two separate occasions warning EPA that it seemed badly unprepared to properly implement the rule. In both cases, EPA said they were ready.

In a June 3, 2009 letter responding to my concerns, EPA wrote:

> I agree that both EPA and the regulated community have a great deal of preparation in front of us as we approach next April's deadline. I am confident, however, that the ten months between now and April 2010 will allow us to meet this deadline....We are confident that all renovators subject to the requirements of the rule will be able to find a provider in advance of our deadline.

In a letter dated December 1, 2009, EPA wrote:

> we are confident there will be enough training providers to meet the demand. EPA does not plan to revise the April 2010 effective date of the RRP rule....Currently, the capacity for training is in excess of the demand as several training courses have been cancelled for lack of attendance.

On implementation day, April 22, 2010, EPA had only accredited 204 training providers who had conducted just over 6,900 courses, training an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices. That number fell far short of the total number of remodelers who would be working on pre-1978 homes.

Let me say it again: on implementation day, EPA had only trained an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices.

I suspected that there wouldn't be enough contractors to even meet EPA's estimate of certifying 186,811 renovators by April 2010. So I sent a bipartisan letter to OMB requesting that they delay implementation of the rule until there was enough time for more people to be certified. Additionally, I spoke to Cass Sunstein, Administrator of the Office of Information and Regulatory Affairs at OMB, and was joined by some of my Oklahoma contractors, who relayed the difficulties they were facing. I appreciate Mr. Sunstein listening to the concerns of my Oklahoma constituents. He told us he recognized the economic impact of the implementation of the rule and explored ways to provide a 60-day delay, but, by April 23, we simply ran out of options.

The rule was in place, there were not enough renovators, and EPA argued that a delay in the rule would delay

protection for children and their families. But because the Federal Government failed to meet the demand for certified contractors, the Federal Government was already delaying the implementation of the rule.

I was proud that the Senate intervened to send a clear message to EPA. The Senate passed the Collins-Inhofe amendment, S. 4253, to the supplemental appropriations bill, H.R. 4899, by a vote of 60 to 37.

This amendment prevented supplemental funds from being used to implement the rule. The vote showed overwhelming bipartisan concern about EPA's disastrous implementation of the lead-based paint rule.

Fortunately, EPA got the message. On June 18, 2010, EPA's enforcement office issued a memorandum extending the lead rule deadline for renovators to enroll in training classes to September 30, 2010. Furthermore, it has extended the deadline for contractors to complete training to December 31, 2010, and most importantly, the agency agreed to work to provide additional trainers in areas of need.

EPA's concerns about extending additional time for renovators to become certified never materialized; in fact, instead of people continuing to delay signing up for classes, people flocked to them. EPA's most recent training numbers show that as of September 23, 2010, EPA has accredited 364 training providers who have conducted more than 21,400 courses, training an estimated 476,700 people in the construction and remodeling industries to use lead-safe work practices.

From just 160,000 people in April, to 476,700 people in September, more time has meant greater ability to take classes and come into compliance.

The delay has allowed another 160 training providers to be certified; an additional 14,500 courses to be held; and 316,700 people to receive training in lead safe work practices.

Unfortunately, we did not have one oversight hearing on this rule. There were numerous opportunities prior to the rule going final, but they were never taken. Nonetheless, I am pleased to have worked with Senators COLLINS, ALEXANDER, VITTER, COBURN and others to highlight this important issue and provide additional time for renovators to attend training classes.

LAW ENFORCEMENT OFFICERS SAFETY ACT IMPROVEMENTS ACT OF 2010

Mr. LEAHY. Mr. President, today, the House of Representatives passed the Law Enforcement Officers Safety Act Improvements Act of 2010, which passed the Senate unanimously in May. I applaud the leadership of the House for taking up this legislation, which is of great importance to the law enforcement community. Today's action brings to a successful conclusion the good work of Senators and Representatives who have helped move this legislation through both Chambers and builds upon the bipartisan Law Enforcement Officers Safety Act that was enacted in 2004.

I want to recognize the longstanding efforts and strong support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the National Association of Police Organizations, along with many others in the broader law enforcement community. Their support and assistance contributed greatly to today's success. I also thank the Judiciary Committee's ranking member Senator SESSIONS, Senator KYL, and Senator CONRAD for their cosponsorship.

This legislation will assist qualified Federal, State, and local law enforcement officers in exercising their privileges related to the interstate concealed carry of firearms under existing law more easily and efficiently. The legislation will give active-duty officers and qualified retired officers more flexibility in obtaining the necessary credentials in several important ways and will overcome some of the challenges that retired officers have faced in the past in obtaining certification. The legislation will also remove some of the administrative pressure on law enforcement agencies by allowing the required firearms qualification testing of retired officers to be done by a private firearms instructor who is certified to test active-duty officers in his or her jurisdiction and at the officer's own expense. And it will give law enforcement agencies more certainty and authority when determining whether a retired officer suffers from mental health issues sufficient to disqualify that officer from certification under the law.

I have great confidence in the men and women in law enforcement who put their own lives on the line to serve their fellow citizens every day. This confidence extends to these men and women whether they are on the job or off duty. I trust in them and their proven ability to exercise the firearm privileges provided under the Law Enforcement Officers Safety Act responsibly and with the same solemnity with which they approach their official duties.

I have said many times that Congress's efforts to assist State and local law enforcement are a crucial part of our Federal policy and a policy that pays dividends in our overall capability to protect the citizens of the United States. State and local law enforcement officers are the first line of defense and support in America's communities, and for that they deserve the recognition and continued support of Congress. We must also recognize the men and women who serve as law enforcement officers throughout the Federal Government, for whom this legislation will also provide benefits. Federal officers play an indispensible role in the Federal system and in important partnerships with State and local officials around the country. I am glad that the improvements we have worked for over the last several years will finally be enacted, and I look forward to hearing about the positive changes that will come.

PERSECUTION OF THE BAHA'IS

Mr. LEAHY. Mr. President, I want to take a moment to call the Senate's attention to members of the Baha'i faith who have and continue to suffer severe persecution by the Iranian Government.

Senators should be aware that seven prominent Iranian Baha'i leaders are currently in prison, facing sentences of up to 10 years, charged with espionage, establishing an illegal administration, and promoting propaganda against the Islamic order. These spurious charges are only the latest example of the mistreatment of the largest religious minority in Iran.

Ironically, the Baha'i faith originated in Iran during the 19th century, separating the Baha'is from their previous affiliation with Islam. The founder of the faith, known as The Bb, was then arrested, locked in a dungeon, and executed, as were some 20,000 of his followers. These atrocities devastated a religion whose tenets include global unity, peace and diversity.

Persecution of the Baha'is in Iran continued into the next century, with the Iranian Government's destruction of Baha'i literature in 1933, and in 1955 the demolition of the Baha'i national headquarters. Since the establishment of the Islamic Republic of Iran in 1979, the government has stepped up its active discrimination against the Baha'is. Children are prohibited or discouraged from receiving higher education, Baha'is are unable to practice their faith in public, they are prevented from opening businesses or advancing their careers, and Baha'i cemeteries are destroyed. Baha'is are slandered by the Iranian media, often called worshippers of Satan.

The arrests of the seven Baha'I leaders are the latest official Iranian abuse against members of this religious faith. These men and women led the ''Friends in Iran,'' a Baha'i group working to meet the needs of the Baha'is in Iran. After their arrest, the group disbanded, reducing the much needed support to the Baha'is. The leaders were incarcerated in 2008, and were not brought before a judge for over 20 months.

The systematic abuses of the Baha'i by the Iranian Government are clear violations of provisions in the International Covenant on Civil and Political Rights, to which Iran is a signatory, on economic and educational opportunities, religious freedom, and due process. They are also violations of Iran's own laws.

Prominent global leaders are speaking out in support of the Baha'is in Iran, including Secretary of State Clinton, her British counterpart William Hague, and the President of the European Parliament, Jerzy Buzek. They

have each expressed concern and disapproval with Iran's mistreatment of Baha'is. They are joined by a long list of human rights groups, such as the International Federation for Human rights, Human Rights Watch and the Iranian League for the Defense of Human Rights. I want to add my voice in condemning Iran's persecution of its Baha'i religious minority.

Our Nation stands for fundamental rights and freedoms. We are not perfect, and I have not hesitated to speak out when I felt we fell short of our own values and principles. But I also believe we have an obligation to speak out when the fundamental rights of citizens of other nations are being denied. The Baha'is of Iran deserve our admiration and support.

ASSISTANCE FOR AFGHANISTAN

Mr. LEAHY. Mr. President, at a time when many Americans are increasingly concerned with the situation in Afghanistan, I was interested in an investigative report on U.S. aid for Afghanistan in the August 2, 2010, issue of the Christian Science Monitor weekly magazine. The report describes several aspects of the U.S. Agency for International Development's approach to development in that country, and I want to take a minute to clarify what may be a misconception about the Congress's expectations.

The article describes USAID's focus on the ''burn rate''—that is, how quickly aid funds are spent. With this as USAID's focus, the more money the President asks for, the more money Congress appropriates, the more money USAID has available to spend, and the faster USAID says it needs to spend it in order to satisfy Congress.

The article gives examples of the mistakes and problems that have resulted from trying to spend too much, too fast, in an environment where security threats severely limit the ability of USAID to monitor the funds, where a large percentage of the population lives as though it were the 12th century, where corruption is pervasive, and where the Karzai Government is widely perceived as ineffective or worse. The article describes big-dollar contracts with foreign companies that are not familiar with Afghanistan, for projects that are hastily designed from the top down, are overly ambitious, and too often do not produce good results.

This is one Senator who is not impressed by burn rates. I don't think they are a good measure of anything, except possibly waste. When I hear that the administration expects to increase the burn rate for USAID programs and activities in Afghanistan from $250 million per month to $300 million per month, it rings alarm bells. I am interested in projects that are worth the investment and that provide lasting improvements in the lives of the Afghan people. More often, that means spending less, and spending it more slowly and more carefully.

What we are seeing in Afghanistan is reminiscent of Iraq, although in Iraq the waste and shoddy results were on a far larger scale. The Pentagon was asked to be a relief and reconstruction agency that it was never meant to be. The empty buildings, electricity blackouts and unfinished projects are part of the costly legacy of that debacle.

But the increasing tendency in Afghanistan to measure progress by the rate at which money is spent is unwise. We have urged USAID to go slower, to focus on smaller, manageable, sustainable projects that are chosen with input from local communities. Local people, and local governments or national government ministries with a record of transparency, accountability and good performance, should be involved at all stages, from design to implementation to oversight. It may take longer, the projects may not be as grandiose, but the long term results are likely to be better.

In response, we are told USAID needs more money to support the civilian surge and implement bigger projects quickly as part of the ''clear, hold, build'' strategy. I understand the pressure USAID is under, from the Pentagon, the White House, and the State Department, to spend more money faster. I suspect if it were up to USAID alone it would spend less and get better results. And I am concerned that at the same time USAID is being told to spend more, it is treated as a second-class agency that sometimes has to fight just to be included in the discussions about the very strategy it is told to implement.

But I have seen, as the Christian Science Monitor describes, the disappointing results of the big-spending, rushed approach. Costly new roads that are already deteriorating, poorly built irrigation canals that have collapsed from landslides, hydro-electric projects that don't produce electricity. United States officials in Kabul who have been in the country only a few months and will be gone after a year, trying to direct what happens on the ground hundreds of miles away. Perhaps the worst of it is that many Afghans have become angry and distrustful of the United States because they know these projects were expensive and mismanaged, and promises were not kept. Just as bad is when USAID contractors issue self-serving reports—describing projects which cost too much and produced too little—as success stories.

Of course, spending billions of dollars does produce successes. Hundreds of thousands of Afghan girls are in school thanks to the United States. That alone is a major achievement. Agricultural productivity is increasing, thanks to USAID programs, although opium poppy cultivation is also flourishing. Another success is the money we provide to the National Solidarity Program, which works from the bottom up, with better oversight and less waste than the big contracts. It is supporting economic development projects, often costing only a few tens of thousands of dollars, in thousands of Afghan towns and villages.

But these successes should not obscure the fact that planning, implementation, and oversight of programs need to be better, both for American taxpayers and for the Afghan people.

At a time when we face large budget deficits and money is scarce, I doubt the wisdom of spending billions of dollars this way. That is one reason the Department of State and Foreign Operations Subcommittee has recommended $1.3 billion less than the President requested for aid for Afghanistan for fiscal year 2011. Some argue that we should have cut even more.

We want to help the people of Afghanistan. They have suffered, and continue to suffer, every imaginable hardship. Combating poverty, empowering women whose political participation is essential to the future of that country, building more effective public institutions, and strengthening the rule of law in Afghanistan are in the long term interests of the United States. We know that in a country torn by conflict and where corruption is rampant, some projects will fail no matter how well designed they are. We understand that there is an unavoidable element of risk. But spending money fast is not the same as taking risks to help people.

I urge the administration to review its current assumptions, look critically at the results so far, take the time to understand the lessons learned, and reevaluate the amount of aid that Afghanistan can effectively absorb so progress is measured not by the rate at which money is spent, but by tangible improvements in the lives of the Afghan people.

10TH ANNIVERSARY OF BONE BUILDERS

Mr. LEAHY. Mr. President, next month, RSVP programs in Vermont's Rutland and Addison Counties will be celebrating the 10th anniversary of Bone Builders, a free exercise program that helps Vermonters combat and prevent osteoporosis. I congratulate all the participants and volunteers who have contributed to the success of Bone Builders and for reaching this milestone.

As we mark the 6-month milepost of the Affordable Health Care Act and the implementation of more and more of its benefits for Americans and their families, we all are increasingly attuned to the advantages of ending the corrosive health cost spiral, and the roles to be played by individual and organized preventive efforts like Bone Builders.

Bone Builders uses RSVP volunteers to lead weight training and balance exercise classes aimed at preventing fractures caused by osteoporosis. Classes help participants increase their muscular strength, balance, and overall bone density. Countless studies have

shown that women who participate in exercise programs like Bone Builders can gain bone density while nonparticipants will continue to lose bone density.

One particular story shared with me captures how important this program is to help keep Vermonters healthy. A few years ago during a particularly rough winter, a Bone Builders participant was walking to her bird feeder and fell, injuring herself. Yards away from her house and her phone, she found the strength to drag herself back to her house. Later she told an RSVP volunteer that she would not have been able to get inside to call for help if she had not participated in Bone Builders.

Medical experts estimate that there are 1.5 million fractures per year in the United States due to osteoporosis, costing nearly $20 million in health care services and treatments. Doctors in Vermont, understanding how important strength training programs are for seniors in order to prevent osteoporosis, have started to refer patients to local classes and hand out Bone Builders brochures. Since the program has been so successful and popular in Vermont, there are now more than 100 classes offered across our State.

The program has helped countless Vermonters not only improve their health but make connections in their communities. Some participants have recently lost spouses or have had health difficulties that may isolate them within their neighborhood and communities. The camaraderie and friendship that participants in Bone Builders find through classes often leads them to socialize outside of the program. In fact, the program has been so successful in Vermont that the Bone Builders model has been replicated in several other States, including California, Maine, Florida and Minnesota.

I am proud of the Vermonters who have taken the initiative and challenged themselves in these classes, and for the work of the volunteers who spend their time inspiring others to improve their health. I look forward to celebrating the work of RSVP Bone Builders and many other such anniversaries in the years ahead.

COMMENDING SENATOR ROLAND BURRIS

Mr. LEVIN. Mr. President, Senator Roland Burris of Illinois was sworn into office less than 2 years ago. In that short time, he has debated and voted on some of the most important legislation the Senate has considered in 40 years. During his tenure, Senator BURRIS has helped pass major reforms to end abuses by the credit card industry, to put a cop back on the beat on Wall Street, and to expand health care coverage to 32 million Americans while reducing the Federal deficit by $143 billion. Senator BURRIS also voted to confirm the nomination of two U.S. Supreme Court Justices: Justices Sonia Sotomayor and Elena Kagan.

Senator BURRIS serves on the Senate Armed Services Committee, which I chair. During his service on the committee, Senator BURRIS helped provide oversight of the military as we draw down U.S. forces in Iraq and standup Afghan forces in Afghanistan. He has helped pass weapons acquisition reform legislation and two National Defense Authorization Acts out of committee. He has helped confirm the nominations of Nation's top civilian and military leaders.

Before coming to the Senate, Roland Burris had a distinguished career in Illinois politics, as Illinois comptroller and then as the Illinois attorney general.

As Senator BURRIS ends his time here in the Senate, I thank him for his service to our Nation and wish him and his family the very best.

COMMENDING SENATOR CARTE GOODWIN

Mr. LEVIN. Mr. President, today I rise to congratulate Senator CARTE P. GOODWIN of West Virginia for his service. When he was sworn into office in July, Senator GOODWIN assumed the seat previously held by the Chamber's longest serving and one of the most distinguished Senators in our history—Senator Robert C. Byrd, who passed away on June 28.

Before arriving in the Senate, Senator GOODWIN already had an impressive political career. As chief counsel to West Virginia Governor Joe Manchin, CARTE GOODWIN led the effort to reform mine safety rules in the wake of the Sago and Aracoma coal mine disasters that killed 14 coal miners. He also served as the chairman of the West Virginia School Building Authority.

Senator GOODWIN serves on the Senate Armed Services Committee, which I chair. As a committee member, Senator GOODWIN has helped pass the National Defense Authorization Act out of committee. He has also contributed to hearings overseeing the status of conflicts in Iraq and Afghanistan.

As Senator GOODWIN's time in the Senate draws to a close, I thank him for his service to our country, and I wish him and his family the very best.

WORLD STEM CELL SUMMIT

Mr. LEVIN. Mr. President, next week, scientists, researchers, industry leaders and advocates from around the world will gather in Detroit, MI, for the sixth annual World Stem Cell Summit. By bringing together experts in medicine, genetics, business, and economic development, the summit will give a boost to global efforts aimed at finding cures for debilitating and deadly diseases, as well as bringing the important economic benefits of bioscience. By choosing Detroit as the site of this year's summit, the organizers have made a powerful statement about Michigan's commitment to this vital area of scientific exploration.

In 2008, Michigan voters approved a referendum protecting the ability of Michigan researchers to engage in research involving stem cells. This wise decision has already paid significant dividends. Researchers at the University of Michigan, Michigan State University, Wayne State University, and other Michigan institutions have made significant progress even in that short time. UM has established a consortium to aid the search for treatments and cures, and a UM researcher, Dr. Eva Feldman, last year obtained FDA approval for the first ever clinical trials on a stem cell therapy for ALS, or Lou Gehrig's disease. Researchers at MSU are advancing work on stem cell treatments for Parkinson's disease. At Wayne State, scientists are examining how stem cells can be made more useful for a wide variety of medical purposes. These and other institutions across the State are working hard to save and improve lives, and I congratulate them for their efforts.

Michigan researchers will join others from across the country and around the world at next week's summit. They will examine not only the latest scientific advances but important subjects such as how stem cell research can contribute to economic development efforts, another area in which Michigan has quickly become a leader.

I would like to welcome those who will travel to Detroit next week and thank them for the opportunity to show what Michigan has accomplished in the stem cell field. I wish them every success as they seek to protect the health and save the lives of the millions of people coping with diseases that stem cell research might one day cure.

COMBATTING TERRORISTS' ACCESS TO FIREARMS

Mr. LEVIN. Mr. President, in May 2010, the Senate Homeland Security and Governmental Affairs Committee held a hearing on how known or suspected terrorists are taking advantage of lax Federal laws to purchase firearms. The committee discussed two legislative proposals, both of which I have cosponsored, to address this weakness in current law: the Denying Firearms and Explosives to Dangerous Terrorists Act, S. 1317, and the PROTECT Act, S. 2820. S. 1317 would close the loophole in current law—known as the terror gap—that prevents the Federal Government from stopping the sale of firearms or explosives to a known or suspected terrorist—unless that individual falls under another disqualifying category. S.2820 would lengthen the time—from the current duration of 90 days to 10-years the FBI is required to keep gun transfer records that involve a purchaser on the terrorist watch list. Unfortunately, despite broad support from the law enforcement community, Congress has failed to pass these commonsense pieces of legislation.

On September 22, 2010, the Senate Homeland Security and Governmental Affairs Committee held a hearing entitled ''Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland.'' At this hearing, I questioned FBI Director Robert Mueller about the FBI's efforts to prevent individuals on the terrorist watch list from acquiring firearms and explosives. In regard to S. 1317, I asked Director Mueller if he had an opinion as to whether or not persons on the terrorist watch list should be able to buy guns and explosives. I was pleased to hear Director Mueller's response that ''all of us would want to keep weapons out of the hands of terrorists and/or persons on the terrorist watch list.'' This response echoes the support given at a November 2009 Senate Judiciary Committee hearing by Attorney General Eric Holder, the Nation's top law enforcement official, for legislation to close the terror gap.

In regard to S. 2820, I asked Director Mueller whether he would like to be able to keep firearm transfer records for longer than 90 days for persons on the terrorist watch list. Again, I was glad to hear that Director Mueller favors a longer period of record retention across the board, including for those persons who are on the terrorist watch list. According to Director Mueller, ''retention of records gives us an ability to go back, when we identify some person, and determine whether or not there's additional information we would have in those records that would enable us to conduct a more efficient investigation.''

At this hearing, Director Mueller added his voice to the chorus of support from so many law enforcement professionals for legislative solutions that address the deficiencies in current law. Closing the terror gap and increasing the duration of firearm record retention are two ways to give the law enforcement community the necessary tools to keep guns and explosives out of the hands of known and suspected terrorists. Congress should listen to the brave men and women charged with protecting the American public and, without further delay, pass these commonsense solutions.

TRIBUTE TO JIM CORLESS

Mr. LEVIN. Mr. President, as Members of the Senate, we work every day with public servants who fill an amazing variety of roles, and when one of those servants fills his or her role with exceptional skill and dedication, they deserve our praise. One such public servant, Jim Corless, the superintendent of Keweenaw National Historical Park in Michigan, is preparing to retire after nearly 30 years of Federal service, the last 3 of which have come in helping build one of the most unique national parks in the Nation.

Jim Corless came to Michigan's Copper Country from Klondike Gold Rush National Historical Park in Skagway, AK, making him that rare person who moved south to the Upper Peninsula of Michigan. This was good fortune for those of us who care about preserving the history of Michigan's copper mining era because Jim's career had prepared him well. As a trained historian, Jim had already helped bring alive the drama of our Nation's founding, the frontier grit of the earliest Texas settlers, the history of Ozark waterways in Arkansas, and the growth of textile manufacturing in Massachusetts in parks from coast to coast.

Preserving the legacy of Michigan's copper mining industry has long been a priority for many of us Michiganians. The Keweenaw Peninsula contained perhaps the world's richest and purest deposits of copper, and from native peoples 7,000 years ago to miners in the 19th and 20th centuries, those deposits have had profound effects on human society across our Nation and on the peninsula.

The park established in 1992 to preserve that history is like no other in the Nation. Unlike the vast majority of National Park Service facilities, in which the government owns and controls the land and associated assets of the park, Keweenaw National Historical Park is an unusual public-private cooperative venture. Private citizens, nonprofit groups, and local governments own nearly all the park's historic assets, and they are managed cooperatively, with the Park Service providing coordination, advice and funding.

That calls for a superintendent who is part historian, part manager, and part diplomat. Jim has skillfully served all three roles. He has worked closely with officials at the Environmental Protection Agency to simultaneously preserve the industrial legacy of the copper mines while remediating the environmental impact of that legacy. And he has taken a leading, but always cooperative, role in bringing together the various community interests who have a stake in the park and its growth. Just one example of this work is his work to help create the Quincy Smelter Steering Committee to help preserve one of the park's most important historic resources.

Jim describes Keweenaw National Historical Park as a ''parknership,'' and that illustrates the thoughtful way in which he has approached his job over the last 3 years. All of us who care about Michigan's vital mining past are grateful for his exceptional service, and we all wish him and his wife Mary Jane the very best as they embark on the next chapter of their lives.

HONORING OUR ARMED FORCES

MASTER SERGEANT JARED VAN AALST

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to pay tribute to the life and sacrifice of MSG Jared Van Aalst, a native of Laconia, NH. Jared was killed on August 4 while stationed in Kunduz Province, Afghanistan. He was serving on his sixth combat deployment as part of Operation Enduring Freedom. Jared exemplified the very best in our military's long tradition of selfless service on behalf of this great nation.

Master Sergeant Van Aalst enlisted in the U.S. Army on August 17, 1995. After completing basic training, the signal systems specialist course and basic airborne school, he was assigned to the Headquarters Company. He later completed the Ranger indoctrination program and sniper school, and continued to rise through the ranks as a sniper team leader and squad leader. Master Sergeant Van Aalst was promoted to sniper platoon sergeant, platoon sergeant, and finally served as the noncommissioned officer in charge of Headquarters Company's 3rd Battalion Reconnaissance, Sniper and Technical Surveillance. He saw combat in both Operation Iraqi Freedom and in Operation Enduring Freedom in Afghanistan.

An exceptional marksman and soldier, in 2005 Master Sergeant Van Aalst defeated 147 of his brothers in arms to take first place at the service-rifle individual championship in the U.S. Army Small Arms Championships. He was later selected as a shooter and instructor for the U.S. Marksmanship Unit at Fort Benning.

Master Sergeant Van Aalst's many awards include the Bronze Star Medal, two Meritorious Service Medals, two Joint Service Commendation Medals, three Army commendation Medals, seven Army Achievement Medals and five Good Conduct Medals, the Afghanistan Campaign Medal with two bronze service stars, the Iraq Campaign Medal with two bronze service stars and the National Defense Service Medal with bronze service star. He was posthumously awarded a second Bronze Star Medal and a third Purple Heart Medal, as well as the Defense Meritorious Service Medal. Our Nation can never adequately thank Jared for his willingness to make the ultimate sacrifice in the defense of American liberties, nor can words diminish the pain of losing this brave American. For his 15 years of service, he has earned our country's enduring gratitude and recognition.

A Laconia native, Jared was a graduate of Plymouth Regional High School in Plymouth, NH, where he was the captain of the high school wrestling team and one of the best wrestlers in the entire state in his weight class. He is remembered for his incredible drive and determination to succeed.

Jared has been laid to rest at Arlington National Cemetery. He is survived by his wife Katie Van Aalst, their two daughters Kaylie and Ava, and his parents Neville and Nancy Van Aalst. This brave New Hampshire son will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of MSG Jared Van Aalst.

SERGEANT ANDREW NICOL

Mr. President, today it is also my sad duty to pay tribute to the service and sacrifice of SGT Andrew Nicol, a native of Kensington, NH. Andrew, just 23 years old, was killed in action by an improvised explosive device on August 8 in Kandahar, Afghanistan, while supporting Operation Enduring Freedom. He served as an Army Ranger and was a member of the 3rd Battalion, 75th Ranger Regiment, based at Fort Benning in Georgia.

Despite his young age, Sergeant Nicol served five tours in Iraq and Afghanistan and was awarded many medals for his valor. These included the Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with Combat Star, Iraq Campaign Medal with Combat Star, and the Global War on Terrorism Service Medal. He was honored for heroic actions during a combat mission in October 2008 and was also awarded the Bronze Star Medal for Valor for heroic actions in northern Iraq. His actions during these missions saved the lives of fellow soldiers and led to the capture of numerous enemy insurgents. Sergeant Nicol was posthumously awarded an additional Bronze Star Medal, a Meritorious Service Medal and a Purple Heart. Unquestionably, he served his country with both honor and distinction.

Andrew was a 2005 graduate of Exeter High School. He was captain of the wrestling team there, and earned the respect and affection of his peers through his leadership and wonderful sense of humor. Andrew looked for challenges, from racing in New Hampshire motocross competitions to serving as a volunteer firefighter and EMT. He was an indispensable member of his community.

Sergeant Nicol exemplified the best in New Hampshire's long tradition of service to this country. Our Nation can never adequately thank this young hero for his willingness to lay down his life in defense of the American people and words cannot fill the void left by his death. I hope that Andrew's family can find solace in knowing that all Americans share a deep appreciation for his service. Daniel Webster's words, first spoken during his eulogy for Presidents Adams and Jefferson in 1826, are fitting: ''Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored.'' Sergeant Nicol has earned our country's enduring gratitude and recognition.

Andrew has been laid to rest at the New Hampshire State Veterans Cemetary in Boscawen. He is survived by his parents Roland and Patricia Nicol of Kensington, NH, and older brother Roland who lives in Boston. This young patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of SGT Andrew Nicol.

STAFF SERGEANT KYLE WARREN

Mr. President, today with a heavy heart, I also wish to pay tribute to the life and service of Army SSG Kyle Warren, who was killed on July 29 in Tsagay, Afghanistan, by an improvised explosive device. Warren, formerly of Manchester, NH, was on his second deployment to Afghanistan. He was a member of the 1st Battalion, 3rd Special Forces Group, Airborne, based at Fort Bragg, NC.

Staff Sergeant Warren joined the military in 2004, entering the Army as a Special Forces trainee. Following Basic and Special Forces training, he completed medical training at the John F. Kennedy Special Warfare Center and School. By 2007, Warren had earned a Green Beret and went on to serve as a Special Forces medical sergeant during two tours of duty. His awards include the Bronze Star Medal, Army Achievement Medal, Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, NATO Medal, Purple Heart, and Global War on Terrorism Service Medal. Unquestionably, he served our Nation with distinction and honor.

A native of southern California, Kyle moved to New Hampshire in 2003 to be closer to his mother. While in Manchester, Kyle joined the local men's rugby club and quickly made friends with his teammates. He is remembered for his wonderful sense of humor, remarkable physical strength, and exceptional kindness.

SSG Kyle Warren exemplified the best in New Hampshire's long tradition of service to this country. Our Nation can never adequately thank him for his willingness to make the ultimate sacrifice in defense of the American people and words cannot fill the void left by his death. He has earned our Nation's enduring gratitude and recognition.

SSG Kyle Warren is survived by his wife Sandra, whom he met while living in New Hampshire, his mother and stepfather Lynn and Ed Linta, as well as his father and stepmother Del and Hill Warren. This patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of SSG Kyle Warren.

SERGEANT MARVIN RAY CALHOUN, JR.

Mr. BAYH. Mr. President, I rise today to honor the life of SGT Marvin Ray Calhoun, Jr. of the U.S. Army and Elkhart, IN.

Sergeant Calhoun was assigned to the Army's Bravo Company, 5th Battalion, 101st Combat Aviation Brigade, 101st Airborne Division. He lost his life on September 21, 2010, while serving bravely in support of Operation Enduring Freedom in Qalat, Afghanistan, where he was serving his second tour of duty. Sergeant Calhoun was 23 years old.

Marvin joined the Army soon after graduating from Elkhart Central High School in 2006. He played on his high school football team and was described by his coach as one of the team's hardest working players.

Today, I join Marvin's family and friends in mourning his tragic death. He is survived by his wife Yamili Sanchez and their daughter Yohani; his mother Shirin Reum; and his father Marvin Calhoun, Sr.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

As we struggle to express our sorrow over this loss, we take pride in the example of this American hero. We will cherish the legacy of his service and his life.

It is my sad duty to enter the name of Sergeant Marvin Ray Calhoun, Jr. in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

PRIVATE FIRST CLASS GEBRAH NOONAN

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to mark the passing and honor the service of Army soldier, PFC Gebrah Noonan of Watertown, CT.

Private First Class Noonan died in Fallujah, Iraq, on September 24. He was a member of the Headquarters Company of the Third Infantry Division stationed out of Fort Stewart, GA. His company had deployed to Iraq in July and Gebrah was eager for the opportunity to serve his country-something he had always wanted to do.

Gebrah Noonan graduated from Watertown High School in 2002, where he is fondly remembered by friends for having a larger than life personality, a smile on his face and a joke to share. His humor and wit earned him the title of class clown his senior year. Gebrah loved life and was an avid Yankees fan, but even more so a Michael Jackson enthusiast. He even dressed up like Michael Jackson during School Spirit Days.

Private First Class Noonan was always outspoken about his love of country. He enlisted in the Army last October because he felt it was an opportunity to serve his country as well as an opportunity for self-improvement. Private First Class Noonan's Army recruiter remembered him as a committed soldier who also brought his fun personality to everything he did. He truly had an infectious smile.

Private First Class Noonan leaves behind a family that has supported him through every part of his young life. Our thoughts and prayers are with his parents William and Ling Noonan, as well as his brothers and sister. There are no words to express the debt of

gratitude we owe to Gebrah and his family. PFC Gebrah Noonan's selflessness and sacrifice will not be forgotten by those of us who mourn his tragic loss.

Mr. KAUFMAN. Mr. President, since last February, I have spoken at great length on what I viewed and continue to view as the key issue in financial reform that of too big to fail. As my colleagues know, I sponsored legislation with Senator BROWN and others that would have placed strict limits on the size and riskiness of megabanks, but that did not pass. Instead, Congress placed its faith in regulators to set appropriate prudential standards for these institutions.

The issue of too big to fail has therefore not gone away with the passage of the landmark Dodd-Frank bill. It remains the most pressing issue for regulators and for all of us. As Fed Chairman Ben Bernanke stated recently in testimony before the Financial Crisis Inquiry Commission: ''If the crisis has a single lesson, it is that the too-big-to-fail problem must be solved.''

Given that, financial regulations being developed nationally and internationally will be judged by one critical standard: do they address the core problem of too big to fail? This will be my last Senate speech on this issue, and I will be focusing on whether the recent rules coming out of Basel, Switzerland and that will be considered in the upcoming G20 meeting in Seoul meet this standard.

The oversight body of the Basel Committee on Bank Supervision recently came to agreement on a core pillar of the Basel III framework of bank capital and liquidity standards. The agreement comes approximately 2 years after the original onslaught of the financial crisis and only a couple of months after the passage of a landmark financial reform bill in this Congress. This represents a rather quick turnaround for complex and oftentimes fractious international negotiations on financial regulation.

The new Basel III agreement also effectively increases the amount of common equity that banks must hold as a percentage of their risk weighted assets from 2 percent to 7 percent. Importantly, this change not only raises the international bar on the amount of capital that banks hold, but also the quality of the capital that they hold that is, more of their capital will need to be held in the form of common equity and retained earnings. In addition, this minimum risk-weighted capital ratio would also be supplemented for the first time on an international level by a leverage limit of 3 percent, a ratio that reflects the amount of capital that a bank holds relative to the size of its assets.

While I commend the committee on its efficiency and for producing a proposal that significantly strengthens existing international capital standards, I see several problems and flaws with regard to both the design and implementation of these rules.

First, the standards are still too weak and will take way too long to be implemented. Even with the greater focus on high-quality equity capital, large U.S. bank holding companies are generally already well above the Basel III standards, which they will not have to comply with until 2019. And while the introduction of a leverage ratio has been hailed as a major achievement, it is subject to a long test and implementation period and is set at such a low level as to be mere window dressing. In fact, it would still permit financial institutions to leverage their balance sheets more than 33 times over their capital base, which is well above the gross leverage level at Lehman before it went into bankruptcy.

Second, given the weakness of the leverage ratio, it is even more incumbent on negotiators to go back to the drawing board on the flawed risk-based standards of Basel II. In short, determinations on capital adequacy under the Basel rules will continue to be dependent on arbitrary risk weights, the judgments of rating agencies and the banks' own internal models. Instead of correcting the fundamental flaws of Basel II, Basel III continues to walk on its Achilles heel.

The final financial reform bill partially addresses this problem by removing all references to credit rating agency ratings in Federal regulations. But since the Basel regulatory capital rules depend heavily on credit rating agency determinations, U.S. regulators are currently struggling to find a viable alternative. This is no doubt a tough task given that the use of ratings is at least as pervasive in the world of financial markets as it is in the world of financial regulations.

Third, the Basel Committee punts on a global liquidity standard. With all the focus on capital requirements, it is easy to forget that liquidity rules are at least as important, if not more so. After all, Lehman Brothers was deemed adequately capitalized only days before a run on the firm evaporated its liquidity. Other institutions that were reportedly adequately capitalized also had fatal or near-fatal experiences due to liquidity runs.

The Basel Committee initially proposed a fairly robust liquidity proposal late last year. Under it, banks would be subject to a liquidity coverage ratio, LCR, requiring them to hold enough high grade liquid assets to cover potential cash needs over a 30-day period. They would also be subject to a net stable funding ratio, NSFR, requiring them to have sufficient sources of stable funding based upon the overall liquidity profile of their assets. Such a standard would help limit overreliance on unstable wholesale financing sources, a cause of the financial crisis that I will discuss in greater detail later in this speech. Unfortunately, in the face of a vocal industry backlash, the committee watered down the proposals in July and has further backtracked on these standards in its most recent release. Both are also subject to a long ''observation period.'' In fact, the actual standards on the LCR and NSFR, which are likely to be much weaker than the initial proposals, will not be introduced until 2015 and 2018, respectively.

Instead of waiting on uncertain and delayed Basel rules, U.S. regulators can set their own liquidity rules and/or use new powers granted by Dodd-Frank to place basic limits on the use of short-term debt, including repos, by systemically significant financial institutions. In the years prior to the crisis, the repo market morphed from a means for money-center banks to use high-quality collateral like Treasurys to secure overnight liquidity to being a convenient way for banks to finance the booming securitization machine. Unfortunately, the use of repos and other forms of short-term borrowing to finance massive inventories of illiquid structured securities backed by dubious collateral led to serious structural weaknesses at the heart of our financial system. Placing basic limits on this practice would add greater stability to our financial system. Indeed, if financial institutions had to use more expensive longer term funding to finance risky assets, we would likely see fewer risky and needlessly complex financial assets being created. As a recent study by the Bank of International Settlements shows, the effect of higher capital and liquidity requirements will likely strengthen financial stability without hindering economic growth.

Finally, the Basel Committee has yet to specifically address the problem of too big to fail. Although the committee notes that systemically significant banks should have ''loss absorbing capacity'' that goes beyond these basic standards, it has yet to provide much in the way of details of what this will entail. Ultimately, systemically important banks might need to hold some combination of the following: additional capital; contingent capital that converts from debt to equity when overall capital levels drop below a minimum threshold; and so-called bail-in debt that would subject holders of the debt to an expedited cram-down in cases where the institution was distressed. Presently, concepts such as contingent capital and bail-in debt, neither of which is a high-quality form of capital, raise more questions than answers with regard to how expensive a form of capital they would be and how they would work in practice. Indeed, the Basel Committee itself continues to explore these issues as reflected by a recent consultative document. And while the committee calls for a ''well integrated approach'' on the supervision of systemically significant institutions, it seems more likely that the regulation of these firms will differ depending on national jurisdictions.

Under the new financial reform law, the Federal Reserve must set capital and other prudential standards that

are more stringent for systemically risky institutions than they are for other financial institutions. It can also set graduated capital requirements that rise as banks and other financial institutions grow bigger and more complex. In addition, the Fed can set countercyclical capital rules that require banks to build up capital buffers during a bubble. While the Basel agreement also calls for such countercyclical rules, national regulators will have great discretion on when and how to implement them.

But to truly address too big to fail, regulators will ultimately need to limit the size, complexity, and riskiness of megabanks. The final financial reform bill has a number of provisions that have the promise of doing this, if regulators avail themselves of them. For example, the final bill's inclusion of the Kanjorski provision will give regulators the explicit authority to break up megabanks that pose a ''grave threat'' to financial stability. In addition, the requirement that systemically significant firms develop ''living wills'' allows regulators eventually to force an institution to shed assets if it fails to submit a credible resolution plan. Because resolution authority does not work for global mega-banks sprawled across many borders, I believe it will be imperative for regulators to use these powers.

I hope we ultimately take heed of the lesson that Chairman Bernanke identified. While the Basel III framework will be useful in setting minimum international standards, U.S. and other national regulators will need to go far beyond it to address the problem of too big to fail. Of course, I would have preferred to have solved this problem by drawing simple statutory lines, such as those put forward in the Brown-Kaufman amendment. The Dodd-Frank bill instead takes a different tack, leaving critical decisions in the hands of the regulators. Its ultimate success or failure will therefore depend on the actions and follow through of these regulators for many years to come.

As I have said before, Congress has an important role to play in overseeing the enormous regulatory process that will ensue following the bill's enactment. The American people, for that matter, must stay focused on these issues, if just to help ensure that Congress indeed will fulfill its oversight duty and its duty to intervene if the regulators fail. Although I will be leaving the Senate in November, I will be watching to see if the regulators have learned the lesson to which Chairman Bernanke refers and are willing to take the tough steps to solve the too big to fail problem.

MIDDLE EAST PEACE PROCESS

Mr. KAUFMAN. Mr. President, while a U.S. Senator I have traveled to the Middle East three times, visiting Israel each time and the West Bank twice. My travels through the region also included four visits to Iraq, as well as visits to Saudi Arabia, Lebanon, Egypt, Syria, Turkey, and Kuwait. What I have seen in those trips gives me a certain amount of qualified optimism different than any I have had in my 37 years following the Arab-Israeli peace process.

This morning, I shared my thoughts with the organization J Street, and I ask unanimous consent that they be printed in the RECORD.

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

Good morning. I am pleased to address you today about the Middle East peace process, a topic J Street has done so much on already. I often describe the Middle East as a roller coaster, full of ups and downs and the occasional complete loop. It might be an exciting ride, if only you had any idea when it was going to end. In my experience things are most dangerous in the Middle East when you are optimistic. We have all learned the Middle East can break your heart.

Even with that in mind, after 37 years working in and around Washington, I am optimistic about the prospects for a Middle East peace process. I know the major obstacles to peace and I will highlight two in particular that I believe are most threatening, but first let me explain the reasons this time feels different to me.

First is Iran. As one of my top priorities as a U.S. Senator, I sought out updates on the Middle East from my very first days in office. What I heard from senior administration officials and other senators surprised me: when they traveled to the region they found the Arab states—for the first time in my experience—did not start with a diatribe about Israel, but rather wanted to talk about Iran, and the destabilizing effect an Iranian nuclear weapon would have on the whole Middle East.

I went there myself and found it to be completely true. And I think my most recent trip to Saudi Arabia provides a wonderful illustration of this. In Riyadh, we spoke with members of King Abdullah's consultative assembly, a group of professionals appointed by the King to offer him advice. They certainly wanted to talk about the peace process with us, but at the same time a comment from the chair of their foreign relations committee was typical. He said ''Iran wants to destabilize the Gulf. We do not believe they have a peaceful nuclear system, because otherwise, why would they be building delivery vehicles.''

At higher levels in Saudi Arabia, the realization at last that Iran, not Israel, is the greatest danger to stability in the Middle East is even more pronounced. We met behind closed doors with a member of the Saudi royal family and had a lively back-and-forth about the peace process. But at the end of our discussion, he turned to us and said, I paraphrase, ''It's really all about Iran.''

It is not difficult to see why. Saudi Arabia has been the unrivaled most important Muslim country in the Gulf for nearly half a decade, the one that the other Muslim countries look to for leadership. A nuclear Iran is a direct challenge to Saudi existence in the Gulf, and the centuries of bad feelings between their peoples ensure that it will not be a friendly competition.

Saudi Arabia, as the leader of the Sunni world, sees an aggressive Shia Iran as a threat to its most basic principles, and fears its export of extremists around the region and within its own borders. The Saudi monarchy has already fought an extremist domestic insurgency in the last decade, and it understands all too well the threat they pose.

Why does this make me optimistic for the peace process? Well, for the first time a nation like Saudi Arabia has a cold-hearted realpolitik motivation to support peace. The looming threat of Iran has focused their mind so that they, and other Arab nations, know they need to solve one security issue and, in the words of a member of the Saudi consultative assembly, ''take away Iran's best propaganda tool.''

The best evidence of this is the Gaza flotilla. In years past, something like the flotilla incident would have derailed the peace process down and possibly led to an intifada, but this time, the direct talks started. The relatively muted response to the end of the settlement moratorium may very well be another example.

Second, I am optimistic because of the U.S. dream team working to promote the peace process. President Obama is unshakable in his commitment to this issue and is determined to have progress. At the UN General Assembly last week, I thought he laid out the stakes very well, when he said in clear terms about the next year of the peace process that ''this time we will not let terror, or turbulence, or posturing, or petty politics stand in the way.'' If we do, he said, ''when we come back here next year, we can have an agreement that will lead to a new member of the United Nations—an independent, sovereign state of Palestine, living in peace with Israel.'' And he is right.

But it is not the first time he has made clear the United States is done with the old games and will put all its efforts into peace. It was made clear when he assembled a crack team to work on this in the Middle East and in Washington. The Vice President is truly an expert in the region, and Israel has no better friend than him. And Secretary Clinton deserves enormous credit for her work to set the right tone. But I want to spend a few minutes talking about the President's peace envoy himself, George Mitchell.

Senator Mitchell and I share something in common, we were both appointed to replace our former bosses. Along with Senator Kirk, we are the only three men in history to replace a Senator for whom we served as chief of staff. But that is not why I think he is the dream team's MVP.

My father was a secular Jew, and my mother was Irish Catholic, so I have been deeply familiar with both conflicts throughout my life. The Troubles in Northern Ireland were every bit as intractable as the problems in the Middle East. Just like Israel and Palestine, people said that ancient grudges would ensure that there could never be a compromise between a population that would only settle if Ireland was all Catholic or all Protestant. But George Mitchell brokered a peace, by understanding that both Catholics and Protestants wanted an end to the violence so they could get on with their future, and that, through perseverance, a solution could be found that both thought tolerable.

Senator Mitchell has brought that same tireless approach to the Middle East, and it has paid off with the first direct talks in almost two years. At those talks, he is well-served by his extensive background in the region, stretching back to his time as a staffer in Washington. He is certainly no neophyte to Arab-Israeli negotiations.

Even the history of the last two years that led to direct talks is based on his experience. When he chaired a fact-finding committee in 2001 to determine the best way to get the peace process back on track in the middle of the intifada, it produced what we call the Mitchell Report, suggesting three phases of

action: the immediate end to violence, rebuilding confidence in the Palestinian Authority by focusing on their ability to prevent terrorism while the Israelis froze settlement activity, and then the resumption of direct negotiations. It took eight years to get this process moving, but look where we are today.

Senator Mitchell has also had a long and storied career, including bringing peace to Ireland. He did not take this job to be one for two. You can bet that he is confident that an answer is within reach, and within reach soon. He is not preparing an eight-year plan.

My third reason for optimism is the Israeli and Palestinian leadership, particularly Bibi and Abu Mazan. Much has been made of Prime Minister Netanyahu's unwieldy coalition and the multitude of small conservative parties which each have vested interests that could sink a peace deal. But after numerous meetings with him, I am convinced that he wants peace.

I have no doubt that Bibi has wanted peace his whole life, as so many do, because the security of his country and his family depends on it. But, like with the Arab leaders, current events have provided an added realpolitik impetus right now. In my last trip, Defense Minister Ehud Barak sketched out why achieving a solution based on two states, living side-by-side in peace and security, is an existential issue for the unique Jewish democracy that exists in Israel. The alternative to lasting security through two states, he said, is the complete annexation of the West Bank and Gaza. The resulting state would either be non-Jewish, because of the size of the Israeli Arab and Palestinian population, or non-democratic, if Palestinians are disenfranchised. I believe Abu Mazan also really wants peace. Like Bibi, though, current conditions give him an unprecedented flexibility for achieving it. The Arab states that have awoken to the danger of Iran now give Abu Mazan, perhaps for the first time, a true green light to come to a negotiated settlement with the Israelis.

The Arab League in the past has acted as a break on negotiations, but now its members appear more eager for a conclusion to the long-running crisis. I am hopeful that when they meet on October 4 to consider what to do about the end of the settlement moratorium, amidst a great deal of angry rhetoric will be a go-ahead for Abu Mazan to continue talks. It is that important to both him and Arab leaders to achieve peace, and time is of the essence.

So those are three good reasons for optimism, but now the bad news: those that benefit from opposing peace will do everything they can to try to destroy the process. We know that both Hamas and Hezbollah will lose a major reason for their existence, if not the only reason for their existence, if peace is achieved. We should expect them to do everything in their power to stoke violence and provoke a reaction they can turn to their benefit.

After all, they do not need to defeat the peace process, they only need to delay it long enough that Abu Mazan follows through on his announced retirement or loses credibility, leaving a leadership vacuum for Palestinians—and in all my travels, briefings, meetings, and hearings not a single person has been able to suggest a Palestinian leader who can effectively replace him. Or they only need to delay the peace process long enough that President Obama's dream team breaks up. Or delay it long enough that more Arab states follow the path of Syria and increasingly Lebanon and decide that the benefit of kowtowing to Iran outweighs the cost of being in their crosshairs.

As I said at the beginning, the Middle East will break your heart. Whenever you are most optimistic things are most dangerous. But the focus of Arab states on Iran as the true threat, the United States peace process team, and the leadership of Palestinians and Israelis are each new features in this long story. Well aware of the pitfalls, I remain optimistic. Thank you, and I look forward to your questions.

TAIWAN'S DOUBLE TEN DAY

Mr. BURRIS. Mr. President, on October 10, 2010, Taiwan—ROC—our good friend and our partner in peace and economic development will celebrate ''Double Ten Day,'' its national day. I call upon my colleagues in the U.S. Senate to stand with Taiwan and to celebrate this important holiday.

The people on Taiwan have a vibrant democracy which sustains one of the region's most important and dynamic economies. Taiwan's economy has become an attractive base for international investment, and it has achieved economic growth of over 6 percent at a time when many world economies are faltering. Taiwan's economic strength has enabled it to become a major international investor, promoting economic development throughout the region. Clearly, Taiwan has much to offer on the world stage, and much to be proud of as they celebrate their Double Ten Day.

My good friend Taiwan's President Ma Ying-jeou deserves both recognition and congratulations for his leadership in negotiating and signing the Economic Cooperation Framework Agreement, ECFA, this summer which is helping to expand trade between Taiwan and mainland China, reducing regional tensions and encouraging regional prosperity

Taiwan has been a strong partner to the United States in our collective work with the World Health Organization, WHO , and I feel strongly that Taiwan should play a similarly valuable role in the work of global aviation safety and security initiated by International Civil Aviation Organization, ICAO. I hope my colleagues will join me in urging that important international body to welcome the participation of Taiwan.

I ask my colleagues to join with me today in standing to salute Taiwan, as a partner and friend on the world stage, on its Double Ten Day and to reaffirm our friendship, support, and continued progress together and for many years ahead.

ADDITIONAL STATEMENTS

TRIBUTE TO LES MEYER

• Mr. BAUCUS. Mr. President, today I wish to recognize an outstanding education leader from my home State of Montana. Les Meyer, principal of Fairfield High School in Fairfield, MT, has been recognized by the Montana Association of Secondary School Principals as the Montana Principal of the Year for 2010.

Les has served in the Fairfield school system for over 13 years, beginning as an English teacher in 1997 and since 2002 as the principal of Fairfield High School. Under his leadership the school has seen test scores and student achievement rise every year, while the dropout rate has fallen to almost zero. Les has expanded professional development opportunities to help his teachers do an even better job of educating our children. He is well liked and admired by the staff and students alike.

When Les was recognized as the Montana Principal of the Year, he humbly accepted the award and praised his teachers, staff, students, parents, and community members who have all contributed to the success of the young people in Fairfield schools. He noted how fortunate he is to be working in a community where folks take the education of their children seriously—a trait in communities across Montana both large and small.

There is nothing more important to Montanans than giving children the best opportunities to succeed in life. Providing our young people with a solid education is the best thing we can give them. The investments we make in our education system today will provide our children with the skills and knowledge to be successful in the 21st-century economy. Montana has some of the best teachers and principals in the country, and I look forward to working with Les and other education leaders across the State to make sure that we continue to keep the promise of a good education to our children.

Les also knows that life's lessons extend beyond the classroom. Since 2004, in addition to being principal, Les has served as the football coach for Fairfield High. Under his leadership, the team has advanced to four Class B State Championship games in the past 5 years. This season the Eagles are off to a 4 to 0 start and are ranked No. 1 in the State. Les works to instill in the young men on his team the importance of teamwork, being role models and good citizens in the community, and giving it their all both on the field and in the classroom. I wish Coach Meyer and the team the best of luck.

Les is in Washington, DC, this week along with other award winning principals from across the country who are being recognized for their achievements and are sharing their insights on how to make our education system even better. I congratulate Les on being chosen as the Montana Principal of the Year, and I applaud all our teachers, principals, and school administrators across Big Sky Country and thank them for their dedication to making our schools the best they can be.•

20TH ANNIVERSARY OF HOLY FAMILY HOSPITAL

•Mr. BOND. Mr. President, today I wish to recognize the 20-year anniversary of the Holy Family Hospital in

Bethlehem, Palestine, which has long stood as an oasis of hope and peace in the Holy Land. This celebration also marks another significant milestone for the Holy Family Hospital, the 50,000th baby delivered.

In 1990 the Order of Malta, responding to the critical need of maternal care in the region, opened Holy Family Hospital. Since its opening, the hospital has become the premier maternity hospital and newborn critical care center of the entire region which includes Bethlehem, neighboring towns and villages, four United Nations refugee camps, and Bedouin encampments in the Judean Desert.

The need for Holy Family Hospital has continued to grow over the years, with an increase from 1,000 births annually to now over 3,000 and its outpatient clinics increased from 3,600 consultations a year, to over 22,000. The hospital built and maintains the only neonatal intensive care unit in the region. Thanks to their presence, the lives of 400 premature and low-birth-weight infants are saved every year. In addition, 90 midwives have been trained, which accounts for all the midwives working in all of the hospitals in the entire West Bank.

Holy Family Hospital continues to offer the latest in medicine to the Bethlehem area, including mammography, laparoscopic surgery, and Echo Doppler diagnosis not found anywhere else in the region. Additionally, a program of continuing medical education has been instituted which has brought renowned medical professionals to the hospital as visiting professors.

As well as providing critical health care, the hospital provides many a livelihood. Mr. President, 150 hospital employees are provided steady work and a fair wage, many of whom are the sole support of large extended families.

The top-notch care and much-needed jobs in an underserved area make the hospital special, but what makes Holy Family truly shine is their commitment to bringing peace to the families in the region. From facilitating Israeli-Palestinian cooperation in the medical field to their care of pregnant mothers and babies regardless of race or religion, Holy Family Hospital is a beacon of hope in the West Bank.

This 20th anniversary celebration and 50,000th baby delivered would not be possible without the Holy Family staff and volunteers from around the world and for their dedication to the most vulnerable Palestinians.

Over the next 20 years, it is critical that the U.S. continue to partner with Holy Family so the hospital can carry forward their critical vision for hope and peace.

Congratulations and thank you for not only saving the lives of thousands of babies, but touching the lives of countless more.●

TRIBUTE TO LOU RICE

●Mr. BROWN of Ohio. Mr. President, For over 25 years, the Edison Welding Institute, EWI, has been a national leader in helping manufacturers improve their products and productivity through advanced engineering. Based on the campus of the Ohio State University, EWI is a world-class model of a public-private partnership that works with universities and entrepreneurs, and small businesses and large corporations to strengthen Ohio's position as a national leader in aerospace, automotive production, and emerging advanced clean energy manufacturing.

Among its team of cutting-edge scientists and technicians, industry experts and project managers is an employee whose voice and face has made EWI among the most important assets of the great State of Ohio.

For the last 21 years, senior receptionist Willie Lou Rice has welcomed more than 1.5 million visitors by phone and in person at EWI. No one can walk through EWI without first being greeted by Lou not even Vice President Al Gore or U.S. and State Senators or Members of Congress representing districts from across the Nation. She has greeted high-ranking officials from the U.S. Departments of Energy, Commerce, Defense, and Transportation who visit EWI to learn about its latest work. Military personnel, corporate executives, university presidents, and dignitaries from all over the world have received Lou's greeting before meeting with EWI staff.

Her commitment to the mission of EWI also extends to the community. Each year Lou has welcomed 3rd graders from Columbus School For Girls and helps introduce them to the opportunities for women in welding technology. She regularly welcomes vocational school students and local science teachers to inspire them about engineering and to show them that Ohio has long been home to inventors and innovators behind the mask and torch, and the workers in a factory.

Lou has merged her role as frontline public relations ambassador for EWI with her love for her family, friends, and church. Willie Lou Rice will retire from EWI on October 31, 2010, having served her State with distinction and honored her community with a commitment to all. On behalf of a grateful State, I congratulate her for all that she has accomplished and wish her well in her retirement. Her legacy is clearly one of strength, loyalty, and integrity. Congratulations, Lou. ●

MAINE'S ''BLUE RIBBON SCHOOLS''

●Ms. COLLINS. Mr. President, Today I commend the James F. Doughty School of Bangor, ME, on being named a 2010 National Blue Ribbon School. This recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

The Blue Ribbon Schools award, created in 1982, is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement. This award recognizes that the James F. Doughty School has worked with its students to improve their academic standing and educational excellence.

I applaud the administrators, teachers, staff, parents, and students of the James F. Doughty School. Together, they are succeeding in their mission to generate confidence and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I also wish to commend Kennebunkport Consolidated School in Maine on being named a 2010 National Blue Ribbon School. This recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

The Blue Ribbon Schools award, created in 1982, is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

I applaud the administrators, teachers, staff, parents, and students of the Kennebunkport Consolidated School. Together, they have built a quality, caring, and supportive educational community. The school is making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.●

TRIBUTE TO LUCY S. GARVIN

● Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing Lucy S. Garvin on the occasion of her retirement as chairman of the board and president of the United States Tennis Association, USTA.

Lucy's truly outstanding career in the world of tennis directly reflects her over 30-year commitment to advancing and improving the game. She has impacted tennis as a competitor, instructor, referee, industry representative, and an avid volunteer. As a recreational player, she won titles at all levels between 1976 and 1990, and in 33 years as a certified referee, she has officiated at countless tournaments.

Leading with charm, determination, and humility, Lucy has worked to expand the sport of tennis at every level around the country. On a local level, she has been a tireless advocate of tennis in South Carolina and in the Southern Region. A former president of the

USTA Southern Section and USTA South Carolina, she was inducted into the USTA Southern Tennis Hall for Fame in 2005. Lucy has also been recognized with the USTA Southern Section's Jacobs Bowl Award in 1999 and the South Carolina President's Award in 1998. The South Carolina Tennis Association established the Lucy Garvin Volunteer of the Year Award in her honor, and she was inducted into the South Carolina Tennis Hall of Fame in 1998.

Lucy was elected chairman of the board and president of the 730,000 member USTA in January 2009. In doing so she became the first South Carolinian and only the third woman to hold the position in the organization's 129-year history. Prior to her appointment as esident, she served one term as first vice president, two consecutive terms as vice president, and one term as a director at large. In addition to her responsibilities as USTA chairman and president, Lucy is also the chairman of the U.S. Open, and represents the USTA on the Grand Slam Committee. During her tenure as USTA president, tennis has grown to over 30 million recreational players.

On an international level, Lucy was elected to the board of directors of the International Tennis Federation, ITF, in 2009, serving as a vice president. She currently serves as chair of the ITF Junior Competitions Committee and a member of the ITF Development Committee. Because of her career of dedicated leadership and commitment to tennis, Lucy was elected to the International Tennis Hall of Fame Board of Directors in 2008.

Beyond being respected for her numerous leadership positions, Lucy is equally admired for being a devoted volunteer. She has tirelessly advocated for growing the game of tennis both by focusing on younger players and through outreach to traditionally underserved groups. As a result of her commitment and volunteerism with the QuickStart program, which focuses on bringing children to the game of tennis, four recently constructed QuickStart tennis courts were dedicated in Lucy's name.

Lucy's well deserved acknowledgments and recognitions highlight the impact she has had on both the game of tennis and its worldwide community. She is an invaluable asset to the tennis community, and as a leader has set an example for future USTA presidents to follow. She continues to live by her personal motto, ''Teamwork: One Team, One Goal: To Promote and Develop the Growth of Tennis.'' I am confident Lucy will continue this mission.

I ask that the U.S. Senate join me in celebrating Lucy Garvin's lifelong dedication to both the game of tennis and to the State of South Carolina, and I wish Lucy the very best in her future endeavors.●

TRIBUTE TO SHERYL MILLER

● Mr. JOHNSON. Mr. President, today I wish to recognize a public servant from my home State of South Dakota. Sheryl Miller is retiring from the Department of Housing and Urban Development, HUD, after 33 years of Federal service, including 32 with HUD and the last dozen years as the field director of the South Dakota HUD office.

During her years at HUD, she has always displayed a steadfast awareness of the housing needs of South Dakotans and a commitment to share and convey agency policies and information. When confronted with congressional and public inquiries, she always handled issues in a timely manner and networked well within the agency to provide complete and concise answers to questions. By all accounts, Sheryl always displayed a pleasant demeanor and was a true professional in her work ethic and dedication to public service.

Sheryl has an extensive background working with HUD programs in single and multi-family housing, public housing and community planning and development. She has served in HUD positions in the Denver and San Francisco regional offices. She has definitely satisfied the credentials earned with her master degree in public administration from Drake University.

During her years of service, Sheryl has witnessed many changes in public housing policies and priorities. Because of her dedicated work, countless families in South Dakota have been helped immensely in obtaining or maintaining public housing. This has a dramatic impact on the livelihood of the individual family, but also has a dramatic positive impact on the community and State. It is my hope that Sheryl leaves her HUD post knowing that she greatly impacted the lives of many people and there can be fewer greater rewards in a public service career.

I wish Sheryl all the best in her retirement.●

TRIBUTE TO MIKE LOWELL

● Mr. LEMIEUX. Mr. President, today I pay tribute to one of baseball's great athletes. At the end of this baseball season, Floridian Mike Lowell will hang up his glove and bat and retire. From hitting a single his first time up at bat in the Major Leagues to being named Most Valuable Player of the 2007 World Series, Lowell has proven his excellence and consistency on the field throughout his career.

Mike Lowell began his 13-year professional career with the New York Yankees but soon returned to his home State to play for the Florida Marlins where he was an integral part of the 2003 Championship team. Having grown up in Miami, he had the opportunity to play in front of family and friends. Later, he joined the Boston Red Sox, where he spent the rest of his career.

His time as a baseball player did not transpire without obstacles. Months into his first season with the Marlins, Lowell was diagnosed with testicular cancer. He missed 2 months of the 1999 season while he underwent treatment. But he survived and went on to have a tremendously successful career.

Both on and off the field Mike Lowell has gained the respect of his fellow players. With his two World Series rings, four-time All-Star participation, Gold Glove, more than 220 home runs and nearly 1,000 RBIs, he is a player to be admired. He has also proven his leadership in the clubhouse by utilizing his bilingual background to bridge the gap between English-speaking and Spanish-speaking players.

Many young boys dream of growing up to play baseball in the Major Leagues. Mike Lowell achieved that dream and is an inspiration for today's youth to continue to reach for their goals. While his career as a professional ballplayer will soon come to a close, Mike Lowell will always be remembered as one of baseball's greatest. I wish him many years of happiness with his wife Bertha and his two children, Alexis and Anthony.●

125TH ANNIVERSARY OF M. JACOB & SONS

●Mr. LEVIN. Mr. President, small businesses are the engines of our economy. They provide jobs; they provide services; and they serve as anchors that help to stabilize communities across our nation. It is in this spirit that I recognize M. Jacob & Sons, a business headquartered in Farmington Hills, MI, that embodies the drive, determination, and entrepreneurial spirit at the core of any successful enterprise. M. Jacob & Sons, which has earned a reputation for innovation and commitment to service, is celebrating its 125th anniversary this year.

Established by Max Jacob in 1885 as a one-man bottle exchange, the company has developed into a packaging leader with business operations spanning the globe. While their international expansion is impressive, of equal significance is their firm adherence to the family tradition on which the company was founded. They have recently ushered in the fifth generation of Jacob family involvement. Each generation has made important contributions to the company's success.

M. Jacob & Sons has a robust legacy of innovation. The company was one of the first businesses in the nation to develop a bottle recycling program. They were also one of the first to offer plastic packaging. And, I understand they were the first in their industry to hire a female salesperson, Elaine Jacob. Elaine went on to serve as an executive until her retirement in 1983. It is this type of forward thinking that has allowed M. Jacob & Sons to thrive for more than a century.

In addition to their pioneering business accomplishments, M. Jacobs & Sons also has been a generous member of the greater Detroit community.

Over the years, M. Jacob & Sons has contributed to a number of local charities. Most recently, in honor of their 125th anniversary, the company endowed a $125,000 scholarship to Wayne State University.

I know my colleagues join me in commending all those who have contributed to the success of M. Jacob & Sons over the last 125 years.●

REMEMBERING JOSEPH SHAWINSKY

●Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the extraordinary life and service of Joseph Shawinsky, a teacher, a leader in our community, and personal hero of mine. Mr. Shawinsky was a true American patriot, a valued leader and teacher in the Stamford community who touched the lives of hundreds of students. Beloved for his enthusiasm and wit, his brilliant mind and big heart, Joseph Shawinsky will be missed deeply.

I knew Joseph Shawinsky for many years and have long treasured the example he set in his career of devoted service. As his student at Burdick Junior High School, Mr. Shawinsky made history come alive for me and my classmates and instilled in me a deep love of our country's story. He also taught me about the importance of leadership, how much good leaders could influence human history for the better. Mr. Shawinsky was himself a touchstone of the greatest generation and his own great story will inspire me and others around the country for years to come.

During the Second World War, Joe. Shawinsky served our country with courage and distinction as a Seabee in the 133rd Naval Construction Battalion. He was one of the first fighting Americans to go ashore during the 1945 assault on Iwo Jima, a battle in which some of the fiercest fighting in the Second World War took place a battle that revealed the uncommon courage of Joe Shawinsky and the Americans who served alongside him.

For decades, Joseph Shawinsky illuminated the hearts and minds of his students, his colleagues, and everyone who knew him. We, his students, were blessed with the opportunity to have learned from Joseph Shawinsky, and I believe more broadly that our State and this nation are blessed to have people like him who truly enrich our schools, our children, and our future.

My thoughts and prayers are with the entire Shawinsky family.●

TRIBUTE TO MICHAEL W. SHERMAN

●Mr. LIEBERMAN. Mr. President, I wish to commend and congratulate Michael W. Sherman upon his retirement as executive director of YMCA Camp Woodstock, located in Woodstock Valley, CT. Mike has been humbly shaping the lives of countless children and young adults in Connecticut's ''Quiet Corner'' since 1987, and he will leave his position after 24 years of service. He has dedicated his life to making Camp Woodstock a safe and fun place for our kids to learn how to respect one another's differences, become leaders in their communities, and be good stewards of our environment.

A gifted storyteller, Mike is known for his boundless creativity and enthusiasm. As his friends will tell you, when Mike speaks, people listen; and he has masterfully used this talent to inspire a very special culture at Camp Woodstock, embodied in its ''CHoRR'' values of Caring, Honesty, Respect, and Responsibility. A truly remarkable man, Mike Sherman's contributions to the growth and success of Camp Woodstock, along with his unwavering commitment to helping young people, are his enduring legacy.

During his tenure, Mike has helped transition Camp Woodstock to year-round programming, reaching out to community leaders throughout the State and deepening ties to the YMCA of Greater Hartford. Camp Woodstock now proudly hosts the Discovery Center, which brings together children from urban and suburban schools to learn tolerance and celebrate diversity, and Moderate Voices for Progress, which teaches conflict resolution skills to young Israeli and Palestinian adults. Mike has also taken a special interest in helping disadvantaged youth in Hartford, championing special youth outreach and conflict resolution retreats throughout the year. Over the years, he has led volunteers in raising nearly $1 million in financial aid so that less fortunate children throughout the State could experience the ''Woodstock spirit.''

Mike's most important contribution to Camp Woodstock has been his keen ability to recognize and nurture the human capital that makes Camp Woodstock so unique. Mike embraced a long tradition of campers growing up to become counselors and expanded on that concept by developing the leader-in-training and counselor-in-training programs for young adults. Also, under Mike's skillful leadership, Camp Woodstock has boosted its recruitment of international staff and has forged special relationships with YMCAs in Russia and the Dominican Republic.

Amid the tranquil pines of Woodstock and the calm shores of Black Pond, that have remained unchanged for generations, Mike has overseen the renovation and restoration of Camp Woodstock's facilities, including nearly all of the cabins, bathhouses, the Program Lodge, and the transformation of a beloved old barn into a program space containing an arts and crafts center, theater, and state-of-the-art indoor climbing wall. Mike's leadership has enabled Camp Woodstock to expand, as well, with the construction of a new climbing tower, the Roskin Lodge, for youth leadership training, the Lakeside Dining Hall, and, most recently, New Yurt City, a special living area for older campers.

I am honored today to pay tribute to Mike Sherman and wish him and his loving wife Susan all the best in their well-earned retirement. Mike has made Camp Woodstock a far better place; and, although he may be leaving as executive director, his lessons, like his stories, will live on for years to come. It is with great pride that I recognize such a distinguished leader, educator, and outstanding citizen for his service to Connecticut and the Nation.●

TIMBERFEST 2010

● Mrs. LINCOLN. Mr. President, today I congratulate the residents of Sheridan in my home State of Arkansas as they celebrate Timberfest, a time-honored tradition that commemorates Sheridan and Grant County's longstanding involvement with the timber industry. As many as 12,000 visitors are expected in Sheridan during the event, which will take place Friday and Saturday, October 1–2.

Timberfest began in 1984 when members of the local Chamber of Commerce decided to combine the annual bluegrass festival and merchants' fair into one event.

Centered on the Grant County Courthouse Square, Timberfest offers a variety of events for the entire family, including a parade, 5K Run and 2K Walk, horseshoe tournament, talent show, games, petting zoo, Dutch Oven cookoff, music, and pancake breakfast.

The highlight of Timberfest is the Arkansas State Lumberjack Championships. Lumberjacks from across the country travel to Sheridan to compete in the championship, where competitors battle it out with ax and chainsaw to see who is fastest at cutting wood.

I salute the entire community of Sheridan and Grant County as they celebrate Timberfest 2010. I commend them for keeping the history and heritage of their community alive.●

ARKANSAS'S BUSINESS LEADERS

● Mrs. LINCOLN. Mr. President, today I recognize four Arkansas business leaders who will be inducted into the Arkansas Business Hall of Fame early next year. They are L. Dickson Flake, cofounder and chairman of Colliers International-Arkansas in Little Rock; Wallace Fowler, chairman and chief executive officer of Liberty Bank of Arkansas and also Fowler Foods, both based in Jonesboro; Donald Soderquist, retired senior vice chairman of Wal-Mart Stores of Bentonville; and Leland Tollett, former chairman and chief executive of Tyson Foods of Springdale.

The Sam M. Walton College of Business established the first ever Arkansas Business Hall of Fame recognizing Arkansans—by birth or by choice—who have been successful business leaders. The Arkansas Business Hall of Fame is designed to honor, preserve and perpetuate the names and outstanding accomplishments of business leaders who have brought lasting fame to Arkansas.

This year's Hall of Fame class represents the best of our State, and I am proud to see them receive this significant achievement. Not only do they exemplify excellence in their chosen field, they also represent the highest standards of ethics and community service. I thank them for their contributions, along with the contributions of all business leaders in our great State.●

TRIBUTE TO BILLY AND DIANN SIMMONS

● Mrs. LINCOLN. Mr. President, today I honor Billy and Diann Simmons from my home State of Arkansas for their exemplary efforts to support foster children in our State. I am proud to recognize them as my choice for this year's ''Angel in Adoption'' for Arkansas. They join adoption advocates from across the Nation who have received this prestigious recognition.

The Angels in Adoption program, sponsored by the Congressional Coalition on Adoption Institute, provides Members of Congress the opportunity to honor those who have made an extraordinary contribution on behalf of children in need of homes.

The Simmons are certainly worthy of this recognition. Diann Simmons became a therapeutic foster parent in 1997 and persuaded her soon-to-be spouse to join her in this noble endeavor prior to their marriage in 1998. The Simmons' have now been therapeutic foster parents for 13 years and have significant experience fostering children with difficult behaviors.

Despite their experiences with children with challenging emotional and behavioral difficulties, they love children and maintain a sense of strong family values. These values have resulted in the adoption of seven children, including two sibling groups of two. Their most recent adoption was finalized this year.

Because of their experience, flexibility, strong family values and their belief in the potential for every child, they have been successful in changing the lives of numerous children. According to those who know them best, the Simmons have developed a strong bond with every child placed in their home. In fact, four of their adopted children were in their home as foster children prior to adoption.

Affectionately called ''Mama Diann'' and ''Daddy Billy,'' the Simmons' commitment, genuine concern and caring for their foster children has endeared them to many of these children's birth families, including families of their own adopted children.

I commend both Diann and Billy for their dedication and perseverance helping children in need. They represent the best of Arkansas, and I commend them for their work on behalf of Arkansas's children.●

TRIBUTE TO PHIL E. MATTHEWS

● Mrs. LINCOLN. Mr. President, today I recognize Phil E. Matthews for his dedicated years of service at the Arkansas Hospital Association. His efforts on behalf of our State's hospitals are to be commended, and I thank him for his efforts to maintain high-quality hospital care for the citizens of Arkansas.

Phil has been a part of the Arkansas Hospital Association, known as AHA, since 1969 and was named president in 2005. During his tenure, he has worked hard to cultivate constructive relationships with State and Federal legislators in order to achieve great results for Arkansas. He has reinforced the AHA as a trusted partner for Arkansas hospitals and other health care providers and entities from all across the State.

In recent years, the AHA has helped to pass laws on the State level that will enhance the health of and health care services for Arkansans, including for the development of a statewide trauma care system, expansion of health insurance coverage for more than 6,000 additional children through ARKids, and public health initiatives that will increase seatbelt usage and decrease tobacco use in the State.

On the Federal level, it has been my pleasure to work closely with Phil and the AHA to develop and pass policies to expand health insurance coverage to more than 400,000 Arkansans, grow the health care workforce in Arkansas, modernize health care delivery and the use of health information technologies, and preserve the viability and valuable role of Arkansas's community hospitals. Together, we have fought back on policies that might have had a negative impact or unintended consequence for Arkansas hospitals, providers, and patients, and we have worked to advance policies that are best for our great State.

I am extremely proud of Phil's and the AHA's efforts to help Arkansas hospitals provide quality care to their patients, provide charity care for those in need, serve refugees of gulf coast hurricanes and other natural disasters, and play an active role in improving health care coverage and quality in Arkansas. I wish Phil all the very best in his retirement, and to Bo Ryall, who will serve as his successor as president of the AHA.●

ARKANSAS'S TRAUMA CENTERS

● Mrs. LINCOLN. Mr. President, today I recognize Arkansas's newly established trauma system, and I commend three facilities in the State for garnering the highest designations of trauma care.

The University of Arkansas for Medical Sciences in Little Rock and the Regional Medical Center in Memphis were selected to provide the highest level of trauma care under the system, which is aimed at getting patients specialized care in emergency situations. Jefferson Regional Medical Center in Pine Bluff was designated a Level 2 center, which can provide comprehensive clinical care.

The new system will connect hospitals, ambulance services and other emergency responders to act as a statewide triage, transporting trauma patients as quickly as possible to the facility best able to treat their specific injuries. Furthermore, it will help elevate Arkansas's status nationwide in terms of large-scale emergency management and disaster preparedness capabilities.

Eighty-six hospitals in Arkansas could eventually become a part of the new trauma system. Of those, 73 have already begun the process by filing letters of intent to request designation as one of the four levels of centers.

I commend all of Arkansas's health care providers for their dedicated efforts to save lives and keep Arkansans safe, healthy and strong. With this new trauma system, Arkansas has achieved a new level of high quality care, and I am pleased to see our State attain this significant designation.●

IRON COUNTY COURTHOUSE

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me in honoring the 150th anniversary of the completion and opening of the Iron County Courthouse in Ironton, MO.

Chosen as the county seat in 1857, Ironton is home to the only courthouse in Iron County. Ironton businessmen David Carson and Hiram Tong donated town lots to the county, which covered more than $10,000 of the $14,000 cost of the courthouse.

Architect Henry H. Wright received $25 for his proposed design of the building. George S. Evans and William F. Mitchell earned the building contract and used locally made red brick and white limestone from a nearby quarry. The original building measured 50 by 65 feet, with 6 rooms on the first floor and the courtroom on the second floor. The community laid the cornerstone on July 4, 1858, and officially opened the courthouse in October 1860.

The courthouse today serves as the home of several county offices and is a national registered historic site that still bears damage from the Civil War and the Battle of Pilot Knob in September 1864.

As the birthplace of Missouri's 4–H Program and a symbol of the commitment of the residents of Iron County to justice and service to the community, the Iron County Courthouse deserves commemoration on this important day in its history.

I ask that the Senate join me in recognizing the 150th anniversary of the Iron County Courthouse.●

TRIBUTE TO SHANNON MCDANIEL

● Mrs. MURRAY. Mr. President, today I wish to congratulate a hard-working

Washingtonian, Mr. Shannon McDaniel, on his well-deserved retirement on October 29, 2010, after 30 years of dedicated service to Washington State agriculture.

As the manager of the South Columbia Basin Irrigation District, Mr. McDaniel has overseen the provision of water to 4,000 landowners and farm operators on 230,000 acres of farm and ranch lands in eastern Washington. Through his leadership and extensive knowledge of irrigated agriculture, Mr. McDaniel has brought certainty to many farmers in the South Columbia Basin Irrigation District by closely and responsibly managing important water delivery infrastructure.

Mr. McDaniel has assisted me and my colleagues in Congress with the drafting and passage of legislation important to Washington State farmers. He worked closely with both the State and Federal Government to foster strong working relationships with organizations such as the Bureau of Reclamation and the Bonneville Power Administration, as well as with numerous water resource and industry associations to ensure the highest quality of service to farmers and ranchers. Shannon also served as an invaluable resource to the Grand Coulee Project Hydroelectric Authority, the Columbia Basin Development League and the Columbia Basin Project.

The abundance of awards and honors that Mr. McDaniel has received demonstrate his hard work and commitment to Washington State. He has received many prestigious awards including, the National Water Resources Association President's Award, the Washington State Water Resources Association Water Resources Leadership Award and the Bonneville Power Administration's Administrator's Excellence Award for Exceptional Public Service.

On behalf of all Washingtonians, I commend Shannon for his many years of dedicated service to our State. His knowledge, experience, and commitment to dependable irrigation will be sorely missed. I congratulate Shannon and wish him the best of luck in his future endeavors.●

NEW HAMPSHIRE 2010 BLUE RIBBON SCHOOL AWARD WINNERS

●Mrs. SHAHEEN. Mr. President, today I wish to congratulate the Bath Village School and the Hollis/Brookline High School, respectively, for being recognized for their commitment to quality education and the outstanding educational achievements of their students. The Bath Village School and the Hollis/Brookline High School have been designated as 2010 National Blue Ribbon schools, one of the most prestigious honors bestowed upon our Nation's elementary, middle, and high schools.

Each year the Blue Ribbon Schools Program acknowledges exceptional public and private schools whose students either perform at a high level or achieve significant improvements in performance having come from disadvantaged backgrounds. Blue Ribbon schools stand out among their peers as examples of excellence in K–12 education. By setting high academic goals and enabling students to attain them, the Bath Village School and the Hollis Brookline High School have opened up a world of academic and professional opportunities for the next generation of young people.

It is important that we celebrate the efforts of teachers and administrators at schools such as the Bath Village School and the Hollis/Brookline High School and recognize the invaluable contribution they have made to the lives of New Hampshire's children. I am extremely proud that the Bath Village School and the Hollis/Brookline High School have each been honored with this prestigious award.●

RECOGNIZING DARLING'S AUTO

● Ms. SNOWE. Mr. President, our Nation's 27.5 million small businesses all have their own unique characteristics and touching stories. Today, I rise to recognize the contributions of one of those small businesses from my home State of Maine—Darling's Auto that not only has provided exceptional service to greater Bangor but has also invested its time and heart into the community itself.

Darling's Auto has been ingrained in Bangor since 1903, when it first began selling cars, trucks, and bicycles. Over a century later, through hard work and care for the customer, Darling's Auto has become one of Maine's largest auto dealership groups, with additional locations in Brewer, Ellsworth, and Augusta. For over 100 years, Darling's Auto has provided Mainers with the vehicles they use every day to go to work, visit their loved ones, and embark on new journeys. Over the years, Darling's has employed hundreds of Mainers and has earned a reputation of excellence and integrity throughout eastern and central Maine.

Darling's Auto's rich history of perseverance and innovation alone would merit distinction. Yet, today, I honor Darling's Auto for an exemplary and magnanimous gesture that is truly inspirational. Maine is among the States with the highest percentage of military servicemembers per capita. When our servicemembers are deployed, the effects reverberate throughout families, businesses, and communities. Fortunately, Mainers have a reputation for taking care of one another in difficult times, and Darling's Auto certainly has fit that mold.

One of Darling's Auto's valued employees, Susan Maiden, is the mother of PFC Andrew ''Andy'' Chic. Susan typifies Maine's famed work ethic and independent spirit, values which she instilled in her son. Andy volunteered to join the National Guard and most recently was deployed to Afghanistan with Bravo Company, Third Battalion of the 172nd Infantry Division with the Maine National Guard. During his heroic service in Afghanistan, Andy's company was ambushed by insurgents.

On May 22, 2010, Bravo Company was conducting convoy operations with Private First Class Chic in the ''gunner'' position in the lead vehicle of a convoy—a Mine Resistant, Ambush Protected—MRAP—vehicle. Private First Class Chic's MRAP sustained two direct hits from rocket-propelled grenades, or RPGs, and other small arms weapons. While he was knocked down when the first RPG hit, he resumed his gunner position and returned fire against insurgents despite continuing RPG and small arms fire against his MRAP and the convoy. The vehicle was also carrying satchels of mail and care packages from family members in Maine, which absorbed some of the shrapnel and mitigated the injuries to Private First Class Chic and his fellow soldiers.

Following the barbaric attack, Andy was taken to Walter Reed Medical Center to address his wounds and for rehabilitation. Knowing the concern and anxiousness any mother would have in Susan's situation, Darling's Auto stood up and gave assistance to Susan. The company has provided tremendous support to Susan during her time of need by giving her extra time off to see Andy and even purchasing an EZ Pass to help with Susan's expenses when she would drive all the way to Washington, DC, to visit her son. In light of Darling's Auto's understanding and assistance, the Employer Support of the Guard and Reserve will soon be presenting Darling's Auto with its ''Above and Beyond Award,'' honoring those who help Guard members and Reservists, and their families, in times of need. Given the tremendous care and compassion extended for Susan and Andy's well-being, I can think of no business more deserving of this tremendous recognition than Darling's.

Darling's Auto has been a consistent presence in the Bangor community for over a century, and the company has thrived over that time because it operates in a manner consistent with Maine values. Darling's has treated its customers and employees with honesty, respect, and compassion, building a legacy of trust. I am so often reminded of the empathy that Mainers demonstrate, and it always reaffirms my belief in the exceptional nature of our State and our Nation. I am proud of the incredible example that Darling's Auto has set by its notable acts of kindness, and I wish the company another 100 years of success in all of its endeavors.●

RECOGNIZING 3RD RECON ASSOCIATION

● Mr. THUNE. Mr. President, today I wish to recognize the 3rd Recon Association. The 3rd Recon Association is a nonprofit veteran's organization made

up of marines and Navy corpsmen who served in the 3rd Reconnaissance Battalion, in dedication to their involvement in the Republic of Vietnam from 1961 through 1971. The 3rd Recon Association was formed to honor the brotherhood they forged in Vietnam and to remember those who gave the ultimate sacrifice.

Today I not only honor the dedication and sacrifice of these noble Americans, but also commemorate their association's 2010 Reunion, to be held October 13–17, in Lead/Deadwood, SD. ''Swift, Silent, and Deadwood'' is an event properly named after the reconnaissance motto ''Celer-Silens-Mortalis'': ''Swift-Silent-Deadly.'' This 4 day event will feature memorial services and social events, along with company and auxiliary meetings.

I voice my most heartfelt and sincere thanks to the members of the 3rd Recon Association for their sacrifice and service to our country. I would like to welcome them to the great State of South Dakota, and wish them the best for their 2010 reunion and in all future endeavors.●

SOUTH DAKOTA AIR NATIONAL GUARD'S 114TH FIGHTER WING

● Mr. THUNE. Mr. President, today I wish to recognize the South Dakota Air National Guard's 114th Fighter Wing. This elite group has been awarded the National Guard Bureau's Maj. Gen. Winston P. Wilson trophy, honoring them as the best Air National Guard fighter unit in the Nation. I am proud that the 114th ''Fightin' Lobos'' have brought this great honor back to South Dakota, having also won it in 1981, 1983, and 2007.

The National Bureau's Maj. Gen. Winston P. Wilson trophy is given to the most outstanding unit equipped with jet fighter or reconnaissance aircraft. The award is named for a former chief of the National Guard Bureau credited with ensuring readiness of Guard units to join regular forces on overseas missions.

The squadron was formed in 1946, when Joseph J. ''Joe'' Foss, a Medal of Honor winner and Marine Ace, was appointed to form a South Dakota Air National Guard squadron to help recruit and train flight crews. Since then, the unit has served as part of the Air Expeditionary Force, and actively supported Operation Noble Eagle, Operations Enduring Freedom, Iraqi Freedom, and the global war on terrorism.

In times of local crisis, the squadron has lent its men and women to respond to blizzards, floods, fires, and tornados, remaining ''Proud, Prepared, and Professional'' in its committed service to state and country.

Today I give great thanks to the men and women of the 114th ''Fightin' Lobos'' for being named the top fighter unit in the nation and for their outstanding service to the great State of South Dakota and the United States of America.

UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

Mr. UDALL of Colorado. Mr. President, today I congratulate the University Corporation for Atmospheric Research—UCAR—on the 50th anniversary of its founding in Boulder, CO. As the world's premier atmospheric science hub, UCAR has been on the cutting edge of research and innovation for half a century. They have made invaluable contributions to our knowledge and understanding of the world's atmosphere and weather and climate systems.

At its inception, UCAR was a consortium of 14 universities dedicated to the simple hypothesis that university atmospheric science could be more effective through collaborative efforts. UCAR set about improving national coordination, funding, and basic support for the then burgeoning field of atmospheric research.

Since then, with invaluable Federal support from the National Science Foundation, UCAR has grown to a consortium of 75 universities, including the University of Colorado, Colorado State University, and the University of Denver. Similarly, the National Center for Atmospheric Research, NCAR, which is the research institute operated by UCAR, has grown from five full-time scientists to 220 Ph.D. researchers today.

UCAR established three main goals for itself in order to understand the behavior of the atmosphere and related physical, biological and social systems. These goals remain at the heart of their efforts today.

First, NCAR was to be an intellectual center cultivating world-class basic science in-house and through cooperative work with scientists from other institutions in the United States, Canada, and abroad.

Second, UCAR was to become a planning center where the world's leading atmospheric science experts could gather to discuss and determine the most promising strategies for understanding the major problems of atmospheric science.

Lastly, UCAR would provide and operate the research facilities needed for atmospheric science when those facilities were too large, expensive, or complicated for a single university or research institution to manage by itself.

By meeting these goals every day, UCAR has made itself an undeniable global leader in climate science.

As you drive west on U.S. Highway 36 near Louisville, CO, you start to climb Davidson Mesa. Just as you crest the mesa, you come upon an extraordinary scene: the foothills of the Rocky Mountains stretched out on the horizon before you with the city of Boulder below. Off to your left, perched on a hilltop beneath the majestic Flatirons, is UCAR's Mesa lab, housed in a pink sandstone, I.M. Pei-designed building. This sight never ceases to impress. That you are looking at the world's leading atmospheric research center is even more astounding.

I am proud to represent a State with such a talented and dedicated organization. They have helped make Colorado a leader in science and technology. They have been instrumental in educating the public on the science of climate change and informing our response to it. And they are helping create and inspire the next generations of scientists and engineers to tackle the unanswered questions of their time.

Again, I offer my sincere congratulations to UCAR and look forward to the next 50 years of discovery.●

AMENDMENTS SUBMITTED AND PROPOSED

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4674. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3081, supra; which was ordered to lie on the table.

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, supra.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, supra.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, supra; which was ordered to lie on the table.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table .

SA 4682. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110–21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619 , to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials.

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

TEXT OF AMENDMENTS

SA 4673. Mr. WYDEN (for himself, Mr. DURBIN, Mrs. HAGAN, Mr. KERRY, Mr. SANDERS, Mr. TESTER, Mr. MERKLEY, and Mr. GOODWIN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) TEMPORARY RETENTION ON ACTIVE DUTY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

''(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

''(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

''(1) A contingency operation.

''(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

''(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

''(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

''(2) the basic allowance for subsistence payable under section 402 of title 37; and

''(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

''(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

''(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O–5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

''(e) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned shall provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

''(2) The counseling and services provided members under this subsection shall include the following:

''(A) Physical and mental health evaluations.

''(B) Employment counseling and assistance.

''(C) Marriage and family counseling and assistance.

''(D) Financial management counseling.

''(E) Education counseling.

''(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

''(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

''(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

''(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

''12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.''.

(b) FUNDING FOR FISCAL YEAR 2011.—Amounts required during fiscal year 2011 for the retention of members of reserve components of the Armed Forces on active duty pursuant to section 12323 of title 10, United States Code (as added by subsection (a)), shall be derived from amounts authorized to be appropriated for the Department of Defense for that fiscal year for operation and maintenance for Defense-wide activities (other than amounts authorized to be appropriated to that account for activities of the reserve components of the Armed Forces).

SA 4674. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided,* That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of $29,387,401,000: *Provided further,* That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(9) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(10) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2010.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2011, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2011 without any provision for such project or activity; or (3) December 3, 2010.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2011 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2010 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2010, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 101 of this Act.

SEC. 115. Notwithstanding any other provision of this Act, funds appropriated under the heading ''Food for Peace Title II Grants'' in chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) may be used to reimburse obligations incurred for the purposes provided therein prior to the enactment of such Act.

SEC. 116. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the earlier of the date of enactment of an authorization Act related to the Richard B. Russell National School Lunch Act or the date specified in section 106(3) of this Act.

SEC. 117. Notwithstanding section 101, amounts are provided for ''Department of Commerce—Bureau of the Census—Periodic Censuses and Programs'', for necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, at a rate for operations of $964,315,000.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 106(3) of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 120. (a) RESCISSION.—The unobligated balance of authority provided for investigations under the heading ''Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Investigations'', in chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212; 124 Stat. 2312) is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Department of the Army, Corps of Engineers, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for investigations;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 121. (a) RESCISSION.—The unobligated balance of authority provided for in section 401 of chapter 4 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212; 124 Stat. 2313) for drought emergency assistance is rescinded as of the date of enactment of this Act.

(b) APPROPRIATION.—Notwithstanding any other provision in this Act—

(1) there is appropriated to the Bureau of Reclamation, an amount equal to the unobligated balance rescinded by subsection (a), to remain available until expended, for drought emergency assistance: *Provided,* That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West;

(2) that such amount be available on the date of enactment of this Act; and

(3) the amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 122. Notwithstanding section 101, amoutns are provided for ''Department of Energy—Weapons Activities'' at a rate for operations of $7,008,835,000.

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–448), as modified as of the date of the enactment of this Act.

SEC. 124. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law

111–83, shall be applied by substituting the date specified in section 106(3) of this Act for ''October 4, 2010''.

SEC. 125. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2010''.

SEC. 126. Any funds made available pursuant to section 101 for the Federal Air Marshals may be obligated at a rate for operations not exceeding that necessary to sustain domestic and international flight coverage at the same level as the final quarter of fiscal year 2010.

SEC. 127. Any funds made available pursuant to section 101 for U.S. Customs and Border Protection may be obligated at a rate for operations not exceeding that necessary to sustain the numbers of personnel in place in the final quarter of fiscal year 2010. The Commissioner of U.S. Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 128. Notwithstanding section 101, amounts are provided for ''Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management'' at a rate for operations of $365,000,000: *Provided*, That amounts provided herein from the general fund shall be reduced in an amount not to exceed $154,890,000, as receipts from increases to rates in effect on August 5, 1993, and from cost recovery fees are received: *Provided further*, That of the prior-year unobligated balances available for ''Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management'', $25,000,000 are rescinded.

SEC. 129. Section 2(e)(1)(B) of Public Law 109–129 shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2010''.

SEC. 130. From funds transferred to ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' by Public Law 111–117 in the fourth paragraph under such heading, amounts shall be available through the date specified in section 106(3) of this Act to support advanced research and development pursuant to section 319L of the Public Health Service Act, at a rate for operations of $305,000,000.

SEC. 131. (a) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through the date specified in section 106(3) of this Act in the manner authorized for fiscal year 2010, subject to the amendments made by subsection (b) of this section, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the first quarter of fiscal year 2011 at the pro rata portion of the level provided for such activities through the first quarter of fiscal year 2010.

(b) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

''(ii) subparagraph (G) shall be applied as if 'the date specified in section 106(3) of the Continuing Appropriations Act, 2011' were substituted for 'fiscal year 2001'; and''.

(2) CONTINGENCY FUND.—

(A) DEPOSIT INTO FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended—

(i) by striking ''fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal years 2011 and 2012''; and

(ii) by striking ''$2,000,000,000'' and inserting '', in the case of fiscal year 2011, $506,000,000 and in the case of fiscal year 2012, $612,000,000''.

(B) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''fiscal years 1997 through 2010 shall not exceed the total amount appropriated pursuant to paragraph (2)'' and inserting ''fiscal year 2011 and 2012, respectively, shall not exceed the total amount appropriated pursuant to paragraph (2) for each such fiscal year''.

(3) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(A) in subparagraph (A), by striking ''or 2011'' and inserting ''2011, or 2012''; and

(B) in subparagraph (B)(ii), by striking ''2010'' and inserting ''2011''.

SEC. 132. Activities authorized by section 429 of the Social Security Act shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010.

SEC. 133. Effective October 1, 2010, subpart 2 of part B of title IV of the Social Security Act is amended—

(1) in section 436 (42 U.S.C. 629f)—

(A) in subsection (a)—

(i) by striking ''2011'' and inserting ''2010''; and

(ii) by inserting before the period the following: '', and $365,000,000 for fiscal year 2011''; and

(B) by striking ''$10,000,000'' in subsection (b)(2) and inserting ''$30,000,000''; and

(2) in section 438 (42 U.S.C. 629h)—

(A) by striking ''2010'' in subsection (c)(2)(A) and inserting ''2011''; and

(B) by adding at the end of subsection (e) the following flush sentence: ''For fiscal year 2011, out of the amount reserved pursuant to section 436(b)(2) for such fiscal year, there are available $10,000,000 for grants referred to in subsection (b)(2)(B), and $10,000,000 for grants referred to in subsection (b)(2)(C).''.

SEC. 134. Notwithstanding any other provision of this Act, for payment in equal shares to the children and grandchildren of Robert C. Byrd, $193,400 is appropriated.

SEC. 135. Notwithstanding section 101, amounts are provided for deposit into ''Department of Defense Base Closure Account 2005'' at a rate for operations of $2,354,285,000.

SEC. 136. Notwithstanding section 101, amounts are provided for ''Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs'' at a rate for operations of $8,601,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for ''International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program'' at a rate for operations of $5,160,000,000, of which not less than $2,775,000,000 shall be available for grants only for Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, and not less than $300,000,000 shall be available for assistance for Jordan: *Provided*, That the dollar amount in the fourth proviso under such heading in title IV of division F of Public Law 111–117 shall be deemed to be $729,825,000.

SEC. 138. (a) Notwithstanding section 101, amounts are provided for ''International Security Assistance—Funds Appropriated to the President—Pakistan Counterinsurgency Capability Fund'' at a rate for operations of $700,000,000.

(b) Amounts provided by subsection (a) shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111–32 and Public Law 111–212 through the date specified in section 106(3) of this Act.

SEC. 139. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2010''.

SEC. 140. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010''.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010'' in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010'' in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106(3) of this Act for ''October 1, 2010'' in subparagraph (B).

SEC. 141. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this Act.

SEC. 142. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed a rate for operations of $20,000,000,000: *Provided*, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at $80,000,000 multiplied by the number of days covered by this Act.

SEC. 143. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106(3) of this Act; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 144. Notwithstanding any other provision of law or of this Act, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

SEC. 145. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law or of

this Act, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during fiscal year 2011, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 146. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law or of this Act, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this Act, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during fiscal year 2011, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

This Act may be cited as the ''Continuing Appropriations Act, 2011''.

SA 4675. Mr. LEMIEUX (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WATER QUALITY STANDARDS FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS

SEC. _____. None of the funds appropriated or otherwise made available by this Act or any other provision of law may be used to finalize, promulgate, implement, administer, or enforce any final rule or requirement based on the proposed rule entitled ''Water Quality Standards for the State of Florida's Lakes and Flowing Waters'' (75 Fed. Reg. 4174, January 26, 2010).

SA 4676. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118)

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111–117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of $29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading ''Department of Commerce—United States Patent and Trademark Office'' in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111–117), except for division E.

SA 4677. Mr. DEMINT proposed an amendment to amendment SA 4674 proposed by Mr. INOUYE to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Section 106(3) of the bill is amended by striking ''December 3, 2010'' and inserting ''February 4, 2011''.

SA 4678. Mr. WYDEN (for himself, Mrs. LINCOLN, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, line 7, strike ''or''.

On page 345, line 17, strike the period and insert ''; or''.

On page 345, between lines 17 and 18, insert the following:

(C) the use of software or databases, approved by the Secretary, that analyze, integrate, or optimize the installed energy performance of building materials and products, such as energy efficient wood products, used in the retrofit.

SA 4679. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, between lines 22 and 23, add the following:

(13) HOME AREA NETWORK.—The term ''home area network'' means a wireless or wired network that connects a home energy management system to—

(A) smart meters and various smart energy devices; and

(B) devices that enable simultaneous networking of multiple sensors and embedded computing devices that monitor and adjust energy use.

(14) HOME ENERGY MANAGEMENT SYSTEM.—The term ''home energy management system'' means a system that—

(A) is installed in a home by an accredited contractor that meets the minimum applicable requirements established under section 3004;

(B) uses a combination of in-home display and computing devices, computer software, control equipment, sensors, and instrumentation to monitor or submeter and manage the energy use of a home by automating the control of programmable communicating thermostats to control—

(i) the ventilation, cooling, and heating of a home;

(ii) load control devices that control water heaters, pool pumps, and other plug loads;

(iii) lighting; or

(iv) smart appliances, such as washers, dryers, and refrigerators; and

(C) provides reporting of information to the owner or occupant of a home to enable refinement of energy usage.

On page 308, line 23, strike ''(13)'' and insert ''(15)''.

On page 309, line 1, strike ''(14)'' and insert ''(16)''.

On page 309, line 5, strike ''(15)'' and insert ''(17)''.

On page 309, line 9, strike ''(16)'' and insert ''(18)''.

On page 309, line 13, strike ''(17)'' and insert ''(19)''.

On page 309, line 18, strike ''(18)'' and insert ''(20)''.

On page 309, line 22, strike ''(19)'' and insert ''(21)''.

On page 310, line 5, strike ''(20)'' and insert ''(22)''.

On page 310, line 22, strike ''(21)'' and insert ''(23)''.

On page 311, line 1, strike ''(22)'' and insert ''(24)''.

On page 311, line 4, strike ''(23)'' and insert ''(25)''.

On page 311, line 9, strike ''(24)'' and insert ''(26)''.

On page 311, line 11, strike ''(25)'' and insert ''(27)''.

On page 311, line 15, strike ''(26)'' and insert ''(28)''.

On page 312, line 1, strike ''(27)'' and insert ''(29)''.

On page 312, line 16, strike ''(28)'' and insert ''(30)''.

On page 312, line 20, strike ''(29)'' and insert ''(31)''.

On page 335, between lines 5 and 6, insert the following:

(17) The purchase and installation of a home energy management system or home area network monitoring system for—

(A) a home that has an analog pneumatic or electronic energy control system; or

(B) a home that does not have a energy control system.

On page 335, line 7, strike ''(16)'' and insert ''(17)''.

On page 338, between lines 6 and 7, insert the following:

(5) HOME ENERGY MANAGEMENT SYSTEMS AND HOME AREA NETWORK MONITORING SYSTEMS.—Except as provided in paragraph (4), the total amount of a rebate provided to the owner of a home or a designee for the purchase and installation of a home energy management system or home area network monitoring system under subsection (b)(17) shall be equal to the lesser of—

(A) $1,000 per measure; or

(B) 50 percent of the cost of installing and purchasing the home energy management system or home area network monitoring system.

SA 4680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 443, after line 23, add the following:

SEC. 10___. COORDINATION AND EXPEDITED APPROVAL OF RENEWABLE ENERGY FACILITY SITING.

(a) ESTABLISHMENT.—There shall be established, within the Executive Office of the President, the position of Director of Renewable Energy Facility Siting (referred to in this section as the ''Director''), to be appointed by the President by and with the advice and consent of the Senate.

(b) DUTIES.—The Director shall—

(1) coordinate and expedite the review by Federal agencies of projects involving the siting of renewable energy projects in cases in which the review is otherwise required by law;

(2) resolve siting conflicts, including through the development of mitigation measures; and

(3) issue final executive branch approval or disapproval for the projects in accordance with subsection (e).

(c) AGENCY PROCEDURES.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director, in coordination with Director of the Office of Management and Budget, shall establish—

(A) procedures under which each Federal agency with a responsibility or interest under law in projects involving the siting of renewable energy facilities within the United States to notify the Director of those responsibilities or interests; and

(B) procedures for the coordination of any required assessment or review of proposed projects.

(2) RESPONSIBILITIES AND INTERESTS.—For purposes of paragraph (1), responsibilities and interests shall include impacts on national security, energy security, public health and safety, and the environment.

(3) PUBLICATION.—As soon as practicable after notification by affected agencies under paragraph (1), the Director shall publish in the Federal Register a list of the affected agencies and the responsibilities and interests of each affected agency.

(d) NOTIFICATION PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Director shall establish procedures that require the sponsors of renewable energy projects requiring review by a Federal agency to notify the Director of, with respect to each such proposed project—

(1) the location;

(2) the energy technology to be used;

(3) the energy output of the project; and

(4) the schedule for project development.

(e) REVIEW AND APPROVAL PROCESS.—

(1) IN GENERAL.—The Director shall ensure that each Federal agency with responsibility to assess any aspect of a proposed facility under this section—

(A) completes the review of the project in a timely manner; and

(B) provides to the Director any assessments, determinations, or analyses required under law.

(2) FINAL APPROVAL OR DISAPPROVAL.—If the agency assessments, determinations, or analyses provided under paragraph (1)(B) fail to fully resolve any siting issue, based on the administrative record or on appeal by a project sponsor or party to the proceeding, the Director may issue a final decision approving or disapproving a project.

(f) JUDICIAL REVIEW.—A final decision by the Director to approve or disapprove the siting of a proposed renewable energy facility shall be considered a final agency action and subject to review in the United States Court of Appeals for the District of Columbia Circuit.

(g) NEPA.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section waives or alters any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) EXCEPTION.—Notwithstanding paragraph (1), if the environmental impact of a proposed facility is subject to an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by an agency described in subsection (c), a final decision by the Director shall not be considered a separate agency action subject to that Act.

(h) IMPROVEMENT OF AGENCY POLICIES AND FUNCTIONS.—For the purpose of more effective siting of renewable energy facilities, the Director shall evaluate the objectives and procedures used by agencies described in subsection (c) for the purpose of making recommendations to the President to improve agency coordination and approval of the facilities.

(i) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this section affects the obligations of any agency to comply with any other provision of law.

SEC. 10___. AIR NAVIGATION REVIEW OF WIND TURBINES.

Section 44718 of title 49, United States Code, is amended by adding at the end the following:

''(e) WIND ENERGY TURBINES AND STUDIES.—In carrying out this section related to construction of a wind energy turbine and conducting any associated aeronautical study, the Secretary shall—

''(1) require any entity proposing to construct a turbine or group of turbines to notify the Federal Aviation Administration not later than 30 days after the date the entity files for approval to construct the project with the applicable local, State, or Federal siting authority;

''(2) afford the entity an opportunity to file project plans, locations, descriptions, mitigation measures, or other information that will assist the Secretary in the review and mitigation of any impacts to the maximum extent practicable; and

''(3) notify the Secretary of Defense not later than 30 days after the receipt by the Administration of a proposal received pursuant to paragraph (1) and coordinate receipt of any comments, or recommendations for mitigation measures pertaining to the proposal, by the Secretary of Defense as soon as practicable but not later than 30 days following an approval to construct pursuant to paragraph (1).''.

SA 4681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3813, to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 12, strike ''and''.

On page 16, line 6, strike the period and insert ''; and''.

On page 16, between lines 6 and 7, insert the following:

''(J) ensure that each kilowatt-hour of electric energy delivered from an energy storage system that was originally generated with a renewable resource receives 1 credit.''.

SA 4682. Mr. INOUYE proposed an amendment to the bill H.R. 3081, making continuing appropriations for fiscal year 2011, and for other purposes; as follows:

Amend the title so as to read: ''Making continuing appropriations for fiscal year 2011, and for other purposes''.

SA 4683. Mr. REID (for Mr. DEMINT) proposed an amendment to the resolution of ratification for Treaty Doc. 110–21, Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date; as follows:

In the section heading for section 1, strike ''**TWO RESERVATIONS AND THREE DECLARATIONS**'' and insert ''**TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS**''.

In section 1, strike ''the reservations of section 2, the declaration of section 3, and the declarations of section 4'' and insert ''the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5''.

Strike ''**SEC. 3. DECLARATION**'' and insert the following:

SEC. 3. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

SEC. 4. DECLARATION.

Strike ''SEC. 4. DECLARATIONS'' and insert ''sec. 5. declarations''.

SA 4684. Ms. CANTWELL proposed an amendment to the bill H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; as follows:

In section 617(b), in the quoted subsection (d), strike ''INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore'' and insert ''Individuals qualified as able seamen—offshore''.

Strike section 917 and insert the following:

''SEC. 917. MARITIME LAW ENFORCEMENT.

''(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

'' '(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

'' '(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

'' '(B) The aggravating factor referred to in subparagraph (A) is that the offense—

'' '(i) results in death; or

'' '(ii) involves—

'' '(I) an attempt to kill;

'' '(II) kidnapping or an attempt to kidnap; or

'' '(III) an offense under section 2241.

'' '(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

'' '(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 years, or both.'.

''(b) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

''(1) by amending paragraph (3) to read as follows:

'' '(3) the term ''vessel subject to the jurisdiction of the United States'' has the meaning given the term in section 70502 of title 46;';

''(2) in paragraph (4), by striking 'section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).' and inserting 'section 70502 of title 46; and'; and

''(3) by adding at the end the following new paragraph:

'' '(5) the term ''transportation under inhumane conditions'' means—

'' '(A) transportation—

'' '(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

'' '(ii) at an excessive speed; or

'' '(iii) of a number of persons in excess of the rated capacity of the vessel; or

'' '(B) intentional grounding of a vessel in which persons are being transported.'.''.

Strike section 1032(b) and insert the following:

''(b) VIOLATIONS; SUBPOENAS.—

''(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena will not interfere with a criminal investigation; or

''(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

''(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

Strike section 1033(a)(2) and insert the following:

''(2) SUBPOENAS.—

''(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

''(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

''(ii) the Attorney General—

''(I) determines that the subpoena will not interfere with a criminal investigation; or

''(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

''(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.''.

SA 4685. Mr. DURBIN (for Mr. CORNYN) proposed an amendment to the bill S. 3774, to extend the deadline for Social Services Block Grants expenditures of supplemental funds appropriated following disasters occurring in 2008; as follows:

On page 2, line 2, strike ''September 30, 2012'' and insert ''September 30, 2011''.

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4686. Mr. DURBIN (for Ms. CANTWELL) proposed an amendment to the bill H.R. 1061, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; as follows:

On page 4, lines 8 through 10, strike ''upon compliance with the National Environmental Policy Act of 1969'' and insert ''in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation,''.

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

SA 4687. Mr. DURBIN (for Mr. WHITEHOUSE) proposed an amendment to the bill S. 2847, to regulate the volume of audio on commercials; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) COMPLIANCE.—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

SA 4688. Mr. DURBIN (for Mr. LAUTENBERG) proposed an amendment to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Spill Prevention Act of 2010''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking ''operate or'' and inserting ''operate, including direction to change the vessel's heading and speed, or''; and

(2) by inserting ''emergency or'' after ''other'' in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109–79 (109th Congress, 1st Session) under the headings ''UNITED STATES COAST GUARD OPERATING EXPENSES'' and ''AREA SECURITY MARITIME EXERCISE PROGRAM'', concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. BUDGETARY EFFECTS

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4689. Mr. DURBIN (for Mr. AKAKA (for himself and Mr. VOINOVICH)) proposed an amendment to the bill H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telework Enhancement Act of 2010''.

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

''CHAPTER 65—TELEWORK

''Sec.
''6501. Definitions.
''6502. Executive agencies telework requirement.
''6503. Training and monitoring.
''6504. Policy and support.
''6505. Telework Managing Officer.
''6506. Reports.

''§ 6501. Definitions

''In this chapter:

''(1) EMPLOYEE.—The term 'employee' has the meaning given that term under section 2105.

''(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term 'executive agency' has the meaning given that term under section 105.

''(3) TELEWORK.—The term 'telework'or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

''§ 6502. Executive agencies telework requirement

''(a) TELEWORK ELIGIBILITY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

''(A) establish a policy under which eligible employees of the agency may be authorized to telework;

''(B) determine the eligibility for all employees of the agency to participate in telework; and

''(C) notify all employees of the agency of their eligibility to telework.

''(2) LIMITATION.—An employee may not telework under a policy established under this section if—

''(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

''(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

''(b) PARTICIPATION.—The policy described under subsection (a) shall—

''(1) ensure that telework does not diminish employee performance or agency operations;

''(2) require a written agreement that—

''(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

''(B) is mandatory in order for any employee to participate in telework;

''(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

''(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

''(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

''(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

''(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

''§ 6503. Training and monitoring

''(a) IN GENERAL.—The head of each executive agency shall ensure that—

''(1) an interactive telework training program is provided to—

''(A) employees eligible to participate in the telework program of the agency; and

''(B) all managers of teleworkers;

''(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

''(3) teleworkers and nonteleworkers are treated the same for purposes of—

''(A) periodic appraisals of job performance of employees;

''(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

''(C) work requirements; or

''(D) other acts involving managerial discretion; and

''(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

''(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

''§ 6504. Policy and support

''(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

''(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

''(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

''(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

''(3) consult with—

''(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

''(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

''(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

''(c) SECURITY GUIDELINES.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

''(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

''(A) control access to agency information and information systems;

''(B) protect agency information (including personally identifiable information) and information systems;

''(C) limit the introduction of vulnerabilities;

''(D) protect information systems not under the control of the agency that are used for teleworking;

''(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

''(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

''(d) CONTINUITY OF OPERATIONS PLANS.—

''(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency

shall incorporate telework into the continuity of operations plan of that agency.

''(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

''(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

''(1) maintain a central telework website; and

''(2) include on that website related—

''(A) telework links;

''(B) announcements;

''(C) guidance developed by the Office of Personnel Management; and

''(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

''(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

''§ 6505. Telework Managing Officer

''(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

''(b) DUTIES.—The Telework Managing Officer shall—

''(1) be devoted to policy development and implementation related to agency telework programs;

''(2) serve as—

''(A) an advisor for agency leadership, including the Chief Human Capital Officer;

''(B) a resource for managers and employees; and

''(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

''(3) perform other duties as the applicable delegating authority may assign.

''(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

''(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

''§ 6506. Reports

''(a) DEFINITION.—In this section, the term 'executive agency' shall not include the Government Accountability Office.

''(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

''(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

''(A) submit a report addressing the telework programs of each executive agency to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

''(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

''(2) CONTENTS.—Each report submitted under this subsection shall include—

''(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

''(i) the total number of employees in the agency;

''(ii) the number and percent of employees in the agency who are eligible to telework; and

''(iii) the number and percent of eligible employees in the agency who are teleworking—

''(I) 3 or more days per pay period;

''(II) 1 or 2 days per pay period;

''(III) once per month; and

''(IV) on an occasional, episodic, or short-term basis;

''(B) the method for gathering telework data in each agency;

''(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

''(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

''(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

''(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

''(i) emergency readiness;

''(ii) energy use;

''(iii) recruitment and retention;

''(iv) performance;

''(v) productivity; and

''(vi) employee attitudes and opinions regarding telework; and

''(G) the best practices in agency telework programs.

''(c) COMPTROLLER GENERAL REPORTS.—

''(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Oversight and Government Reform of the House of Representatives.

''(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

''(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

''(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

''(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

''(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

''(A) review the reports submitted under paragraph (1);

''(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

''(C) use that relevant information for other purposes related to the strategic management of human capital.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework 6501

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 103) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2340) is amended by striking ''maintain a 'Telework Coordinator' to be'' and inserting ''maintain a Telework Managing Officer to be''.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

''§ 5711. Authority for telework travel expenses test programs

''(a) Except as provided under subsection (f)(1), in this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to

waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

''(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

''(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

''(2) The results in a report described under paragraph (1) may include—

''(A) the number of visits an employee makes to the pre-existing duty station of that employee;

''(B) the travel expenses paid by the agency;

''(C) the travel expenses paid by the employee; or

''(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

''(e) No more than 10 test programs under this section may be conducted simultaneously.

''(f)(1) In this subsection, the term 'appropriate committee of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform of the House of Representatives;

''(C) the Committee on the Judiciary of the Senate; and

''(D) the Committee on the Judiciary of the House of Representatives.

''(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

''(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

''(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

''(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

''(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

''(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

''(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

''(i) provide for the effective and appropriate functioning of the program; and

''(ii) ensure that—

''(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

''(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

''(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

''(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(B) The Director of the Patent and Trademark Office shall—

''(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

''(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

''(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

''(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

''5711. Authority for telework travel expenses test programs.''.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) USE OF OTHER FEDERAL AGENCIES.—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

SA 4690. Mr. DURBIN (for Mr. CHAMBLISS3) proposed an amendment to the concurrent resolution S. Con. Res. 52, expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; as follows:

On page 2, line 3, after ''March 20'' add '', 2010,''

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

SOCIAL SERVICES BLOCK GRANTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3774 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4685) was agreed to, as follows:

(Purpose: To adjust the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008)

On page 2, line 2, strike ''September 30, 2012'' and insert ''September 30, 2011''.

On page 2, after line 2, insert the following:

SEC. 2. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The bill (S. 3774), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading ''Social Services Block Grant'' under chapter 7 of division B of Public Law 110–329, shall remain available for expenditure through September 30, 2011.

SEC. 2. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WIPA AND PABSS EXTENSION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6200, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6200) to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed at this point in the RECORD, with no intervening action or debate.

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

The bill (H.R. 6200) was ordered to a third reading, was read the third time, and passed.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, H.R. 1061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I further ask unanimous consent that the Cantwell amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4686) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 4, lines 8 through 10, strike ''upon compliance with the National Environmental Policy Act of 1969'' and insert ''in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation,''.

On page 8, strike lines 14 through 19 and insert the following:

SEC. 5. GAMING PROHIBITION.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1061), as amended, was read the third time, and passed.

CALM ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 625, S. 2847.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2847) to regulate the volume of audio on commercials.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or othermultichannel video programming distributor, or to a class of such stations, operators or distributors.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

Mr. DURBIN. Mr. President, I further ask unanimous consent that the amendment, which is at the desk, be agreed to; the committee-reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4687) was agreed to, as follows:

(Purpose: To deem operators and distributors who maintain equipment and software in compliance with the FCC regulations to be in compliance with those regulations)

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Advertisement Loudness Mitigation Act'' or the ''CALM Act''.

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) RULEMAKING REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) WAIVER AUTHORITY.—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) COMPLIANCE.—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The committee amendment, as amended, was agreed to.

The bill (S. 2847), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 629 through 632.

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

The Senate proceeded to consider the bills.

Mr. DURBIN. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc with no intervening action or debate; and that any statements relating to the bills be printed in the RECORD.

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

ANTHONY J. CORTESE POST OFFICE BUILDING

The bill (H.R. 4543) to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building'', was ordered to a third reading, read the third time, and passed.

JOYCE ROGERS POST OFFICE BUILDING

The bill (H.R. 5341) to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the ''Joyce Rogers Post Office Building'', was ordered to a third reading, read the third time, and passed.

JOHN DONAFEE POST OFFICE BUILDING

The bill (H.R. 5390) to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building'', was ordered to a third reading, read the third time, and passed.

TOM BRADLEY POST OFFICE BUILDING

The bill (H.R. 5450) to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office building'', was ordered to a third reading, read the third time, and passed.

OIL SPILL PREVENTION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 685.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 685) to require new vessels carrying oil fuel to have double hulls, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 685

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 ''Oil Spill Prevention Act of 2009''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2009, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking ''operate or'' and inserting ''operate, including direction to change the vessel's heading and speed, or''; and

(2) by inserting ''emergency or'' after ''other'' in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE, MEDICAL STANDARDS, AND MEDICAL REQUIREMENTS.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 7115. Merchant mariner medical advisory committee, medical standards, and medical requirements

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee.

''(2) FUNCTIONS.—The Committee shall—

''(A) advise the Secretary on matters relating to—

''(i) medical certification determinations for issuance of merchant mariner credentials;

''(ii) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

''(iii) medical examiner education; and

''(iv) medical research; and,

''(B) develop, as appropriate, specific courses and materials to be used by medical examiners listed in the national registry established under this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of the chief medical examiner and—

''(i) 10 individuals who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

''(ii) 4 individuals who are professional mariners with knowledge and experience in mariner occupational requirements.

''(B) STATUS OF MEMBERS.—Except for the chief medical examiner, members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18 and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

''(C) COMPENSATION; REIMBURSEMENT.—Except for the chief medical examiner, members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

''(b) APPOINTMENTS; TERMS; VACANCIES; ORGANIZATION.—

''(1) APPOINTMENT.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

''(2) TERM OF OFFICE.—The members shall be appointed for a term of 4 years, except that, of the members first appointed, 4 members shall be appointed for a term of 2 years and 4 members shall be appointed for a term of 1 year.

''(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall designate 1 member other than the chief medical examiner as the Chairman and 1 member other than the chief medical examiner as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

''(5) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.

''(6) MEETINGS.—No later than 6 months after the date of enactment of the Oil Spill Prevention Act of 2009, the Committee shall hold its first meeting and shall meet at least once each fiscal year.

''(c) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint an employee of the Coast Guard who will serve as a chief medical examiner and who shall hold a position under section 3104 of title 5 relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, relating to pay for certain senior-level positions.

''(d) MEDICAL STANDARDS AND REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary, with the advice of the Committee , shall—

''(A) establish, review, and revise—

''(i) medical standards for merchant mariners that will ensure that the physical condition of merchant mariners is adequate to enable them to safely carry out their duties on board vessels; and

''(ii) requirements for periodic physical examinations of such merchant mariners performed by a medical examiner who has, at a minimum, self-certified that he or she has completed training in physical and medical examination standards and is listed on a registry of medical examiners maintained in accordance with subsection (e) of this section;

''(B) require each merchant mariner to have a current valid physical examination;

''(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of merchant mariners are being conducted;

''(D) require each such medical examiner to, at a minimum, self-certify that he or she has completed specific training, including refresher courses, to be listed in the registry;

''(E) require medical examiners to submit all completed medical examination reports as required under regulations established by the Secretary; and

''(F) periodically review a representative sample of the medical examiners' reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification.

''(2) MONITORING PERFORMANCE.—The Secretary shall investigate patterns of errors or improper evaluation by medical examiners. If the Secretary finds that a medical examiner has evaluated a merchant mariner as being fit for seagoing service who fails otherwise to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove the name of such medical examiner from the registry and may void the medical examinations of the applicant or holder.

''(e) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, acting through the Commandant of the Coast Guard—

''(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations;

''(2) shall accept as valid only examinations by persons on the national registry of medical examiners;

''(3) shall remove from the registry the name of any medical examiner who fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or a regulation issued under this section;

''(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of merchant mariners holding United States Coast Guard credentials; and

''(5) may include in the registry established under paragraph (1) licensed physicians who are certified by the Secretary of Transportation to perform medical examinations of operators of commercial motor vehicles under section 31149 of title 49 and airmen.

[''(f) MEDICAL EXAMINER DEFINED.—In this section, the term 'medical examiner' means an individual registered in accordance with the regulations issued by the Secretary as a medical examiner.**]**

''(f) USE OF MEDICAL EXAMINERS NOT ON THE NATIONAL REGISTRY.—The Secretary shall accept examinations of merchant mariners conducted by medical examiners not listed on the national registry if such examinations meet specifications (including standards of review) established by the Secretary in consultation with the Merchant Mariner Medical Advisory Committee.

''(g) MEDICAL EXAMINER DEFINED.—In this section, the term 'medical examiner' means a licensed physician, physician's assistant, or nurse practitioner who complies with the regulations issued by the Secretary for medical examiners conducting examinations of merchant mariners.

''**[**(g)**]** *(h)* COORDINATION.—The Secretary, in coordination with the Secretary of Transportation, shall utilize the systems, processes, and procedures established for the administration of the Federal Motor Carrier Safety Administration's Medical Program authorized under section 31149 of title 49 and the Federal Aviation Administration's Office of Aerospace Medicine authorized under section 44702 of that title where synergies exist between such systems, processes, and procedures.

''**[**(h)**]** *(i)* REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 71 of title 46, United

States Code, is amended by adding at the end the following:

''7115. Merchant mariner medical advisory committee, medical standards, and medical requirements.''.

SEC. 5. STUDY OF MARINE CASUALTY CAUSATION.

(a) OBJECTIVES.—The Secretary of the department in which the Coast Guard is operating shall conduct a comprehensive study that will identify data requirements and collection procedures, reports, and other measures that will improve the department's ability—

(1) to determine the causes of, and contributing factors (including fatigue) to, marine casualties;

(2) to prevent marine casualties and threats to the environment;

(3) to minimize the impacts of marine casualties and environmental threats;

(4) to maximize the lives and property saved and environment protected in the event of a marine casualty;

(5) to evaluate future marine casualties;

(6) to monitor trends to identify causes and contributing factors; and

(7) to develop effective safety improvement policies, including workload, manning and medical review provisions, and programs.

(b) DESIGN.—The study shall employ standard research methods and statistical analysis and be designed to yield information that [will—] *will help the department assess the role that human factors, mechanical or equipment failure, and environmental factors play in marine casualty causation. Among other issues, the study will—*

(1) help the department assess the role that workload and fatigue play in marine casualty causation;

(2) help the department assess the role that manning, particularly a one man bridge operation, plays in marine casualty causation;

(3) help the department assess the role that the medical condition of merchant mariners plays in marine casualty causation;

(4) help the department assess the efficacy of safety management systems in preventing marine casualties;

[(4)] *(5)* help the department to identify activities and other measures likely to lead to significant reductions in the frequency and severity of marine casualties; and

[(5)] *(6)* to the extent practicable, rank such activities and measures by the reductions each would likely achieve if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall—

(1) consult with persons with expertise on marine casualty causation and prevention;

(2) consult with merchant mariners, ship managers, professional maritime associations, human factors professionals, occupational medicine specialists, and providers of medical review services to the maritime industry;

(3) consult with Federal advisory committees, including the Merchant Marine Personnel Advisory Committee and the Towing Safety Advisory Committee;

[(3)] *(4)* consult with academic institutions, domestic and foreign, with particular experience and expertise in workload and fatigue, safe manning, and the medical condition of merchant mariners in the maritime [environment;] *environment and safety management systems;* and

[(4)] *(5)* review the relevant literature available on previous studies from domestic and foreign sources.

(d) COMPARISON WITH NTSB.—The Secretary shall, in cooperation with the Chairman of the National Transportation Safety Board, compare and contrast the procedures and processes employed by the Coast Guard and the National Transportation Safety Board with particular attention to—

(1) preventing marine casualties and threats to the environment;

(2) minimizing the impacts of marine casualties and environmental threats; and

(3) maximizing the number of lives saved, the amount of property saved, and the environment protected in the event of a marine casualty.

(e) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

SEC. 6. COAST GUARD STUDY ON USE OF TRACTOR TUGS.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a comprehensive review of existing studies of the need for tractor tug escorts to be used by vessels carrying petroleum products or with large supplies of fuel onboard in the 5 largest United States ports, by volume of petroleum product, where the use of such tugs by those vessels is not otherwise required by State law or Captain-of-the-Port order, identify any gaps or other unaddressed issues, and conduct a study that—

(1) consolidates the information contained in the existing studies and addresses any such gaps or issues that need to be addressed; and

(2) to the extent such issues are not satisfactorily addressed in the existing studies, includes—

(A) an evaluation of the necessary power requirements of such tractor tug escorts;

(B) an analysis of the appropriate passages for the use of such tractor tug escorts;

(C) an inventory and analysis of the existing use of tractor tug escorts in United States ports; and

(D) an analysis of which vessel types in the ports studied should be required to have tractor tug escorts and a statement of the reason for recommending such a requirement.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Commandant shall submit the report, together with any findings, conclusions, and recommendations the Commandant deems appropriate, to the Senate Committee on Commerce, Science, and Transportation.

SEC. 7. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 8. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 9. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 10. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

(a) IN GENERAL.—Chapter 111 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 11113. Protection and fair treatment of seafarers

''(a) PURPOSE.—The purpose of this section is to ensure the protection and fair treatment of seafarers.

''(b) FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the 'Support of Seafarers Fund'.

''(2) USE OF AMOUNTS IN FUND.—The amounts covered into the Fund shall be available to the Secretary, without further appropriation and without fiscal year limitation, to—

''(A) pay necessary support, pursuant to subsection (c)(1)(A) of this section; and

''(B) reimburse a shipowner for necessary support, pursuant to subsection (c)(1)(B) of this section.

''(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

''(A) any moneys ordered to be paid to the Fund in the form of community service pursuant to section [8B1.3 of the United States Sentencing Guidelines or otherwise;] *3563(b) of title 18;*

''(B) amounts reimbursed or recovered pursuant to subsection (d) of this section;

''(C) amounts appropriated to the Fund pursuant to subsection (g) of this section; and

''(D) appropriations available to the Secretary for transfer.

''(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits pursuant to paragraph (3)(A) of this subsection only when the unobligated balance of the Fund is less than $5,000,000.

''(5) REPORT REQUIRED.—

''(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not obligate any amount in the Fund in a given fiscal year unless the Secretary has submitted to Congress, concurrent with the President's budget submission for that fiscal year, a report that describes—

''(i) the amounts credited to the Fund, pursuant to paragraph (3) of this subsection, for the preceding fiscal year;

''(ii) a detailed description of the activities for which amounts were charged; and

''(iii) the projected level of expenditures from the Fund for the coming fiscal year, based on—

''(I) on-going activities; and

''(II) new cases, derived from historic data.

''(B) The limitation in subparagraph (A) of this paragraph shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

''(6) FUND MANAGER.—The Secretary shall designate a Fund manager, who shall—

''(A) ensure the visibility and accountability of transactions utilizing the Fund;

''(B) prepare the report required by paragraph (5); and

''(C) monitor the unobligated balance of the Fund and provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than $5,000,000.

''(c) IN GENERAL.—

''(1) AUTHORITY.—The Secretary is authorized—

''(A) to pay, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, necessary support of—

''(i) any seafarer who enters, remains, or has been paroled into the United States and is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

''(ii) any seafarer whom the Secretary finds to have been abandoned in the United States; and

''(B) to reimburse, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner, who has filed a bond or surety satisfactory pursuant to subparagraph (A) and provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for costs of necessary support, when the Secretary deems reimbursement necessary to avoid serious injustice.

''(2) LIMITATION.—Nothing in this section shall be construed—

''(A) to create a right, benefit, or entitlement to necessary support; or

''(B) to compel the Secretary to pay, or reimburse the cost of, necessary support.

''(d) REIMBURSEMENTS; RECOVERY.—

''(1) IN GENERAL.—Any shipowner shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of the seafarer, plus a surcharge of 25 percent of such total amount if—

''(A)(i) the shipowner, during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who has been paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

''(ii) a criminal penalty is subsequently imposed against the shipowner; or

''(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as decided by the Secretary.

''(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund as required under paragraph (1) of this subsection, the Secretary may—

''(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which such vessel is found; and

''(B) withhold or revoke the clearance, required by section 60105 of this title, of any vessel of the shipowner wherever such vessel is found.

''(3) Whenever clearance is withheld or revoked pursuant to paragraph (2)(B) of this subsection, clearance may be granted if the shipowner reimburses the Fund the amount required under paragraph (1) of this subsection.

''(e) SURETY; ENFORCEMENT OF TREATIES, LAWS, AND REGULATIONS.—

''(1) BOND AND SURETY AUTHORITY.—The Secretary is authorized to require a bond or surety satisfactory as an alternative to withholding or revoking clearance required under section 60105 of this title if, in the opinion of the Secretary, such bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard if the surety corporation providing the bond is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of that title.

''(2) APPLICATION.—The authority to require a bond or a surety satisfactory or to request the withholding or revocation of the clearance required under section 60105 of this title applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

''(f) DEFINITIONS.—In this section:

''(1) ABANDONS; ABANDONED.—The term 'abandons' or 'abandoned' means a shipowner's unilateral severance of ties with a seafarer or the shipowner's failure to provide necessary support of a seafarer.

''(2) BOND OR SURETY SATISFACTORY.—The term 'bond or surety satisfactory' means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require the shipowner to—

''(A) provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

''(B) facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

''(C) stipulate to certain incontrovertible facts, including, but not limited to, the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

''(D) facilitate service of correspondence and legal papers;

''(E) enter an appearance in United States district court;

''(F) comply with directions regarding payment of funds;

''(G) name an agent in the United States for service of process;

''(H) make stipulations as to the authenticity of certain documents in United States district court;

''(I) provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Secretary;

''(J) provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

''(K) provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required by section 60105 of title 46.

''(3) FUND.—The term 'Fund' means the Support of Seafarers Fund, established pursuant to this section.

''(4) NECESSARY SUPPORT.—The term 'necessary support' means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary deems appropriate.

''(5) SEAFARER.—The term 'seafarer' means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States.

''(6) SHIPOWNER.—The term 'shipowner' means the individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States.

''(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United

States' has the same meaning it has in section 70502(c) of this title, except that it excludes a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when that vessel is engaged in commerce.

''(g) REGULATIONS.—The Secretary may prescribe regulations to implement this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $1,500,000 for each of fiscal years 2010, 2011, and 2012.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 46, United States Code, is amended by adding at the end the following new item:

''11113. Protection and fair treatment of seafarers.''.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendments be withdrawn, the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time, the pay-go statement be read.

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

The amendment (No. 4688) was agreed to, as follows:

(Purpose: In the nature of a substitute)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Spill Prevention Act of 2010''.

SEC. 2. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Oil Spill Prevention Act of 2010, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 3. MARITIME EMERGENCY PREVENTION.

(a) IN GENERAL.—Section 4(b) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(b)) is amended—

(1) by striking ''operate or'' and inserting ''operate, including direction to change the vessel's heading and speed, or''; and

(2) by inserting ''emergency or'' after ''other'' in paragraph (3).

(b) REVISION OF VTS POLICY.—The Secretary of the department in which the Coast guard is operating shall—

(1) provide guidance to all vessel traffic personnel that clearly defines the use of authority to direct or control vessel movement when such direction or control is justified in the interest of safety; and

(2) require vessel traffic personnel communications to identify the vessel, rather than the pilot, when vessels are operating in vessel traffic service pilotage areas.

(c) ADEQUACY OF VTS LOCATIONS AND INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall continue to conduct individual port and waterway safety assessments under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) to determine and prioritize the United States ports, waterways, and channels that are in need of new, expanded, or improved vessel traffic management risk mitigation measures, including vessel traffic service systems, by evaluating—

(A) the nature, volume, and frequency of vessel traffic;

(B) the risks of collisions, allisions, spills, and other maritime mishaps associated with that traffic;

(C) the projected impact of installation, expansion, or improvement of a vessel traffic service system or other risk mitigation measures; and

(D) any other relevant data.

(2) ANALYSES.—Based on the results of the assessments under paragraph (1), the Secretary shall identify the requirements for necessary expansion, improvement, or construction of buildings, networks, communications, or other infrastructure to improve the effectiveness of existing vessel traffic service systems, or necessary to support recommended new vessel traffic service systems, including all necessary costs for construction, reconstruction, expansion, or improvement.

(3) PERSONNEL.—The Secretary shall—

(A) review and validate the recruiting, retention, training, and expansion of the vessel traffic service personnel workforce necessary to maintain the effectiveness of existing vessel traffic service systems and to support any expansion or improvement identified by the Secretary under this section; and

(B) require basic navigation training for vessel traffic service watchstander personnel—

(i) to support and complement the existing mission of the vessel traffic service to monitor and assess vessel movements within a vessel traffic service Area;

(ii) to exchange information regarding vessel movements with vessel and shore-based personnel; and

(iii) to provide advisories to vessel masters.

(4) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report consolidating the results of the analyses under paragraph (2), together with recommendations for implementing the study results.

SEC. 4. TRAINED POLLUTION INVESTIGATORS.

To the extent practicable, the Commandant of the Coast Guard shall ensure that there is at least 1 trained and experienced pollution investigator on duty, or in an on-call status, at all times for each Coast Guard Sector Command.

SEC. 5. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 6. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for up to one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required—

''(1) to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry;

''(2) because necessary records have been destroyed or are unavailable due to a natural disaster; or

''(3) to align the expiration date of a license or certificate of registry with the expiration date of a transportation worker identification credential under section 70501.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on December 31, 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 7. ELIMINATION OF CERTAIN REPORTS.

Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109–79 (109th Congress, 1st Session) under the headings ''UNITED STATES COAST GUARD OPERATING EXPENSES'' and ''AREA SECURITY MARITIME EXERCISE PROGRAM'', concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SEC. 8. BUDGETARY EFFECTS

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for S. 685, as amended.

Total Budgetary Effects of S. 685 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 685 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 685, THE OIL SPILL PREVENTION ACT OF 2010, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 28, 2010.

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] Section 6 would authorize the Coast Guard to extend for one year certain expiring marine licenses, certificates of registry, and merchant mariner documents. The authority to provide such extensions would apply through December 11, 2011. Because the extensions would delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts (an offset against direct spending) over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection expenses. CBO estimates that the net effect on direct spending from enacting this provision would be less than $500,000 in each of fiscal years 2011 and 2012.

Mr. DURBIN. I ask unanimous consent that the bill, as amended, be passed and any statements related to the bill be printed in the RECORD.

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

The bill (S. 685) was ordered to be engrossed for a third reading, was read the third time, and passed.

FOR VETS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 628, S. 3794.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3794) to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

[Omit the part printed in boldface brackets and insert the part printed in italic.]

S. 3794

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 ''Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010'' or ''FOR VETS Act of 2010''.

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking ''or'' after the semicolon;

(2) in clause (ix), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

[''(x) an organization whose membership comprises substantially veterans (as defined under section 101 of title 38).''.**]**

''(x) an organization whose—

''(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

''(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.''.

Mr. LEAHY. Mr. Presdient, today the Senate will pass sensible legislation with practical benefits for U.S. military veterans. The bill I have offered will add military veterans to the list of groups eligible to receive excess property donations from the Federal Government. This bill is a bipartisan effort to recognize the sacrifices that members of our Armed Forces make every day for our country, and I am proud to be its author. While it is only a small token of appreciation, this legislation gives back to veterans groups by allowing them access to a large inventory of goods from which they could not otherwise benefit. I appreciate the Senate acting swiftly to consider this bill.

The FOR VETS Act enables military veterans to receive surplus goods donations through the Federal Government's property distribution program. The types of goods donated through this program include computers, trucks, snowmobiles, home appliances and electronics. These items will be of valuable use to our military veterans, and I am pleased to sponsor legislation that gives them the right to claim useful goods through this program. The FOR VETS Act is legislation for and about American veterans.

The Administrator of General Services oversees this ongoing property liquidation and distribution program, which currently donates property to medical institutions, providers of assistance to the homeless, universities, and child care facilities, among others. Given the surplus of available goods, military veterans' groups are simply being added into this pool of recipients for property that might otherwise go unused.

I thank the Homeland Security and Government Affairs Committee ranking member, Senator COLLINS, for working with me on this bill. This was a bipartisan effort, as legislation to support our veterans should always be, and I look forward to its prompt consideration by the House, and to the President signing it into law.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, without No intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3794), as amended, was passed, as follows:

S. 3794

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 ''Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010'' or ''FOR VETS Act of 2010''.

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking ''or'' after the semicolon;

(2) in clause (ix), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(x) an organization whose—''

''(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

''(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.''.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1722, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1722) to require the head of each executive agency to establish and implement the policy under which employees shall be authorized to telework, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

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

The committee amendment (No. 4689) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1722), as amended, was read the third time and passed.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate the House message to accompany S. 3397.

The PRESIDING OFFICER laid before the Senate the following message from the House:

S. 3397

Resolved, That the bill from the Senate (S. 3397) entitled ''An Act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.'', do pass with an amendment.

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendment to S. 3397 with no intervening action or debate, and that any statements be printed in the RECORD.

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

HONORING THE HUDSON RIVER SCHOOL PAINTERS

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 278, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 278) honoring the Hudson River School Painters for their contributions to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas the Hudson River School was a mid-19th century American art movement led by a group of landscape painters, whose aesthetic vision was influenced by the romanticism movement;

Whereas the Hudson River School is considered the first school of American art;

Whereas the major Hudson River School painters included Thomas Cole, Frederic Edwin Church, Asher Brown Durand, Jasper Francis Cropsey, Sanford Robinson Gifford, Albert Bierstadt, John Frederick Kensett, George Inness, Worthington Whittredge, and Thomas Moran;

Whereas the Hudson River School paintings captured the striking landscape and sweeping natural beauty of the Hudson River Valley and the surrounding New York areas, including the Catskill, the Adirondack, and the White Mountains;

Whereas Hudson River School paintings served a vital role in cultivating American identity in the mid-19th century and creating a sense of awe of the American landscape that endures to this day;

Whereas the Hudson River School painters influenced the environmental conservation movement and the establishment of the National Park System under President Theodore Roosevelt;

Whereas the Hudson River School's portrayal of the Hudson River Valley is a major source of tourism in the region;

Whereas 2009 marks the 400th anniversary of the voyages of discovery made by Henry Hudson and Samuel de Champlain, recognizing the important role that the Hudson River and the Hudson Valley played in the development and growth of the United States;

Whereas the Hudson River School painters depicted the Hudson River Valley during the opening of the Erie Canal, which linked the Hudson River with the Great Lakes and created a main trade route from New York that fostered the city's central place in the American economy;

Whereas the Hudson River School painters celebrated the ideals of American democracy, individuality, and progress;

Whereas the Hudson River School painters illustrated themes such as nature, conservation, civility, unity, education, family, chivalry, and development;

Whereas the Hudson River School painters expressed the sense that every generation of Americans should seek to preserve the naturalness of the continent; and

Whereas the Hudson River School painters accentuated the cardinal values of the 19th century, which can assist contemporary Americans in the rebirth of American culture: Now, therefore, be it

Resolved, That the Senate recognizes and honors the Hudson River School painters for their contributions to the United States.

TO ENSURE STABILITY IN SOMALIA

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 588, S. Res. 573.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 573) urging the development of a comprehensive strategy to ensure stability in Somalia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. RES. 573

Whereas Somalia has been without a functioning central government since 1991, resulting in lawlessness and an increasingly desperate humanitarian situation;

Whereas, despite the return of the internationally recognized Transitional Federal Government (TFG) to Mogadishu and ongoing diplomatic efforts through the Djibouti Peace Process, supported by the United Nations, there has been little improvement in the governance or stability of southern and central Somalia, and armed opposition groups continue to exploit this situation;

Whereas the traditional mediation role played by Somali elders has been eroded as the dynamics of conflict and the proliferation of weapons make it difficult to influence warring parties;

Whereas, since 2007, armed violence has resulted in the deaths of at least 21,000 people in Somalia and the displacement of nearly 2,000,000 people, including over 500,000 refugees in Kenya, Yemen, Ethiopia, Eritrea, Djibouti, Tanzania, and Uganda;

Whereas the United Nations estimates that 3,200,000 people, or 43 percent of the population of Somalia, are in need of humanitarian assistance and livelihood support to survive;

Whereas the United Nations reports that almost 1,000,000 displaced Somalis in need of aid cannot be reached by United Nations refugee and food agencies because of growing insecurity and the threat of kidnappings to staff;

Whereas local humanitarian organizations are trying to meet the needs of the Somali people by restoring basic social services in urban and rural communities, which places them on the front lines of the conflict and make them vulnerable targets for killings, kidnappings, or being accused of working for foreign governments;

Whereas al Shabaab, which has been designated as a foreign terrorist organization by the Department of State, and other armed groups continue to wage war against the Transitional Federal Government in Mogadishu and one another to gain control over territory in Somalia;

Whereas al Shabaab has claimed responsibility for many bombings—including suicide attacks—in Mogadishu, as well as in central and northern Somalia, typically targeting officials of the Government of Somalia and perceived allies of the TFG;

Whereas, according to Human Rights Watch, al Shabaab is subjecting inhabitants of areas under its control in southern Somalia to executions, cruel punishments, including amputations and floggings, and repressive social control;

Whereas the human rights situation in Somalia has dramatically worsened over the past several years with increased numbers of killings, torture, kidnappings, and rape;

Whereas the 2009 Department of State Country Terrorism Report notes that ''Somalia's fragile transitional Federal government, protracted state of violent instability, its long, unguarded coastline, porous borders, and proximity to the Arabian Peninsula, made the country an attractive location for international terrorists seeking a transit or launching point for operations in Somalia or elsewhere'';

Whereas the situation in southern and central Somalia, particularly the activity of al Shabaab, poses direct threats to the stability of Puntland and Somaliland regions, as well as the stability of neighboring states and the wider region;

Whereas al Shabaab leaders have stated their intent to provide recruits and support for al Qaeda in the Arabian Peninsula in Yemen;

Whereas the Government of Eritrea has provided military and financial support for armed opposition groups, including al Shebaab, in part as a proxy front in its continuing tensions with Ethiopia;

Whereas, according to the most recent report by the United Nations Somalia Monitoring Group, arms, ammunitions, and military or dual-use equipment continue to enter Somalia at a fairly steady rate, in violation of the general and complete arms embargo imposed in 1992;

Whereas, in July 2009, the Department of State confirmed that, in addition to other support for the TFG, it had provided cash to purchase weapons and ammunitions for the TFG's efforts ''to repel the onslaught of extremist forces which are intent on destroying the Djibouti peace process'';

Whereas, according to most recent report by the United Nations Somalia Monitoring Group, ''[d]espite infusions of foreign training and assistance, government security forces remain ineffective, disorganized and corrupt — a composite of independent militias loyal to senior government officials and military officers who profit from the business of war and resist their integration under a single command'';

Whereas, on April 13, 2010, President Barack Obama issued an executive order to sanction or freeze the assets of militants who threaten, both directly and indirectly, the stability of Somalia, as well as individuals involved in piracy off Somalia's coast;

Whereas, in March 2009, at a hearing of the Committee on Homeland Security and Government Affairs of the Senate, Andrew Liepman, Deputy Director of Intelligence at the National Counterterrorism Center, noted that ''[s]ince 2006, a number of U.S. citizens [have] traveled to Somalia, possibly to train in extremist training camps'';

Whereas, in September 2009, at a hearing of the Committee on Homeland Security and Government Affairs of the Senate, the Director of the National Counterterrorism Center Michael Leiter testified that ''the potential for al-Qaeda operatives in Somalia to commission Americans to return to the United States and launch attacks against the Homeland remains of significant concern'';

Whereas al Shabaab has claimed responsibility for the bombings in Kampala, Uganda on July 11, 2010, which killed 76 people, including one American, and wounded scores of other people; and

Whereas the extraordinary and ongoing crisis in Somalia has enormous humanitarian consequences and direct national security implications for the United States and our allies in the region: Now therefore be it

Resolved, That the Senate—

(1) acknowledges the urgency of addressing the threats to United States national security in Somalia and the conditions that foster those threats;

(2) reaffirms its commitment to stand with all the people of Somalia who aspire to a future free of terrorism and violence through advancing political reconciliation and building legitimate and inclusive governance institutions;

(3) recognizes the difficult, but very important, work being done by the African Union Mission in Somalia (AMISOM) to help secure parts of Mogadishu, and reaffirms its support for the mission;

(4) calls on the Transitional Federal Government in Somalia—

(A) to cease immediately any use of child soldiers;

(B) to ensure better accountability and transparency for all received security assistance;

(C) to renew its commitment to political reconciliation; and

(D) to take necessary steps toward becoming a more legitimate and inclusive government in the eyes of the people of Somalia;

(5) calls on all actors and governments in the region, particularly the Government of Eritrea, to play a productive role in helping to bring about peace and stability to Somalia, including ceasing to provide any financial or material support to al Shabaab and other armed opposition groups in Somalia;

(6) welcomes efforts by the President to bring greater focus and resources toward understanding and monitoring the situation in Somalia;

(7) urges the President to develop a comprehensive strategy to ensure that all United States humanitarian, diplomatic, political, and counterterrorism programs in Somalia and the wider Horn of Africa are coordinated and making progress toward the long-term goal of establishing stability, respect for human rights, and functional, inclusive governance in Somalia;

(8) urges the President and Secretary of State, as part of a comprehensive strategy—

(A) to provide greater support for a range of diplomatic initiatives to engage clan leaders, business leaders, and civil society leaders in Somalia and the Somali Diaspora in political reconciliation and consensus-building;

(B) to ensure better oversight, monitoring, and transparency of all United States security assistance provided to the TFG;

(C) to increase and strengthen the United States diplomatic team working on Somalia, including the appointment of a senior envoy, and to ensure that these officials have the necessary resources, access, and mandate;

(D) to pursue opportunities for periodic, temporary United States Government travel to Somalia, consistent with any security concerns;

(E) to expand and deepen our engagement with the regional administration of Puntland and other regional administrations in order to promote good governance, effective law enforcement, respect for human rights, and stability in these regions;

(F) to provide additional humanitarian, development, and security assistance to the region of Somaliland, recognizing the positive developments in that region with respect to consolidating multi-party democracy, which was evident in the recent election there;

(G) to outline punitive measures and incentives that can be used with the Government of Eritrea to bring a halt to its financial and material support for armed opposition groups in Somalia, including steps to improve bilateral relations and to push for a resolution of Eritrea's border dispute with Ethiopia consistent with the arbitration decision of the Ethiopia-Eritrea Border Commission;

(H) to explore, in consultation with the Secretary of the Treasury, increased options for pressuring individuals, governments, and other actors who undertake economic activities that support al Shabaab and other armed opposition groups in Somalia; and

(I) to develop, in consultation with the Administrator of the United States Agency for International Development, creative and flexible mechanisms for delivering basic humanitarian and development assistance to the people of Somalia while minimizing the risk of significant diversion to armed opposition groups.

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the resolution be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 573), as amended, was agreed to.

The preamble, as amended, was agreed to.

NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 52.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 52) expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the technical amendment at the desk be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; and the motion to reconsider be laid upon the table.

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

The amendment (No. 4690) was agreed to, as follows:

On page 2, line 3, after ''March 20'' add '', 2010,''

The resolution (S. Con. Res. 52), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 52

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing

care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy, information, and professional development to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses support for—

(1) the designation of March 20, 2010, as a National Day of Recognition for Long-Term Care Physicians; and

(2) the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Con. Res. 72.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) recognizing the 45th anniversary of the White House Fellows Program.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 72) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 72

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to travel to Washington, DC, to participate in a fellowship program that would educate such men and women about the workings of the highest levels of the Federal Government and about leadership, as they observed Federal officials in action and met with these officials and other leaders of society, thereby strengthening the abilities of such individuals to contribute to their communities, their professions, and the United States;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183 (as amended), to create a program that would select between 11 and 19 outstanding young citizens of the United States every year and bring them to Washington, DC, for ''first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit'';

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 9 Presidents exceptionally well;

Whereas the 672 White House Fellows who have served have established a legacy of leadership in every aspect of our society, including appointments as cabinet officers, ambassadors, special envoys, deputy and assistant secretaries of departments and senior White House staff, election to the House of Representatives, Senate, and State and local governments, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the largest corporations and law firms in the United States, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a resource that has been relied upon by the Nation during major challenges, including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, providing support to earthquake victims in Haiti, performing military service in Iraq and Afghanistan, and reforming and innovating the national and international securities and capital markets;

Whereas the 672 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service, including creating a White House Fellows Community of Mutual Support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2010, marked the 45th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 45th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

RECOGNIZING THE ANNIVERSARY OF THE TRAGIC SHOOTINGS AT FORD HOOD, TEXAS, ON NOVEMBER 5, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 319, 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. 319) recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, 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, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 319) was agreed to.

The preamble was agreed to.

HONORING THE 28TH INFANTRY DIVISION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 74, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 74) honoring the 28th Infantry Division for serving and protecting the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, 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 that any statements relating to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 74) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 74

Whereas some units of the 28th Infantry Division date back to 1747;

Whereas units that would one day comprise the 28th Infantry Division served in the Revolutionary War, including units that served in the Continental Army under General George Washington;

Whereas what eventually became the 28th Infantry Division was initially established March 12 through 20, 1879, as the Division of the National Guard of Pennsylvania, and is recognized as the oldest, continuously serving division in the Army;

Whereas the 28th Infantry Division as we know it today was formed on September 1, 1917, and was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise-Aisne, Lorraine, and Meuse-Argonne;

Whereas the 28th Infantry Division adopted the title of ''Iron Division'' for the valiant efforts of the Division during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland,

Ardennes-Alsace, and Central Europe during World War II;

Whereas the 28th Infantry Division withstood the onslaught of the German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was Federalized again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called to action during the partial meltdown of the nuclear reactor of the Three Mile Island Nuclear Generating Station in 1979;

Whereas elements of the 28th Infantry Division contributed to the international coalition forces in Operation Desert Storm;

Whereas the 28th Infantry Division and its detached units mobilized and deployed as part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosovo, and the Sinai Peninsula;

Whereas the 28th Infantry Division deployed troops as part of Operation Noble Eagle in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division deployed troops to Afghanistan as part of Operation Enduring Freedom, and helped to secure the country and bring humanitarian relief to the Afghan people;

Whereas in Operation Iraqi Freedom, elements of the 28th Infantry Division played a role in the invasion of Iraq, the provision of security in post-invasion Iraq, the training of an Iraqi police force, the securing of transport convoys, and the safe detainment of suspected terrorists;

Whereas more than 2,600 soldiers of the 28th Infantry Division remain missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of the United States affected by winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, the Nation's highest award for valor, have been soldiers of the 28th Infantry Division: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the 28th Infantry Division for serving and protecting the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 667, S. Res. 668, S. Res. 669, S. Res. 670, S. Res. 671, and S. Res. 672.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 667

Recognizing the 40th anniversary of the Coastal Organization

Whereas, in 2010, the Coastal States Organization (referred to in this preamble as the ''CSO'') is celebrating its 40th anniversary of representing the Governors of the 35 coastal States, commonwealths, and territories of the United States on issues relating to the sound management of coastal, ocean, and Great Lakes resources;

Whereas the CSO was created in 1969 by a resolution, which was endorsed unanimously, of the National Governors Association;

Whereas, in January 1970, the first meeting of the CSO was held in Savannah, Georgia;

Whereas, in October 2010, the CSO will celebrate its 40th anniversary in Monterey, California;

Whereas the CSO has been empowered to contribute to the development and operation of the national coastal zone management program, which was established by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

Whereas the CSO is a nonpartisan organization comprised of economically, environmentally, geographically, and socially diverse States, territories, and commonwealths;

Whereas the CSO serves as a means for the Governors of the member States, territories, and commonwealths to communicate with Congress and the executive branch on coastal, ocean, and Great Lakes policies, programs, and affairs; and

Whereas the member States, territories, and commonwealths of the CSO have a responsibility to work with the Federal Government to manage and conserve the public trust in coastal and ocean ecosystems as well as the quality of life in coastal communities for the benefit of current and future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the Coastal States Organization; and

(2) supports the role of States, territories, and commonwealths in the stewardship of coastal, ocean, and Great Lakes resources.

S. RES. 668

Expressing support for the designation of October 20, 2010, as the ''National Day on Writing''

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2010, as the ''National Day on Writing'';

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Galley of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

S. RES. 669

Recognizing Filipino American History Month in October 2010

Whereas, the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas, the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas, the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas, Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas, 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an

individual serving in the United States Armed Forces;

Whereas, Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas, Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas, efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas, it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas, Filipino American History Month is celebrated during the month of October 2010: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2010 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2010 with appropriate programs and activities.

S. RES. 670

Designating the week beginning on Monday, November 8, 2010, as ''National Veterans History Project Week''

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by Congress in order to collect and preserve the wartime stories of veterans of the Armed Forces of the United States;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines outlined by the project;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans' experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of ''service'', ''sacrifice'', ''citizenship'', and ''democracy'';

Whereas more than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas ''National Veterans Awareness Week'' has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on Monday, November 8, 2010, as ''National Veterans History Project Week'';

(2) calls on the people of the United States to interview at least 1 veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(3) encourages national, State, and local organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of veterans of the Armed Forces of the United States.

S. RES. 671

Supporting the goals and ideals of Red Ribbon Week, 2010

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas 2010 marks 25 years since the death of Special Agent Camarena;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, between 1997 and 2007, the percentages of admissions to substance abuse treatment programs as a result of the abuse of marijuana and methamphetamines rose significantly;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well-known brand-name candies and foods; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2010;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to—

(A) promote the creation of drug-free communities; and

(B) participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

S. RES. 672

Designating October 9, 2010, as ''National Chess Day'' to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills

Whereas it is estimated that chess is played by 39,000,000 people in the United States;

Whereas there are over 75,000 members of the United States Chess Federation (referred to in this preamble as the ''Federation''), and unknown numbers of additional people in the United States who play the game without joining an official organization;

Whereas approximately half of the members of the Federation are scholastic members, and many of the scholastic members join by the age of 10;

Whereas the Federation is very supportive of the scholastic programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic programs training and ensures schools and students can have confidence the program;

Whereas many studies have linked chess programs to the improvement of student scores in reading and math, as well as improved self-esteem, and the Federation offers a school curriculum to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance reading and math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 9, 2010, as ''National Chess Day''; and

(2) encourages the people of the United States to observe ''National Chess Day'' with appropriate programs and activities.

MEASURES READ THE FIRST TIME—H.R. 4168, H.R. 4337, AND H.R. 847

Mr. DURBIN. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

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

The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property.

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve

protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and so forth and for other purposes.

Mr. DURBIN. I now ask for a second reading en bloc and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions until Monday, October 4.

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

APPOINTMENT AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. DURBIN. I ask unanimous consent that notwithstanding a recess or adjournment of the Senate, Senate committees may file committee-reported executive and legislative calendar business on Friday, October 1, from 12 noon to 2 p.m., and on Tuesday, October 26, from 12 noon to 2 p.m.

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

TRIBUTES FOR THE LATE SENATOR STEVENS

Mr. DURBIN. Mr. President, I ask unanimous consent that tributes for the late Senator Stevens be printed as a Senate document and the deadline for statements to be submitted to the CONGRESSIONAL RECORD be Wednesday, November 17, 2010.

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

ORDERS FOR PRO FORMA SESSIONS AND FOR MONDAY, NOVEMBER 15, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m. Friday, October 1; that on Friday, the Senate meet in pro forma session only with no business conducted; that at the close of the pro forma session, the Senate then stand in recess and convene on the dates in this consent and on each date listed, conduct a pro forma session only with no business conducted: Tuesday, October 5 at 11 a.m.; Friday, October 8 at 11:30 a.m.; Tuesday, October 12 at 10 a.m.; Friday, October 15 at 10 a.m.; Tuesday, October 19 at 12 noon; Friday, October 22 at 1 p.m.; Tuesday, October 26 at 12 noon; Friday, October 29 at 11:30 a.m.; Monday, November 1 at 9 a.m.; Thursday, November 4 at 9 a.m.; Monday, November 8 at 12 noon; Wednesday, November 10 at 9:30 a.m.; Friday, November 12 at 9:30 a.m.; that at the close of the pro forma session on Friday, November 12, the Senate then stand adjourned until 2 p.m., Monday, November 15 under the authority of H. Con. Res. 321; that on Monday, November 15, after 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 proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes on Monday, November 15. Senators can expect the next vote to occur on Wednesday morning, November 17.

On behalf of the Senate, I extend our thanks to the Presiding Officer for his extraordinary contribution, his work in the chair, and for the duty he has assumed this evening.

I also thank all members of the staff, as Senator REID would say, within the sound of my voice.

ADJOURNMENT UNTIL FRIDAY, OCTOBER 1, 2010, AT 11:30 A.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 11:54 p.m., adjourned until Friday, October 1, 2010, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

JIMMIE V. REYNA, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE HALDANE ROBERT MAYER, RETIRED.

RICHARD BROOKE JACKSON, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE PHILLIP S. FIGA, DECEASED.

MAE A. D'AGOSTINO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM CONNER ELDRIDGE, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE ROBERT CRAMER BALFE, III, RESIGNED.

KENNETH F. BOHAC, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF ILLINOIS FOR TERM OF FOUR YEARS, VICE STEVEN D. DEATHERAGE, TERM EXPIRED.

STATE JUSTICE INSTITUTE

ISABEL FRAMER, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE CARLOS R. GARZA, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE HARVEY KLEHR, TERM EXPIRED.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

SUSAN H. HILDRETH, OF WASHINGTON, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES, VICE ANNE—IMELDA RADICE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016 , VICE HERMAN BELZ, TERM EXPIRED.

MILLENNIUM CHALLENGE CORPORATION

MARK GREEN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS, VICE WILLIAM H. FRIST, TERM EXPIRING.

DEPARTMENT OF STATE

THOMAS R. NIDES, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES, VICE JACOB J. LEW.

MILLENNIUM CHALLENGE CORPORATION

ALAN J. PATRICOF, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE MICHAEL L. DOMINGUEZ.

MICHAEL VICKERS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE JAMES R. CLAPPER, JR.

FOREIGN SERVICE

THE FOLLOWING—NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PATRICIA A. BUTENIS, OF VIRGINIA
JANICE L. JACOBS, OF VIRGINIA
D. KATHLEEN STEPHENS, OF VIRGINIA
ALEJANDRO DANIEL WOLFF, OF CALIFORNIA
DONALD Y. YAMAMOTO, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CYNTHIA HELEN AKUETTEH, OF MARYLAND
RICHARD ALAN ALBRIGHT, OF OHIO
WAYNE B. ASHBERY, OF VIRGINIA
JUDITH R. BAROODY, OF VIRGINIA
ERIC D. BENJAMINSON, OF OREGON
JENNIFER V. BONNER, OF VIRGINIA
JAMES L. CLEVELAND, OF CALIFORNIA
DANIEL ANTHONY CLUNE, OF MARYLAND
KIMBERLY J. DEBLAUW, OF VIRGINIA
THOMAS LAWRENCE DELARE, OF VIRGINIA
GREGORY TORRENCE DELAWIE, OF VIRGINIA
LINDA L. DONAHUE, OF VIRGINIA
SUSAN M. ELBOW, OF THE DISTRICT OF COLUMBIA
HENRY S. ENSHER, OF VIRGINIA
JOHN D. FEELEY, OF THE DISTRICT OF COLUMBIA
PAUL A. FOLMSBEE, OF TEXAS
DAVID R. GILMOUR, OF TEXAS
SHEILA S. GWALTNEY, OF CALIFORNIA
GRETA CHRISTINE HOLTZ, OF MARYLAND
MARY VIRGINIA JEFFERS, OF MARYLAND
SYLVIA DOLORES JOHNSON, OF TEXAS
TINA S. KAIDANOW, OF NEW YORK
RONALD JAMES KRAMER, OF TEXAS
CHRISTOPHER A. LAMBERT, OF VIRGINIA
THERESA MARY LEECH, OF VIRGINIA
ALBERTA MAYBERRY, OF VIRGINIA
GEORGES F. MCCORMICK, OF CALIFORNIA
RAYMOND GERARD MCGRATH, OF VIRGINIA
MARIA ELIZABETH MCKAY, OF FLORIDA
KENNETH H. MERTEN, OF VIRGINIA
PETER J. MOLBERG, OF MISSOURI
ADAM E. NAMM, OF VIRGINIA
THOMAS CLINTON NIBLOCK, JR., OF TENNESSEE
MICHAEL S. OWEN, OF TENNESSEE
MARK A. PEKALA, OF MARYLAND
ROBERTO POWERS, OF CALIFORNIA
EDWARD JAMES RAMOTOWSKI, OF CONNECTICUT
PHILIP THOMAS REEKER, OF NEW YORK

LAWRENCE G. RICHTER, OF CALIFORNIA
ERIC T. SCHULTZ, OF COLORADO
KARL STOLTZ, OF VIRGINIA
DAVID L. STONE, OF LOUISIANA
LUCY TAMLYN, OF NEW YORK
MARY THOMPSON-JONES, OF VIRGINIA
KURT WALTER TONG, OF MARYLAND
MARK A. WENTWORTH, OF VIRGINIA
ROBERT EARL WHITEHEAD, OF FLORIDA
BISA WILLIAMS, OF TEXAS
BRUCE WILLIAMSON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SUSAN K. ABEYTA, OF NEW YORK
WHITNEY YOUNG BAIRD, OF NORTH CAROLINA
CHARLES EDWARD BENNETT, OF WASHINGTON
JOHN T. BERNLOHR, OF CALIFORNIA
PAUL LAWRENCE BOYD, OF NEW MEXICO
DAVID EDWARD BROWN, OF FLORIDA
ANGELA ANN BRYAN, OF TEXAS
JUDITH L. BRYAN, OF TEXAS
KATE M. BYRNES, OF FLORIDA
FLOYD STEVEN CABLE, OF NEW YORK
AUBREY A. CARLSON, OF TEXAS
ANNE S. CASPER, OF NEVADA
JEFFREY R. CELLARS, OF CALIFORNIA
THOMAS E. COONEY, OF NEW YORK
MARY ELLEN COUNTRYMAN, OF WASHINGTON
TERRY R. DAVIDSON, OF TEXAS
KAREN BERNADETTE DECKER, OF VIRGINIA
WILLIAM H. DUNCAN, OF TEXAS
MICHELLE M. ESPERDY, OF PENNSYLVANIA
JOHN J. FENNERTY, OF VIRGINIA
ROBERT W. FORDEN, OF CALIFORNIA
PHILIP A. FRAYNE, OF NEW YORK
JENNIFER ZIMDAHL GALT, OF COLORADO
ETHAN AARON GOLDRICH, OF MARYLAND
KATHLEEN D. HANSON, OF THE DISTRICT OF COLUMBIA
JEFFREY J. HAWKINS, OF CALIFORNIA
L. VICTOR HURTADO, OF COLORADO
MICHAEL JOSEPH JACOBSEN, OF TEXAS
CATHERINE J. JARVIS, OF MINNESOTA
DEBORAH A. JONES, OF VIRGINIA
JULIE LYNN KAVANAGH, OF VIRGINIA
VIRGINIA IDELLE KEENER, OF MARYLAND
MICHAEL STANLEY KLECHESKI, OF VIRGINIA
DEBORAH E. KLEPP, OF NEW YORK
MICHELLE A. LABONTE, OF VIRGINIA
ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA
KENT D. LOGSDON, OF FLORIDA
MATTHEW ROBERT LUSSENHOP, OF MINNESOTA
JOSEPH MANSO, OF NEW YORK
ELIZABETH LEE MARTINEZ, OF OHIO
LARRY L. MEMMOTT, OF FLORIDA
ROBIN D. MEYER, OF THE DISTRICT OF COLUMBIA
MARC J. MEZNAR, OF MICHIGAN
ELISABETH INGA MILLARD, OF VIRGINIA
MATTHAIS J. MITMAN, OF FLORIDA
MICHAEL KENT MORROW, OF VIRGINIA
KIN WAH MOY, OF NEW YORK
WARREN PATRICK MURPHY, OF VIRGINIA
ROBERT STEPHEN NEEDHAM, OF FLORIDA
ERIC G. NELSON, OF TEXAS
BETH A. PAYNE, OF THE DISTRICT OF COLUMBIA
MARK X. PERRY, OF MARYLAND
ANN E. PFORZHEIMER, OF NEW YORK
MARY CATHERINE PHEE, OF THE DISTRICT OF COLUMBIA
PAUL P. POMETTO II, OF THE DISTRICT OF COLUMBIA
ELIZABETH CANDACE PUTNAM, OF VIRGINIA
ANDREW J. QUINN, OF NEW YORK
ROBIN S. QUINVILLE, OF CALIFORNIA
MICHAEL A. RATNEY, OF MASSACHUSETTS
SCOTT M. RAULAND, OF FLORIDA
CHRISTOPHER J. RICHARD, OF VIRGINIA
ELIZABETH H. RICHARD, OF TEXAS
ADELE E. RUPPE, OF MARYLAND
CHRISTOPHER J. SANDROLINI, OF ILLINOIS
DOROTHY KREBS SARRO, OF ARIZONA
CYNTHIA C. SHARPE, OF TEXAS
CHERYL JANE SIM, OF VIRGINIA
JOHN STEVENS, OF CALIFORNIA
SUSAN N. STEVENSON, OF FLORIDA
KEVIN KING SULLIVAN, OF CALIFORNIA
BRUCE IRVIN TURNER, OF COLORADO
THOMAS LASZLO VAJDA, OF VIRGINIA
J. RICHARD WALSH, OF WYOMING
PATRICK WILLIAM WALSH, OF CONNECTICUT
BRIAN WILLIAM WILSON, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAN D. ABBOTT, OF VIRGINIA
FREDERICK M. ARMAND, JR., OF FLORIDA
CHARLES D. BRANDEIS, OF VIRGINIA
ROBERT J. BROWNING II, OF WASHINGTON
JAMES D. COMBS, OF VIRGINIA
JASPER RAY DANIELS, OF NORTH CAROLINA
KIMBER E. DAVIDSON, OF VIRGINIA
STEPHEN G. FAKAN, OF OHIO
JOHN E. FITZSIMMONS, OF MARYLAND
CHRISTOPHER F. FLYNN, OF VIRGINIA
LAWRENCE W. GERNON, OF VIRGINIA
ROBERT E. GOODRICH, OF VIRGINIA
HOWARD LEE KEEGAN, OF TEXAS
JAMES A. LEHMAN, OF CALIFORNIA
JERI LYNN LOCKMAN, OF WYOMING
MONTE P. MAKOUS, OF PENNSYLVANIA
GEORGE M. NUTWELL III, OF MARYLAND
DANIEL J. POWER, OF MARYLAND
KURT R. RICE, OF VIRGINIA
CRAIG W. SPECHT, OF FLORIDA
KEITH A. SWINEHART, OF ILLINOIS

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JULIA A. HEIN
ARMIN D. CATE
GARY T. MARTIN
JOHN J. ANCELLOTTI
KATHLEEN J. FAST
SUSAN L. SUBOCZ

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 captain

THOMAS ALLAN
KORY J. BENZ
ROBERT A. BEVINS
PAUL E. BOINAY
WILLIAM J. BURNS
GREGORY D. CASE
SCOTT W. CLENDENIN
TIMOTHY P. CONNORS
SAMUEL R. CREECH
CHRISTINE N. CUTTER
LAURA M. DICKEY
MICHAEL C. DICKEY
DIANE W. DURHAM
TIMOTHY J. ESPINOZA
MARK ANDREW EYLER
JON G. GAGE
SEAN P. GILL
RICHARD HAHN
PATRICIA J. HILL
JAMES T. HURLEY
JAMES K. INGALSBE
KENNETH D IVERY
ERIC W. JOHNSON
MICHAEL J. JOHNSTON
THOMAS L. KAYE
CHRISTOPHER S. KEANE
JOSEPH B. KIMBALL
JAMES C. KOERMER
JOHN T. KONDRATOWICZ
AMY B. KRITZ
ERIK C. LANGENBACHER
WILLIAM J. LAWRENCE
RICHARD E. LORENZEN
TODD W. LUTES
ROBERT D. MACLEOD
TIMOTHY M. MCGUIRE
PETER A. MINGO
DAVID W. MURK
JOHN P. NEWBY
ANDREW J. NORRIS
JAMES S. OKEEFE
GEORGE J. PAITL
GREGORY T. PRESTIDGE
JEFFREY L. RADGOWSKI
LUKE M. REID
PHILIP C. SCHIFFLIN
SANDRA K. SELMAN
DAVID P. SEMNOSKI
JOHN P. SLAUGHTER
ANDREW M. SUGIMOTO
BRIAN P. THOMPSON
DANIEL J. TRAVERS
DARRYL P. VERFAILLIE
EVAN WATANABE
GEORGE P. WELZANT
CASEY J. WHITE
TODD C. WIEMERS
STEVEN M. WISCHMANN
AYLWYN S. YOUNG

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DIANE J. BOESE
MICHAEL P. ELLERBE
DEIRDRE M. KANE
DAMON T. MATHIS
MICHAEL W. MCDOUGAL
PHILIP N. WASYLINA

IN THE NAVY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PATRICK C. DANIELS
THOMAS L. EDLER

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent:

*ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

*KRISTIE ANNE KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

Nominee: Kristie Anne Kenney.

Post: Chief of Mission, Thailand.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: n/a.

4. Parents: Jeremiah J. Kenney, Jr.: (deceased 5/08/05); Elizabeth Kenney: no contributions.

5. Grandparents: Jeremiah J. Kenney: deceased 1972; Selma J. Kenney: deceased 1985; George Cornish: deceased 1945; Irma Cornish: deceased 1972.

6. Brothers and Spouses: John J. Kenney: no contributions; Maria Delsasi: no contributions.

7. Sisters and Spouses: n/a.

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*JO ELLEN POWELL, OF MARYLAND, 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 THE ISLAMIC REPUBLIC OF MAURITANIA.

Nominee: Jo Ellen Powell.

Post: Mauritania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Stephen Engelken: none.

3. Children and Spouses: John B.S. Engelken: none.

4. Parents: John Millard Powell: deceased; Janes Rogers Powell: deceased.

Parents in Law: Howard Clason Engelken: deceased; Ruth Emily Engelken: deceased.

5. Grandparents: Lasca Beauchamp Martin: deceased; Joseph Martin: deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Susan Jane Powell: none; Spouse Michael Hayre: deceased; Sara Rogers Powell: none; Ex-spouse Michael Kirkendall: unknown*; Mary John Powell: none.

*My sister Sara was divorced nearly 20 years ago and I have not seen her former spouse in 20 years. I do not know his whereabouts.

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*MARK M. BOULWARE, OF TEXAS, 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 THE REPUBLIC OF CHAD.

*CHRISTOPHER J. MCMULLEN, 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 THE REPUBLIC OF ANGOLA.

Nominee: Christopher J. McMullen.

Post: Angola.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Laurel A. McMullen: none.

3. Children and Spouses: NA.

4. Parents (both deceased): Francis J. McMullen: none; Albertine McMullen: none.

5. Grandparents (all deceased): Patrick McMullen: none; Maryann Maguire: none; William J. Kelly: none; Albertine Sanger: none.

6. Brothers and Spouses: Francis J. McMullen: $25.00, 8/08, Jane Ballard Dyer (D) 3rd Congressional District, Easley, SC; $50.00, 10/09, Jane Ballard Dyer (D) 3rd Congressional District, Easley, SC. Christine McMullen: none.

7. Sisters and Spouses: Joan Finnegan: none; William Finnegan: none.

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*WANDA L. NESBITT, OF PENNSYLVANIA, 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 THE REPUBLIC OF NAMIBIA.

Nominee: Wanda L. Nesbitt.

Post: Ambassador to the Republic of Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: (no children).

4. Parents: James Wolfe Nesbitt: none—deceased; Edna Delacey Pearson: None—deceased.

5. Grandparents: None—grandparents deceased since 1964.

6. Brothers and Spouses: James W. Nesbitt, Jr.: none.

7. Sisters and Spouses*: Cheryl D. Nesbitt: $2,500.00, 8/31/07, Obama; Gloria Lynn Nesbitt: $2,500.00, 8/31/07, Obama. Natalie A. Nesbitt: $2,500.00, 8/31/07, Obama.

*Donations are identical because they were for attendance at an event hosted by Oprah Winfrey.

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*KAREN BREVARD STEWART, OF FLORIDA, 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 THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

Nominee: Karen Brevard Stewart.

Post: Ambassador to Laos.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: no spouse.

3. Children and Spouses: no children.

4. Parents: Selden L. Stewart II: deceased; Brevard N. Stewart: deceased.

5. Grandparents: Selden L. Stewart: deceased; Nancy Stewart: deceased; Roy D. Stubbs: deceased; Georgia S. Stubbs: deceased.

6. Brothers and Spouses: Selden L. Stewart III: deceased; (spouse) Kathryn H. Stewart: none; David N. Stewart and (spouse) Christine L. Stewart: 2010 to date (January to March): none; 2009: Libertarian National Party, 100.00; The Heritage Foundation, 25.00; Club for Growth PAC, 20.00; Pat Toomey for Senate—PA, 50.00; Marijuana Policy Project PAC, 100.00; Dough Hoffman for Congress—NY, 30.00; National Republican Senate Committee, 25.00. 2008: Libertarian National Committee, 125.00; Woody Jenkins for Congress—LA, 60.00; Obama for America, 135.00; Barr 08 Presidential Committee, 250.00; Marijuana Policy Project PAC, 225.00; Comerica PAC, 235.00. 2007: Libertarian Party, 25.00; Romney for President, 25.00; John Edwards for President, 75.00; Club for Growth, 100.00; Steve Buehrer (R–Ohio), 100.00. 2006: Libertarian National Committee, 75.00; Jim Gilchrist for Congress—CA, 100.00; Club for Growth, 250.00; Texans for Cuellar (D–TX–28), 100.00; A. Smith for Congress (R–NE–3), 150.00; Angle for Congress (R–NV–2), 50.00; Laffey US Senate—RI, 150.00; Keith Butler for US Senate—MI, 100.00; Sali for Congress (R–ID–1), 50.00; Mark Kennedy US Senate 2006—MN, 50.00; Krinkie for Congress (R–MN–6), 50.00; Walberg for Congress (MI–7), 150.00; Vernon Robinson for Congress (R–NC–13), 50.00; Scjwartz for Senate (MI Libertarian), 200.00; Calvey for Congress (OK–5) 50.00; Friends of Bill Hall, Libertarian, 34.00.

7. Sisters and Spouses: no sisters.

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*NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

*CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

Nominee: Cameron Phelps Munter.

Post: U.S. Embassy Islamabad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

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*PAMELA ANN WHITE, OF MAINE, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSABOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

Nominee: Pamela Ann White.

Post: Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: I gave to Obama campaign in January and June 2008, $400.00.

2. Spouse: Steve Cowper: none.

3. Children and Spouses: Kristopher White: none; Patrick White: none.

4. Parents: Muriel and Richard Murphy: none.

5. Grandparents: deceased.

6. Brothers and Spouses: Sandra Nadeau: none.

7. Sisters and Spouses: Edmund Nadeau: none.

The Senate Committee on the Judiciary was discharged from further consideration of the following nominations by unanimous consent:

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY WAS DISCHARGED FROM FURTHER CONSIDERATION OF THE FOLLOWING NOMINATIONS BY UNANIMOUS CONSENT.

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, September 29, 2010:

LEGAL SERVICES CORPORATION

JULIE A. REISKIN, OF COLORADO, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13 , 2010.

GLORIA VALENCIA—WEBER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

DEPARTMENT OF STATE

RAUL YZAGUIRRE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

FEDERAL RESERVE SYSTEM

SARAH BLOOM RASKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2002.

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2010.

JANET L. YELLEN, OF CALIFORNIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

DEPARTMENT OF ENERGY

ANNE M. HARRINGTON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF JUSTICE

JOSEPH H. HOGSETT, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

MICHAEL J. MOORE, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

BEVERLY JOYCE HARVARD, OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

JAMES EDWARD CLARK, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

KENNETH JAMES RUNDE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

MICHAEL ROBERT BLADEL, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

FEDERAL HOUSING FINANCE AGENCY

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY.

EXPORT-IMPORT BANK OF THE UNITED STATES

OSVALDO LUIS GRATACOS MUNET, OF PUERTO RICO, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011.

JOHNNIE CARSON, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2015.

MIMI E. ALEMAYEHOU, EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2015.

DEPARTMENT OF STATE

DUANE E. WOERTH, OF NEBRASKA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

ALEXANDER A. ARVIZU, 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 THE REPUBLIC OF ALBANIA.

JOSEPH A. MUSSOMELI, 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 THE REPUBLIC OF SLOVENIA.

DEPARTMENT OF JUSTICE

WILLIAM C. KILLIAN, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

ROBERT E. O'NEILL, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

ALBERT NAJERA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

WILLIAM CLAUD SIBERT, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

MYRON MARTIN SUTTON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

DAVID MARK SINGER, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

JEFFREY THOMAS HOLT, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

MARY MINOW, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014.

NATIONAL SCIENCE FOUNDATION

SUBRA SURESH, OF MASSACHUSETTS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

NATIONAL COUNCIL ON DISABILITY

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011.

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALFRED J. STEWART

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER J. BENCE

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 lieutenant general

MAJ. GEN. JAMES M. KOWALSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. PHILIP M. BREEDLOVE

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. WILLIAM L. SHELTON

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 lieutenant general

LT. GEN. RICHARD Y. NEWTON III

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 lieutenant general

LT. GEN. HERBERT J. CARLISLE

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 lieutenant general

MAJ. GEN. STANLEY T. KRESGE

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 lieutenant general

MAJ. GEN. SUSAN J. HELMS

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 lieutenant general

MAJ. GEN. DARRELL D. JONES

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 lieutenant general

LT. GEN. LARRY D. JAMES

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ARTHUR W. HINAMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CURTIS M. SCAPARROTTI

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. PHILLIP M. CHURN, SR.

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. DANIEL J. DIRE

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. RONALD E. DZIEDZICKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOSEPH A. BRENDLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DANA M. CAPOZZELLA
COL. STEPHEN L. DANNER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MARIA L. BRITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM L. FREEMAN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. GRASS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 5043 AND 601:

To be general

GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

To be general

LT. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT B. NELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD T. TRYON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TERRY G. ROBLING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CHARLES D. HARR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JOHN M. RICHARDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CECIL E. HANEY

CENTRAL INTELLIGENCE

DAVID B. BUCKLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY.

THE JUDICIARY

MARIA ELIZABETH RAFFINAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT L. GAUER AND ENDING WITH RAJENDRA C. YANDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH ARLENE D. ADAMS AND ENDING WITH AMY S. WOOSLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH MARIANNE E. ALANIZ AND ENDING WITH MARK L. WIMLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

AIR FORCE NOMINATION OF ERNEST J. PROCHAZKA, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DANIEL P. GILLIGAN AND ENDING WITH NGHIA H. NGUYEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

IN THE ARMY

ARMY NOMINATION OF ROBERT H. KEWLEY, JR., TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF WILEY C. THOMPSON, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF RAYMOND C. NELSON, TO BE COLONEL.

ARMY NOMINATION OF BERNARD B. BANKS, TO BE COLONEL.

ARMY NOMINATION OF DAVID A. WALLACE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MELISSA R. COVOLESKY AND ENDING WITH JOHN H. STEPHENSON II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATION OF JONATHAN J. MCCOLUMN, TO BE COLONEL.

ARMY NOMINATION OF DANIEL E. BANKS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF LATANYA A. POPE, TO BE MAJOR.

ARMY NOMINATION OF NED W. ROBERTS, JR., TO BE MAJOR.

ARMY NOMINATION OF JOHN W. PAUL, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ERIC S. ALFORD AND ENDING WITH MICHAEL K. HANIFAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH GEORGE W. MELELEU AND ENDING WITH AARON L. POLSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DEAN P. SUANICO AND ENDING WITH ELIZABETH R. OATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH BRIAN F. LANE AND ENDING WITH KIMBERLY D. KUMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DUSTIN C. FRAZIER AND ENDING WITH COURTNEY T. TRIPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH DONALD P. BANDY AND ENDING WITH KEITH J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH STANLEY GREEN AND ENDING WITH JON B . TIPTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

ARMY NOMINATIONS BEGINNING WITH PATRICK L. MALLETT AND ENDING WITH SCOTT H. SINKULAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

ARMY NOMINATIONS BEGINNING WITH LANNY J. ACOSTA, JR. AND ENDING WITH PATRICK L. VERGONA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

ARMY NOMINATION OF POLLY R. GRAHAM, TO BE COLONEL.

ARMY NOMINATION OF DWAINE K. WARREN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JAMES K. BARNETT AND ENDING WITH EDWARD D. NORTHROP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

ARMY NOMINATION OF THOMAS E. KOERTGE, TO BE COLONEL.

ARMY NOMINATION OF EDWARD B. MARTIN, TO BE MAJOR.

ARMY NOMINATION OF TIMOTHY S. ALLISON—AIPA, TO BE MAJOR.

ARMY NOMINATION OF VICKIE M. JESTER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BERNARD H. HOFMANN AND ENDING WITH GREGORY SEAN F. MCDOUGAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH CHARLES L. CLARK AND ENDING WITH OKSANA BOYECHKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH ALLEN L. FEIN AND ENDING WITH ROSTYLAV R. SZWAJKUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH ROBERT KIRK AND ENDING WITH TIMOTHY M. SNAVELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH PAULA OLIVER AND ENDING WITH MICHAEL A. KELLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH AMANDA J. CONLEY AND ENDING WITH THOMAS F. SPENCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH JEFFREY D. ALLEN AND ENDING WITH TIMOTHY REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH DIXIE J. BURNER AND ENDING WITH ELIZABETH A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH MICHELL L. AUCK AND ENDING WITH D010491, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH LANEICE L. ABDELSHAKUR AND ENDING WITH SASHI A. ZICKEFOOSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATIONS BEGINNING WITH JOSEPH H. AFANADOR AND ENDING WITH D010299, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

ARMY NOMINATION OF DAVID C. DECKER, TO BE MAJOR.

ARMY NOMINATION OF ELIZABETH S. MASON, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH YVONNE J. FLEISCHMAN AND ENDING WITH WENDY M. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARILYN S. CHIAFULLO AND ENDING WITH HOWARD D. REITZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATION OF CONNIE C. DYER, TO BE COLONEL.

ARMY NOMINATION OF JONATHAN J. BEITLER, TO BE COLONEL.

ARMY NOMINATION OF DAVID K. POWELL, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOHN J. FERENCE AND ENDING WITH DAVID M. SCHLAACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JULIE A. BLIKE AND ENDING WITH AVA J. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM B. BRITT AND ENDING WITH LYNN A. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JAMES T. BARBER, JR. AND ENDING WITH JOSEPH C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH SANDRA L. ALVEY AND ENDING WITH AARON TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH JAN E. ALDYKIEWICZ AND ENDING WITH LOUIS P. YOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH REBECCA L. ALLEN AND ENDING WITH TONI Y. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH GEORGE A. BERNDT III AND ENDING WITH DOUGLAS W. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH ALAN D. ABRAMS AND ENDING WITH MARK D. SCHULTHESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH PAMELA Y. DELANCY AND ENDING WITH KAREN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH ERICK J. ALVERIO AND ENDING WITH CYNTHIA E. PIERCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH BESS J. PIERCE AND ENDING WITH TY J. VANNIEUWENHOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH STEVEN M. GRODDY AND ENDING WITH HEIDI M. WIEGAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH HOWARD A. ALLEN III AND ENDING WITH SUZANNE P. VARESLUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH TYLER C. CRANER AND ENDING WITH BRENNAN V. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH STEPHEN J. BETHONEY AND ENDING WITH KIRK A. YAUKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH LAWRENCE E. WIDMAN AND ENDING WITH JAMES I. JOUBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH PAMELA K. KING AND ENDING WITH MARILYN TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

ARMY NOMINATIONS BEGINNING WITH MARIA E. BOVILL AND ENDING WITH JOANNA J. REAGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK E. BEICKE AND ENDING WITH JAMES D. TOOMBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH TODD O. JOHNSON AND ENDING WITH TAMI ZALEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK R. BENNE AND ENDING WITH JAMES WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH CELETHIA M. ABNERWISE AND ENDING WITH LISA A. TOVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH PAUL D. ANDERSON AND ENDING WITH ALEX P. ZOTOMAYOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

ARMY NOMINATIONS BEGINNING WITH WILLIAM P. ADELMAN AND ENDING WITH DAVID C. ZENGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

IN THE NAVY

NAVY NOMINATION OF TIMOTHY J. RINGO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. BROWN, JR. AND ENDING WITH PAUL J. WISNIEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

NAVY NOMINATIONS BEGINNING WITH JAIME E. RODRIGUEZ AND ENDING WITH VINCENT M. PERONTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2010.

NAVY NOMINATION OF ROBERT C. MOORE, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH STEVEN D. SENEY AND ENDING WITH NICHOLAS A. SINNOKRAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ABBY L. ODONNELL AND ENDING WITH STELLA J. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH PATRICK P. DAVIS AND ENDING WITH JERRY Y. TZENG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ROBERT E. ATKINSON AND ENDING WITH GIANCARLO WAGHELSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ANTHONY H. BEASTER AND ENDING WITH JONATHAN C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH CHARLES M. ABELL AND ENDING WITH CATHERINE F. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH RANDY J. BERTI AND ENDING WITH ROBERT H. VOHRER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH KATIE M. ABDALLAH AND ENDING WITH NATHAN J. WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH JEREMY S. BIEDIGER AND ENDING WITH SCOTT E. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ADRIAN E. ARVIZO AND ENDING WITH LISA L. ZUMBRUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH PHILIP T. ALCORN AND ENDING WITH SCOTT D. ZIEGENHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH ARMAND P. ABAD AND ENDING WITH MATTHEW A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN P. ABBOTT AND ENDING WITH DANIEL W. ZUCKSCHWERDT,

WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 2010.

NAVY NOMINATION OF TINA F. EDWARDS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOXEL GARCIA AND ENDING WITH LARRY E. MENESTRINA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

NAVY NOMINATIONS BEGINNING WITH BRIAN D. ONEIL AND ENDING WITH JOSE R. PEREZTORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2010.

NAVY NOMINATION OF ERIK RANGEL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF VICTOR JOHN CATULLO, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM A. MIX AND ENDING WITH JOHN H. STEELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

NAVY NOMINATIONS BEGINNING WITH RONALD K. BACH AND ENDING WITH ANNA A. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2010.

NAVY NOMINATION OF BRIAN O. WALDEN, TO BE CAPTAIN.

NAVY NOMINATION OF JEFFRY P. SIMKO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF PATRICK A. GARVEY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH SHERWIN Y. CHO AND ENDING WITH JEFFREY G. SOTACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2010.

NAVY NOMINATION OF DOMINIC V. GONZALES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MICHAEL H. HOOPER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF VIRGILIO S. CRESCINI, TO BE LIEUTENANT COMMANDER .

NAVY NOMINATIONS BEGINNING WITH ALDRIN J. A. CORDOVA AND ENDING WITH JERALD L. ROOKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH JOHN W. BAISE AND ENDING WITH NING L. YUAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH RAYNARD ALLEN AND ENDING WITH ROBERT B. WILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH JOSE G. ACOSTA, JR. AND ENDING WITH SCOTT A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH KONIKI L. AIKEN AND ENDING WITH JAMES S. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH DOMINIC J. ANTENUCCI AND ENDING WITH DELICIA G. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH BRENT N. ADAMS AND ENDING WITH EMILY L. ZYWICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH TERESITA ALSTON AND ENDING WITH ERIN K. ZIZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

NAVY NOMINATIONS BEGINNING WITH KENRIC T. ABAN AND ENDING WITH FRANKLIN R. ZUEHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2010.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES W. MILLER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

DEPARTMENT OF STATE

ROBERT P. MIKULAK, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

KRISTIE ANNE KENNEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

JO ELLEN POWELL, OF MARYLAND, 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 THE ISLAMIC REPUBLIC OF MAURITANIA.

MARK M. BOULWARE, OF TEXAS, 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 THE REPUBLIC OF CHAD.

CHRISTOPHER J. MCMULLEN, 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 THE REPUBLIC OF ANGOLA.

WANDA L. NESBITT, OF PENNSYLVANIA, 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 THE REPUBLIC OF NAMIBIA.

KAREN BREVARD STEWART, OF FLORIDA, 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 THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

PAMELA ANN WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF JUSTICE

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

MARK F. GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 29, 2010 withdrawing from further Senate consideration the following nomination:

TERESA TAKAI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN G. GRIMES, WHICH WAS SENT TO THE SENATE ON APRIL 12, 2010.

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.