



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, MONDAY, APRIL 20, 2009

No. 57

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 21, 2009, at 2 p.m.

Senate

MONDAY, APRIL 20, 2009

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

PRAYER

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

Let us pray.

Gracious God, Your still small voice invites us to turn from feverish ways. Refresh our hearts and lead us from the cynicism that makes it difficult to know Your will.

Lord, guide our Senators. Warn them through their mistakes, encourage them with their successes, and enrich them through life's seasons of gladness and sadness. Lead them around the pit of overconfidence and inspire them to depend on You to direct their steps. Make them worthy of this Nation's great heritage. As they face today's duties and tomorrow's problems, give them a renewed sense of national destiny. May they commit themselves to work for You with excellence, so that they can experience the delight of knowing they did their best for You. We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to S. 386, the Fraud Enforcement and Recovery Act of 2009.

At 5:30 this evening, the Senate will vote on a number of confirmations: Tony West, to be an Assistant Attorney General; Lanny Breuer, to be an Assistant Attorney General; and Christine Varney, to be an Assistant Attorney General.

Upon disposition of those nominations, there will be up to 20 minutes of debate prior to a cloture vote on the nomination of Christopher Hill, to be Ambassador to the nation of Iraq.

As a reminder to my colleagues, before the recess, I filed cloture on the motion to proceed to the Fraud Enforcement legislation, which came from the Judiciary Committee. That cloture vote will occur upon disposition of the Hill nomination. The Republicans have indicated that if cloture is invoked on the Hill nomination, a significant amount of postcloture debate will be used on this matter.

MEASURE PLACED ON THE CALENDAR—H.R. 1256

Mr. REID. Mr. President, it is my belief that H.R. 1256 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Without objection, the bill will be placed on the calendar.

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



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ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time until 5:30 be equally divided between the two leaders or their designees.

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

THE ECONOMY

Mr. REID. Mr. President, our economic troubles can be tallied in statistics but numbers alone cannot tell their toll. Every American knows this. The people in Nevada know this especially well. They have felt the full force of this recession as intensely as anyone in America.

I received a letter this month from Bobby Mockbee. Bobby, his wife Julia, and their two children live in North Las Vegas, NV. Bobby is a stay-at-home dad, and a little over a year ago Julia was laid off from her job. Finding themselves near the end of tens of thousands of dollars they had saved and put away, Bobby and Julia recently tried to get a loan. Similar to many families who are hurting now, the Mockbees played by the rules. They had never been late on any bill at any time. They had excellent credit. Their credit score was terrific. They were no strangers to the ins and outs of the housing market—the job Mrs. Mockbee lost was as vice president of a large title and escrow company. But they were turned down for that loan. Now that the Mockbees are so stretched, they fear that before long they will be the latest in a long line of Nevada families to have lost their homes.

Unemployment in Nevada is now in the double digits—the highest it has been in a quarter of a century. To a worker such as Julia Mockbee, who can no longer collect a paycheck, job loss is more than an economic indicator. Families in my State lose their homes at the worst rate in the Nation. But to someone who has lost a share of the American dream, foreclosure is more than a cause and effect of the Wall Street collapse.

I am confident the steps we have taken this year to address this crisis will ultimately anchor our recovery, but it has not done so yet. As I visited with Nevadans over the past couple weeks, one message became very clear: We as legislators must keep going. We must do more. The hole we have inherited from George Bush is deep, and our long climb back has just begun.

We have seen promising progress and are beginning to see a return on the investments we made in our economic recovery plan, but we are still far closer to the starting line than the finish line. In that legislation, we indicated we would create or save at least 3½ million jobs. In States such as Texas, Florida, and Ohio, thousands of new construction jobs are already on their way. Students are getting better schools and a better education in Illi-

nois and Tennessee. Veterans, children, and low-income families in New Mexico and Maryland are getting better health care. In Nevada, investment in green technology is leading us not only to economic recovery but energy independence.

This Congress faced monumental challenges when we convened a few short months ago. Our response has been swift and strong. We cut taxes for the middle class so they can keep more of their paychecks at a time when they need it most. We made sure more children get the health care they need to stay healthy with the Children's Health Insurance Program—4 million more. We outlawed pay discrimination, to be sure women will be treated as equals in the workplace and ensure that hard work is rewarded fairly no matter who you are. That is the Ledbetter legislation. We passed a responsible budget that, when put into action, will make investments in health care, clean energy, and education to help us not only recover but to prosper. We passed one of the most important conservation bills in a quarter of a century. That legislation will protect our environment and natural resources for generations to come, and it created more than 2 million acres of wilderness. We also passed national service legislation—legislation that will allow 750,000 Americans to become involved in public service and, in the process, better their education.

I wish I could say we did these things with broad support from Republicans, our colleagues in the Senate. It would have been good for the country if we had. Unfortunately, we only had the help of a few courageous Republican Senators and basically no help in the House. Nevertheless, our progress so far is a healthy downpayment.

There is much more to do to address this crisis. That is why, in the coming weeks, we will keep going. We will attempt to give bankruptcy judges the chance to modify existing mortgages so responsible families who played by the rules can make their payments and stay in their homes.

It is so unusual that the law in our great country says that if someone has a home on the beach, in addition to their primary residence, or near a ski area in the mountains, and they have financial problems, they can go to bankruptcy court and readjust those loans on their second homes but they can't do that on their primary residence. If a person has lost their job, such as Julia Mockbee, or may lose their job, they can't go to bankruptcy court and get a readjustment of their loan. We have to change that.

We also wish to fight financial fraud in the mortgage business—there is a lot of that going on now—and hold accountable those who game the system on the backs of those who make an honest living. We will fix the criminal code to punish leaders who betray the public trust, take advantage of American families, and further endanger our

economy. We will finish work on the budget we passed earlier this month so we can begin to correct the mistakes of the past and invest in our future. We will ensure our troops will have the resources they need to fight effectively the extremists in the Middle East and make Americans safer.

These are not small ambitions, but they are not luxuries. They are priorities we must pass because American families are still suffering. They are still worried about losing their jobs and losing their homes. No effort to recover can succeed unless Democrats and Republicans work together. I had hoped this year for change would have inaugurated a new era of common purpose. Instead, Democrats have met an all-too-familiar wall that reflects Republican opposition. I still hold the hope that we will see the bipartisan cooperation necessary to fulfill the rest of our obligations to the American people. I still believe we can put aside our political differences and move forward.

The last time America looked up from an economic hole so deep, it resoundingly elected a new leader—Franklin Roosevelt—not with a mandate for reticence or for repeating the mistakes of the past but with an urgent instruction—in 1932—to lift our Nation, reject fear, and recover from financial turmoil. Just weeks before the election—again, in 1932—Americans would soon swarm to the polls, but they would also pack theaters to see a Marx Brothers blockbuster called “Horse Feathers.” The film starts with a song that could just as easily have been written by today's Republican Senators. Groucho Marx sang the following in that movie:

I don't know what they have to say. It makes no difference anyway. Whatever it is, I'm against it.

That was Groucho Marx. The lyrics were a hit in Hollywood, and that is where the song should stay. As a legislative strategy, it is nothing short of reckless. The American people expect more from their leaders, and their serious problems deserve better than a vaudeville act, but that is what the Americans have gotten from the Republicans in the Senate: Whatever you want, we are against it.

Nearly eight decades after this song sung by Groucho Marx and this movie with the Marx Brothers, in the face of familiar troubles, we cannot afford to say no because it is easier than doing the hard work to make life better for struggling families. We cannot afford to work against each other because it is more politically convenient than working together. We cannot afford to bet against America's resilience and recovery, as the Republicans are doing. The American people did not send anyone here to simply be against everything. They still want to hear what Republicans support, not just what they oppose.

One of the Republican leaders in the House said: We are going to be like a thousand mosquitoes. That is the effort

of the Republican leadership in the House—a thousand mosquitoes—just biting, not accomplishing anything.

Families are too busy trying to make this week's paycheck last until the next to keep track of who is scoring political points. They worry about paying the electric bill, the mortgage bill or the tuition bill—not about games and gimmicks. In the history of American Government, partisan bickering has never saved a single job or kept one family from losing their home.

I hope Republicans will join us to confront the crises in our communities and around the world, and I hope they will start this afternoon when we vote on moving forward with the nomination of Christopher Hill.

To this point—this few short weeks we have been in session—we have had to file cloture on five of the President's nominees. The Secretary of Labor, a very important job—Hilda Solis—was held up. We had to invoke cloture. The Deputy Attorney General, a man by the name of Ogden, we had to invoke cloture on the Republicans' filibuster of him. In his job, second in command, he is in charge of all the criminal prosecutions in this country. He is also the chief administrator of the attorney general's office. We had to invoke cloture on that.

Two members of the Council of Economic Advisers—we had to invoke cloture. Who are these people? They are the primary economists on whom the President depends. We had to waste valuable time invoking cloture on two filibusters there.

Incredibly, now, tonight, we are going to invoke cloture on the Ambassador to Iraq. I talked to Secretary Gates just a couple of days ago about a number of issues. One of the things he brought up was—Gates said that every time he talks to General Odierno, he asks: When can I get my civilian commander, my civilian counterpart in Iraq? That is what this is all about. We did everything we could prior to the 2-week recess to let us have a vote. No; cloture. We have to file cloture on the Ambassador to Iraq. What a shame.

Christopher Hill is a strong and skilled negotiator who has tackled some of the most complex diplomatic challenges in the world. After he graduated from Bowdoin College, he joined the Peace Corps and served in Africa. He joined the Foreign Service immediately after that and served tours in half a dozen countries. He has been an ambassador in any number of countries and served so well. He earned a graduate degree from the Naval War College.

The man we will send to Iraq is no stranger to dealing with difficult governments. He has worked hard on ethnic civil wars. He successfully coordinated multilateral negotiations on North Korea's nuclear program and was a key player in the peace talks that ended the conflicts in both Kosovo and Bosnia.

General Petraeus has always said that the cure of Iraq's troubles will be

prescribed politically, not militarily. General Odierno has called for civilian help to secure what his brave troops have accomplished. Experts from the left and the right alike have warned against taking our eye off the ball in Iraq. Yet our top diplomat in that country where more than 4,000 Americans have given their lives—and each day, 143,000 more risk their own—sits and waits. When is this man going to be able to come and go to work? It is a shame we have to go through this process on the Ambassador to Iraq.

Each of our three Ambassadors to Iraq since the beginning of the war has called on us to urgently fill this gaping hole in our diplomatic lineup and to fill it with Ambassador Hill. He has spent his entire career in the Foreign Service, and he is ready to answer his country's call once again. It is simply wrong that we have to wait for this man to get over there.

I didn't bring the subject up with Secretary Gates; he brought it up.

I hope Republicans will not make us use all of the 30 hours of procedural time. What do I mean by this? For those who are watching, after we invoke cloture there is 30 hours of time. I say to everyone, we are going to vote on this when the 30 hours expires. If it is midnight tomorrow night or 1 a.m. Wednesday morning, we are going to vote. We are not going to hold this up 1 minute. It is absolutely wrong that we have to do this. We cannot wait any longer for civilian leadership in Iraq. Those who stand in the way should stand down so Ambassador Hill can get to work making America more secure and so the Senate can move to the important work of getting our economy back on track. Democrats and Republicans alike have an interest in stabilizing the Middle East. Democrats and Republicans alike have an interest in stabilizing our economy. But neither security abroad nor prosperity at home can happen unless both Democrats and Republicans work together toward those common goals.

As we begin our common work here after a 2-week recess, I hope my colleagues keep in mind what they saw and heard across the country in the last few weeks. It was what I heard, that hard-working people in their communities are struggling against conditions they did not create, that the earliest signs of recovery are beginning to bloom in the spring, and with much more to be done, they hope their leaders will be up to the task.

I urge my Republican friends to think twice before they return to the refrain: Whatever Democrats are for, we are against. I remind them what we are for is the success and security of the American people. If we are going to turn the tide, if we are going to change the tone, it is time to sing a different tune and not a song sung by Groucho Marx.

RECOGNITION OF THE REPUBLICAN LEADER

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

AMERICAN CHALLENGES

Mr. McCONNELL. Mr. President, toward the end of 2006, President Bush concluded that American security interests in the Persian Gulf were not being advanced by the military strategy that was then in place in Iraq. He directed a review of military plans and decided to accept the recommendation of GEN David Petraeus and other advisers to adopt a counterinsurgency strategy that would involve a surge of ground forces to secure the Iraqi population. In the face of growing sectarian violence in Iraq, President Bush announced this strategy in early 2007, and the success of this strategy is now so widely acknowledged that it is hard to believe that just 2 years ago some in Washington wanted to cut off funding for our forces on the battlefield and establish arbitrary deadlines for withdrawal without consideration to conditions on the ground.

Over the past 2 years, the American people have witnessed a gradual maturation of the Iraqi Government. Iraqi security forces, working with coalition forces, took control of Basra and Sadr City. General Petraeus's efforts to shift responsibility to the Iraqi Army took place in front of a pessimistic audience that included, of course, Iran. But it worked.

During the recess, I visited General Odierno in Baghdad, and despite ongoing challenges in some provinces and the continuing need of the Iraqi security forces for coalition support, he is optimistic that the security gains made in Iraq are indeed sustainable.

That is why I was encouraged when President Obama moved away from his campaign promise to withdraw all U.S. forces from Iraq within 16 months of his inauguration. Instead, he accepted the advice of Generals Petraeus and Odierno to draw down forces at a pace that will recognize conditions on the ground, the challenges associated with Iraqi elections, and the need to maintain a presence to conduct training, force protection, and counterterrorism.

To those of us who ignored the calls for arbitrary deadlines for withdrawal and efforts to cut off funding for our forces in combat, it is likewise encouraging to see President Obama has accepted the recommendations of General McKiernan and General Petraeus to order a surge of additional forces in Afghanistan in order to succeed there. I visited with General McKiernan in Kabul last week, and he explained his plans to deploy these additional forces. He is mindful of the challenges associated with Afghan national elections, the need to continue expanding the Afghan National Army and police, and the need to combat corruption within

the Afghan ministries. Nonetheless, he is confident of military success. With the lives and security of so many at stake, it is important that the Obama administration follow the best military advice. So far in Afghanistan, this is precisely what the President has done, and he deserves a lot of credit for it.

During the recess, President Obama submitted a supplemental appropriations request to fund the war efforts in Iraq and Afghanistan, and Republicans will aggressively support our combat forces just as we did in the last Congress. In the coming months and years, Congress will continue to play an essential role in preserving and extending the security gains our service men and women have made in Iraq and in fighting the Taliban and al-Qaida in Afghanistan. By approving President Obama's request for war funding, we will provide our men and women in uniform with resources they need to complete their missions and return home with honor.

This is a solemn duty, and Members of Congress should resist the temptation to use these war funding requests as an opportunity to fund unrelated projects. The President's war funding request should be used for its intended purpose; that is, the national defense.

In that vein, this war spending bill falls short in one important respect. It requests up to \$80 million for the purpose of shuttering the secure detention facility at Guantanamo Bay before the administration has a place to put the roughly 240 inmates who live there. The administration has sought to mollify our critics overseas by saying it will transfer the inmates at Guantanamo in a matter of months. The administration should, instead, be assuring the American people that these inmates will not be transferred to American soil or allowed to return to the battlefield—an assurance that so far the new administration has not been able to give.

This is an extremely important issue. As the clock runs out on the administration's plan to shut down Guantanamo within the next 9 months, Americans are paying closer and closer attention to what this means for them. It is one thing to announce the goal of closing this facility; it is quite another to set an arbitrary date for closure before anyone has even come up with a safe alternative. The administration hasn't even been able to assure us that these 240 detainees will not be scattered across the United States. Indeed, when it comes to Guantanamo, the administration doesn't seem to have any plan at all for dealing with men whom many consider to be the most dangerous terrorists alive. Meanwhile, Guantanamo has provided Americans with a high degree of safety and certainty. Of the 800 terrorists who have been held there over the years, not a single one has ever escaped to harm anyone. Not one has escaped to harm anyone.

In the days ahead, Republicans will remind the American people about the

dangers of closing Guantanamo without a safe alternative—and prod the administration to rethink its strategy in the same way the President has rethought his campaign proposals on Iraq. In the end, the safety of the American people is of far more important concern than pleasing our foreign critics, many of whom have been far quicker to criticize our detention policies than they have been in offering a hand in adjusting them. On Guantanamo, it is increasingly important that we get the policy right and put the politics aside. If it does so, the administration can expect strong bipartisan support.

RESTORING FISCAL BALANCE

Mr. MCCONNELL. Mr. President, the President has announced today he is directing the members of his Cabinet to cut wasteful Government spending. Obviously, I applaud such an effort, but it is important that we not lose sight of the enormity of our current spending and debt levels, which will only really be addressed through major, bipartisan, politically difficult reforms. The Cabinet has been asked to find \$100 million savings in a \$4 trillion budget. Any amount of savings, obviously, is welcome, but according to the Congressional Budget Office numbers, that is about the average amount we will spend every single day—that \$100 million is about the average amount we will spend every single day just covering the interest on the stimulus package we passed earlier this year.

We need to cut waste, but we will need to do much more to restore fiscal balance. Senators GREGG and CONRAD have proposed a plan that would force us to get debt and spending under control. It deserves our serious attention. I yield the floor.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to S. 386, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consider S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is there on S. 386?

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 87 minutes.

Mr. LEAHY. Mr. President, under the normal circumstances, I would speak as chairman of the Judiciary Committee and as the chief sponsor of this bill. Then we would go, by normal protocol, to either the Republican ranking member or the senior Republican who

is cosponsor, which I assume will be done.

I ask unanimous consent that the Senator from Delaware, Mr. KAUFMAN, be recognized next. I ask further unanimous consent that at the completion of my statement, if there is no member of the Republican party seeking recognition, Senator KAUFMAN be recognized; if there is a member of the Republican party seeking recognition on this bill, that, of course, they be recognized first, and then the next person to be recognized be Senator KAUFMAN.

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

Mr. LEAHY. Mr. President, this afternoon we begin consideration of the bipartisan Fraud Enforcement and Recovery Act. What this does is to strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy; that not only undermined our economy, they have hurt so many people in this country.

It is going to give the resources and the legal tools needed to police and deter fraud. We have massive recovery efforts now being implemented. But if we do not go after those who are committing fraud against people in this country, much of that effort is going to be wasted.

I commend the Senator from Iowa, Mr. GRASSLEY, our lead cosponsor, for his contributions to this package, and his dedication to protecting taxpayer funds by deterring, investigating, and prosecuting fraud. He worked with me to write this bill. He has been a leader on this legislation every step of the way.

I thank our many cosponsors for their steadfast support for this effort. Senator SCHUMER has not only supported this measure but has also introduced additional legislative proposals with Senator SHELBY. Senator KAUFMAN is an original cosponsor and has been a strong ally. He has spoken and written about the need for fraud enforcement all year. Senator KLOBUCHAR has participated throughout the course of Judiciary Committee consideration of this bill. As former prosecutors, she and I both know how important it is to have sufficient resources on the ground committed to deterring and discovering these devastating crimes. More recently, we have been joined in our efforts by the ranking Republican on the Judiciary Committee, another former prosecutor and friend, Senator SPECTER, and by Senators SNOWE, HARKIN, LEVIN, DORGAN, WHITEHOUSE, BAYH, SHAHEEN, and MURRAY.

It is a bipartisan effort. And, actually, if you are going to go after people committing crimes and fraud, you should not consider it a Democratic or a Republican effort; this is a bipartisan effort. And we ought to be able to do it, because those who are committing the frauds did not ask if the person they are going to defraud is a Republican or

Democrat, they want to defraud them. But what we want to do is to stop them. So whether one supported the economic recovery efforts proposed by President Bush and President Obama or not, I think we can all agree no one wants that money squandered by fraud.

Whether we want to help homeowners in hard times or people who have lost their jobs or were lured into subprime mortgages—some may think it may be their fault they were lured into their subprime mortgages. But if you had people involved in mortgage fraud, they should be held accountable.

I thank the majority leader for moving to proceed to this measure. It is my hope we can get to a time agreement without being filibustered. I hope we will not have to spend a lot of time in a filibuster before we consider anti-fraud efforts on behalf of the American people. Everybody I talk to, whether it is in Vermont or any other State, says those who are involved in mortgage fraud, those who are involved in stealing the money, especially at a time of economic downturn, ought to be prosecuted.

Frankly, as a former prosecutor, I can tell you nothing so focuses the minds of those who want to commit fraud as if they think they might actually be arrested, convicted, and sent to prison.

We are returning from the Easter recess. During these first months of the year, the Judiciary Committee has concentrated on what it can do to assist in the economic recovery. We have already considered and reported this fraud enforcement bill, we considered and reported a patent reform bill, and we also put law enforcement assistance in the economic recovery legislation. The President's efforts are beginning to show dividends. As he said last week at Georgetown University, this administration has responded to an extraordinary set of economic challenges with extraordinary action, action that has been unprecedented both in terms of its scale and its speed.

We have seen the recovery plan enacted, the bank capitalization program, the housing plan, the strengthening of the nonbank credit market, the auto plan, and the work with the G-20. Those are signs intended to generate economic progress. That is good. That is necessary. I agree with that. But it is not enough. We have to make sure when we send public money, taxpayers' money, that it is going to what it is supposed to go to, it is not being stolen, it is not being dissipated by fraud, it is not going to the hands of people whom nobody in this Chamber, Republican or Democrat, would want it to go to.

We need to ensure those responsible for the downturn through fraudulent acts of financial markets and in the housing market are held to account. That is why we have to enact the Fraud Enforcement and Recovery Act. We have to make every effort to ensure accountability, and this bill will do

that. It will build our Nation's capacity to investigate and prosecute financial fraud.

Take a look at this chart. These are the reports of mortgage fraud. This is at near epidemic levels. Look at the number of reports in 1998. Look at them now. In 1998, 2,269. Last year, 65,049. Frauds are up 682 percent over the past 5 years and more than 2,800 percent in the past decade.

Some would estimate that we are losing \$4 billion each year in mortgage fraud alone. Then you have massive new corporate frauds, such as the \$65 billion Ponzi scheme perpetrated by Bernard Madoff. These are being uncovered. How many more are there?

In the past 2 weeks alone, the Justice Department announced prosecutions in mortgage and security scams involving more than \$200 million in fraud. This kind of fraud has even touched my own State of Vermont. We are a very small State. We are the second smallest State in the Union, 650,000 people. But last fall, Federal authorities uncovered a \$26 million mortgage scam involving more than 50 properties being run out of the small town of Highgate, VT. It is affecting everybody. Let's go after these people. Let's prosecute them. Let's throw them in jail. Because, otherwise, if you simply give them a fine, it is a cost of doing business and nobody is deterred by it.

The victims of these frauds must be protected now more than ever. They are homeowners who have been fleeced by unscrupulous mortgage brokers or so-called foreclosure experts who promise to help. Instead of helping them, they leave them unable to keep their homes and in further debt than before.

We have retirees who have lost their life savings with stock scams and Ponzi schemes. These have come to light only when the markets and corporations have collapsed. They also include the American taxpayers who have invested billions of dollars to restore our economy and support our banking system, and they assume that taxpayers' dollars are going to be there to support our industries, that taxpayer dollars are going to be there to help bail out our economy, that somebody is not going to steal it.

As the economic crisis worsened last fall, I called upon Federal law enforcement to track down and punish those who were responsible for the corporate and mortgage frauds that helped make the economic downturn far worse than anyone predicted. This year, as Congress reconvened, I joined with Senator GRASSLEY to draft and introduce the Fraud Enforcement and Recovery Act, the legislation we consider today, which will provide the new tools and resources needed by law enforcement to carry out this effort. Now, I call on all Senators to support and promptly pass this bill, so we can make sure that those responsible for these frauds are held fully accountable and that the many millions, likely even billions, of dollars lost will be recovered for fraud victims and for the American taxpayer.

Federal law enforcement needs this legislation now to combat fraud effectively. In the last 3 years, the number of criminal mortgage fraud investigations opened by the Federal Bureau of Investigation—FBI—has more than doubled, and the FBI anticipates that number may double yet again. Despite this increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases, which is only a quarter of the number the Bureau had more than a decade ago at the time of the savings and loan crisis. At current levels, the FBI cannot even begin to investigate the more than 5000 mortgage fraud allegations referred by the Treasury Department each month.

In the late 1980s and early 1990s, we faced a similar financial crisis with the collapse of the federally insured savings and loan industry. At the time, Congress responded by passing legislation to hire prosecutors and agents similar to the bill we consider today, and that effort resulted in more than 600 fraud convictions nationwide and recovery of more than \$130 million in ordered restitution. But the savings and loan collapse is dwarfed in scale by the current crisis, as financial institutions have lost more than \$1 trillion in assets in the past year, compared to only \$160 billion in assets lost during the entire savings and loan era. Clearly, we must respond at least as strongly as we have in the past.

Two decades ago we responded during the savings and loan crisis by hiring more agents, analysts and prosecutors and allocating the resources needed to catch those who took advantage to profit through fraud. We need to do so, again.

At a February 11, 2009, Judiciary Committee hearing, we heard from the FBI, the Special Inspector General for the Troubled Asset Relief Program, TARP, and the Justice Department. All witnesses testified concerning the need for this legislation and these additional law enforcement resources.

Deputy Director Pistole of the FBI testified that the number of mortgage fraud cases opened by the FBI had more than doubled in the past 3 years, with 721 cases open in 2005, and more than 1,800 open at the end of 2008. He warned that the losses in this economic crisis dwarf those of the savings and loan debacle, and the need for more enforcement is even greater now than it was then.

Special Inspector General Barofsky described how law enforcement resources had understandably been diverted from traditional white collar crime to terrorism following the attacks on September 11, 2001. This trend left the Justice Department's capacity to respond to financial and securities fraud significantly weakened, and with the recent trends shifting even more resources to mortgage frauds, other white collar efforts were even further "underfunded and underprosecuted." He warned that with trillions of dollars

being spent under TARP and other associated programs, "it is essential that the appropriate resources be dedicated to meet the challenges of both deterring and prosecuting fraud." I agree.

Acting Assistant Attorney General Glavin of the Justice Department testified that our bill would provide the Justice Department with needed tools "to aggressively fight fraud in the current economic climate" and "provide key statutory enhancements that will assist in ensuring that those who have committed fraud are held accountable."

The committee also received written testimony supporting this enforcement effort from the inspector general for the Department of Housing and Urban Development, and from the Acting Chief Postal Inspector.

We all know about Bernard Madoff's infamous \$65 billion Ponzi scheme that went undetected for years. And every month we learn of more and more kinds of schemes. We have to clean this up.

This would allow the FBI, the Justice Department, other agencies, to respond to the crisis. In total, the bill authorizes \$245 million a year over the next two years to hire more than 300 Federal agents, more than 200 prosecutors, and another 200 forensic analysts and support staff to rebuild our nation's "white collar" fraud enforcement efforts. While the number of fraud cases is now skyrocketing, we need to remember that resources were shifted away from fraud investigations after 9/11. Because today the ranks of fraud investigators, of prosecutors, are drastically understocked.

Some have said, well, we cannot afford to authorize additional money for fraud investigations. I think that is a bad mistake. The only way you are going to stop it is to show you are going to stop it. The only way you are going to deter it is if you act to deter it, if you investigate the people, if you go after them, if you make them pay, and if we recover money for American taxpayers.

I see the distinguished senior Senator from Minnesota on the floor. She is a former prosecutor. She knows that the way you go after these people is to really go after them. If fraud goes unprosecuted and unpunished, then victims across America lose money. In many cases, American taxpayers take the loss directly. For example, in the case of many mortgage frauds where the Federal Government has guaranteed the loans, and when the fraud remains hidden, American taxpayers, as well as the victim, lose out. If we don't take action to investigate and prosecute this kind of fraud, Americans will lose far more money than this bill costs.

In fact, fraud enforcement is an excellent investment for the American taxpayers. According to recent data provided by the Justice Department, the Government recovers, on average, \$32 for every dollar spent on criminal

fraud litigation. Think about that. If you are an investor, you would love to invest and get that kind of return. We spend \$1 on criminal fraud litigation, we get back \$32. The nonpartisan group, Taxpayers Against Fraud, has found that in civil fraud cases, the Government recovers \$15 for every dollar spent in civil fraud cases.

Last year the Justice Department recovered nearly \$2 billion in civil false claims settlements, and in criminal cases, the courts ordered nearly \$3 billion in restitution and recovery. That is why we should pass this and pass it quickly.

I do not want, 8 months from now, when suddenly we find here another hundreds of millions of dollars, billions of dollars, taken from American taxpayers in fraud and theft that we could have stopped, but to say: Gosh, if only that bill had passed.

The Fraud Enforcement and Recovery Act also makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. Specifically, the bill amends the definition of "financial institution" in the criminal code in order to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change will apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Assets Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In *United States v. Santos*, the Supreme Court misinterpreted the money laundering statutes, limiting their scope to only the "profits" of crimes, rather than the "proceeds" of the offenses. The Court's mistaken decision was contrary to congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams did not make a profit. Indeed, Ponzi schemes like the \$50 billion fraud perpetrated by Bernard Madoff, which by

definition turn no profit, are exempt from money laundering charges under this formulation. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

The Fraud Enforcement and Recovery Act also strengthens one of the most potent civil tools we have for rooting out fraud in government—the False Claims Act. The Federal Government has recovered more than \$11 billion using the False Claims Act since it was modernized through the work of Senator GRASSLEY in 1986, but the statute still can be more effective. Recent court decisions and changes in government—contracting practices have limited the effectiveness of the False Claims Act. As we did in the last Congress, Senator GRASSLEY and I have joined together to update and restore the False Claims Act to protect the American taxpayer.

Some may argue that the legal fixes in this bill constitute overreaching by the Federal Government. In fact, this bill does not over-federalize or over-criminalize, as we took great care in crafting it to avoid those kinds of excesses. The bill creates no new statutes and no new sentences. Instead, it focuses on modernizing existing statutes to reach unregulated conduct and on addressing flawed court decisions interpreting those laws.

This bill has broad bipartisan support. It has the strong backing of the Justice Department and the Obama administration, along with Senator GRASSLEY and Senator SPECTER, the ranking Republican member of the Judiciary Committee. We have Senator SNOWE joining us as a cosponsor. They have joined with Senators KAUFMAN, SCHUMER, KLOBUCHAR, LEVIN, HARKIN, DORGAN, WHITEHOUSE, BAYH, SHAHEEN, and MURRAY who have cosponsored this bill.

The Justice Department sent us a letter. They said:

The Department strongly supports enactment of [the bill]. The provisions of the legislation would provide Federal investigators and prosecutors with significant new tools and resources . . . to combat mortgage fraud, securities and commodities fraud.

Look what the Director of the FBI said:

FERA [referring to our bill,] will be tremendously helpful in giving us the tools to investigate . . . to help prosecutors prosecute, and finally to obtain the convictions and jail sentences that are the deterrent to this activity taking place in the future.

Remember, we certainly want to recover money. Certainly we want those forfeitures. Certainly we want those fines. But I want people to go to jail for this. Because if you think if you are going to defraud someone or groups defraud people of \$100 million, you might get a \$10 million fine, that is 10 percent of your cost of doing business. But if you think you might go to jail, then you are going to think twice.

That is why we received this support of the Fraternal Order of Police, the

Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, the Association of Certified Tax Examiners, and Taxpayers Against Fraud.

The current epidemic of fraud went hand in hand with the greed and neglect that poisoned our economy in recent years. As banks and private mortgage companies relaxed their standards for loans, approving ever riskier mortgages with less and less due diligence, they created an environment that invited fraud. Private mortgage brokers and lending businesses came to dominate the home housing market, and these companies were not subject to the kind of banking oversight and internal regulations that had traditionally helped to prevent fraud. We are now seeing the results of this lax supervision and lack of accountability.

The problem spread as home mortgages were packaged together and turned into securities that were bought and sold in largely unregulated markets on Wall Street. Here again, the environment invited fraud. As the value of the mortgages started to decline with falling housing prices, Wall Street financiers began to see these mortgage-backed securities unravel. Some were not honest about these securities, leading to even more fraud, and victimizing investors nationwide.

Only by reinvigorating our antifraud measures and giving law enforcement agencies the tools and resources they need to root out fraud can we ensure that fraud can never again place our financial system at risk and victimize so many Americans. Taxpayers, who bear the burden of this financial downturn, deserve to know that the government is doing all it can to hold responsible those who committed crimes in the run-up to this collapse.

There should be strong support for this. The Justice Department supports it. The FBI supports it. The Secret Service supports it. The Postal Inspection Service supports it, the HUD Inspector General supports it, the Special Inspector General for the Troubled Asset Relief Program supports it, on and on and on.

And, most importantly, some of the most thoughtful members of this body, Republican and Democratic Members alike, support it. So let's go as quickly as we can. Let's have a decent time agreement on this bill.

Let's get it passed. Let's get it through the other body. Let's get it on the President's desk. Then let's go and investigate and lock up the people who cost the American taxpayers hundreds of millions, even billions of dollars.

I see the distinguished cosponsor, the Senator from Iowa. I yield the floor and withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Would the Chair please inform me as to the time allotted on this side?

The ACTING PRESIDENT pro tempore. The minority has 95 minutes.

Mr. GRASSLEY. I thank the Chair.

Mr. President, I thank the Senator from Vermont for his leadership in this area. I very much enjoy working with him. We may come from different political parties, but he has been very cooperative in a lot of the efforts I wanted to make on individual pieces of legislation. On this one, he and I are working together very closely. I thank him for the opportunity to work with him and thank him very much for including within this legislation some things both he and I have an interest in dealing with the False Claims Act.

I am pleased to be an original cosponsor of the Fraud Enforcement Recovery Act. This is a timely piece of legislation, given the current economic downturn and the unprecedented amount of taxpayer dollars that are being expended to shore up banks and financial institutions, corporations, Fannie Mae, Freddie Mac, et cetera. When taxpayer money is being injected into these corporations, there is more opportunity for fraud, and we ought to stay on top of it. We have a responsibility as Senators, as guardians of taxpayer money, to make sure fraud does not occur anytime but, more importantly, when there is taxpayer money keeping a lot of these organizations afloat that would not otherwise be there.

There can be honest differences between Senators about whether this taxpayer money should have been used in the first place. Some of that I have voted against using. But the fact is, we were in the minority. The money is being used to sustain some of these institutions and corporations and, consequently, we have every responsibility to make sure taxpayer money is protected. That is what this piece of legislation is all about.

For instance, the economic stimulus package handed out nearly \$1 trillion in new spending. Whether a Member supported or opposed these expenditures, he or she must agree we simply cannot allow unscrupulous individuals defrauding the Government and ripping off the taxpayers. This legislation ensures that our law enforcement officials as well as prosecutors have the tools necessary to enforce our laws and also the resources to hunt down bad actors. It makes minor revisions to our criminal fraud laws to ensure that bad actors are not outside the scope of Federal jurisdiction. Further, it amends the civil False Claims Act to ensure that taxpayer money lost to fraud, waste, and abuse can be recovered. These changes will deter potential defrauders from attempting to scam the Government. In addition, this legislation will help instill confidence back into the housing and financial markets.

Over the last few years, unscrupulous individuals found housing and financial markets that were lax in oversight enforcement and regulation. As a result, it was easy for these unscrupulous individuals to commit fraud against homeowners, lenders, and businesses across

the country. For example, the Financial Crimes Enforcement Network, referred to as FinCEN, released an updated report outlining filing trends in mortgage loan fraud suspicious activity reports. This report showed that SARs have continued to increase and for the last year ending in June 2008, there were more than 62,000 suspicious activity reports, SARs, filed related to mortgage fraud alone.

While this raw data simply represents investigative leads, it represents a 44-percent increase in suspicious activity from the preceding year. We need to act now to stamp out new fraud claims, to send a message that American taxpayers will not be taken for a ride.

This rise in the number of suspicious activity reports has also increased the need to investigate leads that come in these reports. As a result, we need to make sure there are resources available so that law enforcement agencies can follow these leads.

During the height of the savings and loan crisis in the late 1980s and early 1990s, the FBI had over 1,000 agents and experts working mortgage fraud cases. Today, it is a lot less, compared to a much bigger amount of money that is at stake. Today the FBI has 180 agents dedicated to mortgage fraud investigations, a significant decrease compared to the 1,000 agents and experts during the S&L crisis.

While this number represents an effort to combat fraud, it is a significant decrease when we consider the hundreds of millions of dollars in write-downs during the S&L crisis—in other words, small—compared to the estimated \$1 trillion in write-downs that may occur as a result of the financial and housing crisis. This bill enables law enforcement agencies, including the FBI, Secret Service, the Housing and Urban Development inspector general, and the Postal Inspection Service to procure the funding necessary to make sure this fraud doesn't happen because you need this sort of joint effort to combat what will be complex financial crimes.

It is important to note this bill recognizes the important work of a number of Federal law enforcement agencies that work to combat and prevent financial crimes.

You don't often think of the Secret Service when you think of mortgage fraud, but the dedicated men and women at the Secret Service have been on the front lines in combating mortgage fraud since the S&L crisis and continue to unravel complex financial crimes. The Postal Inspection Service and the inspector general of the Department of Housing and Urban Development also continue to make significant contributions to stamping out mortgage fraud that abuses Federal Government programs and utilizes the mail to commit this fraud.

In addition to authorizing funding for law enforcement prosecutors so we get the number of people to get the job

done, the bill also makes some necessary changes in Federal criminal law. The bill redefines "financial institution" to include mortgage lending businesses, a category currently missing in that definition. It also amends the statute to make it illegal to make false statements on mortgage applications and appraisals. It might surprise Members since common sense ought to dictate that, but common sense has not prevailed in that instance, so we will make that a crime.

Further, it ensures that economic relief funds and TARP funds are included in criminal laws prohibiting fraud against the Government. It adds commodities futures to the securities fraud statute. The bill also makes two important clarifications to the antimoney laundering laws; first, by defining the term "proceeds" so that a recent Supreme Court decision doesn't limit the ability to go after criminals and drug dealers who launder the proceeds of their ill-gotten gain. This is an incredibly important provision, especially given the recent concerns about the outbound bulk cash smuggling going across the border with Mexico.

Second, the bill amends the international money laundering statute to make it a crime to transport or transfer money out of the country to evade taxes. This provision is also timely given the recent efforts by the Justice Department and the Internal Revenue Service to clamp down on tax cheats and evaders who move money offshore for the sole purpose of avoiding paying taxes with no economic rationale behind it.

Finally and most importantly, the legislation makes important changes to the Federal False Claims Act. The False Claims Act is the Government's premier tool to recover Government money lost to fraud and abuse. The Government has used the False Claims Act to recover over \$22 billion since 1986 when I introduced legislation that amended the previous False Claims Act. This legislation will ensure that the law adheres to the original intent of the False Claims Act.

I think I have some expertise in that area, being the author of this legislation and finding the Supreme Court's ruling contrary to congressional intent, albeit their motivation may be to interpret the law and that is the way they interpret it, but it does not keep us from going back to what we think is the original intent and saying to the courts: You got it wrong.

Specifically, these amendments address a loophole that was created in the False Claims Act by the Supreme Court decision in the *Allison Engine* case which could be used by fraudfeasors to evade liability by hiring subcontractors to perform work on Government contracts. Some defendants are already filing briefs in court seeking to have the false claims cases dismissed because of that decision. It needs to be addressed to protect taxpayer dollars.

This legislation could not come at a more important time. It will send a message to those who have defrauded homeowners and mortgage lenders and will send an even stronger message to those thinking about committing a future crime. I hope my colleagues will join in supporting the legislation to make sure that taxpayer dollars are protected.

I want to add a little editorial comment outside of this piece of legislation we have before us. There will be a lot of new Members coming to the Senate, maybe not understanding the motivation behind the False Claims Act of 1986. There was tremendous fraud, particularly in defense contracting, that caused me at that time, as a first-term Senator, to be concerned about it. We got proper amendments to the False Claims Act to protect whistleblowers and to use the information that whistleblowers give us to bring cases.

The motivation behind the False Claims Act is that maybe for philosophical reasons, the Justice Department might want to pursue something or maybe their workload is such that a certain case might have a lower priority. It gives the individual citizen in qui tam type suits the ability to bring cases in a sense as a citizen prosecutor. Of course, if a person is not a lawyer, they will have to hire lawyers to do that for them. But as a motivation for doing it, they get a percent of what is recovered.

Remember, \$22 billion has been recovered since this law was passed. That may not be a lot of money over the period of years, but it sure is one big hunk of money that we wouldn't have access to if it wasn't for whistleblowers and people who were willing to pursue it to the nth degree to make sure that the case is made and to bring back the taxpayer money at the same time.

Consequently, I am sure somebody is going to try to make a case that when some whistleblower gets \$1 million, well, isn't that an awful lot of money for information that has brought back maybe tens of millions of dollars or maybe hundreds of millions of dollars? But the point is, we would not have the case if it was not for the information from the whistleblower.

A lot of people will make a judgment: Well, if you are a public employee or connected to a government program, it is your duty to report that. Well, that is exactly what a lot of people have done without even knowing the false claims law exists. A lot of people whom I have met as whistleblowers have brought to the attention of people higher up in the Government attempts at fraud or actual fraud and got nowhere, and then everybody assumes the only reason they brought it up is because they knew: Well, I can make a case out of this, and I can get a large award for bringing this to people's attention. Most of the whistleblowers whom I know about did not even know about whistleblower protection laws, did not even know about false claims

laws until they got into it. Then they find out there is some law that protects them, there is some law that encourages them to move forward.

The point I am trying to make is that when Government cannot do its job of recovering fraud or does not know about it, it seems to me both the \$22 billion that has come back to the Federal Treasury as well as the nature of preventing fraud that is behind it—and that probably does much more good, but you cannot measure it, than what is evidenced by the \$22 billion—should not be challenged.

Defense contractors during the late 1980s into the 1990s tried to gut this legislation through amendments on appropriations bills or through other attempts. When the defense contractors could not do it, they got people in the health care industry to front for them to try to gut it. In almost every respect, in 20 years, we have stopped various special interests in this town from gutting this legislation. But as we brought this bill forward with Senator LEAHY, we have found those people kind of coming to the surface once again.

I say to my colleagues—and particularly I would like my new colleagues to be aware of this—you are going to find those same special interests that have been around for over a period of the last 20 years trying to gut this legislation because it is one of the most effective tools against fraud. You are going to find them surfacing, not necessarily in amendments that are very transparent that there is a special interest behind it. But let me tell you from the experience I have had defending this legislation over the last 20 years, they are there. They do not like the False Claims Act. I do not mean these interests are about doing fraud, but they do not want the overseer the False Claims Act is, and they do not want the encouragement to whistleblowers that if something is wrong, it might be reported.

I hope my colleagues—as the False Claims Act provisions of this bill might be countered by some of our colleagues—think in terms of this not being a new attack, this is just a return of a constant attack this legislation had on it from maybe 1986 for about 10 years. I have not heard it surface a whole lot since then. But it is there.

Remember, this was a piece of legislation that was originally intended to go after military contract fraud. But let me tell you, now it is one of the best tools to get at health care fraud. That is sometimes the impetus for some of these crippling amendments. So please keep that in the back of your mind as we consider this legislation, or at least this part of this bill dealing with the False Claims Act.

I surely thank Senator LEAHY for including this in the bill, bringing this back to its original intent, so it can be even a more forceful tool to be used against false claims, since it has been

weakened by some court decisions. It will help us ferret out fraud. I am sure happy we have a President who is also interested in doing that.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that following my remarks, Senator KLOBUCHAR be recognized and then Senator INHOFE.

Mr. INHOFE. Mr. President, reserving the right to object, just for clarification purposes, generally, we go back and forth on both sides, but it is fine with me to do it this way so Senator KLOBUCHAR can follow the Senator. Does the Senator think the two of you will be more than 30 minutes all together?

Ms. KLOBUCHAR. I say to Senator INHOFE, we will not be. I will only go 10 minutes.

Mr. INHOFE. That is fine. Thank you very much. I do not object. I further ask unanimous consent that following Senator KLOBUCHAR, I have at least 30 minutes. I believe that is the time that is allotted me.

Mr. KAUFMAN. I thank the Senator.

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

Mr. KAUFMAN. Mr. President, I am proud to join with Chairman LEAHY and Senator GRASSLEY in sponsoring the Fraud Enforcement and Recovery Act.

I applaud their leadership on this issue. I also want to note the significant contributions of Senators SCHUMER and KLOBUCHAR, who have joined us on this bill and have improved it in important ways.

Today's economic crisis has many causes, from serious regulatory failures to recklessness and greed. While we are learning more each day about what happened, one thing is certain right now: financial fraud contributed mightily to this economic collapse.

It is the job of law enforcement to ferret out the behavior that was criminal as opposed to merely reckless or foolish or unethical.

Yet I am certain that in the complex web of systemic failures that have caused devastating harm to so many Americans, law enforcement will uncover a continuum of behavior and requisite blame. At one end will be those responsible bankers and mortgage brokers who never engaged in unduly risky behavior.

There will also be those on the continuum who were merely reckless and based their business plans on the false assumption that housing values would always increase.

But the continuum will be anchored on the other end by mortgage brokers who promoted fraud, and by bankers and financiers who deliberately ignored excessive risk in designing mortgage-related products, and then hid those risks from investors while self-dealing and lining their own pockets. Those people, in my view, should be targets of the FBI.

If we want to restore the public's faith in our financial markets and in the rule of law, then we must identify, prosecute, and send to prison those individuals who broke the law. Their fraudulent conduct has severely damaged our economy and harmed countless hard-working Americans.

The public needs to know that when mortgage brokers or credit raters or Wall Street bankers break the law, they will be treated like the criminals they are. We can't have one set of rules for people who rob banks and another set of rules for banks who rob people.

Unfortunately, our law enforcement agencies do not have the resources they need to do the job. Right after September 11, Federal law enforcement resources were shifted dramatically, and understandably, to counterterrorism. Regrettably, they have not been replaced.

As a result, our capacity to investigate and prosecute financial crimes has been severely depleted. At the height of the savings and loan crisis, as many as 1,000 FBI agents were investigating financial fraud. As of last month, there were fewer than 250. And no one doubts that the scope of the problem today is far greater than it was during the S & L crisis.

That is why the Fraud Enforcement and Recovery Act begins by providing the resources necessary to rebuild the Nation's white collar enforcement program. Building this capacity is doubly important today, given the substantial Federal funds being spent in connection with bailout and recovery programs.

We need the investigators and analysts in place as soon as possible, not only to uncover and prosecute crimes that have already occurred, but also to deter future crimes.

Prosecuting bad people won't put an end to bad behavior. But it will have an impact on those people in the mortgage industry, on the trading desks, and in the board rooms, who might be tempted to put greed ahead of the law.

The bill authorizes \$165 million a year for hiring fraud investigators and prosecutors at the Department of Justice for fiscal years 2010 and 2011. That includes \$75 million in 2010 and \$65 million in 2011 for the FBI to add 190 agents and 200 professional staff and forensic analysts.

The bill also includes \$50 million a year for U.S. Attorneys' Offices, where much of the financial crime prosecution takes place, and \$40 million for the criminal, civil, and tax divisions at Main Justice, to provide special litigation and investigative support.

Finally, the bill authorizes \$80 million a year over the next 2 years for investigators and analysts at the Postal Inspection Service, the Secret Service, and the inspector general at HUD, all to combat fraud.

This authorization, \$490 million over the next 2 fiscal years, is actually quite modest, given the work that needs to be done. It is also an investment. His-

tory tells us that funds spent on fraud enforcement net money for the Government, at a rate of about \$15 recovered for every \$1 spent. In so many ways, this is an investment we can't afford not to make.

Beyond providing resources, this bill modernizes several critical areas of Federal fraud law, ensuring that prosecutors have the tools necessary to combat past and future financial fraud.

Chairman LEAHY has spelled out these changes in some detail. I want to highlight a couple of points.

First, the bill updates the definition of "financial institution" in Federal fraud statutes to cover mortgage lending businesses that are not directly regulated or insured by the Federal Government. These are businesses that were responsible for close to half of the residential mortgage market before the economic collapse. Just last month, FBI Director Mueller stated that this single change would be "tremendously helpful" in the fight against mortgage fraud.

The bill also amends Federal fraud law to protect funds expended under both the Troubled Asset Relief Program and the Economic Recovery Act. The Federal Government has provided extraordinary financial support to our banking system, and we need to protect those funds against fraud and abuse.

Finally, I note that the bill provides narrow but important fixes to ill-considered Supreme Court decisions in the areas of money laundering and the False Claims Act. Here, as in the rest of the bill, we have taken an approach that is both carefully considered and precisely targeted. We are not creating new crimes, or establishing entirely new paths to recovering ill-gotten gains. Instead, we have focused on making narrow changes that make sure lawbreakers don't slip through the gaps in existing law.

Complex and sophisticated crimes demand a broad-based and sophisticated response.

In terms of crimes already committed, we can't afford to let the trail get cold.

In terms of future crimes, we must provide both the legal tools and the law enforcement resources necessary to make would-be criminals think twice before allowing their greed to do such terrible damage.

This is not about vengeance or politics. In our haste to target wrongdoers, we should not paint the entire banking industry with a broad brush. Banks struggling to make loans during a deep recession are not bad actors. Indeed, those who avoided the subprime market, avoided securitized pools of subprime mortgages, and never traded in credit default swaps were, in hindsight, models of discipline and prudent management during an era when many lost their heads to greed. Those banks should be applauded and supported, as they continue to work their way through difficult times and a very challenging real estate market.

The wrongdoers will be known by their deeds and held accountable to the law by a jury, not by the need to scapegoat an entire industry or a few sacrificial lambs to satisfy popular anger.

There will be tell-tale signs for law enforcement to investigate: To find those who used inside information to bail out early while failing to disclose material information; to investigate traders who hid and distorted their trading books until they cashed out a huge bonus; to target mortgage brokers who repeatedly and fraudulently induced mortgage loans which they could quickly package and sell without any responsibility for the ticking time bombs that became weapons of mass financial destruction.

Frauds of the sort addressed by this bill attack the heart of our financial system. For our economy to work for every American, we must restore the public's faith that no one, from Main Street to Wall Street, is above the law.

Speaking of Main Street, the people I talk to are very patient as we work hard to get the financial system and the economy back on track. They understand this will be a long process and that we cannot expect immediate returns on the significant Federal investments made in recent months. At the same time, they rightly expect the Federal Government to spend the time and money necessary to bring to justice the criminals who helped create the crisis in the first place. The authorization of this bill—\$490 million over the next 2 years—is very modest in light of the enormity of the crisis. The American public will not understand if we refuse to make this small investment in order to restore public confidence, both in the markets and in the rule of law.

I again thank Chairman LEAHY and Senator GRASSLEY for their leadership on this issue, and I urge my colleagues to support this bill.

I yield the floor.

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

Ms. KLOBUCHAR. Mr. President, how much time is remaining on the 30 minutes on our side?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Ms. KLOBUCHAR. Thank you very much.

Mr. President, I thank my colleague from Oklahoma for being so gracious to allow me to speak at this time. I am speaking today in support of the Fraud Enforcement and Recovery Act which I believe is an important and timely piece of legislation that I cosponsored and helped to vote out of our Judiciary Committee. I also thank Senators LEAHY, GRASSLEY, and KAUFMAN, all of whom spoke this afternoon, for their leadership and their work on this bill. I believe this bill will greatly increase our ability to prosecute and prevent financial crime.

I also note that the President and the administration have come out with

their statement on administration policy on this bill and it is very positive, and they are supportive of this bill.

Unfortunately, the need for this legislation could never have been clearer. The Madoff scandal is only one big example of why we need this bill. Because of one man—one man—\$65 billion has been lost in this country. It has been a loss to investors, a loss to people who have nothing left, a loss to some of the charities and charitable organizations in this country that are trying to help people in need during this difficult time. In my home State of Minnesota, literally dozens and dozens of people have lost significant sums of money, and our charities are suffering. This isn't right.

After years of lax oversight and investigation, we are beginning to see many financial crimes come to light as the victims of financial fraud have emerged to tell their stories.

During a recent Judiciary Committee hearing on fraud enforcement, the Acting Assistant Attorney General for the Criminal Division of the Justice Department said that as the economy has declined:

What we may be starting to see [are] . . . these sorts of Ponzy schemes that were able to go along for a little while. And then all of a sudden, there's a rush by the victims of schemes who don't know they're victims yet. And then the money's not there when they go to get the money out.

In other words, as we would say in Minnesota, the chickens are coming home to roost.

All of this reminds me of a famous passage about embezzlement in John Kenneth Galbraith's classic book, "The Great Crash 1929." I remember this because I would often use it as a prosecutor in Minnesota when I would address the legislature about the need to focus on white-collar crimes, especially in times of economic difficulty, and this is what he said:

In goods times, people are relaxed, trusting, and money is plentiful. But even though money is plentiful, there are always many people who need more. Under these circumstances the rate of embezzlement grows [and] the rate of discovery falls off. In depression, all this is reversed. Money is watched with a narrow, suspicious eye. The man who handles it is assumed to be dishonest until he proves himself otherwise. Audits are penetrating and meticulous. Commercial morality is enormously improved.

This may be an almost perfect description of our own time. As Galbraith suggested, our bad economy is now exposing financial crimes that have been concealed for many years.

In the past 3 years, the number of criminal mortgage fraud investigations opened by the FBI, as Senator LEAHY explained, has doubled. And in the past 6 years, there has been a nearly tenfold increase in the number of reports filed with the Treasury Department alleging mortgage fraud.

I fear this is the tip of the iceberg. As our economy has declined, crime will be on the rise. And with billions of dollars going out the door to stimulate

the economy—important job-creating investments in transportation infrastructure and broadband networks and much more—we know there are going to be people trying to bilk the system, whether it is for that or the TARP money, and steal money for their own personal profit.

So it is critical that we have a Justice Department and an FBI that will hold accountable the people who are getting government funds, that will watch over the taxpayers' money, and that will make sure people such as Bernie Madoff are prosecuted and brought to justice. In order to do that, we need to make sure law enforcement has the tools and the resources they need to effectively fight, investigate, and prosecute these crimes.

Before entering the Senate, I served as the chief prosecutor for Hennepin County in Minnesota, which consists of Minneapolis and 45 suburban communities. We worked extensively with the U.S. Attorney's Office and the FBI and other Federal agencies on white-collar crime. I remember it well because after the tragedy on 9/11, a number of the white-collar cases that were previously being prosecuted by the U.S. Attorney's Office came to our office since we were the largest prosecutor's office in the State. We took both cases on. We got the people in place to handle them. But I saw then how resource intensive these cases can be.

Most prosecutors have a simple saying about financial fraud cases: "Follow the money and you will find the crooks." Of course, in reality, it is often very hard to do that. It is very time consuming and very expensive to look through thousands and thousands of boxes of documents and computer files to find that money trail and to follow it to where it goes to mortgage fraud and financial fraud. In fact, many white-collar crimes require complex investigations and significant resources to catch the crooks and prosecute them. They often require special—and expensive—expertise such as individual skills in accounting or computer forensics.

Although it is hard and more complex to catch white-collar criminals, it is no less important. For the sake of our economy, for the sake of justice, we must hold people accountable for their crimes, whether it is robbing a convenience store or using a computer to bilk investors out of millions of dollars.

Prosecuting financial crimes also has a ripple effect. Increased enforcement acts as a deterrent, sending a clear message to those who might want to commit financial fraud that wrongdoers will be prosecuted and subject to the full extent of the law. So often-times these white-collar criminals somehow see themselves above the law because they have a good job and because they know people in town. I can say that once we started prosecuting these people, a lot of people started turning money in. My favorite was

when we started prosecuting nine commercial airline pilots for not paying taxes to the Minnesota Revenue Department. We suddenly got millions of dollars into the coffers of the revenue department in the State of Minnesota because it turned out other people were also maybe opening up post office boxes in other States and pretending to live there instead of in our State. So there can be a great deterrent effect and bring money in from people who haven't been paying their taxes or actually committing fraud.

Unfortunately, in the last 8 years on the Federal level, I believe there hasn't been enough of this, partly because we haven't had the resources and partly because some of the regulatory agencies have been basically asleep at the wheel.

After the attacks on September 11, the FBI understandably reduced its criminal investigator work to expand its national security role, shifting more than 1,800 agents—or nearly one-third of all agents who were in criminal programs—to terrorism and intelligence duties. Current and former officials say that the cutbacks have left the FBI seriously exposed in investigating an area such as white-collar crime. Right now, the FBI doesn't have enough staff to investigate or even review the 5,000-plus fraud allegations that the Treasury Department receives every month.

Make no mistake, this is having an effect on our economy. In addition to the many families losing their hard-earned money and their homes, fraud has contributed to the collapse in the mortgage-backed securities market. In the past year, banks and financial institutions in our country lost more than \$500 billion because of the subprime mortgage industry.

That is why the Fraud Enforcement and Recovery Act is so important. The bill authorizes \$165 million a year for the Justice Department to hire fraud prosecutors and investigators, including funds for the FBI to bring on an additional 190 special agents and more than 200 professional staff and forensic analysts to rebuild its white-collar investigation program. Additionally, the bill will provide resources for the FBI to double the number of mortgage fraud task forces nationwide that target fraud in the hardest hit areas of our country. I am a big believer in these task forces as a way of bringing local and Federal law enforcement together. We have seen it work effectively in a number of areas across the country.

In addition to making sure law enforcement has the resources it needs, this legislation also makes sure they have the tools needed to crack down on financial crime. This bill makes it easier to prosecute mortgage lending businesses for fraud—the predatory lenders. These companies were responsible for nearly half of the residential mortgage market before the economic collapse. Yet they currently remain largely un-

regulated and outside the scope of traditional Federal fraud statutes. This makes no sense. By amending the criminal code, we can hold unregulated mortgage businesses responsible for their actions. Federal fraud laws should apply to private mortgage businesses such as Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks. I know we have a lot of very healthy banks in Minnesota and they have been fighting for this for years.

Why should they be held to a different standard? Why should some of these mortgage companies not be held to the same fiduciary duty as these banks? As a former prosecutor, I know firsthand how challenging it can be to go after these financial crimes, but I also know how important it is. If we are going to get our economy back on track, we have to restore trust in our financial system. That starts with stopping fraud and crime. The Fraud Enforcement and Recovery Act will give our law enforcement agencies the tools and resources they need to do this.

I strongly urge my colleagues to support this bill and to support this incredibly important piece of legislation. The time is right. We not only have the fraud we are already seeing come to light but we also know there are a number of possibilities for fraud as we have seen in the past when government funds go out. There has to be the policeman on the corner. That is our FBI, that is our task forces with local law enforcement, and that is our prosecutors watching what happens so we don't let another Bernie Madoff slip through the cracks.

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

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

Mr. INHOFE. Mr. President, it was my understanding earlier that I had about 15 more minutes than the 30 minutes that I understand are allotted me now. So if there is time at the end of my main message, I wish to address the problem of the David Hamilton nomination. In fact, I will announce that I will filibuster that nomination. The EPA endangerment findings, the Obama gun control, and then the DHS report that is very damaging to our veterans.

OBAMA DEFENSE BUDGET

First of all, the main reason I am here is to speak out about a great concern that we are now heading down a very dangerous road leading to the gutting of our military and settling for adequacy as opposed to supremacy. I first made my concerns known on a YouTube video that I did when I was in Afghanistan immediately following the announcement by the Obama administration. My concerns drew an interesting reaction from the left. Not only did they say I was wrong to say that there were proposed cuts to the budget,

they actually said the Obama administration proposed to increase the budget. I must confess it is a rare day when liberals actually claim to support increasing our Nation's military.

MSNBC was so outraged with my video that three of their prime time hosts took aim at my comments from Afghanistan that very same night. MSNBC host Ed Schultz featured my video as part of his regular feature "Psycho Talk" and called my concerns "absolutely false" and said I was joining Cheney and Giuliani.

Keith Olbermann said I should "do the math" and his guest, the very unbiased Speaker PELOSI, said my criticism of the Obama defense budget was simply "desperation" and that we are going to be spending more on defense than in 2009.

Not to be left out, Rachel Maddow repeated the same talking points and said once again the budget was actually going to increase. Then she brought on a guest, Eugene Robinson, an associate editor and columnist with the Washington Post, who went so far as to say I was making stuff up and lying.

Not to be outdone, CNN's Rich Sanchez said he was doing a "fact check." He called my words "ridiculous" and brought on a liberal think tank policy wonk, whom Sanchez referred to as a "moderate," to defend his claims. It is interesting that all of the liberal journalists were jumping on and assailing me but not the moderate ones.

I ask unanimous consent that at the conclusion of my remarks, this editorial from the Wall Street Journal be printed in the RECORD.

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

(See exhibit 1.)

Mr. INHOFE. The problem is that the left is focused on one number, one piece of military spending, when they need to look at the total defense budget—what DOD actually spends on military operations, and how that money is used to maintain our military capabilities.

In actuality, thanks to the Obama administration, our overall defense spending has been cut by \$10.7 billion in fiscal 2009 and then cut again in 2010. You might say fiscal 2009 was from the previous administration. But the second part of the emergency supplemental is where the cuts came in, and that was done by the Obama administration.

We have reached a crossroads where we will choose to either invest in modernization and readiness of our military or mistakenly "kick the can down the road," which we have been doing.

Based on the projected defense budget for the next 10 years, it looks as if this administration is taking us down a path that leads to a weaker military that is poorly equipped. Two weeks ago, on April 6, Secretary Gates announced a broad plan of cuts and adjustments in the fiscal year 2010 DOD

budget. His plan intends to “reshape the priorities of America’s defense establishment” and “profoundly reform how the DOD does business.”

However, the programs and systems he intends to cut will severely affect the ongoing effort to rebuild and modernize our military. I was in Afghanistan when this decision was announced. Most of the liberal journalists responded.

This plan comes at a time in our history when we have dramatically increased domestic spending by trillions of dollars under the umbrella of “emergency bailouts” and “stimulus packages.”

Think about it. I think that \$700 billion, quite frankly, was thrown away. It was supposed to be used for damaged assets and it was used to bail out friendly banks. I will defend Paulson a little, because it was Tim Geithner who was the architect behind all of this. I will elaborate on that later.

If you want to stimulate the economy, there are three ways to do it. One would be for military spending, defense spending; another is infrastructure investment—highways, construction, bridges—and another is tax cuts.

Sadly, this President is on track to grow the country’s obligations to 22 percent of our GDP, while he is shrinking defense spending in relation to GDP to 3 percent in 2019.

This chart shows that during the Clinton administration, in the 1990s, we took a holiday from the procurement of new weapons and modernizing the aging weapons systems. This black line is what he inherited in the beginning. If you add inflation to it, that is what it would have been. This line was the Clinton budget—\$412 billion less than what normal inflation would be. It looks like that is where we are going from this point on.

Many of us in the Senate and in the House repeatedly spoke on the floor during the 1990s. We were concerned about the dangers of the massive cuts in personnel and procurement that were taking shape. With very few exceptions, our soldiers, sailors, airmen, and marines have been using the same weapons systems while fighting a two-fronted war on terror for 8 years. They are weapons and weapons systems designed and produced during the Cold War—weapons used repeatedly over the past two decades around the globe—weapons and weapon systems still in use today.

We have been unsuccessful in trying to get past a bow wave created in the 1990s, when the military budget was cut \$412 billion and acquisition programs and research and development were pushed to the right—delayed.

The cost of kicking our military modernization down the road is a two-fold increase in our cost to modernize—an increase to develop and field new weapons and weapon systems, and an increased cost to operate and maintain our aging equipment.

It is also forcing the military to accept more risk as they decide how to

operate with less equipment, how to fight with equipment increasingly difficult to maintain, and what to do when weapon systems reach the end of their service life without an operational replacement.

The major combat systems that our troops use today are those developed and procured during the 1980s and, in some cases, going back to the 1950s.

The Reagan administration was handed a military that was a hollow force in many respects—low morale, low pay, outdated equipment, and unable to maintain the equipment it possessed. Ronald Reagan expanded the military budget, increased troop size, reenergized weapons procurement, and revived our intelligence capabilities, returning this country to its superpower status. He guaranteed the superiority of the U.S. military’s weapon systems and capabilities through long-term investment and ensuring that our troops were provided with the most advanced equipment available.

As Secretary Gates said in January 2009, our military must be prepared for a “full spectrum” of operations, including the type of combat we are facing in Iraq and Afghanistan, as well as large-scale threats that we face in places such as North Korea and Iran.

By the way, I don’t blame Secretary Gates for all of this. He had to use the numbers that the Obama White House gave him.

Far too often we have learned the hard way that we don’t have a crystal ball to precisely predict what types of national security threats the Nation will face. During a hearing in the House Armed Services Committee—this happened when I was on that committee in 1994. We had somebody testify who said that in 10 years we will no longer need ground troops. Look at this. After 7 years engaged in the war on terror, we know he was wrong. The strategic environment has become increasingly complex, dynamic, lethal, and uncertain.

Today, our military is fighting with equipment that is decades old and a force structure that is 40 percent less than what we had in the 1980s.

The Air Force has 2,500 fewer aircraft. The Navy cut its fleet size in half; that is down to 300 ships. The Army reduced its force to half the number of divisions it had during the first gulf war.

For the past 17 years, our military has been asked to do more with much less and older equipment. It is taking a toll on our troops. Unfortunately, what took less than a decade to field in the 1980s will now take us multiple decades to field. A case in point: The KC-X, which will take up to 30 years to replace. We are using KC-135s for these capabilities. The KC-X program would have modernized that. In the case of the KC-135s, some are 50 years old. It gets to the point where the maintenance is more than buying something new.

The United States will have to build and sustain military capabilities re-

quired to respond to possible future threats across the spectrum of conflict, and there are numerous potential threats that could impact our national security.

The next war will not be like the last one. We cannot predict. You can talk to smart generals and ask what do we have to pay for 20 years from now, and they are smart, but they will be wrong, just like the guys who said we would no longer need ground troops in 10 years. We don’t know.

In February of 2009, a marine general wrote to one of the young marines:

You say the next conflict will be a guerilla conflict. I say, it depends. In my lifetime, we have been in five big fights and a bunch of little ones. In only one of those five big ones (Desert Storm) had we prepared for the type of war we wound up having to fight. It is one thing to say that a certain type of fight is more or less likely; it is quite another to say it is certain to be one or the other. In war, the only thing that is certain is uncertainty.

We weren’t able to predict the fall of the Soviet Union, the rapid growth of the ballistic missile capability of North Korea, or the rise in asymmetric warfare. We were wrong in all of that. It doesn’t matter how great our military leaders or intelligence are, our strategic thinking will always be imperfect.

In order to provide stability, America must be able to deter or defeat any threat, be it an insurgency or a challenge from a near-peer competitor.

We can no longer afford to fool ourselves that we are sending our kids out with the best of equipment. Quite often, I talk to people who are really not into this. They are working hard and paying taxes for all this fun we are having up here. When you tell them that our kids are going out there without the very best of equipment, they are outraged. They cannot believe it. Unfortunately, that is the case.

Let’s do the math that they are so critical of. As I said, we need to look at the total defense budget, everything DOD spends. This includes national defense funds, DOD funds, DOE funds for nuclear ships and weapons, and other defense-related items, such as selective service system, plus the wartime supplemental.

First, there is a net loss in defense spending in 2009 of \$10.7 billion. President Bush increased the total defense budget in 2009 by \$37.2 billion. He also approved \$65.9 billion in supplemental funds for the first part of fiscal 2009.

President Obama’s supplemental request for defense spending is only \$75.5 billion to cover an increase of 21,000 troops in Afghanistan, increased operations in Afghanistan, continued operations in Iraq, and then withdrawing from Iraq. A GOP report on the cost of Iraq withdrawal said it will be a “massive and expensive effort”—that costs would more often increase in the near term. What they are saying is that these things were not included in Obama’s budget, but we will pay for them anyway. So he comes out with a

figure that he says is going to be more costly.

They went on to say that the cost of equipment repairs, replacements, closing and turning over 283 military installations in Iraq and moving troops and equipment “will likely be significant.” This is what we call the cost of withdrawal.

Let’s compare 2009 to 2010, where I have been accused of not being able to do the math. Defense spending does increase from 2009 to 2010 by \$14.9 billion. But according to President Obama’s letter to Speaker PELOSI on April 9, there will be no more supplementals.

That would mean DOD would have to fund all wartime operations out of the hide of DOD to the tune of about \$100 billion plus.

However, President Obama does fence off \$130 billion for overseas contingency funds, which could be used for getting out of Iraq and increased operations in Afghanistan.

Even adding the entire \$130 billion to defense spending, which is never the case with supplemental funding, the overall increase in defense spending for 2010 is \$3.5 billion.

If we estimate 2 percent inflation for cost growth of just the defense budget, defense spending actually decreases by \$7.3 billion.

Now, add in the accelerated growth of the Army and Marine Corps—a 65,000 and 22,000 increase, respectively, which will cost approximately \$13 billion to cover pay and health care costs, and you start to see the beginnings of how our military modernization gets gutted.

DOD must pay for personnel, operations and maintenance, ongoing wartime and contingency operations. With a zero supplemental fund, the money to pay for these “must pays”—the things we have to buy—has to be taken from DOD’s base budget, and the areas that are always hit are R&D and acquisition.

Look at what is being cut. If you question what I am saying here in terms of dropping down the costs, look at the programs we have to have that they are cutting. They are eliminating future combat systems. This is something we started putting together 8 years ago—the first transformation of ground operations and capabilities in probably 30 years. The C-17s—we need more of them. They have cut the additional C-17s. And the F-22—I am proud that we finally bit the bullet and realized we want to send our kids out in strike vehicles that are better than the ones they are making in Russia. That is the F-22, the fifth generation. They have stopped that.

Originally, we were going to have some 750 F-22s. Now they are stopping it in this budget at 187. So historical defense spending as a percentage of GDP has been 3 percent during the Clinton drawdown; 4.6 percent during the gulf war; 6 percent during the Reagan buildup; 8.9 percent during the Vietnam war; 11.7 percent during the

Korean war; and about 35 percent during World War II.

When compared to a sustained annual defense investment of 4 percent of the GDP to recapitalize and modernize our military, the 10-year proposed Obama defense budget is \$1.3 trillion in the red.

We have a similar chart that we had here during the Clinton administration. One thing the Obama defense budget guarantees is that the oldest military in the history of the Nation will get older and more expensive to maintain and operate.

Ships currently average 18 years; Naval aircraft averages 18 years; Marine Corps aircraft, 21 years. Refueling tankers are over 44 years old; Air Force fighter aircraft, 19 years old; special operations aircraft, over 27 years old; and bomber aircraft, over 33 years old.

In order to keep 40-year-old KC-135s, as I mentioned a minute ago, in the air, DOD has to reprogram almost \$3 billion from the KC-X program to repair KC-135s. That means the program that was there to pay for modernizing, to buy new aircraft—the KC-X it is termed—now we are drawing down from that just to repair the old, ancient KC-135s.

In the Army, the current fleet of combat vehicles was developed and procured 30 to 60 years ago and is aging at an increasingly rapid rate. The M1 Abrams tank developed in the 1970s and fielded in the eighties is currently on its third iteration and update and being used extensively on the battlefield.

The M2 Bradley fighting vehicle, also developed over 25 years ago, is on its third significant modification and has been crucial in defending our troops against IED and RPG threats in Iraq.

Both of these combat-proven vehicles continue to undergo fleetwide reset programs because of their rate of use in the war on terror.

The oldest combat vehicle in the Army inventory is the Paladin Howitzer. This is kind of interesting because this is part of the FCS and is the furthest along right now in its development. The Paladin technology is World War II technology. Every time you fire it, you have to get out and swab the breech. There are now five countries, including South Africa, that make a better cannon than our kids are using.

Over 19,000 artillery rounds were shot from the Paladins in Iraq in 2008; over 27,000 were shot in 2007. Despite some parochial criticism in the media and in this Congress, the fact remains that the U.S. Army is using a system developed over 50 years ago.

By the way, people accuse me of doing something that is parochial. If we look at the footprint that was given by the lead systems integrator, it shows Oklahoma in the bottom 20 in terms of getting funding for the FCS program.

Our artillery soldiers are using this system that has a chassis design that is a half century old and slated to under-

go its seventh modification. Let me say at this point that I believe the defense budget should at the very least continue the PIM Program—the Paladin Integrated Management Program—just to keep those vehicles going. We should keep the FCS on track but don’t dump the PIM Program with the FCS Program.

Even with the implementation of the PIM update, the Army expects to keep the Paladin in use until 2060. That is 100 years on the battlefield. Our Army is long overdue a thorough and comprehensive modernization program instead of throwing billions of dollars toward updating and maintaining decades-old vehicle platforms.

The proposed defense budget would cancel the manned vehicle portion of the Army’s Future Combat System, the modernization program intended to replace the Paladin, Abrams, and the Bradley over the next 25 years.

The FCS vehicles would bring improved armor, a state-of-the-art communications network. These are life-and-death issues. These are our troops on the ground being able to have something that is actually better than our prospective enemies. That is what we are losing in this defense budget.

The Air Force: For nearly two decades, our U.S. Air Force has dominated the skies to ensure our superiority around the world. However, the most recent GAO study stated that the Air Sovereignty Alert Operations—the post-9/11 operations that protect our homeland—are at risk during aging aircraft and insufficient procurement.

The Air Force grounded 259 of its 441 F-15 Eagles in November to January while it looked into the breakup of an F-15C.

Last May, the service parked all 500 of its T-38 trainers. Last October, the Air Force ordered more than half of the 356 A-10 fighters to stay put because of cracks in the wings.

While we have enjoyed the benefit of the investment during the 1980s of the F-15, F-16, A-10, and the F-117s, the F-117 is now retired and the Air Force will be retiring 137 of the F-15s, 177 of the F-16s, and several of the A-10s.

What we are saying is, we are already shutting down and the only way to replace them, if we are going to have a fifth generation strike vehicle, is with the F-22. We are supposed to have 750 of these F-22s. This budget stops the line at 187. That means if something comes along and we have a more responsible, defense-oriented administration coming in, they would have to start up the line, and it will cost much more.

This is being done at a time when Secretary Gates told reporters that the intelligence he has seen indicates a Russian fifth generation fighter could become operational about 2016, and previous estimates by the Pentagon on China’s J-12 fifth generation fighter could be fielded by 2020.

Increasing the number of F-35s is not going to do it; the functions are different; their missions are different.

The Navy: At a time when it is being called on to project a presence in more parts of the world than ever before, Secretary Gates has recommended the Navy shrink its carrier fleet to 10 aircraft carriers by 2012 and delay the acquisition of other portions of the fleet.

This reduction of the aircraft carriers goes further below the previous QDR. That is the Quadrennial Defense Review. They stated 20 carriers would be required for moderate risk. When they use "moderate risk," we are talking about lives of our soldiers, sailors, and airmen.

In the last 3 weeks, we have seen how relevant and important the Navy is while watching the various pirate activities off Somalia and some of those activities that are going on now. We did not realize we needed to do that prior to that time. It shows how fluid this is in terms of our expectations and our needs.

China, Japan, Australia, India, Malaysia, Pakistan, Indonesia, Singapore, Bangladesh, South and North Korea either now have or are planning to acquire submarines to compete with ours.

In all, the Navy would be left with less than 300 ships, and that is about half of what it was during the eighties.

Missile defense: I am going to run out of time. I should have had this on before. On February 3, we all know, Iran launched a satellite on the 30th anniversary of the 1979 Islamic revolution, demonstrating key technologies for propulsion, staging, and so forth.

Two weeks ago, North Korea furthered their missile and nuclear development by launching the Taepodong 2 missile in the South China Sea, despite widespread world condemnation. Despite this, the administration has recommended a 16-percent cut in missile defense. It is interesting, this would come along right at the time of the 26th anniversary when Ronald Reagan put SDI together, recognizing, so prophetically when we were going to have a system, the technology to hit a bullet with a bullet. We have it now.

We told the Czech Republic and Poland that we will be supporting them, putting together a radar and launch system. Now they don't know what we want because that also has either been delayed or canceled. I suggest it has been canceled.

By the way, if Iran develops the capability of doing something from Iran and aiming toward Western Europe, this is the only safeguard we would have. The Czech Republic and Poland have gone along with us, and now we are pulling the rug out from under them.

The last point I wish to make is on the Airborne Laser Program. I wish there was time to explain this program. There are three phases. You have the launch phase, midcourse phase, and terminal phase. These phases are necessary for a national missile defense system.

I agree we need to do something on the acquisition processes. We have been

trying to do it for a long period of time. However, acquisition reform should be done in conjunction with, not in lieu of, modernizing and properly equipping our Armed Forces to dominate across the full spectrum of warfare.

I have stated many times in this Chamber that the greatest trust placed in Congress by the American people is to provide for their security by maintaining a strong national defense. We can avoid this far too frequent debate on defense budgeting by assuring a minimal level of funding for our military.

I believe when you talk to the average man on the street as to what is the primary function of Government, that function should be to defend America, and that is the threat we are facing now. Somehow this has taken a back seat to what we are supposed to be doing.

As the Congress considers the administration's budget recommendations in the coming weeks, we have to ask several questions: Are the forces being provided to our commanders in the field postured to counter the full spectrum of threats? Are we providing our troops with the best and most capable equipment available? Certainly we are not today. And can we afford to kick the can down the road further? The answer is a resounding no.

Finally, the total cost for 2010 to reach this expectation would require an increase of \$28 billion in 2010. With the Obama budget of social welfare that will triple the public debt in 10 years, we have already spent almost \$2 trillion. Mr. President, the \$700 billion of a bank bailout we now know is Tim Geithner's plan to start with, and in October of 2008, we gave \$700 billion to an unelected bureaucrat to do with as he wished with no oversight whatsoever.

I have to say this is the time when we look at the amount of money that is being spent on all the social welfare programs and say: Why not defend America? Clearly, that is not the primary goal of this administration.

I think my fellow Oklahoma Congressman, TOM COLE, said it best. He said: President Obama's charm and eloquence is no substitute for a strong national defense.

I believe that is right. I hope we have a chance to relook at this and make adjustments.

I also remind the administration, you can come out with all these cuts, cutting the F-22s and the Future Combat System and the C-17s and the national missile defense system, but that still has to go through. And thank God we have three branches of Government so we will be able to get the House Armed Services Committee and the Senate Armed Services Committee to review this and try to put America back in a position where its primary goal is to defend America. That is what this is all about.

EPA ENDANGERMENT FINDING

I am very troubled by the EPA proposed endangerment finding that will unleash a torrent of regulations that will destroy jobs, harm consumers, and extend the Agency's reach into every corner of American life. Despite enormous expense and hardship for the American economy, these regulations will have virtually no effect on climate change.

It now appears EPA's regulatory reach will find its way into schools, hospitals, assisted living facilities, and just about any activity that meets minimum thresholds in the Clean Air Act. Representative JOHN DINGELL was right: the endangerment finding will produce a "glorious mess." "It is worth noting that the solution to this "glorious mess" is not for Congress to pass cap-and-trade legislation, which replaces one very bad approach with another.

Congress should pass a simple, narrowly targeted bill that stops EPA in its tracks.

GUN TREATY SUPPORT

Next, we discovered that President Obama, in his announcement last week, plans to urge the Senate to ratify the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, known by the acronym CIFTA.

The idea that American-manufactured firearms are responsible for the growing violence in Mexico is not grounded in reality, but the Obama administration is using this violence as justification to require stricter licensing requirements and markings on firearms by U.S. manufacturers. The majority of the gun violence that is occurring in the drug wars in Mexico is the result of assault weapons, including fully automatic versions, which are not even available for sale in the United States. Many of these weapons are coming from other countries in Central and South America and deserters from the Mexican military.

I am strongly opposed to placing more stringent requirements on U.S. gun manufacturers, especially when the evidence shows that they are not the problem. This is an instance of the Obama administration using alternative means to place greater regulations on the manufacture and sale of legal firearms in the United States. I believe that my colleagues in the Senate understand this to be the case and will do as they have for the last 10 years and not ratify this treaty.

LETTER TO DHS EXPRESSING OUTRAGE OVER CONTROVERSIAL REPORT

I was shocked to learn of a new report by the Department of Homeland Security entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment" which classifies the brave men and women returning home from combat and operational deployments around

the globe, who have been honorably defending our country, as potential terrorists.

As a senior member of the Senate Armed Services Committee, I am especially proud of our soldiers returning home, and I find it extremely regretful that they have been subjected to such an insult by this report. Furthermore, I find it reprehensible that within this report Americans who hold certain beliefs regarding issues such as immigration, the second amendment, and abortion fall under the report's broad generalization of rightwing extremists, and are, therefore, considered a potential threat. I believe this report to be very offensive to many Americans.

As a result, I joined Senators TOM COBURN of Oklahoma, DAVID VITTER of Louisiana, SAM BROWNBACK of Kansas, JIM DEMINT of South Carolina, RICHARD BARR of North Carolina, and LISA MURKOWSKI of Alaska to send a letter to Secretary Janet Napolitano expressing concerns.

DAVID HAMILTON

Mr. President, I am not impressed with President Obama's judiciary and Department of Justice nominees. Eric Holder, David Ogden, Dawn Johnsen, Elena Kagan, and Thomas Perelli are all extreme liberals in their views on everything from the second amendment to abortion to pornography and obscenity. I applauded when President Obama kept Secretary Gates on as his Defense Secretary, and I really hoped that he would choose other individuals who were at least moderate in their political ideology, but that just has not been the case.

Just prior to recess, my colleagues on the Senate Judiciary Committee boycotted the nomination hearing of David Hamilton to sit on the Seventh Circuit Court of Appeals. A hearing was scheduled a mere 2 weeks after the announcement of his nomination. Senator SPECTER and seven of my other Republican colleagues requested another hearing after the spring recess, citing a Senate rule that allows a majority of the minority side of the committee to request a followup. Many remember David Hamilton because of his 2005 decision as a Federal district court judge presiding over the case *Hinrichs v. Bosmah*, in which he enjoined the Speaker of Indiana's House of Representatives from permitting "secular" prayers to be offered as part of that body's official proceedings, meaning that the chaplain or whomever opened the proceedings with prayer could not invoke the name of Jesus Christ. In his conclusion, Hamilton wrote: "If the Speaker chooses to continue any form of legislative prayer, he shall advise persons offering such a prayer (a) that it must be nonsectarian and must not be used to proselytize or advance any one faith or belief or to disparage any other faith or belief, and (b) that they should refrain from using Christ's name or title or any other denominational appeal." Further, ruling on a postjudgment motion, Hamilton

stated that invoking the name of "Allah" would not advance a particular religion or disparage another. So, praying to Allah would be perfectly acceptable. I find this line of reasoning to be insane. Who in this body would not identify the name of "Allah" with the religion of Islam any less than they would identify the name of Jesus with Christianity? But I believe these are the kind of opinions we may see coming from the Seventh Circuit if David Hamilton is confirmed. I understand that Judge Hamilton's nomination is still pending before the Judiciary Committee, but I had to come to the floor to speak so that the American people, who are very concerned about this nomination, will know that I and my Republican colleagues on the Judiciary Committee are taking interest and are not just going to let this nomination sail through. In fact I will filibuster David Hamilton.

I would also like to speak for a moment on a couple of the nominees that we will be voting on this evening. Tony West, the nominee for Assistant Attorney General for the Civil Division served as cocounsel for John Walker Lindh. As you all know, Lindh joined the Taliban and fought against our very own American soldiers in the liberation of Afghanistan. Lindh is a traitor and terrorist, but after a plea deal that Mr. West helped obtain, he is only serving 20 years in prison.

Lanny Breuer, the Assistant Attorney General nominee for the Criminal Division, helped obtain a great plea deal for Sandy Berger, who admitted to stealing classified documents from the National Archives. He received a \$50,000 fine, probation, and community service. I understand that every criminal defendant is entitled to representation and that it was the duty of these men to vigorously represent their clients' interests, but it is also the choice of this administration who they nominate to these positions, and I truly believe that better choices could have been made.

EXHIBIT 1

THE PENTAGON'S NEW PRIORITIES

Defense Secretary Robert Gates, a man not known for having his head in the stars, announced his strategic Pentagon blueprint this week, saying his proposals "will profoundly reform how this department does business." We hope he informed Congress, home to 535 procurers in chief.

The Defense procurement system is a mess, and previous Pentagon reforms have faltered thanks mostly to the micromanagers in Capitol Hill who are often more interested in funneling money to their home states than in spending dollars most effectively. Democrats and Republicans both belly up to this bar, usually while castigating the executive branch for failing to make "tough choices."

So give the Defense Secretary an A for optimistic effort, even if we have our disagreements with some of his strategic choices. In announcing his spending priorities, Mr. Gates said he wants to focus on the current wars in Iraq and Afghanistan, rather than on the unknown wars of the future. Among his cuts are the Army's Future Combat Systems and a gold-plated new Presidential heli-

copter that is late and way over budget. Meanwhile, he added money for unmanned aerial vehicles, increased the number of special forces and announced plans to recruit more cyberwarfare experts.

These seem like reasonable judgment calls, and the focus on combating asymmetrical threats will help the U.S. in Iraq and Afghanistan. But it's worth remembering that the reason our enemies have resorted to terrorism and insurgency is because U.S. conventional forces overwhelmingly dominate on the ground, in the sea and in the air.

That's not an advantage we can take for granted as the Clinton Administration did in the 1990s, when it slashed defense spending to 3% from nearly 5% of GDP. China and Russia are upgrading their conventional forces, and China in particular is aiming to build a navy that can neutralize U.S. forces in the Western Pacific.

Mr. Gates's strategy implies a shrinking Navy with fewer ships and perhaps one fewer carrier group. It's good that he wants to build more Littoral Combat Ships, which are handy for operations such as tracing pirates. Even so, the Navy is left with a fleet of fewer than 300 ships, which strikes us as perilously small. When a U.S.-flagged container ship was briefly taken by pirates off Somalia this week, the Navy's nearest vessel was hours away.

Mr. Gates's decision to kill the stealthy F-22 fighter jet, which outclasses everything in the sky, is also troubling. We already have 183 F-22s—original plans called for 750—and Mr. Gates wants to order just four more before shutting down the production line. His proposal to double the number of F-35 Joint Strike Fighters and Pentagon buys next year—to 30 from 14 in 2009—is no quid pro quo. The F-35 is a cheaper, more multipurpose plane but it can't begin to compete with the F-22 as a fighter jet.

Pentagon spending is now about 4% of GDP and is expected to decline, which means too little investment against potential threats. In particular, Mr. Gates's budget priorities give no indication of how the Pentagon will ensure that U.S. military dominance extends to the battlefield of the future, outer space. President Obama has said he opposes the "militarization of space," but space is already a crucial area of operations and China is looking for advantages there.

The \$1.4 billion in cuts to missile defense are especially worrisome, with losers including the Airborne Laser, designed to shoot down ballistic missiles in the boost phase, and additional interceptors planned for the ground-based system in Alaska. Instead, Mr. Gates favors theater defenses for soldiers on the battlefield with \$700 million more in funding, arguing that this will address the near-term threat of short-range missiles. But as North Korea's weekend launch showed, rogue regimes aren't far away from securing long-range missiles that could reach the U.S.

Mr. Gates shrewdly made no budget recommendations on nuclear forces, except to say that he'll defer judgment until after the forthcoming Nuclear Posture Review. Perhaps he's counting on being able to change President Obama's mind on the need for updating U.S. strategic weapons and going forward with the Reliable Replacement Warhead for America's aging nuclear arsenal.

Mr. Gates's budget proposals now go to Congress. Since the end of World War II there have been more than 130 studies on procurement reform. Good luck.

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum. I ask unanimous consent that the time in a quorum call be equally divided between both sides.

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

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

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I wish to speak about S. 386, the Fraud Enforcement and Recovery Act, which Senator LEAHY and others will bring to the floor of the Senate. It is astounding to me that a piece of legislation that provides and strengthens the Justice Department and investigative agencies with the ability to go after fraud and recovery with respect to this financial collapse—even something that is bipartisan and is so fundamental—is now subject to a filibuster.

Think of it: You can't do anything around here without there being a filibuster. We have to file a cloture petition and ask that it ripen for 2 days and then do 30 hours postcloture. It is unbelievable. It demonstrates, unfortunately, an inability of the majority to get things done because of a minority deciding it wants to filibuster everything.

But look, this legislation authorizes substantial funding to strengthen the ability of the Justice Department, the FBI, and other investigative agencies to fight fraud.

This money, well spent, will recapture that amount of money many times over in the pursuit of financial fraud. If anyone who is reading the papers and watching television and seeing what is happening in the financial crisis in this country believes that there ought not be substantial, enhanced investigative capabilities by the Justice Department to go after fraud and to prosecute where they find fraud, they must be living on a different planet. This reforms the statutes that deal with fraud and with money laundering.

Senator LEAHY and others have put together a bill that I believe will substantially improve the capability to prosecute financial crimes. I think most Americans will be surprised to learn that taxpayers' funds expended under what is called the TARP funds in the economic stimulus package are not necessarily protected under the Federal fraud statutes. By the same token, Federal fraud statutes presently do not include mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies, by the way, were responsible for nearly half of the residential mortgages before the economic collapse. Yet they remain largely unregulated. This piece of legislation would begin to address that.

Let me give some examples of what has happened and what continues to

happen. This is something that is on the Internet today. You see all the financial collapse we have had in this country caused by bad mortgages, subprime mortgages. You can go to the Internet and find this:

CC&G Financial Group, working together to build your dreams. You have bad credit, poor credit, good credit, we can get you into your dream home.

They are advertising: If you have bad credit, we will loan you some money and get you a dream home. It is unbelievable.

They say:

With the fantastic values that are available today due to foreclosures and short sales, now is the time to get into your own home. Come to us, we will get you some money.

It is exactly the same thing that steered this country into a ditch in the first place.

This on the Internet today, called "Speedy Bad Credit Loans." Is that unbelievable? That is unbelievable to me, a company called Speedy Bad Credit Loans. Shame on them.

This says:

Bad credit mortgage—bad credit? OK. No credit? OK. Bankruptcy? No problem. No downpayments, no delays.

Shame on them.

But it is not just these fly-by-night fleabags that are running these schemes. What was the biggest mortgage company in the country? Countrywide—Countrywide mortgage, the biggest mortgage company in America. Here is what they said in the middle of the subprime scandal:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

"Call us," they said—the biggest mortgage lender in the country.

There were mortgage companies willing to lend you money with no principal payment. You just pay interest; or if you can't pay interest and no principal, then just part of the interest and they will put the rest of it on the back of the loan; or no principal and just part of the interest, but you don't have to pay anything for the first 12 months because they will make the first 12 months' payments for you.

If you want to get a loan without having to document your income—they call it a "no doc" loan, a no-documentation loan—you don't have to document what your income is. By the way, don't worry about making payments anytime soon because we will give you a loan no matter what. Then if it doesn't work out, your home value is going to increase and you can sell it off for a profit. Good for you.

This is a shameful display of what is going on in the marketplace. Countrywide, of course, went belly-up. The folks who ran it got off with a couple hundred million dollars, we are told. In the meantime, go to the Internet and see if it is still going on.

This legislation being brought to the floor of the Senate is bipartisan legislation that reforms the statutes that

deal with some of these issues, to say: Stop it. You cannot do this stuff anymore.

There is a lot of work to do in investigating and cracking down on financial fraud, including mortgage fraud. The bill we are considering this week is going to go a long way toward that effort. This bill is going to give law enforcement the investigators they need, the prosecutors the resources they need. It is supported by the National Fraternal Order of Police, Taxpayers Against Fraud, Federal Law Enforcement Officers Association, National Association of Assistant U.S. Attorneys, and the National Association of Certified Fraud Examiners.

Finally, let me just say that I am going to be talking to the chairman of the committee. I have a couple of suggestions for amendments. One will be a sense of the Senate to establish an economic or financial crisis task force in the Justice Department, a multiagency task force that goes after these kinds of crimes. Second, I want to talk to the chairman of the committee and with my colleagues as well about a Senate select committee to investigate the cause of the economic crisis. That is a piece of legislation I introduced with Senator MCCAIN a couple of months ago. I want to visit with my colleagues, Senator DODD, the chairman of the Banking Committee on this, and Senator REID, of course, and Senator LEAHY. I think all of these things need to be discussed.

I especially wanted to say that the underlying bill brought to the floor of the Senate has great merit. I hope this week we will be able to finish work on this bill. It will make this country a better place by holding accountable those who have been engaged, in my judgment, in some cases, in some high crimes. The American people have paid a very stiff price for that activity. I think it needs to be investigated and prosecuted aggressively.

I yield the floor.

NORTH DAKOTA NATURAL DISASTERS

Mr. CONRAD. Madam President, I would like to take a few minutes to speak on the unfolding crisis in my State with respect to record flooding all across North Dakota.

We are facing something unseen in recorded history in the State of North Dakota. From east to west, from north to south, there is massive flooding, never seen before in all of recorded history. The eyes of the Nation have been on our State.

As I have said many times in North Dakota, people across the country have liked what they have seen about the response of the people of North Dakota. In Fargo, a town of 90,000, the mayor said we have 80,000 volunteers. That is exactly what it has been like—all across the State, thousands of people coming out, neighbors helping neighbors, helping to protect their homes, helping to protect the community. There was an outpouring of volunteer effort I have never seen before.

Several weeks ago, I was home with General Walsh, who is the commandant of the Mississippi River Division of the Corps of Engineers, the chief flood fighter for that part of the country. We walked into the FARGODOME, which is a place where NDSU—North Dakota State University—plays its football games, and there were thousands of volunteers filling sandbags. There were 3 million sandbags made in just a few days—3 million sandbags—by tens of thousands of volunteers working around the clock. I went into that FARGODOME, and it was inspirational to see the efforts of people to protect their homes and their community.

By the way, it was not just in Fargo, it was every town up and down the Red River Valley, every town up and down the Cheyenne River Valley, every town up and down the James River Valley, every town up and down the Missouri River Valley, every town up and down the Souris River Valley, because this was flooding on a scale never seen before.

In the midst of it all, in my hometown, here was the newspaper headline: "A Double Shot of Blizzard and Flooding." These two people you can perhaps see here are wading knee-deep through ice and water. This is very close to where I grew up. Ultimately, they had demolition teams come in and blow up the ice because logjams were forming and water was being forced into the southern part of my hometown, which is the capital city of North Dakota.

Well, that was Bismarck, ND. Here is the headline from the Fargo Forum at about the same time: "Race Against Time Spring Flood 2009."

This is a shot of water completely surrounding this particular home and volunteers using shovels to keep the sand moving into funnels to fill the sandbags around the clock in Fargo, ND.

This is the headline from Grand Fork, ND, that was so badly flooded in 1997. There we had a 100-year flood, perhaps a 200-year flood. You will recall that was the flood that was fought in the midst of a blizzard after the worst winter storm in 50 years. This is from Fargo, with the headline: "Fear Is Setting In."

This shows people in winter garb placing sandbags on top of snowbanks. This is the kind of conditions that people were confronting, fighting massive flooding days in the midst of some of the biggest snow storms in our State's history.

Here are some of the headlines that appeared: "Records Fall in Snow Storm;" "Minot Sets December Snowfall Record, 24 Inches in One Month;" "Looks Like A Record December In Grand Forks, 90-Year-Old Record Broken There With 29 Inches of Snow;" "December 2008, Snowiest Month on Books In Fargo-Moorehead;" "Fargo Nears Record December Snowfall."

This is the news from one end of our State to another. So many people have asked me: How did this happen? How

could it be that you have flooding unprecedented in recorded history?

Well, as we try to reconstruct events this past fall, precipitation in the eastern part of the State was 2 to 300 percent of average, resulting in the wettest fall on record.

Soil observations taken just prior to the freeze-up revealed nearly saturated moisture levels in the upper 8 inches of soil across the Red River Valley. Then the onset of winter came very abruptly. The quick, hard freeze occurring with minimal snow cover and saturated soil moisture conditions allowed the frost to quickly penetrate the ground to a level of 2 feet.

Then, in December, the cities from west to east across the State had record snowfalls. Over the past 2 months, areas of North Dakota have had 150 to 300 percent of normal precipitation. In fact, the city of Fargo saw both record rainfall and record snowfall in the month of March.

Who could have believed it? I was in the little town of Linton, ND. I was with the mayor; I was with the sheriff. They told me they were expecting pretty much normal flooding. Then they got hit by 2 inches of rain. That 2 inches of rain brought that snow off the hills surrounding the town, flooded 50 of the homes of people who lived on largely fixed incomes, who have been devastated by these developments. And it is not just in the Red River Valley; as I have indicated earlier, it is all across North Dakota in a way that is unprecedented. In my adult life I have never seen anything like it.

This is the little town of Pembina, ND. I landed there last week. I landed on an airstrip completely surrounded by water—completely surrounded by water. The only thing that was not covered by water was the airstrip itself, and the people I was with, as they were landing, said to the pilot: Boy, it gives you an eerie sense. It feels as if you are landing in the middle of the ocean. That is really what it felt like.

That is Pembina. But we have seen it in town after town. Here in Valley City, the sewer system failed. The sewer system, under this incredible water pressure, broke down. Here is the headline: "Shutdown Continues. Non-essential Businesses Ordered Closed. Porta-Potties Dot The City."

Well, part of this has a humorous note to it. But I tell you, not if you are in that town and you have been asked to shut down, if you are a nonessential business, the mayor has asked thousands of people to do a voluntary evacuation because of a catastrophic breakdown in the sanitary sewer system on Friday morning. That is this last Friday.

I just talked to the mayor, Mayor Mary Lee Nielson, by the way, who has provided outstanding leadership in that community. But you talk about a community that has been dealt a tough hand. You can see work crews out from the public works department, National

Guardsmen out trying to contain the damage, and they have done an outstanding job. But now the mayor has said to stop using water in that community, stop using water. "Valley City Sanitary Sewer System Has Failed." Basements are filling with sewage. The newspaper has had sewage come into its location, the police station as well.

But I can tell you, this is when you really measure the character of people, and the people of my State are proving their grit and their determination because they keep on fighting and they have just done an incredible job of taking on this crisis.

We have so many communities that have been hit. Here the headline is: "Valley City Residents Urged To Get Out." This is a town of 8,000 or 9,000 people. You can imagine having to make the decision to ask people to leave.

Here is a little town, the town of Kathryn. It had to be cleared out, completely evacuated, a small town, less than 100 people. It had to be evacuated because a dam above the town was getting ready to break. To watch what they have done to fight this effort is absolutely fascinating because they brought in not regular sandbags, they have brought in 1-ton sandbags, sandbags bigger than anything I have ever seen before.

Here is a picture of the helicopter. These sandbags are 1-ton sandbags, each of them weighing 2,000 pounds. They were used to drop into this failing dam. That is the kind of effort that has been underway here. This is an eight-bag sling load that was destined for Clausen Springs, which is the dam that threatened the entire community of Kathryn, ND.

Not only have people and homes and communities been so adversely affected, farm families in many cases cannot get out. Here is a farmstead, and you can see it is completely surrounded by water. Here is a big tractor coming out to try to help these people, and you can see their place is completely surrounded by water.

Again, it is certainly families and communities, but it is also livestock. The estimates are now that we have lost nearly 100,000 head of livestock in North Dakota; 100,000 cows and calves have died. They think 80 percent of the deaths are young calves. This is calving season. I talked to one rancher. He was beside himself. He just came back from the fields, digging through snow banks trying to rescue little calves.

Here are cows from one farmstead. You see them trying to swim against the current. Some were able to make it, some not. As we indicated, some 100,000 head of livestock has been lost, and 80 percent of the calves. This looks like a calf right here. And you can imagine, look at the power of that current. These cattle are trapped, in many cases, in a way that there was no place to escape.

I bring this to the attention of the Senate because already tremendous assistance has been extended to my State. The President declared an emergency in record time. He has also provided individual assistance, which has already helped hundreds and hundreds of families in our State. Many more will need assistance. The roads, bridges, and highways in my State have been devastated by this flooding; again, the worst in recorded history. And what is most stunning about it is the extent of it.

Typically, flooding in my State has been up and down the Red River. But this time every river system in our State—the Cheyenne, the Red, the Souris, the James, the Missouri, all of them—has been badly hit. Thousands and thousands of people are adversely affected, thousands of people forced from their homes, and hundreds and hundreds of homes lost, devastated, destroyed.

North Dakota is an agricultural State. This is the time normally you would be planting crops to be harvested in the fall. But, obviously, when the farmland is flooded you cannot plant. So we are going to see this unfolding disaster continue to hurt the people of my State, certainly the economy of my State, because we are not going to plant.

In many parts of the State perhaps you cannot get a crop at all this year. The ground is going to simply be too wet. So we are going to need continuing assistance. That is one reason I am glad in the last farm bill we provided for permanent disaster assistance for circumstances just like this one.

I also want to thank the thousands of volunteers across North Dakota who came out to help in this crisis—the National Guard, thousands of soldiers deployed all across our State. I thank them for their incredible performance. I thank the Corps of Engineers for building hundreds and hundreds of miles of dikes that have so far saved community after community across North Dakota.

Thanks to FEMA for being there and setting up disaster assistance that has already provided substantial sums to individual families who have been hard hit. Thanks to the local officials who have headed up the flood fight, and the mayors, the county commissioners all across North Dakota who have performed so admirably. Thanks to the State leadership for what they have done to coordinate the flood fight and do so effectively.

This is a disaster that is still unfolding. We pray for the families who are affected. They are very much in our hearts and minds, and we are thinking about what can be done to help them; first, win the fight, and then recover from these series of disasters.

I thank the Chair, I thank my colleagues for the many who have called me and written me and spoken to me in the halls and pledged that they would be willing to help our people at a time

of such need. I thank the Members of the House of Representatives who similarly have reached out to us, and thanks certainly to the Obama administration. I want to thank Janet Napolitano, the head of Homeland Security who has been so responsive. Thanks to Rahm Emanuel, the President's Chief of Staff. I want to thank the President himself for meeting with us to get a firsthand report and for again turning around disaster aid in record time at a time when our State really needed it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I would say to the Senator from North Dakota that all of us have noticed the courage of his constituents, the citizens of North Dakota, and we admire that courage and their resilience in the face of such adversity.

Senator CORKER and I saw this same thing in the faces of the men and women in Murfreesboro, TN, who were suddenly hit with a tornado in the springtime. While the size of the disaster was not comparable to the size of the disaster in North Dakota, it was to those families of that kind of disaster. So I appreciate his comments and our thoughts and prayers go out to the families in North Dakota.

ASSOCIATION OF AMERICAN UNIVERSITIES

About 1 hour ago I spoke to the Association of American Universities, which is a group which includes many of our finest public and private research universities, some of them in the State of North Carolina, I might note.

I would like to say to my colleagues on the Senate floor and to our country what I said to them in a private meeting. I told them that not long ago a few of us in the Senate had supper in the majority leader's office with former Brazilian President Fernando Henrique Cardoso, who was completing a year as a scholar-in-residence at the Library of Congress.

One of us asked Dr. Cardoso what memory he would take back to Brazil about his time in the United States.

He replied unhesitatingly:

The American university. The greatness and the autonomy of the American university. There is nothing in the world quite like it.

The United States doesn't only have the best universities in the world, it has almost all the best universities in the world. A recent ranking by Jiao Tong University in Shanghai ranks 35 universities among the top 50 in the world, 8 among the top 10. Higher education, says commentator Fareed Zakaria, is America's best industry. Along with our national laboratories, managed by the Department of Education, our research universities have been our secret weapon in developing many of the competitive advantages that make possible the high American standard of living. In the midst of our pride about our universities, I suggest we remember the warning George Rom-

ney, then president of American Motors, gave Detroit's automakers a half century ago:

Nothing is more vulnerable than entrenched success.

At that time, the big three automakers didn't just make the best cars in the world, they made almost all the best cars. But the automakers didn't listen to George Romney. We know the rest of the story. The Japanese and others perfected smaller, fuel-efficient cars, and today we are bailing out the automakers that didn't listen. American higher education today would do well to heed George Romney's warning of 50 years ago, and so should the rest of us, since our country's success depends so much upon the quality of our colleges and universities as well as upon our access to them. I suggest, therefore, we begin by addressing our research universities. I propose that the national academies assemble a distinguished group of Americans to assess the competitive position of American research universities, both public and private, and then respond to the following question: What are the top 10 actions, in priority order, that Congress, State governments, and the universities themselves could take to assure the ability of the American research university to maintain the excellence needed to help the United States compete, prosper, and be secure in the global community of the 21st century?

I hope this proposal sounds familiar. It is a narrower version of the request I, along with a bipartisan group of Senators and Congressmen, made in 2005, when we asked the national academies to respond to this question: What are the top 10 actions, in priority order, that Federal policymakers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper, and be secure in the global community of the 21st century?

The academies responded to that request by creating a distinguished commission, headed by Norman Augustine, which reported within 10 weeks from its first gathering a list of 20 recommendations, along with strategies to achieve them. That report was entitled "Rising Above the Gathering Storm." After a great deal of bipartisan work in this Chamber and in the House, Congress and the President produced the America COMPETES Act of 2007, which included many of the Augustine Commission recommendations and established a blueprint for maintaining America's competitive position.

That blueprint provided a helpful basis for additional funding that became available earlier this year.

I can still remember the afternoon in the spring of 2005, when I sat through a long Senate Budget Committee meeting. What was bothering me most and

what I heard that day was that the uncontrolled growth of entitlement programs—mainly Medicare and Medicaid—would squeeze out essential investments in education and research critical to the Nation's prosperity. I had seen this as well during the 1980s, when I was Governor of Tennessee, as I struggled, as has almost every Governor since, to pay the growing cost of Medicaid, as well as prisons and public schools, and still have funds left to support quality in higher education. Those struggles have become a losing battle for public universities.

My own research shows that over 6 years, between 2000 and 2006, total State higher education funding has gone up 17 percent, while average tuition at public 4-year institutions has gone up 63 percent, and State funding for Medicaid has gone up 62 percent.

In a 2003 study of funding of public universities, Thomas J. Kane and Peter Orszag, now Director of the Office of Management and Budget in the Obama administration—and he spoke to this same group of university presidents this morning—suggested the quality of students and the compensation of faculty has declined significantly at public universities relative to private universities. They concluded:

Taken together, the results suggest a startling and troubling deterioration of the relative quality of public universities. The most recent set of state budget cutbacks, if anything, will accelerate this trend . . . as a result, the traditional model of higher education finance in the [United States] with large state subsidies to public higher education and modest means tests grants and loans from the federal government is becoming increasingly untenable.

The recent stimulus package with support for higher education offers some relief but only temporary. Here is how Tennessee Gov. Phil Bredesen described the situation in his budget address on March 23. The Governor said:

Higher education presents a challenge. Under the rules we have been given, they are getting a lot of the Tennessee stimulus money;

He means higher education.

they not only won't have to make cuts, but cuts they have already taken in Tennessee have been restored; about \$100 million extra in this fiscal year. Yet when this money ends 21 months from now, our campuses will suddenly need to begin operating with about \$180 million less in state funding than they had this year. More than most other areas, higher education has dodged a bullet and [they have] bought some time, but there is a great deal of work to be done to recognize and streamline for a much leaner future . . .

That was about 2 weeks ago. I considered asking that this new national academies report be only about the pressures on public research universities, but that would have set up competing recommendations and presented an incomplete picture. Private universities have their challenges, too, especially during this recession. But the changing role of State support for public research universities and its impact on quality deserves special attention in the report I am suggesting. I also be-

lieve a portion of the academies' assessment should include the relationship or lack of relationship of our research universities to our 17 Department of Energy national laboratories, which employ more than 30,000 scientists. These labs, three of which were founded during the Manhattan Project in World War II, are also secret weapons in our Nation's strive for competitiveness. I have seen firsthand how the alliance between the University of Tennessee Knoxville and the Oak Ridge National Laboratory has produced joint professorships, distinguished scientists, centers of excellence, and a thriving science alliance between the two campuses.

During the next few days, I will meet with National Academy of Sciences President Ralph Cicerone and discuss with him creating a formal bipartisan letter of request to the national academies and how the academies will respond to that request.

One way Congress could improve the quality of higher education is to stop overregulating. I voted against the new higher education bill enacted by Congress last summer because, after 3 years of work, the Senate spewed forth a well-intentioned contraption of unnecessary rules and regulations that wastes time and money that ought to be spent instead on students and improving quality. At the close of the debate, I carried onto the Senate floor—to be accurate, I asked my staff to bring on the floor and some of the pages—a stack of boxes as tall as I am that contained the rules and regulations for the 6,000 higher education institutions that accept Federal grants and loans. Senator MIKULSKI, who has agreed to work with me to try to reduce the number of these regulations, came over and stood by the stack, and the stack was a foot taller than she.

The former president of Stanford has estimated that these regulations cost institutions—from Harvard to the University of North Carolina to Duke to Vanderbilt to the University of Tennessee and the Nashville Auto Diesel College—7 cents for each Federal dollar to do the busy work to fill out paperwork to comply with the regulations. The bad news is, the new law we passed doubles the rules and regulations with 24 new categories and 100 new reporting requirements. These new requirements include a total of 54 so-called college watch lists, which I believe will be too confusing for families to understand, and complicated rules involving textbooks which will only prove that Members of Congress have no idea how faculty members prepare courses.

Most of these complications of rules, including graduation rates in 48 different categories, disaggregation of student-reported data by 14 racial, ethnic, and income subgroups, and employment rates of graduates of institutions, will leave college administrators scratching their heads and create thousands of new jobs for people to fill out forms. All this will be put on the Web,

and most of it will be shipped to Washington, DC, for someone to read. Having once been the Secretary of Education myself, I do not know who will read all these reports and all these new regulations, and I don't know what they would do about them if they did read them.

The academies, in the report I am suggesting, may also suggest that Congress and States make changes in the way we fund and regulate research universities, but much of the heavy lifting will have to be done by the universities themselves. They are the ones who should be most concerned about George Romney's warning:

There is nothing more vulnerable than entrenched success.

I guarantee that if some of the recommendations are going to have to do with additional funding, Members of Congress and State legislators are going to be asking what universities are doing to reduce costs, especially the cost of attending university.

At the American Council on Education meeting in February, I said that what I hear in Congress every time the issue comes up is, every time we increase Pell grants, colleges raise tuition. That is what my colleagues say to me. That is one reason why, in exasperation, Congressmen and Senators pile new rules on already overregulated colleges. I suggested in February that university administrators might want to be ready with a concrete explanation of what they are doing to reduce costs before asking for more money. I offered two suggestions: One, that colleges offer some—not all, but some—well-prepared students the option of a 3-year baccalaureate degree, cutting one-third the time and one-fourth the cost from a college education; and, two, that community college be free for well-prepared students.

I cited to them a group of Tennessee counties and businesses in northeast Tennessee that make up the difference between the cost of the community college and Federal and State scholarships for qualified local students.

Two weeks ago, I visited a university president in Nashville who actually listened to what I had to say in February. On April 13, Randy Lowry, at Lipscomb University in Nashville, announced a new 3-year option for some qualified students, a plan for veterans to attend tuition free, and a plan to make it easier and cheaper for community college students to attend Lipscomb. Taking into account the student earnings during the year that he or she is in the workforce instead of attending the university, President Lowry estimates that a Lipscomb graduate with a 3-year degree might avoid up to \$50,000 in debt. In offering a 3-year option, Lipscomb has good company in Hartwick College in New York, Judson College in Alabama, Bates College in Maine, and Valparaiso in Indiana. In February, the State of Rhode Island decided to create a pilot program for a 3-year degree model.

It may seem like a simple, even inconsequential request to ask the national academies to tell us the top 10 actions Congress, States, and research universities need to take to maintain university excellence, but my experience is that most ideas fail in Washington for lack of the idea. We have plenty of planners, publicists, and politicians to run with a good idea. I look forward to the idea: the recommendations in priority order—one set for Congress, one set for the States, one set for the research universities themselves.

There is no reason these recommendations should not have the same impact the "Rising Above the Gathering Storm" report had and continues to have. And remembering George Romney's warning of a half century ago, there is nothing more vulnerable than entrenched success. We should all hope this new report from the National Academies does have that impact.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Madam President, today I rise in support of the Fraud Enforcement and Recovery Act. I am pleased to be a cosponsor of this legislation, and I thank Senators LEAHY and GRASSLEY and the members of the Judiciary Committee for their critical work on this very important effort to increase our capacity to investigate and prosecute the fraudulent activity that has severely weakened our economy and hurt the taxpayer.

Fraudulent lending contributed to the collapse of the mortgage-backed securities market, sending our economy into a tailspin and putting taxpayers on the hook for a huge Wall Street bailout. Taxpayers deserve to know that those fraudulent lenders are being held accountable. And we need to send a message to those who would commit fraud in the future they will also be held accountable.

With their current resources, however, Federal agencies are not able to properly investigate claims of mortgage fraud, which have increased more than 10 times in the past 6 years. With the funding authorized in this bill, the Department of Justice will be able to hire more prosecutors and the FBI will be able to nearly double its mortgage and financial fraud program.

The bill would also allow the Department of Justice to prosecute fraud committed by all mortgage lenders, not just those who are regulated by the Federal Government. Under current law, Federal fraud laws do not apply to nondepository mortgage lenders, which made nearly half of residential mort-

gages before the housing market collapsed. Including these businesses in the fraud statute will allow the Department of Justice to properly investigate and prosecute fraud in the entire mortgage market.

Last month, I offered an amendment to the budget to expand the capacity of the Housing and Urban Development inspector general to fight mortgage fraud. I was pleased to have the Senate agree with that amendment. Now we have an opportunity to follow up with an explicit authorization of funds to protect vital HUD programs.

The Federal Housing Administration, which a few years ago insured only 2 percent of all new mortgages, now insures roughly a third. Yet the HUD inspector general's office has not expanded. We need to make sure HUD has the resources to properly investigate and remove fraudulent lenders.

With the sharp decline in private mortgage lending, programs such as FHA insurance make home ownership a reality for millions of Americans. By providing HUD with the resources it needs to fight fraud, we will protect FHA's long-term vitality while preventing the taxpayer from footing the bill for another bailout.

Fraud in the financial system greatly contributed to this economic collapse we are experiencing. Every day, taxpayers in New Hampshire and across the country bear the burden of fraudulent activity. I am confident this legislation will help protect those taxpayers by providing the resources and legal tools we need to root out fraud.

I hope my colleagues will join me in support of this bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR

Mr. SPECTER. Madam President, I have sought recognition to comment on the three nominees whose votes are scheduled a little later this afternoon. All three of these nominees were voted out of the Judiciary Committee on a voice vote. All three have outstanding credentials for the positions for which they have been nominated.

CHRISTINE ANNE VARNEY

Ms. Christine Varney is the nominee for Assistant Attorney General in the Antitrust Division. She has an outstanding academic record, having graduated magna cum laude at Syracuse University in 1978 and having received her law degree from Georgetown University Law Center.

She served as a Commissioner on the Federal Trade Commission from 1994 to 1997, and has been a partner in the firm of Hogan & Hartson for the past 12 years.

I believe her tenure on the Federal Trade Commission gives her a good background beyond being an antitrust lawyer in private practice for this job. We discussed quite a number of legal issues in a private meeting I had with her.

I consider the Antitrust position to be of unique importance. They are all important in the Department of Justice. But I believe she will bring a vigor to the job which I think is most appropriate.

LANNY A. BREUER

The nominee for Assistant Attorney General of the Criminal Division is Lanny A. Breuer, who also has a fine academic background: a bachelor's degree from Columbia and a law degree from Columbia in 1985 and was a Harlan Fiske Stone Scholar. I am impressed with his resume generally but especially the fact that he was an assistant district attorney in the Manhattan DA's Office from 1985 to 1989. I am especially partial to people who have been assistant district attorneys.

One further comment about Mr. Breuer. I emphasize the importance of seeking jail sentences in appropriate cases. Too often, criminal prosecutions result in fines which turn out in the context of the case to be really a license to do business. White-collar crime especially is an area where there can be effective deterrence, and his commitment on that subject was reassuring.

TONY WEST

The nominee for Assistant Attorney General in the Civil Division is Derek Anthony West, who also has a fine academic record: Harvard bachelor's degree, was publisher of the Harvard Political Review—that might be a more important document than the Harvard Law Review; might be—a law degree from Stanford in 1992, president of the Stanford Law Review, so he covered them both. Again, he has an outstanding resume professionally. Of particular interest to me is having been assistant U.S. attorney, Northern District of California, for 5 years, from 1994 to 1999, and was adjunct faculty member of the Lincoln Law School of San Jose, which I think is significant, and has been a partner at Morrison & Foerster for the last 8 years.

I ask unanimous consent to have these resumes printed in the CONGRESSIONAL RECORD following my brief statement.

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

(See exhibit 1.)

Mr. SPECTER. Madam President, I think this is an appropriate time to point out a few factors on the confirmation process.

The first is that Senators are being afforded less time to review the records of almost all of President Obama's nominees than they were for President Bush's nominees. The Judiciary Committee has held hearings for 8 of the 11 Department of Justice nominees faster than it held hearings for President

Bush's first nominees to the same positions. The committee has held hearings, on an average, 22 days earlier for these eight nominees. The Senate is confirming almost all of President Obama's Department of Justice nominees faster than it confirmed President Bush's first nominees to the same positions. Assuming that the three nominees scheduled for votes today are confirmed, of the eight Department of Justice nominees who have been confirmed, only two took more time to confirm than President Bush's first nominee to the same position. Attorney General Eric Holder was confirmed 63 days after his nomination. John Ashcroft was confirmed 42 days after his nomination. Lanny Breuer will be confirmed 56 days after his nomination. Michael Chertoff, 24 days. The other six nominees who have been confirmed this year have been confirmed, on average, 44 days faster than President Bush's nominees to the same position.

So I offer these statistical points to counter the contention that there is a slowdown here. The facts simply do not support it. Acknowledging that a little more time was taken with a couple of the nominees, it was for good cause. But as a generalization, the processing has been more expeditious now than under President Bush.

I thank the Chair and yield the floor.

EXHIBIT 1

CHRISTINE A. VARNEY

ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION

Birth: 1955, Washington, DC.

Legal Residence: Washington, DC.

Education: B.A.: The State University of New York, University of Albany, 1977; M.P.A., Magna Cum Laude, Syracuse University, 1978; J.D., Georgetown University Law Center, 1986.

Employment: Associate, Pierson, Semmes & Finley, 1986-1989; General Counsel, Democratic National Committee, 1989-1992; Chief Counsel, Clinton Gore Campaign, 1991; General Counsel, 1992 Presidential Inaugural Committee, 1992; Associate, Hogan & Hartson, 1991-1993; Cabinet Secretary, Executive Office of the President, 1993-1994; Commissioner, Federal Trade Commission, 1994-1997; Partner, Hogan & Hartson, 1997-present; Personnel Counsel, Obama-Biden Transition Project, Nov. 2008-Jan. 2009.

Selected Activities and Honors: Award, Washington, DC, Super Lawyers, 2008; Award, Chambers USA Competition and Antitrust, 2004-2008 (lists top lawyers); Award, Chambers USA Privacy and Data Security, 2007-2008; Director, Ryder System Inc. (delivery trucking company), 1998-present; Director, Parity Communications Inc. (technology company), 1997-present; Director and Chairperson, TRUSTe (internet privacy dispute resolver), 1998-2007; Director, NDN (progressive think tank and advocacy organization), 2003; Advisory Board Member, 2002-2005; Director, Enterasys Networks (technology company), 2001-2002; Director, CommonPlaces LLC (technology company), 1999-2000; Director, Exclusive Resorts LLC (luxury destination club), 2000-present; Member, American Bar Association, 1986-present; Member and Chair, Election Law Committee, Member, Antitrust Section; Advisory Board Member, Aveo Inc. (technology company), 2000; Advisory Board Member, The Industry Standard (technology magazine), 2000; Advi-

sory Board Member, RealNames (technology company), 1999 Chairperson, Online Privacy Alliance, 1998-1999; Technology Advisory Council, Earthlink Network Inc. (internet service provider), 1998-1999.

LANNY A. BREUER

NOMINEE FOR ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Birth: August 5, 1958, New York, NY.

Legal Residence: Washington, DC.

Education: B.A., Columbia College, Columbia University, 1980; J.D., Columbia University Law School, 1985; Harlan Fiske Stone Scholar, 1985.

Employment: Assistant District Attorney, Manhattan District Attorney's Office, 1985-1989; Associate, Covington & Burling LLP, 1989-1995; Partner, 1995-1997. Special Counsel to the President of the United States, 1997-1999; Partner, Covington & Burling LLP, 1999-present.

Selected Activities: Member, American Bar Association, 1987-present; Member, United States Holocaust Memorial Council; Member, Committee on Conscience, 2000-present; Member, Executive Committee, 2000-2002; Member, Development Committee, 2001-2002. Member, Board of Trustees, Aufbau (newspaper), 2001-2005; Fellow, American College of Trial Lawyers, 2006-present; Director, Executive Committee, Columbia College Alumni Association, 2007-present.

DEREK ANTHONY "TONY" WEST

ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION

Birth: August 12, 1965, San Francisco, California.

Residence: Oakland, California.

Education: A.B., with honors, Harvard University, 1987; Publisher, Harvard Political Review. J.D., Stanford University Law School, 1992; President, Stanford Law Review.

Employment: Chief of Staff to Treasurer, Dukakis for President, 1987-1988; Finance Director, Democratic Governors' Association, 1988-1989; Chief of Staff to Finance Chairman, California Democratic Party, 1992-1993; Associate, Bingham McCutchen, 1992-1993; Special Assistant to the Deputy Attorney General, U.S. Department of Justice, 1993-1994; Assistant U.S. Attorney, Northern District of California, 1994-1999; Adjunct Faculty Member, Lincoln Law School of San Jose, 1997-1999; Special Assistant Attorney General, California Office of the Attorney General, 1999-2001; Partner, Morrison & Foerster, 2001-present.

Selected Activities: Co-Chair, Obama for America, California Finance Committee, 2007-2008; Member, Obama California Leadership Circle, 2007-2008; Member, NAACP, 1995-present; Member, ACLU of Northern California, 1995-present; Recipient, Leading Lawyer in America, Lawdragon Magazine, 2008; Recipient, Northern California [Top 100] "Super Lawyers," 2006, 2007, 2008; Recipient, California's "Top 20 Lawyers Under 40," The Daily Journal, 2004; Recipient, Executive Office of U.S. Attorneys Director's Award, 1998; Recipient, Bill Key Memorial Victim/Witness Assistance Award, 1998; Member, Board of Governors, No. California Assoc. of Business Trial Lawyers, 2004-present; Lawyer Representative (unpaid), Northern District of California, Ninth Circuit, 2005-2008; Member, American Bar Association, 2002-present; Board Member, Alameda County Democratic Lawyers Club, 2004-present; Member, Board of Directors, U.C. Hastings College of the Law, 2004-present.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for up to 3 minutes.

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

Ms. LANDRIEU. Madam President, I rise to lend my support to the three nominees with the Justice Department that are pending today and to give my support to Tony West for Assistant Attorney General of the Civil Division, Lanny Breuer for Assistant Attorney General of the Criminal Division, and Christine Varney for Assistant Attorney General of the Antitrust Division. I have documents I wish to submit for the Record for all three.

I wish to speak for a moment about Lanny Breuer, a friend and someone whom I know somewhat socially through actually children's activities, but I have known of him and his reputation for quite some time. I wanted to come to the floor to say how pleased I am that the committee has seen fit to pass his nomination on to us. I believe the ranking member and the chairman have outlined his phenomenal credentials, but I would just add that, having been a graduate of one of the most prestigious law schools in the country—Columbia Law School—he began his career as an assistant U.S. attorney in New York City, which is a good place to begin to really cut your teeth and learn the ropes, if you will, a place that they say: If you can make it there, you can make it anywhere. And this is true of the work he has undertaken for his life.

He served as a White House counsel, the Office of Special Counsel for, of course, President Clinton. I think most notable to me and to many of my colleagues is the endorsements he has received not just from Democrats but from Republicans as well, people such as Michael Chertoff, who worked with him. He led the Criminal Division at the Department of Justice during the Bush administration. He said Mr. Breuer has "exceptionally broad legal experience as a former prosecutor and defense attorney." He has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." For the job we have called him to do, he is going to need all of those qualities and qualifications. Brad Berenson, a veteran of the Bush administration's White House Counsel's Office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division." So he comes with not just great academic credentials, great life experience, tremendous qualifications for this post, but from his peers—both Democrats and Republicans—who believe he is the right person for this job.

So I am pleased to come to the floor for a few minutes today to lend my support to this outstanding nominee, and I look forward to working with him and these other nominees as we build a stronger justice system in the city of New Orleans, south Louisiana, and parts of the gulf coast that still remain, as my colleagues know, in a rebuilding mode from Hurricanes Katrina and Rita. What people don't realize, it

is not just houses and schools, but the criminal justice system was hard-hit in terms of jail space, the sheriff's office, the district attorneys. So we have an extra responsibility to work with this team in Washington to make sure they keep their eyes on our people down in the gulf coast as we rebuild that great region of this country. I know this team will, and I am happy to support Lanny Breuer for Assistant Attorney General.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATIONS OF TONY WEST TO BE ASSISTANT ATTORNEY GENERAL; LANNY A. BREUER TO BE ASSISTANT ATTORNEY GENERAL; CHRISTINE ANNE VARNEY TO BE ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Tony West, of California, to be Assistant Attorney General; Lanny A. Breuer, of the District of Columbia, to be Assistant Attorney General; Christine Anne Varney, of the District of Columbia, to be assistant Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, prior to a vote on the West nomination.

Mr. LEAHY. Madam President, this evening, the Senate should act to confirm three of President Obama's Justice Department nominees: Tony West to serve as the Assistant Attorney General for the Civil Division, Lanny Breuer to serve as the Assistant Attorney General for the Criminal Division, and Christine Varney to serve as the Assistant Attorney General for the Antitrust Division.

I am disappointed that Republican Senators have delayed action on these nominations. In my view, they should have been confirmed before the 2-week Easter recess. There was once a time in the Senate when we acted on nominees pending on the Senate Executive Calendar before a long recess. Certainly at the beginning of a presidential term, it makes sense to have the President's nominees in place earlier, rather than engage in needless delay, especially when there is no controversy. I know of

no controversy regarding any of these outstanding nominations.

All three nominees were named by the President on January 22, 3 months ago. They each participated in a confirmation hearing on March 10, 6 weeks ago. After allowing time for follow-up written questions and answers, they were each considered by the Judiciary Committee, approved without a single negative vote, and reported to the Senate on March 26. Another week passed, but Republicans remained unwilling to confirm them before the April recess. That is how we find ourselves here, more than 12 weeks after they were designated by the President, without having acted on those named to head the Criminal Division, the Antitrust Division, or the Civil Division.

I will be very interested to hear why these nominations could not be approved before the Senate recessed on April 2, and why these additional weeks of delay were needed. I will be interested to see who opposes these nominees, who comes to the floor to speak against them, and who justifies the delay in their confirmations. To date, I know of no one who opposes them. I know that no Republican member of the Judiciary Committee voted against any of them when they were considered by the committee at a business meeting more than 3 weeks ago. As I say, there used to be a tradition of comity, and of acting on executive nominations before a recess. I will be interested to learn how that delay is justified to the Justice Department, to the country and to each of these nominees.

In a statement 2 weeks ago, I noted my disappointment that the Republican minority has returned to the tactics of anonymous and unaccountable holds, and needless delays. Attorney General Holder needs his leadership team in place to rebuild and restore the Department. None of these are controversial nominees. They all received numerous letters of strong support, and endorsements from both Republican and Democratic former public officials. They were all reported out of the Judiciary Committee by unanimous consent. They should have been confirmed weeks ago.

What accounts for the delay? I hope that someone will explain. To date no one has. I am left to think back to a February column written by William Kristol, where he urged the Republican minority to practice obstruction and delay. He was specifically referring to the Republican efforts to oppose the President's proposals to revive our economy and build a new foundation for lasting prosperity. That they have done. Not one Republican Member of the House or Senate voted for the budget and not one Republican Member of the House voted for the emergency economic recovery package. They are adhering to a pundit's advice on important legislation and on the President's nominations. Their creed is to "obstruct and delay." It is not one of bi-

partisanship to help the President enact his agenda this year. It is one designed to "slow down the train." Mr. Kristol counseled Republicans to insist on "lengthy debate," while noting that they "can't win politically right now," but they can "pick other fights—and they can try in any way possible to break Obama's momentum." That is a destructive prescription, and we see it being played out day after day, issue after issue, nomination after nomination. Rather than join with the new President as he rallies the country and the world to economic recovery and enhanced security, they persist in their efforts to obstruct and delay.

Recently the New York Times described the results of a New York Times/CBS News poll of the American people. Since the Republican opposition is so interested in poll-driven politics, I urge them to consider it, and reconsider their own ill-fated course. The Obama administration is just 11 weeks old, and already the American people have grown more optimistic about the economy and the direction of the country. Americans approve of the President's handling of the economy and foreign policy with fully two-thirds saying they approve of his overall job performance. Following his recent trip to Europe, meetings with other world leaders, his outreach to Turkey and his visit to Iraq, I expect those numbers may be even higher today. More and more people feel that things are headed in the right direction—despite Republican obstruction. Two and one half months into office, President Obama has broad support on economic and national security matters with almost two-thirds of Americans believing that President Obama is likely to make the right decisions.

By contrast, only 20 percent of Americans believe that congressional Republicans would more likely make the right decisions about the nation's economy. The Republican nay-saying is sinking in. So I urge Senate Republicans, if they will not honor our traditional deference to a new President and vote for his nominees, if they will not join together with President Obama at a time of great challenges to America by working cooperatively and quickly to approve the administration's law enforcement leadership team, if none of those worthwhile reasons convince them to do the right thing, then I urge them to consider how the American people are reacting to their obstruction. I urge them to abandon the across-the-board tactics of resistance and delay. The majority of the American people are calling for us to work together and are rejecting Republican obstruction and delay.

Tony West knows the Department of Justice well. He served in the Department as a Special Assistant to Deputy Attorneys General Philip Heymann and Jamie Gorelick. He then worked as a Federal prosecutor in the U.S. Attorney's Office for the Northern District of California. His commitment to public service continued when he became a

Special Assistant Attorney General in the California Department of Justice. He has also worked in private practice. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

His nomination has earned support from both sides of the aisle. The former chairman of the California Republican Party, George Sundheim, sent a letter to the committee stating that Mr. West is admired by "both sides of the aisle" for his "integrity, honesty and decency," and that there is no one "more qualified to assume a position of leadership in the Department of Justice." The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's "extraordinary professionalism," and "smart advocacy . . . executed with the highest degree of integrity." We should confirm this outstanding leader for the Civil Division and should not have delayed his confirmation this long.

President Obama has said that Lanny Breuer has the "depth of experience and integrity" to fulfill the highest standards of the American people and the Department of Justice. I agree. Mr. Breuer began his legal career as an assistant district attorney in the Manhattan District Attorney's Office. He told us during his hearing that his commitment to ensuring justice for all Americans stemmed from his days working on the front lines of the fight against crime as a Manhattan prosecutor. His call to public service continued while serving in the White House Counsel's Office as a special counsel to President Clinton. Mr. Breuer has also worked in private practice for the prestigious Washington, DC, law firm of Covington & Burling. He is a graduate of Columbia Law School and Columbia University.

Michael Chertoff, who led the Criminal Division at the Department of Justice during the Bush administration, endorsed Mr. Breuer's nomination, saying he has "exceptionally broad legal experience as a former prosecutor and defense attorney" and has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division."

Mr. Breuer's former colleagues from the Manhattan District Attorney's Office have said that as a criminal prosecutor, he "distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice." Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written to the committee in support of Mr. Breuer's nomination. I agree with all their comments and wish the Re-

publican minority had not stalled the confirmation of Mr. Breuer's nomination needlessly for an additional 2 weeks.

Christine Varney was confirmed to be a U.S. Federal Trade Commissioner in 1994, after being nominated by President Clinton. As a Federal Trade Commissioner, Ms. Varney gained valuable experience in antitrust enforcement and in reducing anticompetitive measures that harm American consumers. Her Government service work includes a high level position in President Clinton's White House, where she served as an assistant to the President and secretary to the Cabinet. She has worked in private practice for the prestigious Washington, DC, law firm of Hogan & Hartson. She also graduated from my alma mater, the Georgetown University Law Center.

Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, say that she is "extraordinarily well qualified to lead the Antitrust Division." Twenty former chairs of the American Bar Association section of antitrust law have described Ms. Varney as a "highly accomplished, capable nominee who will serve consumers and this country with distinction" and who will have "immediate credibility" in her new position.

I agree. At a time when our economy is suffering, there is a temptation to act anticompetitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place. This was not the time for delay.

Republican Senators delayed for weeks the confirmation of Harvard Law School dean Elena Kagan to be the Solicitor General of the United States, before demanding an extended debate on her nomination. They delayed for 2 weeks what was a unanimous vote in favor of David Kris to serve as the Assistant Attorney General in charge of the National Security Division at the Justice Department. And they have refused for more than a month to consent to a time agreement for debate and a vote on the nomination of Dawn Johnsen to lead the critical Office of Legal Counsel. The nominations the Senate considers this evening are three additional nominations they held up needlessly this month.

On April 1, both the New York Times and Roll Call featured reports suggesting that Senate Republicans intend to, and are planning to, filibuster the nomination of Dawn Johnsen to serve as the Assistant Attorney General for the Office of Legal Counsel at the Justice Department. That was no April fool's joke. That is a serious matter and one that hurts the President's efforts to restore the rule of law. I cannot remember a time when Democratic Senators filibustered a Justice Department nomination.

Speech after speech by Republican Senators just a few short years ago about how it would be unconstitutional to filibuster Presidential nominees appear now to be just speeches that served a partisan political purpose at the time. Last month, in an online column for Slate entitled "How Many Ways Can Senate Republicans Show Intellectual Hypocrisy?" Dahila Lithwick observed:

"The irony now on display among Republicans on the Senate Judiciary Committee is staggering." She could have included Republican Senators who have recently championed the principle that "elections have consequences," that the President is entitled to his nominees, and that filibustering is an "obstructionist tactic" and "obscene."

In her April 8 column in the Washington Post, Ruth Marcus reminded "the people who are considering a Johnsen filibuster how hypocritical this stance would be." She reminded them that Democrats did not filibuster President Bush's nominations of John Ashcroft or Ted Olson, although there were more than 40 negative votes on each of those nominations. She noted:

"[T]he president is entitled, absent extraordinary circumstances, to have the advisers of his choosing. Voting against a president's nominee is a serious step. Voting to prevent that nomination from getting an up-or-down vote kicks it up several notches." She concluded by explaining why, from her own experience and knowledge, Dawn Johnsen is not out of the mainstream or extreme: "This is hardly the kind of nominee so extreme that she should not be entitled to an up-or-down vote."

The men and women at the Department of Justice have a special duty to uphold the rule of law because, as President Obama reminds us, "laws are only as effective, only as compassionate, [and] only as fair as those who enforce them." The three nominees Republicans agreed to consider this evening, and Dawn Johnsen, whose nomination they refuse to debate and vote on, are all nominees who meet President Obama's standards and will work on behalf of the American people in the best traditions of the Department of Justice. I urge Republican Senators to vote to confirm these Assistant Attorney General nominations tonight.

Then I hope we will be able to proceed to a time agreement to consider and vote on the nomination of Dawn Johnsen to serve as the Assistant Attorney General to head the important Office of Legal Counsel at the Justice Department. Her work has been delayed too long. The President designated her back on January 5. The time has come to debate that nomination and vote it up or down. The President has suspended the OLC opinions until they can be reviewed; she will head that review. The delay has gone on long enough. The Senate should vote.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Tony West to be Assistant Attorney General for the Civil Division of the Department of Justice.

As we saw from his confirmation hearing in the Judiciary Committee, Tony West has the superb intellect, seasoned judgment, and wealth of experience necessary to be an outstanding head of the Civil Division.

Mr. West's academic credentials are extremely impressive. He earned his BA from Harvard, where he was the publisher of the Harvard Political Review. He received his JD from Stanford Law School, where he was president of the Stanford Law Review.

Following law school, Mr. West began a career in which he has demonstrated great devotion to public service. In 1993 and 1994, he served with distinction as a Special Assistant in the Department of Justice, where he was involved in the development of national crime policy, including the 1994 omnibus crime bill. He has also served as an assistant U.S. attorney for the Northern District of California, and as a California special assistant attorney general.

In private practice at one of the country's leading law firms, Mr. West has also excelled, representing a wide range of clients from indigent individuals in civil rights litigation to multinational corporations in complex commercial matters.

Outside of his practice, Mr. West has been a significant contributor to the legal community. He has served on the governing board of the Northern California Association of Business Trial Lawyers, as a Ninth Circuit lawyer representative, and as a member of the Litigation Section Executive Committee for the San Francisco Bar Association.

Just as important, while in private practice, Mr. West has directed his considerable talent and energy to important pro bono work and public service. By way of example, he has served as a judge in Oakland's McCullum Youth Court, a courtroom run by students that focuses on rehabilitation of first-time youth offenders.

The Assistant Attorney General for the Civil Division has a set of responsibilities that are always important, never more so than right now.

As just one example, the Civil Division is integral to keeping Americans, and taxpayer dollars, safe from financial fraud. In the aftermath of the financial meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers do not keep their ill-gotten gains. And for our economic recovery plans to work, we must ensure Americans' faith in our government's ability to exercise appropriate oversight in the use of the economic recovery funds Congress has appropriated.

The President has made an excellent choice in selecting Tony West to lead the Civil Division. He is a skilled and accomplished lawyer, a leader and a team player, and a person of unquestioned integrity. The Attorney General and the country need him in place as soon as possible.

Mr. UDALL of New Mexico. Madam President, we yield back all remaining time.

The PRESIDING OFFICER. The time is yielded back.

Mr. UDALL of New Mexico. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Tony West, of California, to be Assistant Attorney General? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 82, nays 4, as follows:

[Rollcall Vote No. 155 Ex.]

YEAS—82

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Sanders
Burr	Inouye	Schumer
Burr	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Coburn	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dorgan	McCaill	Whitehouse
Ensign	McConnell	
Enzi	Menendez	

NAYS—4

Bunning
Chambliss

Isakson
Shelby

NOT VOTING—13

Begich	Kennedy	Rockefeller
Bennett	Kyl	Wicker
Cochran	Lieberman	Wyden
Dodd	McCain	
Durbin	Roberts	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided prior to a vote on the Breuer nomination.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, we have three nominations that should have been confirmed by voice vote. Before we left on recess, the Republicans asked to hold them up for 2 weeks. I wish they had not because these are nominees to vital positions in the Department of Justice. Only four Senators, after holding them up for 2 weeks, not allowing them to be there, only four Senators voted against Tony West to be head of the Civil Division. We now have Lanny Breuer to serve as Assistant Attorney General for the Criminal Division. These are people who were voted out of the Judiciary Committee unanimously by Republicans and Democrats. I hope we have a similar vote. A rollcall has been requested on the Republican side, which is fine; they have that right. But I hope we will confirm this nomination also.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I believe Mr. Breuer warrants confirmation.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination Lanny Breuer to be Assistant Attorney General for the Criminal Division of the Department of Justice.

Lanny Breuer is a superb lawyer with unquestioned integrity. We are fortunate that the President has selected him to head the Criminal Division of the Department of Justice.

As we saw from his confirmation hearing in the Judiciary Committee, Mr. Breuer has the sharp intellect, wealth of experience, and superb judgment necessary to be an outstanding leader.

Early in his career, he served as a prosecutor in the Manhattan District Attorney's Office, working for the legendary Robert Morgenthau. While there, he not only gained an appreciation for the important work on the front lines of criminal prosecution, but he also demonstrated the sort of temperament and judgment that are critical to success in the position for which he has been nominated.

Mr. Breuer also served with distinction in the White House as Special Counsel to the President. From there, he moved to one of the country's great law firms, where he currently co-chairs its white collar defense and investigations group. Taken together, this broad experience will serve him well as Assistant Attorney General.

Just as important, Mr. Breuer has a deep appreciation for the importance of public service. Since 2003, he has served as vice chair of his firm's Public Service Committee, which oversees the firm's pro bono programs.

His personal pro bono work has been impressive as well. One of the letters in support received by this committee details Mr. Breuer's application of his impressive legal skills and considerable

determination to rid a District of Columbia neighborhood of a powerful drug dealing organization that operated out of a local bar. Almost 20 years later, the neighbors he helped still remember and praise his important work on their behalf.

The Assistant Attorney General for the Criminal Division has a set of responsibilities that are always important, never more so than right now.

As just one example, the Criminal Division is integral to keeping Americans safe not only from violent crime but also from financial fraud. In the aftermath of the financial meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers will be identified and prosecuted for financial fraud.

Punishing complex financial crimes and deterring future fraud are vital to restoring confidence in our decimated financial markets. We need to get Lanny Breuer in place just as soon as we can, to make sure that the trail of any criminals who contributed to this meltdown does not grow cold.

Finally, I would like to add that Mr. Breuer is not just a brilliant legal mind, but he's also a person of great character. As Robert Morgenthau said in his letter of support:

Mr. Breuer consistently handled his responsibilities with keen analytical ability, common sense, total integrity and an exemplary sense of justice. . . . [H]e also understood that the power and authority possessed by a prosecutor will be best balanced by humility and discretion. He never wavered in his pursuit of fairness and justice.

That is precisely the sort of person we need, right now, to head the Criminal Division of the Department of Justice.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Lanny A. Breuer, of the District of Columbia, to be an Assistant Attorney General?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—88

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Sanders
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Burriss	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Cardin	Kaufman	Specter
Carper	Kerry	Stabenow
Casey	Klobuchar	Kohl
Chambliss	Kohl	Tester
Coburn	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dorgan	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Ensign	Menendez	

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the Varney nomination.

The Senator from Vermont.

Mr. LEAHY. Madam President, the 88-to-0 vote, again, was one that, instead of having a voice vote before the recess on a key member of the Department of Justice, our friends on the Republican side insisted we have. We held it up for 2 weeks. I am glad to see that now the right thing has been done with not a single dissenting vote. I wish it could have been done 2 weeks earlier so they could get to work at the Department of Justice.

Mr. SPECTER. Madam President, I can't hear Senator LEAHY, so I will not know how to formulate my rebuttal.

The PRESIDING OFFICER. The Senator from Vermont may continue.

Mr. LEAHY. Madam President, the third vote is Christine Varney—and I hope we have a similar vote—to serve as Assistant Attorney General for the Antitrust Division. Again, I wish it could have been done 2 weeks ago, but I would hope we would go forward.

Mr. HATCH. Madam President, as the ranking Republican on the Antitrust Subcommittee, I rise to voice my support for the confirmation of Christine Varney to be the next Assistant Attorney General in charge of the Department of Justice's Antitrust Division.

This is a role to which, I believe, she is ideally suited.

Ms. Varney served as a Federal Trade Commissioner from 1994 to 1997. As we all know, our Nation has two separate agencies, the Department of Justice's Antitrust Division and the Federal Trade Commission, that are responsible for enforcing our antitrust laws.

Ensuring that these agencies efficiently and effectively execute those laws is a major concern of the Antitrust Subcommittee. In fact, I recently posed the theoretical question as to whether a merger of the FTC's antitrust arm and the Department of Justice's Antitrust Division would not create a more efficient regulatory regime. Although I believe this question deserves further close consideration by the Antitrust Subcommittee, I was delighted to see that Jon Leibowitz, Chairman of the FTC, was present, and even an active participant, at Ms. Varney's nomination hearing. Undoubtedly, this was to support her confirmation and, presumably, to show the intent of these two leaders to bring greater cooperation between the Antitrust Division and the FTC.

In addition to Ms. Varney's experience with an executive agency enforcing our antitrust laws, she has also developed a strong reputation in the private sector. Ms. Varney was heavily involved in one of the most important antitrust cases of modern time: U.S. v. Microsoft. In that matter, she represented Netscape. She also represented Netscape in its merger with AOL. Presently, she is a partner at Hogan and Hartson, where she is head of that firm's Internet Law practice group. Her experience in these matters is of particular relevance due to the recent number of proposed mergers affecting the Internet. The importance of these contemplated mergers has only been highlighted by the number of hearings that the Antitrust Subcommittee has held on the issues that have arisen because of these proposed transactions.

I also appreciate the commitment she made in her written responses to the committee's questions to work with me on an antitrust issue that is close to the hearts of every Utahn: the inequities that occur currently due to the so-called Bowl Championship Series. The current system is a clear violation of our Nation's antitrust laws and I look forward to working with the Antitrust Division to develop an appropriate remedy.

On a personal level, I have had an opportunity to meet and talk to Ms. Varney. I appreciate her collegial and professional manner. I believe she is an individual who will strive to work with Congress to ensure that fair competition is maintained and the rule of law enforced.

Therefore, I recommend Ms. Varney's confirmation to colleagues and look to working with her in the years to come.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Christine Varney to be Assistant Attorney General for the Antitrust Division of the Department of Justice.

In selecting Ms. Varney, the President has chosen wisely. She has the experience, the intellect, and the judgment necessary to be a superb leader of

the Antitrust Division. Just as important, she has the character and integrity to help the Attorney General restore the public faith in the Department of Justice.

Over the course of her impressive 23-year legal career, Ms. Varney has held a wide range of significant positions that make her uniquely qualified for this critical position. After starting her career in private practice, she served in the Clinton administration as an Assistant to the President and Secretary to the Cabinet. In October 1994, President Clinton nominated Ms. Varney to the Federal Trade Commission. After Senate confirmation, she held that position until 1997. As a Commissioner, she distinguished herself in several important ways. Most important to me, she demonstrated her commitment to the idea that antitrust enforcement must be both vigorous and fair.

At this decisive time for our Nation's economy, we need an approach to antitrust enforcement that promotes competition, drives innovation, and protects the consumer. Based on her time at the FTC, and in private practice, I have no doubt that Ms. Varney is the right person to lead the Antitrust Division. Ms. Varney should be confirmed without delay.

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination, as the Republicans had requested.

Mr. SPECTER. Is my time reserved, Madam President?

Mr. LEAHY. Yes, it is. I am just asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Let's confirm her.

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

Does the Senator from Pennsylvania wish to use his time?

Mr. SPECTER. Madam President, I used all the time I wanted. Let's confirm her.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine Anne Varney, of the District of Columbia, to be an Assistant Attorney General?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—87

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bingaman	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Hutchison	Risch
Burr	Inhofe	Sanders
Burriss	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kaufman	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	Levin	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Warner
Dorgan	Martinez	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker

NAYS—1

Bunning

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to state my support for the three nominees that the Senate confirmed earlier today. Due to weather delays, I was unavoidably absent from the Senate during the votes on the three nominees to be Assistant Attorneys General in the Department of Justice. Had I been present I would have voted yea for all three nominees.

All three individuals are eminently qualified and I believe will be superb additions to President Obama's administration.

Let me briefly talk about these well-qualified individuals. Tony West will be the next Assistant Attorney General for the Civil Division. He served previously in the Department of Justice as a Special Assistant to two Deputy Attorneys General during the Clinton administration. He also served in the U.S. Attorney's Office for the Northern District of California as a prosecutor. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

Lanny Breuer received both his undergraduate and law degree from Columbia University. After law school, he worked as an Assistant District Attorney in Manhattan. During the Clinton administration, he served as Special Counsel in the White House. He has also worked at the law firm Covington

& Burling. Mr. Breuer will serve as the next Assistant Attorney General for the Criminal Division.

Finally, Christine Varney will serve as the next Assistant Attorney General of the Antitrust Division. I believe she is uniquely qualified for this position. A graduate of the Georgetown University Law Center, Ms. Varney served as a U.S. Federal Trade Commissioner and, later, as an assistant to President Clinton and Secretary to the Cabinet.

Again, had I been present I would have voted yea on these nominations and I am pleased that all three nominees were approved overwhelmingly in the Senate today.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on vote No. 155, I was unavoidably detained. Had I been present for the vote, I would have voted to confirm the nomination of Tony West to be an Assistant Attorney General for the Department of Justice, Civil Division.●

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read as follows:

Nomination of Christopher R. Hill, of Rhode Island, 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 Iraq.

The PRESIDING OFFICER. Under the previous order, there is now 20 minutes equally divided for debate on the motion to invoke cloture on the nomination of Christopher Hill.

Who yields time?

Mr. KERRY. I yield 5 minutes to the Senator from Indiana, the distinguished ranking member of the Foreign Relations Committee.

Mr. LUGAR. Madam President, I rise in support of the nomination of Christopher Hill to be Ambassador to Iraq. During his 32-year career, he has led three embassies and served as Assistant Secretary of State for East Asian and Pacific Affairs. In that position, he was the Bush administration's point man at the six party talks on North Korea. As Assistant Secretary, Chris Hill demonstrated outstanding diplomatic and managerial skills in dealing with one of our most difficult foreign policy challenges. His innovative approach contributed to successes, including the ongoing disablement of the Yongbyon nuclear complex in the presence of American monitors, the reentry into North Korea of IAEA officials, and the potential transition of the six party process into a forum for broader multilateral engagement in Northeast Asia.

North Korea remains an inscrutable regime with unpredictable motivations. Any suggestion that the North Korea nuclear issue lends itself to obvious solutions or the application of a

standard diplomatic playbook is off the mark. Ambassador Hill had to apply both imagination and persistence in moving this complex process forward in five foreign capitals.

Now President Obama has tapped him to address another of the most important foreign policy challenges confronting the United States. In my judgment, it would take extraordinary circumstances for the Senate to deny the President his choice of an Ambassador to carry out his directives in Iraq, especially given that the President will be judged meticulously on what happens there.

Ambassador Hill has unique experience in managing the type of regional diplomatic effort that is likely to be required at this stage of Iraq's development. Iraq's success will increasingly depend on regional factors involving the activities of both friends and adversaries. We must seek to reassure allies and send adversaries the clear message that the United States remains committed to regional stability and has no intention of leaving a vacuum in Iraq that could be exploited.

Prime Minister Maliki's outreach to Sunnis has already reduced tensions among Iraq's Sunni neighbors. Leaders from Turkey, Jordan, Syria, and virtually all of the Gulf States, including Kuwait, have paid high-level visits and appointed ambassadors, indicating acceptance of the Shia-run government.

Across the region, and internationally, the incentive structure for involvement in Iraq is fundamentally different than it was 2 years ago. Coupled with the drawdown, the time is right to expand our engagements, solidify regional security gains, and cultivate more robust regional and international cooperation in Iraq. Ideally, this cooperation would include regular and wide-ranging talks with neighboring states on broader issues of regional security. One of the purposes of these talks must be to avoid surprise and miscalculation in the region that could ignite further conflict.

Through the confluence of many factors, Iraq is showing positive trend lines. American casualties are at their lowest mark since the conflict began 6 years ago. The Iraqi government held successful elections last month, and those provincial councils are convening, electing chairmen, and beginning to set their agendas.

But progress in Iraq remains vulnerable to political rivalry, outside interference, and the slow pace of economic reconstruction. Government institutions at all levels remain underdeveloped, inefficient, and subject to corruption. The economy, which grew at a rate of 3.5 percent in the first two quarters of 2008, has slipped as oil prices have dropped. Oil production rates are flat, and reduced revenues may slow the efforts of Iraq's government to make necessary infrastructure investments. Unemployment and underemployment remain high. Because of these and other conditions,

Ambassador Crocker and General Odierno have described Iraq's progress as fragile and reversible. It is important to get our next Ambassador in place as quickly as possible.

I have appreciated Ambassador Hill's accessibility to the Senate Foreign Relations Committee. In addition to nine appearances before the committee in the last 5 years, he has always been willing to meet with us privately about developments on the Korean Peninsula or elsewhere in East Asia.

I also appreciate his willingness to accept this difficult post, especially after several years of an unrelenting diplomatic activity. I am hopeful that the Senate will move forward on his nomination. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I yield myself 8 minutes.

Colleagues, tomorrow is a terrible day. It is Holocaust Remembrance Day. I want to put up a picture of something that is all too familiar to the world. It is Auschwitz, the main camp. You can see the different buildings that were there. What took place there was a horrible thing that happened. The world will remember that.

There was a new movie out on it last night that was put forward by a group of students from Kansas. They found a lady who had moved through the Polish concentration camp, actually the internment that they did in the city, the slum. She saved a bunch of orphans. It was a beautiful story about a terrible situation.

Tomorrow, Holocaust Remembrance Day, we remember this type of a picture. Let me show you a modern picture that looks eerily similar. It is not the same situation but just look at the barracks. Look at the design. Just look at the setting. This is North Korea. It is a gulag. We have tens of thousands who have been killed. We have 10 percent of the population that have died over the last decade and a half in North Korea.

You want to see an eerie resemblance to something that we always say never again, never again, and yet in our time we see this. Here is the most infamous of the camps. Here is Camp 22. You can get this on Google Earth if you do not trust my images. We did not have that of Auschwitz at the time. We have it now. We know what is going on at Camp 22 from people who have been in North Korea who have made it out. Here is a list of the places where the gulags are throughout the country. We know where these are. We did not know at the time what was taking place in Auschwitz, what was taking place there. We had thoughts about it. We thought it might be taking place. We were not exactly sure. In some cases I am afraid we acted like we didn't want to know.

I am afraid that is what we are acting like on this issue; we do not want to know this is taking place. Yet it is. We have witnesses and we have Google Earth. You can show pictures of it. Tomorrow we have Holocaust Remembrance Day. Today we consider what is taking place here, and we are considering a nominee to be our most key ambassadorial post—this is in Iraq—who was the key strategist on North Korea strategy, on the six-party talks, who ignored this situation, who lied to me about it that he would involve our human rights ambassador to North Korea in the six-party talks.

That never happened. I have a letter from Jay Lefkowitz, who stated this to me March 25, 2009:

At no point during my tenure as special envoy for human rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any six-party talks.

We know it is going on. We have the pictures. We do not even involve our guy to talk about it, and this is the person now we want to promote to the biggest diplomatic post that we have in the world, a diplomat who ignores the human rights abuses in North Korea. The Washington Post even said this about Chris Hill:

... a stunning lack of urgency on human rights in North Korea.

That is my biggest beef, but let's also look at the diplomatic scorecard on what we have negotiated. Oh, OK, so we ignored human rights in North Korea. Chris Hill, he is the lead of our negotiators. He is also over that region. We are going to ignore human rights. But we must have gotten a great deal out of North Korea then because we are going to ignore this piece of it.

Here is the diplomatic scorecard of what Kim Jung-Il got and what we got out of the six-party talks. I might remind you what happened during the break that we were on, 2 weeks since our adjournment: The North Korean regime launched a multistage ballistic missile over the mainland of Japan toward Western United States; kidnapped and imprisoned two of our citizens, American citizens; pulled out of the six-party talks; kicked out international nuclear inspectors and American monitors; restarted its nuclear facilities; and, according to at least one news source, is now under investigation for shipping enriched uranium to Iran.

Now, that just happened in the last 2 weeks. That is a pretty good 2 weeks for Kim Jung-Il, I guess. And the guy who negotiated this great deal, now we want to put him in charge of Iraq. Well, here is the scorecard: Kim Jung-Il gets delisted as a state sponsor of terrorism; he obtains key waivers of U.S. sanctions imposed after the regime's illegal nuclear detonation in 2006; he received tens of millions of dollars' worth of fuel oil assistance from us—that is, what the Soviets used to give him; now that we are sponsoring we are giving him this sort of stuff so

he can operate these gulags—allowed to continue totalitarian oppression and starvation of the North Korean people.

We ignore human rights. He likes that. He is never required to release or account for all of the abductees or POWs or to acknowledge a clandestine uranium enrichment program and its role in the Syrian nuclear facility that the Israelis bombed. Remember that one. That was a North Korean facility. It was North Korean designed, able to test ballistic missile technology in violation of U.N. Security Council sanctions without any meaningful consequences.

And what did we do? What did we do? Obtained incomplete declarations from North Korea. I might note to my colleagues, some of you may remember this, the actual papers we got, they radiated. They had radiation coming from the papers themselves. That was probably a gift from Kim Jung-Il.

Implosion of the Yongbyon cooling tower, through the reversal they are already starting to produce plutonium or they are setting back up to produce plutonium at this plant after they blew up the tower. So they did probably the least safest thing, blowing up the tower, but they can still produce plutonium.

That is what we got out of this deal, and now we are going to put Chris Hill in charge of Iraq, a situation and a case where we need the most diplomatic skill, the most accomplished diplomat, and somebody this body trusts because increasingly this moves from a military engagement to a diplomatic engagement. We have to trust the diplomat who is coming forward, who we are putting forward in this situation, and this is what he did on our last account for the United States of America. This is what he did the last time. The camps and human rights is what he ignored the last time around.

Now, I think Chris Hill as an individual is a fine individual. I have met with him, as my colleague from Indiana has. I have great regard for my colleague from Indiana and the chairman from Massachusetts—wonderful individuals. But I am saying, sort out and move away from Republican and Democrat. I opposed Chris Hill and what he was doing during the Bush administration. This is not me saying I am opposed to him because this is about President Obama. It is not. It is about ignoring human rights, it is about the terrible diplomatic scorecard. We are getting skunked. If this were baseball, they would call the game for the mercy rule. We are just getting skunked on this situation.

Now we are going to put him in Iraq, and we are going to ask him to move this ball forward for us. I, for one, cannot seem to be able to support him to do that. That is why I want to have a fulsome debate about this. I want to have a debate about why we take these sanctions off on North Korea. We should put them back on.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. BROWNBAC. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I am going to speak to the issue raised by Senator BROWNBAC in a moment. But let me say, Ambassador Christopher Hill has made a career, which is now entering his fourth decade, of taking on some of the toughest assignments in our Government.

Today, the President, our country, and our troops, need him to take on this task in Iraq. I hope my colleagues will join the overwhelming majority of the Foreign Relations Committee and Senator LUGAR who has spoken on this in moving to this nomination which is long overdue. This should not be a controversial nomination. There are very few American diplomats with more experience than Chris Hill where it matters most: in negotiating complex, high-stakes, multilateral deals in conflict zones.

In addition to serving as Ambassador to Macedonia, Poland, and South Korea, Chris Hill was one of the top negotiators at the 1995 Dayton Accords that ended the war in Bosnia.

He served as Special Envoy to Kosovo during the 1999 NATO bombing campaign. As Ambassador to South Korea from 2004 to 2005, he managed the bilateral relationship that includes the presence of nearly 30,000 American troops, and, of course, he was the point person in the talks Senator BROWNBAC has referenced. Make no mistake, our troops are beginning to draw down in Iraq, and the entire resolution of Iraq as a success will revolve around the diplomacy we apply and our ability to seek political reconciliation which will be implemented by that diplomacy. We will have more time tomorrow to talk about this, I hope, if we can move to the nomination.

Let me speak quickly to what Senator BROWNBAC has said. Chris Hill was working under daily communications and instructions from the State Department, from Secretary of State Condi Rice, and from the President. What he did was in response to those instructions. He was never admonished publicly or otherwise for going outside those instructions. The argument is made about humanitarian and human rights issues. I ask unanimous consent that the portion of Ambassador Hill's Senate Foreign Relations Committee testimony be printed in the RECORD so Senators can judge for themselves.

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

HILL ON THE ALLEGATION THAT HE REACHED AN AGREEMENT WITH THE NORTH KOREANS WHILE THEY WERE PROLIFERATING TO SYRIA
SENATE FOREIGN RELATIONS COMMITTEE
NOMINATION HEARING, MARCH 25, 2009

Senator WICKER: Okay. Let me ask you one other thing. There's a letter by—signed by some five Senators—Ensign, Inhofe, Bond, Kyle, Brownback—in which they are urging the President not to choose to appoint you. And they say this, in testimony before the Foreign Affairs Subcommittee, Secretary

Hill said, "Clearly we cannot be reaching a nuclear agreement with North Korea if at the same time they're proliferating, it is unacceptable," your quote. And yet they say that—that at a time when Congress was trying to answer key questions about Korea's proliferation to Syria, you were involved in those negotiations, contrary to what they believe was your clear statement to the subcommittee.

Mr. HILL: That we cannot reach an agreement if they're proliferating, yes.

Senator WICKER: Yes, well do you see a contradiction there? Congress was still wrestling with the fact that—that North Korea was proliferating to Syria. And yet you went ahead. I'd just ask you to respond to that.

Mr. HILL: Well, yeah. To the best of our estimate—that is other agencies in the U.S. Government, to the best of their estimate—the North Koreans ceased proliferating after this facility was destroyed.

Now, the—it is very clear, at least it's very clear to me and I think very clear to most people—that unbeknownst to us, the North Koreans had carried on a program to assist Syria in the construction of a nuclear reactor. We are not aware, to this day, of any transfer of actual nuclear material. But we are aware, of course, of the transfer of nuclear technology, or we became aware of this. The North Koreans subsequently stated, and it's part of our agreement, that they have no—no ongoing proliferation activity. We wanted that statement to be expanded to acknowledge the fact that they were proliferating. And so, what they did was they acknowledged our concerns about it, they did not acknowledge their past activities.

Do I think that is an honest reaction from the North Koreans, is that in the spirit of what we're trying to do? No, it isn't. The North Koreans are—a people who try to play by their own set of rules and it is difficult to get things done with them. We felt it was—given that we had assurances that they had stopped, but more importantly we had indications that it stopped.

Because frankly, getting assurances or getting any statements from the North Koreans are not what we're after, we're after facts not statements.

But when we saw that the activities had stopped, we felt it was worthwhile to continue the effort to disable their nuclear facilities in Yongbyon because at the end of the day, if we can prevent the North Korean nuclear problem from becoming a bigger problem than it is—right now it is a 30 kilo problem. Had we not succeeded in shutting down their facilities and in disabling their facilities, that 30 kilo problem could have been a 60 kilo problem, a 100 kilo problem. But I—I am the first to say, Senator, that the job is not done. They have some 30 kilos and we can not rest until we get the 30 kilos from them.

The issue that I've had to deal with as an implementer of a policy, and I want to stress there was a chain of command here and I was not off on my own. I was receiving instructions pretty much on a daily basis, and during the actual negotiations I received instructions even from Secretary Rice—that our effort was to try to shut down and disable the production of nuclear materials and then to—to continue and get them to put on the table the nuclear materials they had already produced, that is the 30 kilos.

And it was at that phase, which did not come, but that was the phase where we anticipated—and where I explained to Senator Brownback—that is that next phase that we would be prepared, and in return for that nuclear material on the table, we would be prepared to launch a normalization effort with the North Koreans.

Senator BROWNBAC, quite rightly, and I fully respect this position, said, "We can't be

normalizing with a country with one of the world's worst human rights records." And so, I quite—by the way, I really respect that position as someone who's dealt with human rights in my 30-some, 32-year career, I know about that, I know very well about that—so I agreed to recommend, and Secretary Rice completely agreed with this, to create a human rights track. So as we're going forward in normalization—this was not just going to be a normalization, you give up the nukes and we treat you like you're some ally—this is a normalization that would include dealing with some of the issues that, serious issues that stand between us.

And so, that is what I—what I supported doing and I regret that we were not able to get the verification agreement that would have allowed us to get onto this next phase.

Senator WICKER: Thank you.

Senator WICKER: [Quoting an article by Stephen Hayes in the *Weekly Standard*] "Secretary of State, Condoleezza Rice, had given Hill permission to meet face to face with the North Koreans, but only on the condition that diplomats from China were also in the room. Although the Chinese participated in the early moments of the discussions, they soon left, Hill did not leave them.

Now, the article goes on to say that Secretary Rice was angry with you, and that CNN reporter Mike Chenoi wrote, "Although Rice remained supportive of reviving the diplomatic process, Hill had held the bilateral discussion with North Korean negotiator Kim Chyguan in defiance of her instructions." And the author, Hayes, of this article concludes that the Secretary of State expressly forbade you from participating in the bilateral talks, but that you thought otherwise. So, this is an opportunity for you to give us your version of that.

Mr. Hill: Well, thank you, thank you very much. Actually, what this was—was the start of the—this was in the summer of 2005, and this was an effort to get the Six Party process going, because the North Koreans had boycotted.

And so, what Secretary Rice agreed to—to do, was to have bilateral talk—a bilateral meeting—with the understanding that the North Koreans would then announce, at the end of the bilateral meeting, their participation in the Six Party process, but she wanted the Chinese to be there.

The Chinese came, but the North Koreans were not willing to carry on the meeting with the Chinese, so I was there in the meeting room, the North Koreans were arriving, and the Chinese were disappearing.

So, the question I had—and Secretary Rice was in the air between Anchorage, where she had a refueling stop—and coming into Beijing. So, the audible I had to call at that point was, do I continue the meeting or do I walk out? And I made a judgment to continue the meeting.

We had the meeting, and at the end of the meeting, the North Koreans announced that they were returning to the Six Party process. Secretary Rice arrived that night in Beijing and in the morning—and I remember this very clearly—she was—she was quite angry, but quite angry with the Chinese for not having remained through the process. And she expressed that directly to the Chinese Foreign Minister in a meeting that I—that I attended, that is the next morning.

So that was the incident, with respect to the—to the meeting with the North Koreans.

I know there's some journalists who've tried to make this a rather dramatic moment, quite frankly, it was a little less dramatic than some of the journalistic retellings of it.

Senator WICKER: Was she angry with you?

Mr. Hill: Not to my knowledge. She was angry with the Chinese for not persevering.

Senator WICKER: You and she did not have a verbal confrontation about your audible that you called?

Mr. Hill: Never.

Senator LUGAR: . . . Now, let me just say, Ambassador Hill, you have tried in your opening responses to the chairman's questions to talk about the experience with regard to diplomacy and Iraq, and I have attempted in my opening comments to indicate what I saw to be regional implications, not only the shoring up and strengthening of the Iraqi government.

But for this record, would you respond to Senator Brownback and to others that I have cited personally and from this quote who have raised serious questions about testimony about the South Korean nominee before and the holdup in the Armed Services Committee and other issues that need to be addressed as a part of our moving this nomination forward?

Ambassador Hill: Senator, I would be happy to do so.

First of all, I want to make very clear that I very much respect Senator Brownback's concern about human rights. These are concerns that are deeply felt, and they are well placed. I have said on a number of occasions—and I will say it again here—that the North Korean human rights record is one of the worst in the world. There is no question it is one of the worst in the world, and I have had those conversations with Senator Brownback.

Now, with respect to the specific issues that he raised or were raised in the Armed Services Committee, I would like to make a couple of points.

What I agreed to do was that as we were going through the phase two of the disablement process and verification of the North Korean nuclear declaration, we anticipated moving on to phase three, or a next phase, if you look in the transcript. And what I told Senator Brownback we would do in that next phase was to—the next phase was to include bilateral normalization talks with the North Koreans.

Now, of course, we were not ever going to normalize with North Korea until it had done away with all of its nuclear materials and nuclear ambitions. But the plan was in phase three to sit down with the North Koreans for talks aimed at normalization.

I told Senator Brownback that when we got to that stage, I would be prepared to support—and I emphasized I would be prepared to support because I did not make the decisions. The decisions were made by Secretary Rice and an interagency group, but I would be prepared to support the creation of a human rights track within the normalization talks.

And what did I have in mind for a human rights track? I thought we could, in this track, acquaint the North Koreans with the fact that if their aspiration is to join the international community, which was the whole concept of the Six Party Talks, they would have to do something about their human rights record. Specifically, we would look at whether we could, for example, give them lists of prisoners of conscience, of whom there are many in North Korea. We would also look to see whether we could stand up some activities, for example, help them with their criminal procedures code or things like that, work with other countries on this. So I told Senator Brownback that we would create, in the context of this bilateral normalization working group, a human rights track.

The second point concerned his concern that the human rights envoy who was envoy from 2005 and 2009, and Senator Brownback was concerned that this envoy should be made a part of the six parties. I told Senator

Brownback that I would support—indeed, that I would invite the envoy to any negotiations with the North Koreans that did not deal with nuclear matters, that is, anything beyond nuclear, he would be a participant in. In fact, this statement on my part is addressed in a press release that Senator Brownback issued on July 31st, 2008.

The problem, Senator, was that we were not able to get beyond phase two. We were not able to get beyond phase two because, although the North Koreans did issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration. We got some verification measures. We got their agreement to allow people to visit sites. We got their agreement to allow people to visit sites that are not already listed on their declaration. We got them to agree to give us documentation on how the reactor operated. That is, we got daily production records from them from 1986 so that we could track the production of the reactor, and that would help verify whether, indeed, they had produced 30 kilos versus 35.

So we got some verification, but what we were seeking was a fuller international standard verification of the type that one would have in the context of a country that has completely denuclearized and a verification that would be familiar to anyone who has dealt with the IAEA.

So we were not able to get that, and therefore, we were not able to complete phase two, and therefore, we never got on to having these bilateral talks. And so that is why we were not able to do that.

Senator LUGAR: Thank you.

Mr. KERRY: Senator LUGAR asked him about this. He said specifically that, yes, he would have been willing to have the additional participation of the human rights appointee at the talks, but that referred to the talks when they moved beyond the nuclear component. The fact is that he said to Senator LUGAR in committee that they never got to that phase. I will quote him:

We were not able to get beyond phase two because although the North Koreans did issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration. We got some verification measures.

Then he goes on about that. He says:

But what we were seeking was a fuller international standard verification, and we were not able to complete phase two. Therefore, we never got on to having the bilateral talks.

They never got to the period where he would have been perfectly happy, as he always was, to deal with the human rights issues.

The fact is, Ambassador Hill has explained this. I respect Senator BROWNBACK's long track record of outspokenness on human rights. What he has shown there in those photographs is unacceptable. It is unacceptable to all of us. But the fact is, Chris Hill, following the President's instructions, kept his primary focus on the denuclearization, while also trying to address a host of other concerns, including human rights, missile proliferation, counterfeiting, drug smuggling, and other illicit activities. That focus was entirely appropriate given the direct threat to our security. Moreover, those who criticize him for not

accomplishing more in the area of human rights ought to appreciate that he was, in fact, implementing the specific daily instructions he was receiving. If they don't like that policy, then their real complaint is against President Bush and the Secretary of State.

I will have more to say about this tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate my colleague from Massachusetts and his statement, as well as the ranking member.

This was Chris Hill's strategy in North Korea. He was Assistant Secretary of East Asia and Pacific Affairs during the same period of time. It was a failed strategy. We should have him in the middle of designing our diplomatic strategy toward Iraq on such a failure, where he will be coming back before this body asking us for support?

I will have more to say on this tomorrow.

I will file a bill tonight for myself and several other cosponsors asking that we consider, at the same time as we consider the Chris Hill nomination, reimposing sanctions on North Korea that were lifted during the Bush negotiations. The North Koreans, over this recess, launched a missile and are being investigated for selling uranium to the Iranians. Clearly, we have it within our power to put U.S. sanctions back on North Korea, and that should take place. I hope that during the process of discussing Chris Hill's worthiness for the Iraqi post, which I do not support, we will also vote to put sanctions back on North Korea that were lifted. Clearly, that should take place. I will be filing this bill tonight and asking for its consideration tomorrow.

I yield back my time and urge a "no" vote on cloture against Ambassador Hill.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.

Harry Reid, John F. Kerry, Richard Durbin, Charles E. Schumer, Jon Tester, Tom Udall, Dianne Feinstein, Edward E. Kaufman, Mark Begich, Frank R. Lautenberg, Bill Nelson, Sheldon Whitehouse, Jack Reed, Bernard Sanders, Christopher J. Dodd, Patty Murray, Benjamin L. Cardin.

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

The question is, Is it the sense of the Senate that debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to Iraq shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The yeas and nays resulted—yeas 73, nays 17, as follows:

(Rollcall Vote No. 158 Ex.)

YEAS—73

Akaka	Feinstein	Merkley
Alexander	Gillibrand	Mikulski
Barrasso	Graham	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Pryor
Boxer	Hutchison	Reed
Brown	Inouye	Reid
Burr	Isakson	Sanders
Byrd	Johanns	Schumer
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Voinovich
Dodd	Lincoln	Warner
Dorgan	Lugar	Webb
Durbin	Martinez	Whitehouse
Enzi	McCaskill	
Feingold	Menendez	

NAYS—17

Bond	Crapo	Risch
Brownback	DeMint	Sessions
Bunning	Ensign	Shelby
Burr	Grassley	Vitter
Coburn	Inhofe	Wicker
Cornyn	McConnell	

NOT VOTING—9

Begich	Kyl	Roberts
Bennett	Lieberman	Rockefeller
Kennedy	McCain	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BEGICH. Mr. President, I was not able to be present in the Senate at the time of the confirmation votes on the nominations of Tony West, Lanny Breuer, and Christine Varney, to be Assistant Attorneys General of the United States, and the cloture vote on the nomination of Christopher Hill, to be our Ambassador to Iraq.

Had I been present, I would have voted "yea" on the confirmation of each of the Assistant Attorneys General nominees, as well as "yea" on the

motion to invoke cloture on the nomination of Christopher Hill.

I ask that the RECORD reflect how I would have voted had I been present at the time of the votes.●

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. STABENOW. 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.

FREE ROXANA SABERI

Mr. DORGAN. Mr. President, 2 days ago, Roxana Saberi from Fargo, ND, was convicted of espionage by an Iranian revolutionary court and sentenced to 8 years in prison after a very brief trial that was held behind closed doors.

I have said very little publicly about this case. But when the sentence was announced, I said I thought it was a terrible miscarriage of justice. I don't come to the floor today to inflame the passions about this issue, but I wish to, for a few moments, say some words about Roxana Saberi and to urge the Iranian Government to do the right thing and release this young woman from prison and allow her to come home to the United States.

Roxana Saberi is not a spy. She is an Iranian American. She was born and raised and educated in Fargo, ND. Her father is Iranian, which means she has dual citizenship. She went to Iran as a journalist because she is interested in the culture of the country which her father came from.

I know Roxana and her family, and let me tell you a bit about the young woman who sits today in a prison in Iran. Roxana was born in Fargo, ND, 31 years ago. Her father Reza is an Iranian, her mother Akiko is Japanese. She is a 1994 honors graduate of Fargo North High School. She was active in music and soccer and key club and dance. She is a member of that high school's hall of fame. She earned a double major in French and communications in 1997 from Concordia College in Moorhead, MN. She was active in music and a sports star in soccer. She reported for the campus television and newspaper. In 1997, she was selected as Miss North Dakota. In 1997, she was one of the 10 finalists in the Miss America Pageant. When she received her Miss North Dakota title, Roxana said her aim was to encourage other young people to appreciate cultural differences. That ambition led her to a career in journalism.

In 1999, she completed a master's degree in broadcast journalism from Northwestern University in Chicago, IL. In 2000, she received a master's degree in international relations from Cambridge University in England. She

moved in 2003 to Iran as a freelance journalist. She reported for National Public Radio, Fox News, and the BBC. This is a young woman of great accomplishment. She has two master's degrees, she has a great education, and she so celebrated her culture that she wanted to spend time in the country of Iran, where her father was born, and she did reporting in the country of Iran. She stayed in Iran after her press credentials lapsed in 2006. She stayed to write a book and complete work on a master's degree in Iranian studies and international relations.

At the end of January in this year, Roxana was picked up and sent to prison. She was held nearly 2 months without charge in a prison outside of Tehran. As I indicated, this Saturday she was convicted of espionage and sentenced to 8 years in prison. The trial was a brief closed-door trial, and this young woman was not allowed to speak in her own defense.

Since Roxana Saberi was convicted and sentenced on Saturday, President Mahmoud Ahmadinejad has sent a letter to the Tehran's prosecutor saying Roxana's rights must not be violated in any way and he asked the prosecutor to ensure that she is allowed to offer a full defense in her appeal.

In addition, the head of Iran's judiciary has ordered a "quick and fair" appeal of Roxana's case. Perhaps they understand that because of worldwide attention to the imprisonment of this young woman, Iran's credibility is on trial as well. When Iranian authorities review Roxana's cases, they will see she has not been granted the basic human and judicial rights that are guaranteed—or supposed to be guaranteed—under Iran's Constitution and penal code.

As I said, she was arrested in late January, she was held without charge and kept without communication with her family for weeks before being allowed to call her parents in faring Fargo, ND. It took about 6 weeks before she was allowed to see the lawyer who was hired by her parents. At first, she was told she was imprisoned because she bought a bottle of wine, and the person who sold her the bottle of wine had reported it to Iranian authorities. Then she was accused of working as a journalist without a valid press card. Finally, she was accused of espionage, of spying for the United States, and at the trial—conducted behind closed doors, according to her lawyer—was not allowed to speak in her own defense.

Roxana Saberi's parents have traveled to Iran to work on their daughter's behalf. They say they have been treated courteously by Iranian officials. They have now been able to visit Roxana in prison, and they have been allowed to work with the lawyer and speak to the press. I visited with Roxana's father today and a couple times last week. He is enormously gratified at the outpouring of support for Roxana from all around the world. Presi-

dent Obama, I know, has spoken of this issue, Secretary Clinton, media outlets around the world and nongovernment organizations, foreign governments and the European Union have all appealed on her behalf. Roxana's father has indicated she has not been abused in prison but that she is frail, has lost weight, and he fears she may not survive in prison for a lengthy term.

Some have said this case suggests we shouldn't have any dialogue or discussions with Iran. I think quite the opposite. One of the difficulties of this case is that an American citizen has been imprisoned unfairly in Iran and then charged and tried and sentenced unfairly. We have no embassy and no Ambassador in Iran, so we must work through the Swiss Embassy, which is the protecting power for American citizens in Iran.

My hope is that as a result of what has happened internationally and as a result of what we have heard from President Mahmoud Ahmadinejad and the chief of Iran's judicial system, the Iranian authorities will understand this is a travesty of justice; that this doesn't meet any standard of fairness and that Roxana Saberi is not—is not, I repeat—a spy. My hope is the Iranian authorities will decide enough is enough, and they will allow this young woman to be freed from prison and to travel back to this country.

She is an American citizen, born, raised, and educated in this country. The Iranians make the case she is an Iranian citizen. That ignores the fact that she was born and raised and educated here. She is an American citizen. To have an American citizen imprisoned in Iran, held 2 months without charge, and then charged in a closed-door trial with espionage is, in my judgment, an affront to fairness, and I think it is an unbelievable miscarriage of justice. My fervent hope is the Iranian authorities will do what should be done in this case and recognize that a miscarriage has occurred. They have the ability and the capability to rectify it.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I would like to first address the matter of Roxana Saberi, a young woman from our home State. Roxana Saberi is someone I know. She has interviewed me many times. Roxana is a journalist, and a very good one. She is somebody who had parents with Iranian tradition and legacy in their family. She went to Iran to learn more about her own legacy, her own inheritance. She was always impressed by what she had learned about the Iranian people. She is someone who loves the Iranian people and respects their culture. She is someone who was there in a role as a reporter, providing reports to National Public Radio as well as British Broadcasting. So it was with amazement that we heard of these charges, as Senator DORGAN outlined correctly, first being told she was jailed because she

had bought a bottle of wine, then told she had filed reports without a proper authorization, and then the stunning news that she was being charged with espionage and put through a 1-day trial in which she was not able to speak in her own defense. These are circumstances which require us to speak out and to ask the judicial system in Iran to provide a swift appeal and allow Roxana to come home. She was sentenced Saturday to 8 years in prison. Her family reports that while she is not being mistreated, she is somebody who is vulnerable. This has been very difficult for her. So we ask the Iranian authorities to give her a swift appeal and allow her to return to the United States.

Roxana is someone I know well. She is a warm, loving person, somebody who is well regarded as a journalist in my home State, someone about whom I think anyone who would meet her would say: Here is someone who is proud of her heritage, proud of the history of the Iranian culture, and somebody who loves the Iranian people.

I was encouraged that President Ahmadinejad has indicated that he would like to see the court provide justice and that he has asked them to take up the appeal swiftly and to give Roxana and her defense all of the opportunities anyone should be able to expect if they are charged with such serious crimes.

I make my own personal appeal here on the floor of the Senate this evening. Roxana is somebody, as I have said, I know well. She is a terrific reporter, has interviewed me many times. There is no question in my mind that Roxana was in Iran for the purpose of preparing a book on the people of Iran and to do reports to NPR, British Broadcasting, and even to outlets back home.

I hope the Iranian authorities will think very carefully about how they are seen on the world stage based on how they treat this young reporter. Like all of us in public life, we are judged by what we do. We are held accountable. I hope the Iranian authorities are thinking very carefully about how they will be seen in this matter. I plead with them to release Roxana and to permit her to come home. She is a North Dakotan. She is someone of whom we are very proud. She is a reporter. She deserves to be released.

TRIBUTE TO SERGEANT FIRST CLASS LARRY HAWKS

Mr. MCCONNELL. Mr. President, I rise today to honor a brave Kentuckian and soldier who has been awarded the Silver Star for valor in defense of our country.

SFC Larry Hawks, a native of Edmonson County in my home Commonwealth of Kentucky, received our Nation's third highest award for gallantry in action against an enemy of the United States. Those rare few who receive the Silver Star do so because of their display of selfless sacrifice and

unparalleled courage under fire and Sergeant First Class Hawks has certainly demonstrated that to his fellow soldiers.

Sergeant First Class Hawks showed his bravery and patriotism to all during a 14-hour battle in 115-degree heat while stationed in Afghanistan on July 25, 2005. That morning on combat patrol in the Oruzgan province, his unit encountered and gave chase to a large number of enemy fighters. Our soldiers soon found themselves facing an intense volley of fire from machine guns, small arms and rocket-propelled grenades.

Without regard for his own safety, Sergeant First Class Hawks came out from behind cover to draw and return enemy fire while directing his unit into position to more effectively engage the enemy. He also directed fire from Apache gunships overhead. He passed up a chance to move to a safer position and insisted on staying in the best vantage point over the enemy.

"There were times when some of the guys thought that we weren't going to make it," Sergeant First Class Hawks was quoted as saying after the ordeal. "But I was thinking, you may not, but I am coming out of this. That was my whole thought process."

SFC Larry Hawks's service is continuing proof that there is no finer fighting man on the face of the Earth than the American soldier. Accordingly, a ceremony was held last December at the U.S. Army John F. Kennedy Special Warfare Center and School, in Fort Bragg, NC, for him to receive this honored award.

Mr. President, I ask my colleagues to join me in recognizing Sergeant First Class Hawks for the many sacrifices he has made to our country. We Kentuckians are honored to know and be among such heroes.

I also ask unanimous consent that the full article from the Brownsville, KY, Edmonson News of March 19, 2009, detailing SFC Larry Hawks's service and the actions that led to the awarding of his Silver Star, be printed in the RECORD.

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

[From the Edmonson News, Mar. 19, 2009]
SFC LARRY HAWKS AWARDED SILVER STAR
FOR DEFENDING COMRADES

Edmonson County native Larry Hawks, a 1988 graduate of Edmonson County High School, was recently awarded the nation's third-highest honor for valor in combat, the Silver Star.

Sergeant First Class Hawks's extraordinary acts of heroism while engaged in a military operation in Afghanistan were witnessed by his comrades.

Hawks, his wife Callie, and their four children Tristan, 10; Lorin, 8; Addie, 6; and Aidan, 4, reside in Salemburg, N.C.

In a letter to superiors, it was explained by Sfc. Donald Grambusch that during a 14-hour battle in 115-degree heat, and taking enemy fire from every angle, Hawks, with disregard for his own personal safety, returned fire during their ATV movement which enabled

other ATVs in the group to reach sufficient cover. Hawks then directed Apache gunships fire onto the enemy, while using his own weapon to defend their position.

Hawks was recommended for the Distinguished Service Cross for his bravery.

In addition to the Silver Star, Hawks has attained a long list of accolades and awards throughout his distinguished military career.

During his tenure of duty with the 82nd Airborne Division Hawks served in Panama, Egypt, Desert Shield and Desert Storm. In 1992 Hawks was assigned to the XVII Airborne Corps' Long Range Surveillance Co. He also served with the 3rd Special Forces Group (Airborne).

Hawks was featured in an article by Doug Clark in The Sampson Independent, a newspaper in Clinton, North Carolina, on January 25.

Hawks is the son of Tony and Pat Hawks of Wingfield.

His grandparents are the late Larmie and Pernie Hawks, and the late Lee Elmore and Lula Elmore of Wingfield.

TRIBUTE TO JERRILYN DYER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a dedicated philanthropist from my home State of Kentucky, Jerrilyn Dyer. Mrs. Dyer is well known in her community for her bright smile and comforting personality.

Mrs. Dyer has contributed countless hours to Kentucky through her volunteer work, including helping at the Pattie A. Clay Hospital Gift Shop and with the Home Meals Delivery service, helping to better the lives of so many over the years. In addition to her work in Kentucky, she was also well known for her volunteer work in Indiana particularly in Madison County.

Along with all her volunteer work, Jerrilyn is a dedicated wife, mother, and grandmother and finds time to travel with her husband of 49 years, Jack, and enjoys spending time with her two children and four grandchildren.

Recently, the Richmond Register in Richmond, Kentucky, published an article detailing Mrs. Dyer's service and accomplishments. I ask unanimous consent that the full article be printed in the CONGRESSIONAL RECORD.

Mr. President, I ask my colleagues to join me in honoring Jerrilyn Dyer and her service to the Commonwealth.

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

[From the Richmond Register, Mar. 28, 2009]
JERRILYN DYER: A NON-STOP VOLUNTEER
FORCE

(By Ronica Shannon)

Jerrilyn Dyer, 67, and her husband Jack moved to Madison County from central Indiana in 1967 when Jack accepted a teaching position at the Eastern Kentucky University.

She has been an active part of the community in several areas ever since. Jack began his doctoral studies and the couple moved to Lexington in 1969, only to return to Richmond in the fall of 1989.

The two graduated from high school in Spencer, Ind. Jerrilyn graduated from Kentucky Christian College with a teaching degree in 1989.

She refers to herself as 'a late bloomer.' Jerrilyn is involved with several volunteer organizations in the community including Home Meals Delivery, which delivers midday meals to homebound residents and hosts the annual "Empty Bowls Friday."

She also is a member of the Madison County Republican Women's Club, which is affiliated with the National Federation of Republican Women. The organization supports the Republican Party and Republican candidates.

"I have served in many capacities for the party and worked as a poll officer," she said. "I feel strongly about voting and each citizen's duty to do so. It's not only a responsibility, but a privilege to participate in our government. There's great satisfaction in helping make our community environment a better place in which to live."

"We need to continually support competent people in our community leadership," she said.

No matter the circumstances, Jerrilyn always seems to have a smile on her face and laughter in her voice. How does she do it? Simple. She thrives at what she does.

"I love volunteering time and effort to several causes," she said. "It always blesses me more than what I give. Home Meals Delivery, for instance, is a program started in 1980 when there was a need. It's not the federally funded program started by the government, but is a locally endowed program relying on volunteers. I have been involved with it for about 15 years since I first heard of it at a club meeting. I am currently serving on the board."

Jerrilyn also is a volunteer at the Pattie A. Clay Hospital Gift Shop and has seen the expansion of the shop over the years.

"It's a lot of fun selling gift items and talking with all the customers who many times just need a friendly listener," she said.

Proceeds from the shop benefit the hospital needs.

"Just recently we were able to donate several thousand dollars for the new East Wing Project," she said. "I've been a member of the Richmond Woman's Club for several years and have participated with the ladies on several community projects including Habitat for Humanity, New Opportunity School for Women, The Salvation Army and (local) veterans (organizations)."

Aside from volunteering, Jerrilyn also has worked as a secretary for several businesses and organizations, including: Westinghouse in Bloomington, Ind.; Indiana State University and 8th Avenue Baptist Church and at Christian Student Fellowship on the University of Kentucky Campus.

"I've also done substitute teaching and been a teacher's aide, and a merchandiser for Gibson Greetings," she said.

Jerrilyn and her husband will celebrate 49 years of marriage this year. The two have a son who is a high school basketball coach (honored as coach of the year in his conference this year) and he teaches in Bristol, Tenn. Their daughter has taught special education for years and is a teacher consultant for six counties, including Shelby County, where she is a resident.

"We have four adorable grandchildren—two girls and two boys," she said "It is truly great being grandparents."

She and her husband enjoy traveling and have made it all over the United States.

Throughout the years, she and her husband have visited all 50 states, all the presidential libraries, all 30 Major League Baseball parks and all the Kentucky state resort parks.

They also spend a lot of time shopping for their grandchildren and playing cards with friends, she said.

The church also plays a large role in the Dyers' life.

She and her husband have been active members of Gardenside Christian Church in Lexington, where their children grew up.

"Over the years we've been Sunday School teachers, youth sponsors, Bible School leaders, etc.," Jerrilyn said. "Currently, we're on the Missions and Benevolence Committees and members of a Sunday School Class. I've served in a Women's Circle and Jack is on the board as an elder and deacon."

So why is volunteering in her community so important to Jerrilyn? "There is much to be said for volunteering in a community," she said. "It can promote so much good will among the citizens and can give a special spirit of unity and pride. Volunteers can get so many projects done that otherwise wouldn't be possible using only its paid staff. And, of course, the volunteer probably gets back more than he or she gives."

HONORING OUR ARMED FORCES

CORPORAL JASON G. PAUTSCH

Mr. GRASSLEY. Mr. President, it is with great sadness that I rise today to call attention to a fallen hero. Cpl Jason G. Pautsch, a 20-year-old soldier from Davenport, Iowa, died on April 10, 2009 in Mosque, Iraq, of injuries sustained when an explosive device detonated near his vehicle. My thoughts and prayers go out to his parents, David Pautsch and Teri Johnson, his siblings Jared, Jacob, Josef, and Jenna, and all his friends and family.

Jason was the squadron leader in the Army's 4th Infantry Division and a graduate of Davenport North High School. Graduating a semester early so he could join the Army, Jason was deployed to Iraq last September. His family has a history of military service and his older brother Jacob is currently serving in the Army's 82nd Airborne.

Always a thrill-seeker, Jason enjoyed hunting and racing BMX bikes in his free time. His high school football coach describes him as a strong young man who was passionate about everything he did. Jason had an excellent sense of humor, was a tremendous competitor, and showed dedication in all he did.

Jason told his father David, he "believed in what he was doing" and his sense of patriotic duty is inspirational. I express the greatest respect and sincere gratitude on behalf of all Americans for Jason's commitment to our country. His is a true hero, and his sacrifice will not be forgotten.

RWANDA

Mr. FEINGOLD. Mr. President, while Congress was in recess, Rwanda commemorated the 15-year anniversary of the genocide. Fifteen years ago, a deliberate, centrally planned, and organized campaign of mass murder and rape was set in motion, which displaced millions and eventually took the lives of over 800,000 people. People were killed simply because of their ethnicity or political beliefs or an unwillingness to participate in the violence. The un-

speakable acts of terror that ensued over those months in 1994 shocked the world, and yet the international community, including the United States, failed to act. The promises of "never again" rang hollow.

Fifteen years later, Rwandans have come a long way to repair their lives and rebuild their institutions. I am pleased that the International Criminal Tribunal for Rwanda and the Gacaca Courts continue to work to bring to justice those guilty of the most egregious crimes. Accountability is an essential step to promote healing for the survivors and to prevent a return to conflict in Rwanda. At the same time, I have been deeply moved that many survivors of this terror have been willing to forgive and live side by side with many of those who participated in it. Continuing to foster tolerance and openness, and ensure there is sufficient political space for dissent and discussion is critical to maintain future stability in Rwanda.

As a Washington Post editorial recently noted, while the current Rwanda government has made impressive "accomplishments in righting its country and improving basic services it continues to be intolerant of criticism." According to the State Department's reports and those of non-governmental organizations, there is a worrying pattern of repression in Rwanda against political opponents and civil society. Over the long run, suppression and intimidation can undermine security rather than protect it, forcing healthy debates into illicit channels, and casting doubt on the legitimacy of the prevailing order. If this pattern continues, it could intensify Rwanda's ethnic and social tensions, and ultimately lead to future conflicts.

Rwanda has become a good friend and partner of the United States over the years, and our countries have worked together on many important joint initiatives. Most notably, they have become a leader on the African continent in responding to mass atrocities and contributing to peacekeeping operations. This is deeply inspiring given all that they have gone through, and we should continue to work with them to prevent future genocide and mass atrocity. However, we fail to be true friends to the people of Rwanda when we turn a blind eye to patterns of repression in their country, or fail to raise our voices in support of civil and political rights. As we remember those tragic events 15 years ago and commemorate those who perished, we should resolve to pay close attention to the present. The people of Rwanda deserve more than our regret; they deserve our support for their efforts to build a more just, more free and more secure future.

HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT

Mr. BOND. Mr. President, I rise to speak on the introduction of S. 808, the

Homeless Emergency Assistance and Rapid Transition to Housing Act or "HEARTH" Act, which I am very proud to cosponsor. The HEARTH Act is a landmark housing bill as it significantly improves Federal programs designed to end and prevent the tragedy of homelessness that afflicts too many American individuals and families.

Before I offer some comments on the bill, I praise Senator JACK REED for his long-term commitment and hard work on addressing homelessness. Senator REED has been a longtime leader in housing issues and I value the strong partnership we have had over the past several years. I also applaud his staff, led by Kara Stein, who has worked tirelessly and patiently over the past 8 years on homeless legislation. Further, I would be remiss to not mention the work of our former colleague, Senator Wayne Allard, who also was heavily involved in this legislation before he retired from this Chamber. Finally, I thank Nan Roman of the National Alliance to End Homelessness and Dr. Dennis Culhane of the University of Pennsylvania School of Social Policy and Practice who have provided us invaluable insights and research on homelessness that helped guide our policy work.

Over 20 years ago, the Federal Government took its first major step in addressing the plight of homelessness through the enactment of the Stewart B. McKinney Homeless Assistance Act, which was later renamed the McKinney-Vento Act after the death of Representative Bruce Vento who was an early advocate of the law. When this comprehensive law was enacted back in 1987, some legislators thought that homelessness was a temporary problem that could be solved in a few years. Unfortunately, this was clearly not the case. Despite billions of private and public dollars spent on the homeless, millions of veterans, families, disabled, and children have and continue to experience the sad tragedy of living without a home.

Fortunately, homelessness is not a hopeless situation. As the former chair and current ranking member of the Senate Appropriations subcommittee that funds most of the Federal homeless programs, I have worked with my colleagues on both sides of the aisle—especially Senators BARBARA MIKULSKI and PATTY MURRAY—to ensure resources were being provided to the appropriate programs. This is an important task and I am proud of being in position to make a difference.

We learned that throwing money at the problem was not going to solve homelessness but that a smarter, more effective approach was needed. Specifically, we learned that providing permanent supportive housing was the key component in solving homelessness, especially those considered to be chronically homeless. Research led by Dr. Culhane found that chronically homeless received housing primarily through regular, long-term use of the emergency shelter system. Serving the

chronically homeless through emergency shelters interfered with their treatment regimen, resulting in costly hospital and jail stays. Further, local emergency systems became clogged with permanent users, reducing their ability to address the more temporary problems of families and individuals who are homeless because of an economic crisis. Moving away from emergency shelter programs to permanent supportive housing has become the most critical change over the past several years and based on recent studies and programs I have seen in my home state of Missouri, it has clearly worked.

To implement this approach, I worked with Senator MIKULSKI to include a provision, beginning in fiscal year 1999 VA-HUD Appropriations Act and carried every year thereafter, to require that at least 30 percent of the Department of Housing and Urban Development's—HUD—homeless assistance grants be used for permanent housing. Focusing a significant amount of funds towards permanent housing helped reverse the revolving door for the homeless using local emergency systems.

We also learned the importance of gathering data and analyzing the characteristics of our homeless population to design and target funds to programs needed to serve the homeless. The establishment of the Homeless Management Information Systems or HMIS through HUD has now become a critical tool for local continuum of care systems throughout the Nation in addressing their particular homeless populations. Requiring and funding HMIS systems through the VA-HUD appropriations bill was another critical component.

Finally, we learned that despite the involvement of several Federal agencies in serving the homeless, there were gaps in services and coordination was lacking. Again, I worked with my colleagues to reactivate the U.S. Interagency Council on Homelessness to improve Federal, State, and local coordination of homeless programs. We also required that 25 percent of HUD homeless funds used for supportive services be matched with other funds to expand funding for these needs by encouraging other Federal agencies such as the Department of Health and Human Services and Department of Veterans Affairs to meet their obligations.

The HEARTH Act codifies these important provisions that have been carried in appropriations and builds on our work over the past several years. In addition, the act includes a number of other important provisions that create a new program to assist rural communities help the homeless, increases local flexibility by combining HUD's competitive grant programs, and provides incentives to house rapidly homeless families.

Homelessness is a national tragedy. We are reminded of this tragedy when walking around Washington, DC, St.

Louis, and other towns and cities across the Nation. It is my hope that one day, our Nation's homeless will not be worrying about where they will receive their next meal or where they will be sleeping that night. It is an unacceptable situation. But by working together with advocates, the private sector, and government, we can solve homelessness. The HEARTH Act is a prime example of that partnership and advances our ability to end homelessness.

Updating and improving our homeless programs is even more critical as more Americans face the prospects of homelessness due to the economic downturn. The housing crisis has already displaced many families and individuals creating more strain on social safety net and homeless programs.

Again, I thank Senator JACK REED for his leadership and commitment on homeless issues and I strongly urge my colleagues to support this legislation so it can be enacted as soon as possible.

JOHN J. DUNCAN, JR. SCHOOL OF LAW

Mr. ALEXANDER. Mr. President, on March 27 colleagues of Congressman JIMMY DUNCAN from the House of Representatives gathered in Knoxville to celebrate the naming of Lincoln Memorial University's John J. Duncan, Jr. School of Law.

This is an appropriate honor both for Congressman DUNCAN and for the university.

The proposed Duncan School of Law received Tennessee Board of Law Examiner approval last month. This allows its graduates to be eligible to sit for the bar exam in Tennessee.

LMU has already submitted a letter of intent to pursue accreditation for the proposed law school. It hopes to begin admitting students and begin classes in August of this year. That first class will consist of approximately 75 part-time students. The full-time program will begin in fall 2010 and consist of another 125 students.

Congressman DUNCAN earned his journalism degree at the University of Tennessee, Knoxville, and his law degree at George Washington University. He has served as Captain in the U.S. Army National Guard and practiced law in Knoxville.

In 1981, when I was Governor of Tennessee, I appointed JIMMY DUNCAN as State trial judge. He served until 1988 and I was always proud of that appointment.

It is especially appropriate to combine the names of President Lincoln and the Duncan family. President Lincoln proposed creating the university as a gesture to the mountain people who fought with the Union in the Civil War. The Duncans, like the Alexanders and many others, were early Scotch-Irish settlers who remained loyal Lincolmites even though the State of Tennessee seceded from the Union. So have been most of the people in the

Second Congressional District that Congressman DUNCAN and his father have served. The district has elected only Republicans to the Congress since Abraham Lincoln was President.

President Lincoln once said that education "is the most important subject which we as a people can be engaged in." Naming Lincoln Memorial University's law school for Congressman JOHN J. DUNCAN, Jr., unites two great traditions that will encourage educational excellence in our region.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

I get my health care and medications at the V.A. hospital in Boise, Idaho. That requires a four hour drive of over 170 miles, each way. This year I had to cancel my lab appointments and medication renewal exam because it would have cost me over \$250 to make the trip. My only alternative was to drive to the newly opened V.A. clinic in Lewiston, Idaho an 80-mile trip each way. I was then told that I would have to wait an unknown period of time "to get on a waiting list". This trip cost me over 90 plus dollars and gas/diesel is still climbing. If we allow new oil exploration in ANWR and off of our coast, what guarantees are we going to get that this "oil" will be used for the benefit of Americans. As I understand it now most of the oil from Alaska is shipped to Japan, while some is used for U.S. consumption. This is a national resource on national land and appropriate royalties should be dedicated to make gas and diesel affordable for all Americans. Thank you for your time and consideration.

DWIGHT, *White Bird*.

I'm 72 yrs of age, my wife is 70. We have worked hard all our lives, have been responsible, caring citizens. I am a vet, have served in various leadership positions in different organizations, involvement in Boy Scouts and other youth programs, as a responsible citizen over the years we have voted at all elections to exercise our civic responsibility. We are retired, live on a fixed income, with

a modest retirement future. In retirement, one has to adjust your "wants" to what is really needed. When I retired, how could I have anticipated \$4.00+ a gallon for gas? Somehow, I felt my civic input over the years had placed the correct people in government to oversee the changing variables in life and make the proper adjustments needed to hold sure and steady on course!

Instead now we have intense partisanship, people voting for the good of the "party" instead of what is best for the country, self-interest and self aggrandizement with very little being accomplished—all upon the backs of the "people" who have put them in office. Gas is now a political football; drill here and now, against those who say whatever we can find here is not enough "a liberal party line," if all this is our future, I am sure glad I am 72 and have only a few years to see the further denigration of our political system and our way of life. My biggest regret is the mess my generation is leaving to our children and grandchildren.

LLOYD and CAROL.

You are asking Idahoans to write about gas prices? [Does that mean that you] do not know? I think [questions like that indicate that those in Congress may be out of touch with reality.]

[One of] your colleagues [suggested that] Americans to use alternative routes of transportation and that it is a good thing that gas prices force people to take the bus, ride Bikes, or walk to their destination because it helps reduce global warming. [But that suggestion fails to recognize reality]. I am a driver for a living. I deliver products right here in Boise. I have to drive I have no choice. I am also a salesman, and a night supervisor. I do not have the option of riding the bus! I cannot walk my deliveries or ride my bike with my products. I find it absolutely insulting [to have this lack of comprehension of real life displayed by our political leaders].

I have three jobs! Three jobs, and I am still having problems fueling up! I have had to open credit card accounts for the first time in my life! And my debt is still going up.

You would think with three jobs and three paychecks for one person, I would be doing well? I am not married, no kids! I would be starving with fuel prices if I had a family! I am just barely paying my bills on time as they are, to about \$1500 a month, not including gas prices!

Starting in 2005 till 2007 I did very well financially; I was saving up and putting money away in my savings account. I loved myself for putting money away. This month in June I had to take one-fourth of my life savings out of the bank to pay bills, including gas because the price skyrocketed from \$3 to \$4 a gallon in one month!

This is outrageous! I am [extremely angry at the political leaders who have failed to address this problem. And Congress carries most of the blame.] Congress has done this because [environmentalists have protected caribou in ANWR where we have lots of oil. I am dismayed that Congress displays more concern for the] caribou than they do for the economy! My jobs? My gas prices? My bills? My lifestyle? [Congress should be concerned more about the people it represents, not the animals.]

You will not allow drilling off shore? Well, did you know that China is drilling for oil off the coast of Florida? But we cannot? Why? This is outrageous!

Do not listen to those radical environmentalists. They were wrong about the second Ice Age in the 70s. When I was kid in school in the 1980s, my teachers told me by the year 1999 New York would be underwater and Los Angeles would be a bunch of Islands.

It has not happened. Of course, the Earth's temperature changes and jumps over time. The Earth's climate changes all the time; it has been since the Earth cooled and formed. The Earth's temperature does not stay the same all the time. There are so many scientists and people who disagree with [climate change theories].

UNSIGNED.

The area of Terreton, Mud Lake, Montevieu, and Hamer has no grocery store in any of the areas. We live approximately 45 miles from Idaho Falls, or Rexburg, whichever way we go. Either of these towns contains our nearest grocery store. Therefore, we have to drive 90 miles to get to a grocery store and home. Some people live as far as 19 miles farther north in Montevieu, so for them it is over a 125-mile trip to a grocery store and home. I am sure that none of our Senators or Congressmen can even fathom something like this. We do have an implement dealer and a great hardware store in our area but still, for some of the people it is a 20 mile drive to and from this store from the outskirts of Montevieu and Hamer.

We try to make our trips count when we grocery shop, but milk and fresh produce does not last as long as other items. So sometimes it becomes a 125 mile trip for just a few groceries. This makes groceries extra expensive when the trip itself costs \$20 plus just in gas costs. They have to realize, not everyone is in walking distance of all products and services.

Doctors, hospitals, clothing stores, entertainment, etc., are all the same distance. We either stay home or we drive 125 miles for about anything we need. The answer for us is not "just drive less". We have no choice, and this involves a lot of people.

KENT and SHELMA, *Terreton*.

I want to first of all thank you for all of your efforts to help us achieve energy independence. For the one priority of Congress to act upon for our country's energy policy, we need domestic oil, both drilling and more refining. This would stabilize both out economy, and national security, because it would make it so that we are not beholden to the whims of foreign governments, but you already know that, I just wish that some other members of Congress could understand that also.

As far as current fuel cost having an impact on my situation, let me share a few details with you. I own a small window cleaning business, that currently services from Idaho Falls up to Ashton and the Driggs area. We have been planning to expand our service area to include down to Pocatello and up to Island Park this year. But, because of fuel cost, we have had to put off expanding up to Island Park for now. This delay has not only affected me, but I have one other person working for me, and it has also affected him because he gets paid a percentage of any work done. We have been able to do some expanding into the Pocatello area, but it has not gone as fast as we had planned because of the fuel cost.

SCOT, *Teton*.

I just heard on the news that a couple of states are charging a surcharge to speeding tickets. This extra fee penalizes those who are speeding and using more fuel, endangering the lives of their fellow citizens. The money is used to augment the police departments who must pay more for fuel because of higher prices. These higher prices are causing problems with the budgets of the police departments. It is only fair that those who speed should pay to augment the police departments gasoline bill. Please use your influence to encourage the states to add this

surcharge to their speeding tickets and designate the money to the police departments gasoline bills.

We must do something about the high cost of gasoline. It will ruin our country and put millions out of work, as it has done already. The answer is not more supply the answer is to stop the greed of the American oil companies. Its just that simple. It is not right, it is criminal for the oil companies to make billions in profits while bankrupting the citizens of the USA.

Your web site says the average American will spend more than \$50 per month on gasoline than last year. [But] we are spending more then \$50 more per tankful than we did last year! I bought a Subaru that gets 30 MPH on the highway, and it cost over \$50 to fill the tank! The same amount I spend on my 350 V8 Chevrolet pick-up a year ago and it holds 30 gallons. I do not even drive my truck anymore.

CYNTHIA.

ADDITIONAL STATEMENTS

TRIBUTE TO STAN JONES

• Mr. BAYH. Mr. President, I wish to honor Stan Jones, a man who has dedicated his professional life to improving the quality of education for countless students across Indiana.

Stan is Indiana's longtime commissioner of higher education and will unfortunately retire from our State's highest education post this month. Stan has led the Commission for Higher Education since 1995 and during his remarkable tenure was charged with planning and coordinating Indiana's State-supported postsecondary education system and giving students the ability to secure their personal futures.

Stan's commitment to education began in 1974, when, at the age of 24, he was elected to the Indiana House of Representatives. As a member of both the House Education and State Budget Committees, he developed an expertise in higher education and higher education finance that would be enormously beneficial in the years ahead.

Between 1990 and 1995, Stan was one of my closest advisers when I had the privilege of serving as Indiana's Governor. He deserves credit as a primary architect of several landmark education-policy initiatives, including the 21st Century Scholars Program. This program promises at-risk middle school students full tuition scholarships to Indiana colleges and universities in return for being drug, alcohol and crime free and maintaining good grades. I am proud to say that this groundbreaking program was the first of its kind in the Nation to successfully graduate students and has increased the number of low-income students completing postsecondary education.

In his current role, Stan has led several initiatives to increase adult participation in higher education, including the development of the Community College of Indiana. He has also worked relentlessly to increase the number of students pursuing higher learning and

to improve their preparation through a focus on raising Indiana's K-12 academic standards. More recently, Stan has led a comprehensive campaign to significantly increase college graduation rates in Indiana.

On a personal note, I have known Stan Jones for nearly 25 years. I am personally grateful to have had the benefit of Stan's wisdom for all these years.

Throughout his public career, Stan has been a tireless advocate for moving educational policy issues to the forefront of Indiana's political agenda. On behalf of all Hoosiers, we thank Stan for a job well done, for his passion and commitment to education, and above all, for his service to the people of Indiana.●

TRIBUTE TO MAJOR GENERAL THOMAS L. CARTER

● Mr. GRAHAM. Mr. President, today I pay tribute to an outstanding military leader, public servant, true patriot, and citizen of Charleston, SC: MG Thomas L. Carter.

General Carter is currently the Mobilization Assistant to the Secretary of the Air Force, and on May 1, after nearly 35 years of distinguished and honorable service, General Carter will retire from the U.S. Air Force Reserve.

General Carter began his active duty service in 1975 after graduating from the ROTC program at Memphis State University. As an Air Force C-141 pilot he flew over 4,000 hours performing missions in support of the U.S. Special Forces. He also had the distinction of serving as the Air Force Aide to President Ronald Reagan from 1984 to 1986, where he spent countless hours with the President "carrying the football" at the height of the Cold War. Following his active duty career, he served 23 years in the U.S. Air Force Reserve.

General Carter's public service also extends to the Senate. From 1986 to 1989 he served as Assistant to the Republican Leader for National Security Affairs in the Office of Senator Robert Dole. His keen understanding of the Senate made him the leader's chief adviser on defense, foreign policy and veterans' affairs matters, and also resulted in his selection as a key member of Senator Dole's 1996 Presidential campaign.

General Carter's legislative prowess was so respected, that he left the Senate to assume the role of Deputy Assistant Secretary of Defense for Senate Affairs in 1989. In that capacity, he counseled the Department of Defense leadership and individual service executives on issues before Congress.

For 13 years, General Carter also served in the Secretary of Air Force's Office of Legislative Liaison, advising numerous Secretaries on government affairs matters. He also trained countless Air Force officers in the ways of Washington, DC. His trademark was his commitment to providing each new assignee to the office with his "Hill

101" where military officers, and many times new congressional staff, would be given the secrets to success for navigating the legislative branch. Many of those he mentored have gone on to tremendous success in the public and private sector, due in large part to General Carter's tutelage.

In 2003, General Carter was named Assistant to the Chairman for Government Affairs during the Columbia Accident Investigation Board. He also served as a civilian in the Department of Defense as a member of the Senior Executive Service while Senior Counselor to the Coalition Provisional Authority—CPA—from 2003-2004. In that capacity, he led numerous congressional delegations through areas of ongoing combat operations including visits to Baghdad, Mosul, Tikrit and Fallujah.

The Nation will miss General Carter's congressional expertise, tireless advocacy for the Air Force, and unwavering commitment to public service. However, I know he will continue to serve his Nation wherever he goes. Tom is the proud father of Kathryn, 28, Will, 26, and Mary-Lee, 15. I am proud to speak on behalf of a grateful Nation in saying thank you to General Carter for his years of service and sacrifice.

I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of selfless dedication to our great Nation. Good luck and Godspeed.●

135TH ANNIVERSARY OF THE SCHOOL SISTERS OF ST. FRANCIS

● Mr. KOHL. Mr. President, today I honor the School Sisters of St. Francis which will be celebrating 135 years of service in Milwaukee on April 24, 2009. I want to share with my colleagues a bit of background on the Sisters and call attention to the pivotal role they play in Milwaukee's faith community.

The School Sisters of St. Francis was founded in 1874 in Wisconsin by three courageous women Emma Franziska, Mother Alexia; Paulina Schmid, Mother Alfons; and Helena Seiter, Sister Clara. A year prior, these women left Germany and came to the United States to fulfill their dream of founding a Franciscan religious order.

Their central mission was to help their fellow immigrants and address the need for service within the Church. Their dedication to helping others has culminated in a network of Sisters who always strive to respond to the times they are in, and to the needs of the people whose lives are affected by their inspiring work.

Today that spirit lives on with Sisters, associates, staff, and volunteers in India, Europe, Latin America and the United States. The Sisters continually demonstrate their compassion for others and have often been recognized for their pioneering spirit and innovation in education, health care, pastoral

ministry, and the arts. Their outstanding work promotes human dignity, justice, and outreach to the poor. It is with great pride that the people of Wisconsin wish the School Sisters of St. Francis a happy 135th anniversary and continued success as they carry out their mission in Wisconsin and across the globe.●

TRIBUTE TO VICKIE VANZANDT AND STEVE HICKOK

● Mrs. MURRAY. Mr. President, I wish to recognize Vickie VanZandt and Steve Hickok for their exemplary record of public service to the Bonneville Power Administration, the people of Washington State, and the Pacific Northwest.

Vickie VanZandt retired on March 28, 2009 after 35 years with the Bonneville Power Administration. She most recently served as Bonneville's transmission business line senior vice president. As the senior executive, Vickie assured the transmission grid operated safely and reliably in order to provide power to over 12 million customers. Her work involved coordinating and setting policy for transmissions system planning, design, construction, operations, and maintenance—clearly, no small feat.

Vickie graduated magna cum laude from the University of Washington's School of Engineering, is a registered engineer, and is a member of Tau Beta Pi engineering honor society. She has been a board member of the Western Regional Transmission Association, past president of the Northwest Regional Transmission Association, and has chaired the arbitration committees of both of these organizations. At the request of the Department of Energy, she also chaired the Operations Team investigating the East Coast Blackout of August 13, 2003.

Steve Hickok, Bonneville Power Administration's deputy administrator, retired on April 4, 2009, after 27 years of faithful service. Previous to his time with Bonneville, Steve served on the staff of my former colleague, Senator Mark Hatfield, as well as with the Senate Committee on Energy and Natural Resources and the Senate Committee on Appropriations. His experience here in the Senate served him well, and at Bonneville, Steve has served as the assistant administrator for conservation and renewable resources development, the chief operating officer, and the group vice president for sales and customer service. He was appointed as the deputy administrator, the organization's second highest-ranking position, in 2001.

Steve graduated with honors from Pomona College in Claremont, CA, and is also a graduate of the Stanford Executive Program. He has received many awards during his time at Bonneville, including the Secretary of Energy's Meritorious Service Award and the prestigious Presidential Rank Award, which he earned in both 1992 and 2000.

Steve has served on the boards of directors of the Electric Power Research Institute, the Western Energy Institute, the American Leadership Forum of Oregon, the Portland Business Alliance, and the Bonneville Environmental Foundation.

Again, I express my thanks to both Vickie VanZandt and Steve Hickok for their years of invaluable service to the Bonneville Power Administration, and to the entire Pacific Northwest region. The people of Washington State and the region have certainly benefited from their dedicated public service and experience. I wish them all the best in their future endeavors.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on April 13, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were signed on April 13, 2009, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 77. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

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

H.R. 1256. To protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 14, 2009, she had presented to the President of the United States the following enrolled bills:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1203. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Health Protection: Feeding of Processed Product to Swine" (Docket No. APHIS-2008-0120) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1204. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sugar Program" (RIN0560-AH86) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1205. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Assistance Loans and Loan Deficiency Payments" (RIN0560-AH87) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1206. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importa-

tion of Sweet Oranges and Grapefruit From Chile" (Docket No. APHIS-2007-0115) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1207. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations; Technical Amendment" (Docket No. APHIS-2007-0052) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1208. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Delay of Compliance Date for Newly Registered Entities" (Docket No. APHIS-2007-0033) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1209. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Tobacco Crop Insurance Provisions" (RIN0563-AB98) as received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1210. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mandatory Country of Origin Labeling of Muscle Cuts of Beef (including Veal), Lamb, Chicken, Goat, and Pork; Ground Beef, Ground Lamb, Ground Chicken, Ground Goat, and Ground Pork" (RIN0583-AD38) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1211. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the use of Aviation Continuation Pay during fiscal year 2008; to the Committee on Armed Services.

EC-1212. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1213. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-1214. A communication from the Deputy Assistant Secretary for Information Systems and Chief Information Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to the acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside of the United States for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-1215. A communication from the Acting Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the details

of the Office's compensation plan for fiscal year 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1216. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Delay of Effective Date" (RIN2501-AD16) as received during adjournment of the Senate in the Office of the President of the Senate on April 6, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1217. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12673)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1218. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12659)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12665)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1220. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12721)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1221. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12648)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1222. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12657)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1223. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12642)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1224. A communication from the Associate General Counsel for Legislation and

Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Civil Money Penalties: Certain Prohibited Conduct; Technical Amendment" (RIN2501-AD23) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1225. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (74 FR 12634)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1226. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (74 FR 12637)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1227. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (74 FR 12628)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1228. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12640)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1229. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12646)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1230. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12653)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1231. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12655)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1232. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (74 FR 12651)) as received during adjournment of the Senate in the Office of the President of the

Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1233. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (74 FR 12694)) as received during adjournment of the Senate in the Office of the President of the Senate on April 10, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1234. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weapons of Mass Destruction Proliferators Sanctions Regulations" (31 CFR Parts 544) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1235. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Persons Contributing to the Conflict in Cote d'Ivoire Sanctions Regulations" (31 CFR Parts 543) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1236. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Regulatory Flexibility Regarding Ownership of Fixed Assets" (RIN3133-AD53) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1237. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines—Money Market Mutual Funds" (RIN1557-AD15) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1238. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments" (RIN1557-AD12) received in the Office of the President of the Senate on April 20, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1239. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Northeast Gateway Deepwater Port, Atlantic Ocean, MA and Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, MA" (((RIN1625-AA00) (RIN1625-AA87) (Docket No. USCG-2008-0372)(Docket No. USCG-2008-0301))) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1240. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Firework Events; Great Lake Annual Firework Events" ((RIN1625-AA00)(Docket No. USCG-2008-0219)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the

Committee on Commerce, Science, and Transportation.

EC-1241. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations beginning with USCG-2007-0140)" (RIN1625-AA00) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1242. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 3 regulations beginning with USCG-2008-0203)" (RIN1625-AA87) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1243. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change" ((RIN1625-AA09)(Docket No. USCG-2007-0043)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1244. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11)(Docket No. USCG-2008-1052)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1245. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, NC" ((RIN1625-AA08)(Docket No. USCG-2008-0414)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1246. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD" ((RIN1625-AA11)(Docket No. USCG-2008-0315)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1247. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Long Range Identification and Tracking of Ships" ((RIN1625-AB00)(Docket No. USCG-2005-22612)) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1248. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Cleveland Harbor, Dock 32, Cleveland, OH" ((RIN1625-AA87)(Docket No. USCG-2008-0329)) as received during adjournment of the Senate in the Office of the Presi-

dent of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1249. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 18 regulations beginning with USCG-2008-0093)" (RIN1625-AA00) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1250. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Chehalis, Hoquiam, and Wishkah Rivers, Aberdeen and Hoquiam, WA, Schedule Change" ((RIN1625-AA09)(Docket No. USCG-2008-1095)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1251. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; West Basin, Port Canaveral Harbor, Cape Canaveral, Florida" ((RIN1625-AA87)(Docket No. USCG-2008-0752)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1252. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Perdido Regional Host Outer Continental Shelf Platform in the Gulf of Mexico" ((RIN1625-AA00)(Docket No. USCG-2008-1051)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1253. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Security Zone; Freeport LNG Basin, Freeport, TX" ((RIN1625-AA87)(Docket No. USCG-2009-0005)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1254. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Port of Mayaguez, Puerto Rico" ((RIN1625-AA87)(Docket No. USCG-2008-0070)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1255. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Moving Security Zone; Freeport Channel Entrance, Freeport, TX" ((RIN1625-AA87)(Docket No. USCG-2009-0006)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1256. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Route 5 Bridge Demolition, Chickahominy River, Charles City County and James City County, VA" ((RIN1625-AA00)(Docket No. USCG-2008-1198)) as received during adjournment of the Senate in

the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1257. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone" ((RIN1625-AA87)(Docket No. USCG-2007-0074)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1258. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Fireworks Displays within the Fifth Coast Guard District" ((RIN1625-AA00)(Docket No. USCG-2008-0189)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1259. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" ((RIN1625-AA41)(Docket No. USCG-2006-24196)) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1260. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XL91) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1261. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; U.S. Navy Training in the Hawaii Range Complex" (RIN0648-AW86) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1262. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retainable Amounts of Groundfish Using Arrowtooth Flounder as a Basis Species in the Gulf of Alaska" (RIN0648-AW40) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1263. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Seabird Avoidance Requirements Revisions for International Pacific Halibut Commission Regulatory Area

4E" (RIN0648-AW94) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1264. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2009 Scup and Black Sea Bass Specifications; Correction" (RIN0648-XN88) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1265. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; U.S. Navy's Atlantic Fleet Active Sonar Training (AFAST)" (RIN0648-AW90) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1266. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Swordfish Quotas" (RIN0648-AW61) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1267. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO11) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1268. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN18) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1269. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to General Category Scallop Vessels" (RIN0648-XN68) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1270. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN77) received in the Office of the President of the Senate on April 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1271. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Evert and Ludington, Michigan" (MB Docket No. 08-26) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1216)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0668)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0224)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1275. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727-100 and 727-200 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1103)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1043)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2006-25390)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Air-

planes, and Model DHC-8-200, -300, and -400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1361)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes" (RIN2126-AB16) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200, 757-200PF, and 757-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0846)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0898)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshift Engines" ((RIN2120-AA64)(Docket No. FAA-2006-25730)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0831)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model MU-300-10 Airplanes and Model 400 and 400A Series Airplanes; and Raytheon (Mitsubishi) Model MU-300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1142)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0522)) received in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 87. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Ladda Tammy Duckworth, of Illinois, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. BROWN):

S. 829. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 830. A bill to modify the definition of children's hospital for purposes of making payments to children's hospitals that operate graduate medical education programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CHAMBLISS, Ms. COLLINS, Mr. KENNEDY, Mrs. LINCOLN, Mr. ROBERTS, Mr. PRYOR, Mr. WHITEHOUSE, Mr. ISAKSON, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. JOHNSON):

S. 831. A bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself, Mr. AKAKA, Ms. COLLINS, Mr. CORKER, Mr. CRAPO, Mr. DODD, Mr. ENSIGN, Mr. ISAKSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. CARDIN, Mr. INOUE, and Mr. JOHANNES):

S. 832. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. LEAHY, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. FEINSTEIN, Mr. BINGAMAN, and Ms. SNOWE):

S. 833. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. SESSIONS:

S. 834. A bill to require that funding for Federal departments and agencies and programs that remain available at the end of a fiscal year shall be used to pay down the Federal debt; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. THUNE, and Ms. KLOBUCHAR):

S. 835. A bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 836. A bill to provide enhanced authority to the Congressional Oversight Panel established pursuant to the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. ENSIGN, Mr. CORNYN, Mr. BUNNING, Mr. INHOFE, and Mr. COBURN):

S. 837. A bill to require that North Korea be listed as a state sponsor of terrorism, to ensure that human rights is a prominent issue in negotiations between the United States and North Korea, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. ALEXANDER, Ms. LANDRIEU, Mr. BAYH, Mr. LIEBERMAN, Mr. CASEY, and Mr. JOHNSON):

S. Res. 104. A resolution designating the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mr. BEGICH, Mr. BINGAMAN, Mr. BURR, Mr. CARDIN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. INOUE, Mr. KENNEDY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. SPECTER, Mr. WHITEHOUSE, Mr. JOHNSON, Mr. HATCH, Mr. GREGG, Mr. BROWN, and Mrs. HAGAN):

S. Res. 105. A resolution designating April 24 through 26, 2009, as "Global Youth Service Days"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 46

At the request of Mr. ENSIGN, the names of the Senator from Mississippi

(Mr. WICKER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 167

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 167, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 244

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 245

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 386

At the request of Mr. LEAHY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maine (Ms. SNOWE), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. DORGAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief

programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Colorado (Mr. UDALL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 435

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Ohio (Mr. BROWN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry

“Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 456

At the request of Mr. DODD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 471

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools’ athletic programs, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of

S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Colorado (Mr. UDALL), the Senator from Washington (Ms. CANTWELL), the Senator from Oregon (Mr. WYDEN), the Senator from Montana (Mr. BAUCUS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans’ dependency and indemnity compensation, and for other purposes.

S. 536

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 536, a bill to amend the Clean Air Act to modify the definition of the term “renewable biomass”.

S. 541

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 543

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 546

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. NELSON), the Senator from Maine (Ms. COLLINS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 548

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity

and natural gas distributors, and for other purposes.

S. 599

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 608

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 608, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. UDALL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 624

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 636

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 638

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 638, a bill to provide grants to promote financial and economic literacy.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 654

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 654, a bill to amend title XIX

of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 658

At the request of Mr. TESTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 671

At the request of Mrs. LINCOLN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 682

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 682, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 686

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 687

At the request of Ms. MIKULSKI, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 687, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 700

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Utah (Mr.

HATCH) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. 715

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 715, a bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses.

S. 717

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 723

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 723, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 723, *supra*.

S. 733

At the request of Mrs. MURRAY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 733, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 739

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 739, a bill to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska

(Mr. BEGICH) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. BROWN):

S. 829. A bill to provide a Federal income tax credit for Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, when companies make headlines today it is often for all the wrong reasons: outrageous bonuses, tax avoidance, fraud, profiteering, etc. Yet many of the companies that provide jobs are conscientious corporate citizens that try to treat workers fairly and at the same time create good products that consumers want and maximize profits for their shareholders. I believe that we should reward such companies for providing good jobs to American workers and create incentives to encourage more companies to do the same. The Patriot Employers Act does just that.

This legislation, which I am introducing today along with Senator

BROWN, would provide a tax credit to reward the companies that treat American workers best. Companies that provide American jobs, pay decent wages, provide good benefits, and support their employees when they are called to active duty should enjoy more favorable tax treatment than companies that are unwilling to make the same commitment to American workers. The Patriot Employers tax credit would put the tax code on the side of those deserving companies by acknowledging their commitments.

The Patriot Employers legislation would provide a tax credit equal to 1 percent of taxable income to employers that meet the following criteria.

First, invest in American jobs. Maintain or increase the number of full-time workers in America relative to the number of full-time workers outside of America, maintain corporate headquarters in America if the company has ever been headquartered in America, and maintain neutrality in union organizing drives.

Second, pay decent wages. Pay each worker an hourly wage that would ensure that a full-time worker would earn enough to keep a family of three out of poverty, at least \$8.50 per hour.

Third, prepare workers for retirement. Either provide a defined benefit plan or provide a defined contribution plan that fully matches at least 5 percent of worker contributions for every employee.

Fourth, provide health insurance. Pay at least 60 percent of each worker's health care premiums.

Fifth, support our troops. Pay the difference between the regular salary and the military salary of all National Guard and Reserve employees who are called for active duty, and continue their health insurance coverage.

In recognition of the different business circumstances that small employers face, companies with fewer than 50 employees could achieve Patriot Employer status by fulfilling a smaller number of these criteria.

There is more to the story of corporate American than the widely-publicized wrongdoing. Patriot Employers should be publicly recognized for doing right by their workers even while they do well for their customers and shareholders. I urge my colleagues to join Senator BROWN and me in supporting this effort. Our best companies, and our American workers, deserve nothing less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 829

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 "Patriot Employers Act".

SEC. 2. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45R. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

"(a) IN GENERAL.—In the case of any taxable year with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

"(b) PATRIOT EMPLOYER.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

"(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

"(2) pays at least 60 percent of each employee's health care premiums,

"(3) has in effect, and operates in accordance with, a policy requiring neutrality in employee organizing drives,

"(4) if such taxpayer employs at least 50 employees on average during the taxable year—

"(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of the United States,

"(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

"(C) provides either—

"(i) a defined contribution plan which for any plan year—

"(I) requires the employer to make non-elective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

"(II) requires the employer to make matching contributions of 100 percent of the elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

"(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation, and

"(D) provides full differential salary and insurance benefits for all National Guard and Reserve employees who are called for active duty, and

"(5) if such taxpayer employs less than 50 employees on average during the taxable year, either—

"(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2,080, or

"(B) provides either—

"(i) a defined contribution plan which for any plan year—

"(I) requires the employer to make non-elective contributions of at least 5 percent of compensation for each employee who is not a highly compensated employee, or

"(II) requires the employer to make matching contributions of 100 percent of the

elective contributions of each employee who is not a highly compensated employee to the extent such contributions do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

“(ii) a defined benefit plan which for any plan year requires the employer to make contributions on behalf of each employee who is not a highly compensated employee in an amount which will provide an accrued benefit under the plan for the plan year which is not less than 5 percent of the employee's compensation.”

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, plus”, and by adding at the end the following:

“(36) the Patriot employer credit determined under section 45R.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 836. A bill to provide enhanced authority to the Congressional Oversight Panel established pursuant to the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce legislation to provide the Congressional Oversight Panel, COP, with subpoena authority so that it can more effectively conduct oversight on behalf of American tax payers. Created as part of last fall's Emergency Economic Stabilization Act, EESA, to be Congress' watchdog over the Troubled Asset Relief Program, TARP, it has become apparent that a lack of subpoena authority is actively preventing the COP from obtaining all necessary information to safeguard rescue fund dollars. I would like to thank Senator WYDEN for cosponsoring this legislation that would grant the COP subpoena power should three of the Panel's five members feel it is appropriate.

One of three organizations charged with overseeing TARP, the COP's role is to “review the current state of the financial markets and the financial regulatory system” and to report to Congress every 30 days. Through regular reports, COP must oversee Treasury's actions; assess the impact of spending to stabilize the economy; evaluate market transparency; ensure effective foreclosure mitigation efforts; and guarantee that Treasury's actions are in the best interest of the American people. Notably, Congress provided the COP in EESA the explicit power to secure information from any government agency upon the request of its Chair.

Unfortunately despite the yeoman efforts of COP Chair Elizabeth Warren and her four colleagues, the Panel is having difficulties discharging its duties. In particular, the Panel appears to be having problems obtaining necessary information from the Treasury Department, which is administering

the TARP. Indeed, Ms. Warren told the Senate Finance Committee on March 31 that she feels as though the Panel and its requests for information are simply not a priority for the Department. Unfortunately, the facts appear to bolster Ms. Warren's conclusion.

Ms. Warren's written testimony before the Finance Committee notes, “The Oversight Panel has repeatedly called on Treasury to articulate a clear strategy for its use of TARP funds; the absence of such a vision hampers effective oversight. In fact, our first report outlined a series of ten basic questions, starting with the question, ‘What is Treasury's strategy?’ Months later, Congress and the American people have no clear answer to that question. The ongoing uncertainty has hindered recovery efforts. I have sent two letters to Treasury Secretary Geithner asking for clarification on this specific point. I am disappointed to report that the Oversight Panel has not received a substantive response.”

In addition to a letter the Panel sent to Secretary Geithner on March 5 asking him to outline a strategy for TARP and respond to questions regarding the approach taken by the recently announced Financial Stability Plan, Ms. Warren asked that Mr. Geithner testify before the COP on March 12 or March 19. Although Ms. Warren reports that Secretary Geithner replied to her March 5 letter on April 2, nearly two weeks after the requested response date of March 20, a COP hearing with Mr. Geithner as a witness will only now take place on April 21, a delay that has only further impeded the Panel's effectiveness.

Furthermore, other COP members have also noticed Treasury's apparent pattern of failing to respond to critical questions. Deputy Chair Damon Silvers testified before the Joint Economic Committee, JEC, on March 11 about the Panel's attempt to answer the critical question of whether taxpayers are receiving assets commensurate in value with TARP dollars being expended. Unfortunately, the Treasury Department appears to have been less than helpful in assisting the Panel in its analysis. In fact, Mr. Silvers told JEC the following:

“Our valuation report relied entirely on publicly available data. The Panel did make a broad document request of the Treasury Department pursuant to our authority under Section 125 of the EESA on December 17, 2008. Our purpose was to obtain any non-public information that Treasury possessed that would go to issues of valuation, in addition to contributing to our general ability to oversee the TARP program. In a letter dated December 24, 2008, the Treasury Department declined to provide the material we requested, and raised concerns about our newly formed Panel's internal controls over the confidential documents. Despite extensive discussions between our staff and the Treasury Department, Treasury has only produced a small number of the documents the Panel requested.”

With \$700 billion in TARP funds at stake, providing the Congressional Oversight Panel with the tools and resources it requires to conduct effective oversight is absolutely essential. The fact is that we in Congress are duty bound to correct TARP inadequacies but can only do so with reliable information from its overseers. Clearly, the examples I have just cited demonstrate that providing the Panel subpoena authority is warranted so that it can compel Treasury and any other entities to provide all requisite information. For this reason, I ask my colleagues to support this legislation that would do just that so that it can be quickly sent to President Obama for his signature.

Mr. President, I ask unanimous Consent that the text of the bill be printed in the RECORD.

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

S. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBPOENA POWER FOR CONGRESSIONAL OVERSIGHT PANEL.

Section 125(e)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(e)(1)) is amended—

(1) by striking “The Oversight” and inserting the following:

“(A) IN GENERAL.—The Oversight”; and

(2) by adding at the end the following:

“(B) SUBPOENA POWER.—For purposes of carrying out this section, upon majority vote of its members, the Oversight Panel may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Oversight Panel considers advisable.

“(C) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

“(i) ISSUANCE.—A subpoena issued pursuant to subparagraph (B) shall bear the signature of a member of the Oversight Panel, and shall be served by any person or class of persons designated by the Oversight Panel for that purpose.

“(ii) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (B), the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of that court.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—DESIGNATING THE THIRD WEEK OF APRIL 2009 AS “NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK”

Mr. DODD (for himself, Mr. ALEXANDER, Ms. LANDRIEU, Mr. BAYH, Mr. LIEBERMAN, Mr. CASEY, and Mr. JOHNSON) submitted the following resolution, which was considered and agreed to:

S. RES. 104

Whereas the month of April has been designated “National Child Abuse Prevention

Month' as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 794,000 children were victims of abuse and neglect in the United States in 2007, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas over 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2007, and children younger than 4 years old accounted for nearly 76 percent of all child abuse and neglect fatalities in 2007;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as "National Shaken Baby Syndrome Awareness Week" since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 105—DESIGNATING APRIL 24 THROUGH 26, 2009, AS "GLOBAL YOUTH SERVICE DAYS"

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BAYH, Mr. BEGICH, Mr. BINGAMAN, Mr. BURR, Mr. CARDIN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. INOUE, Mr. KENNEDY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. SPECTER, Mr. WHITEHOUSE, Mr. JOHNSON, Mr. HATCH, Mr. GREGG, Mr. BROWN, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of Global Youth Service Days are to mobilize the youth of the United States to identify and address the needs of their communities through community service and service-learning opportunities, to support young people in embarking on a lifelong path of volunteer service and civic engagement, and to educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and in 2009 is being observed for the 21st consecutive year in the United States and for the 10th year in more than 100 countries;

Whereas young people in the United States and in many other countries are providing more volunteer service to their communities than in any other generation in history, thereby demonstrating that children and youth not only represent the future of the world but are also leaders and assets today;

Whereas recent research shows that when high quality, semester-long service-learning is used as a teaching and learning strategy that integrates meaningful community service with the academic curriculum, it increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement scores;

Whereas several private foundations and corporations in the United States support community service and service-learning as a means for young people to explore career aspirations and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a fundamental and conclusive correlation exists between youth service, char-

acter development, lifelong adult volunteering, philanthropy, and other forms of civic engagement;

Whereas community service and service-learning provide opportunities for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as poverty, hunger, illiteracy, education, natural disasters, and climate change;

Whereas a growing number of Global Youth Service Days projects involve youth working collaboratively across borders to address global issues, to increase intercultural understanding, and to promote the sense that they are global citizens;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of 50 International Coordinating Committee member organizations, more than 150 National Partners in the United States, 75 State and local Global Youth Service Days Lead Agencies, and thousands of local organizers; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer community service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 24 through 26, 2009, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youth to participate in community service and service-learning projects and joining youth in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 22, 2009, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on energy efficiency resource standards, including S. 548, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie Calabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Committee on Energy and Natural Resources previously announced for Thursday, April 23, 2009, at 9:30 a.m., has been rescheduled, and will now be held on Thursday, April 23, 2009, at 2:00 p.m.

The purpose of the hearing, which was previously announced to consider the nomination of Kristina M. Johnson, to be the Under Secretary of Energy, will be to consider, in addition to the nomination of Kristina M. Johnson, the nomination of Steven Elliot Koonin, to be the Under Secretary for Science, Department of Energy, the nomination of Ines R. Triay, to be an Assistant Secretary of Energy (Environmental Management), the nomination of Hilary Chandler Tompkins, to be Solicitor of the Department of the Interior, and the nomination of Scott Blake Harris, to be the General Counsel of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda Kelly at energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Monday, April 20, 2009, at 5:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Thomas Edwards, a Secret Service detailee in my office, be granted floor privileges for the remainder of the first session of the 111th Congress.

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

CONGRESSIONAL BUDGET FOR
THE UNITED STATES GOVERN-
MENT FOR FISCAL YEAR 2010

On Thursday, April 2, 2009, the Senate passed S. Con. Res. 13 as follows:

S. CON. RES. 13

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE
BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND
AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-neutral reserve fund to transform and modernize America's health care system.
Sec. 202. Deficit-neutral reserve fund to invest in clean energy and preserve the environment.
Sec. 203. Deficit-neutral reserve fund for higher education.
Sec. 204. Deficit-neutral reserve fund for child nutrition and WIC.
Sec. 205. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 206. Deficit-neutral reserve fund to promote economic stabilization and growth.
Sec. 207. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.
Sec. 208. Deficit-neutral reserve fund for judicial pay and judgeships and postal retiree assistance.
Sec. 209. Deficit-neutral reserve fund for defense acquisition and contracting reform.
Sec. 210. Deficit-neutral reserve fund for investments in our Nation's counties and schools.
Sec. 211. Deficit-neutral reserve fund for the Food and Drug Administration.
Sec. 212. Deficit-neutral reserve fund for bipartisan congressional sunset commission.
Sec. 213. Deficit-neutral reserve fund to improve domestic fuels security.
Sec. 214. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.
Sec. 215. Deficit-neutral reserve fund for increased transparency at the Federal Reserve.
Sec. 216. Deficit-Neutral reserve fund for improving child welfare.
Sec. 217. Deficit-neutral reserve fund to fully fund the Long-Term Stability/Housing for Victims Program.
Sec. 218. Deficit-neutral reserve fund for providing a nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period.
Sec. 219. Deficit-neutral reserve fund for monitoring of FHA-insured lending.
Sec. 220. Deficit-neutral reserve fund to address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas.
Sec. 221. Deficit-neutral reserve fund to provide for accelerated carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment.

Sec. 222. Expenditure of remaining TARP funds.
Sec. 223. Deficit-neutral reserve fund for prohibiting undeserved contracting performance bonuses.
Sec. 224. Deficit-reduction reserve fund to ensure the pledge of President Obama to eliminate wasteful, inefficient, and duplicative programs.
Sec. 225. Deficit-neutral reserve fund for the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), and other related programs.
Sec. 226. Deficit-neutral reserve fund for ending abusive no-bid contracts.
Sec. 227. Deficit-neutral reserve fund for home visitation programs.
Sec. 228. Deficit-neutral reserve fund for 21st Century Community Learning Centers.
Sec. 229. Deficit-neutral reserve fund to provide for the extension of the top individual tax rates for small businesses.
Sec. 230. Deficit-neutral reserve fund for pension coverage for employees of Department of Energy laboratories and environmental cleanup sites.
Sec. 231. Deficit-neutral reserve fund for provision of critical resources to firefighters and fire departments.
Sec. 232. Deficit-reduction reserve fund for the elimination and recovery of improper payments.
Sec. 233. Deficit-neutral reserve fund for the repeal of the 1993 increase in the income tax on social security benefits.
Sec. 234. Deficit-neutral reserve fund for legislation to increase the amount of capital losses allowed to individuals.
Sec. 235. Deficit-neutral reserve fund for foster care financing reform.
Sec. 236. Deficit-neutral reserve fund for healthcare professionals for the Veterans Health Administration.
Sec. 237. Deficit-neutral reserve fund to repeal deductions from mineral revenue payments to States.
Sec. 238. Reserve fund to promote tax equity for States without personal income taxes.
Sec. 239. Deficit-neutral reserve fund for setting performance standards to identify failing Government programs.
Sec. 240. Deficit-neutral reserve fund to expedite research on viability of use of higher ethanol blends at service station pump.
Sec. 241. Deficit-neutral reserve funds to enhance drug-control efforts within our communities and along our borders.
Sec. 242. Deficit-neutral reserve fund to promote individual savings and financial security.
Sec. 243. Deficit-neutral reserve fund for the National Health Service Corps.
Sec. 244. Deficit-neutral reserve fund to improve animal health and disease program.
Sec. 245. Deficit-neutral reserve fund for increase in the end strength for active duty personnel of the Army.
Sec. 246. Deficit-neutral reserve fund for wildland fire management activities.
Sec. 247. Deficit-neutral reserve fund for estate tax relief.

Sec. 248. Point of order against legislation that provides additional relief for the estate tax beyond the levels assumed in this budget resolution unless an equal amount of additional tax relief is provided to middle-class taxpayers.

Sec. 249. Deficit-neutral reserve fund increase FDIC and NCUA borrowing authority.

Sec. 250. Deficit-neutral reserve fund for innovative loan guarantee program of the Department of Energy.

Sec. 251. Deficit-neutral reserve fund for nuclear research and development.

Sec. 252. Deficit-neutral reserve fund for the 2012 completion of Food and Drug Administration facilities.

Sec. 253. Deficit-neutral reserve fund for Energy Star for Small Business Program.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Point of order against legislation increasing short-term deficit.

Sec. 305. Point of order against provisions of appropriations legislation that constitute changes in mandatory programs affecting the Crime Victims Fund.

Sec. 306. Point of order against legislation that raises taxes on middle-income taxpayers.

Sec. 307. Point of order on legislation that raises income tax rates on Small Businesses.

Sec. 308. Point of order against legislation that imposes a National energy tax on middle-income taxpayers.

Sec. 309. Point of order on legislation that imposes a marriage tax penalty.

Sec. 310. Point of order on legislation that increases revenue above the levels established in the budget resolution.

Sec. 311. Point of order on legislation that increases taxes during any period when the unemployment rate is in excess of 5.8 percent.

Sec. 312. Point of order against legislation that causes significant job loss.

Sec. 313. Limitations on legislation that would permit the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability.

Sec. 314. Point of order.

Sec. 315. Restrictions on unfunded mandates on States and local governments.

Sec. 316. Point of order on legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor.

Subtitle B—Other Provisions

Sec. 321. Oversight of government performance.

Sec. 322. Budgetary treatment of certain discretionary administrative expenses.

Sec. 323. Application and effect of changes in allocations and aggregates.

Sec. 324. Adjustments to reflect changes in concepts and definitions.

Sec. 325. Debt disclosure requirement.

Sec. 326. Debt disclosures.

Sec. 327. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,506,196,000,000.

Fiscal year 2010: \$1,620,072,000,000.

Fiscal year 2011: \$1,918,926,000,000.

Fiscal year 2012: \$2,123,586,000,000.

Fiscal year 2013: \$2,286,601,000,000.

Fiscal year 2014: \$2,489,829,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: -\$26,374,000,000.

Fiscal year 2010: -\$45,914,000,000.

Fiscal year 2011: -\$169,705,000,000.

Fiscal year 2012: -\$236,806,000,000.

Fiscal year 2013: -\$228,736,000,000.

Fiscal year 2014: -\$143,829,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,668,049,000,000.

Fiscal year 2010: \$2,853,966,000,000.

Fiscal year 2011: \$2,799,858,000,000.

Fiscal year 2012: \$2,812,313,000,000.

Fiscal year 2013: \$2,990,082,000,000.

Fiscal year 2014: \$3,164,644,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,355,533,000,000.

Fiscal year 2010: \$2,981,026,000,000.

Fiscal year 2011: \$2,937,215,000,000.

Fiscal year 2012: \$2,856,956,000,000.

Fiscal year 2013: \$3,003,162,000,000.

Fiscal year 2014: \$3,152,972,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: \$1,849,337,000,000.

Fiscal year 2010: \$1,360,954,000,000.

Fiscal year 2011: \$1,018,289,000,000.

Fiscal year 2012: \$733,370,000,000.

Fiscal year 2013: \$716,560,000,000.

Fiscal year 2014: \$663,142,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,067,919,000,000.

Fiscal year 2010: \$13,298,235,000,000.

Fiscal year 2011: \$14,394,517,000,000.

Fiscal year 2012: \$15,303,842,000,000.

Fiscal year 2013: \$16,175,508,000,000.

Fiscal year 2014: \$17,022,970,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,754,355,000,000.

Fiscal year 2010: \$8,817,043,000,000.

Fiscal year 2011: \$9,702,393,000,000.

Fiscal year 2012: \$10,345,439,000,000.

Fiscal year 2013: \$10,919,379,000,000.

Fiscal year 2014: \$11,471,742,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$653,117,000,000.

Fiscal year 2010: \$668,208,000,000.

Fiscal year 2011: \$694,864,000,000.

Fiscal year 2012: \$726,045,000,000.

Fiscal year 2013: \$766,065,000,000.

Fiscal year 2014: \$802,166,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$513,029,000,000.

Fiscal year 2010: \$544,140,000,000.

Fiscal year 2011: \$564,523,000,000.

Fiscal year 2012: \$586,897,000,000.

Fiscal year 2013: \$612,017,000,000.

Fiscal year 2014: \$639,054,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:

(A) New budget authority, \$5,296,000,000.

(B) Outlays, \$4,945,000,000.

Fiscal year 2010:

(A) New budget authority, \$6,072,000,000.

(B) Outlays, \$5,934,000,000.

Fiscal year 2011:

(A) New budget authority, \$6,568,000,000.

(B) Outlays, \$6,433,000,000.

Fiscal year 2012:

(A) New budget authority, \$6,895,000,000.

(B) Outlays, \$6,809,000,000.

Fiscal year 2013:

(A) New budget authority, \$7,223,000,000.

(B) Outlays, \$7,148,000,000.

Fiscal year 2014:

(A) New budget authority, \$7,599,000,000.

(B) Outlays, \$7,517,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:

(A) New budget authority, \$253,000,000.

(B) Outlays, \$253,000,000.

Fiscal year 2010:

(A) New budget authority, \$262,000,000.

(B) Outlays, \$262,000,000.

Fiscal year 2011:

(A) New budget authority, \$267,000,000.

(B) Outlays, \$267,000,000.

Fiscal year 2012:

(A) New budget authority, \$272,000,000.

(B) Outlays, \$272,000,000.

Fiscal year 2013:

(A) New budget authority, \$277,000,000.

(B) Outlays, \$277,000,000.

Fiscal year 2014:

(A) New budget authority, \$283,000,000.

(B) Outlays, \$283,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2009:

(A) New budget authority, \$693,557,000,000.

(B) Outlays, \$671,725,000,000.

Fiscal year 2010:

(A) New budget authority, \$691,703,000,000.

(B) Outlays, \$695,628,000,000.

Fiscal year 2011:

(A) New budget authority, \$619,767,000,000.

(B) Outlays, \$662,705,000,000.

Fiscal year 2012:

(A) New budget authority, \$628,785,000,000.

(B) Outlays, \$642,223,000,000.

Fiscal year 2013:

(A) New budget authority, \$639,535,000,000.

(B) Outlays, \$641,425,000,000.

Fiscal year 2014:
 (A) New budget authority, \$653,458,000,000.
 (B) Outlays, \$646,834,000,000.

(2) International Affairs (150):
 Fiscal year 2009:
 (A) New budget authority, \$55,333,000,000.
 (B) Outlays, \$38,011,000,000.

Fiscal year 2010:
 (A) New budget authority, \$50,667,000,000.
 (B) Outlays, \$48,853,000,000.

Fiscal year 2011:
 (A) New budget authority, \$48,186,000,000.
 (B) Outlays, \$51,034,000,000.

Fiscal year 2012:
 (A) New budget authority, \$50,421,000,000.
 (B) Outlays, \$51,649,000,000.

Fiscal year 2013:
 (A) New budget authority, \$53,324,000,000.
 (B) Outlays, \$52,556,000,000.

Fiscal year 2014:
 (A) New budget authority, \$55,992,000,000.
 (B) Outlays, \$53,223,000,000.

(3) General Science, Space, and Technology (250):
 Fiscal year 2009:
 (A) New budget authority, \$35,389,000,000.
 (B) Outlays, \$30,973,000,000.

Fiscal year 2010:
 (A) New budget authority, \$31,139,000,000.
 (B) Outlays, \$32,467,000,000.

Fiscal year 2011:
 (A) New budget authority, \$33,993,000,000.
 (B) Outlays, \$33,032,000,000.

Fiscal year 2012:
 (A) New budget authority, \$35,008,000,000.
 (B) Outlays, \$33,749,000,000.

Fiscal year 2013:
 (A) New budget authority, \$35,557,000,000.
 (B) Outlays, \$34,971,000,000.

Fiscal year 2014:
 (A) New budget authority, \$36,211,000,000.
 (B) Outlays, \$36,066,000,000.

(4) Energy (270):
 Fiscal year 2009:
 (A) New budget authority, \$43,919,000,000.
 (B) Outlays, \$2,952,000,000.

Fiscal year 2010:
 (A) New budget authority, \$4,488,999,999.
 (B) Outlays, \$6,209,999,999.

Fiscal year 2011:
 (A) New budget authority, \$4,404,000,000.
 (B) Outlays, \$8,906,000,000.

Fiscal year 2012:
 (A) New budget authority, \$4,427,000,000.
 (B) Outlays, \$10,341,000,000.

Fiscal year 2013:
 (A) New budget authority, \$4,619,000,000.
 (B) Outlays, \$5,613,000,000.

Fiscal year 2014:
 (A) New budget authority, \$4,540,000,000.
 (B) Outlays, \$484,000,000.

(5) Natural Resources and Environment (300):
 Fiscal year 2009:
 (A) New budget authority, \$56,009,000,000.
 (B) Outlays, \$36,834,000,000.

Fiscal year 2010:
 (A) New budget authority, \$37,687,000,000.
 (B) Outlays, \$40,690,000,000.

Fiscal year 2011:
 (A) New budget authority, \$37,914,000,000.
 (B) Outlays, \$39,928,000,000.

Fiscal year 2012:
 (A) New budget authority, \$38,376,000,000.
 (B) Outlays, \$39,419,000,000.

Fiscal year 2013:
 (A) New budget authority, \$38,256,000,000.
 (B) Outlays, \$38,883,000,000.

Fiscal year 2014:
 (A) New budget authority, \$38,602,000,000.
 (B) Outlays, \$38,788,000,000.

(6) Agriculture (350):
 Fiscal year 2009:
 (A) New budget authority, \$24,974,000,000.
 (B) Outlays, \$23,070,000,000.

Fiscal year 2010:
 (A) New budget authority, \$23,620,000,000.
 (B) Outlays, \$23,881,000,000.

Fiscal year 2011:
 (A) New budget authority, \$24,602,000,000.
 (B) Outlays, \$23,914,000,000.

Fiscal year 2012:
 (A) New budget authority, \$22,295,000,000.
 (B) Outlays, \$21,877,000,000.

Fiscal year 2013:
 (A) New budget authority, \$22,920,000,000.
 (B) Outlays, \$21,906,000,000.

Fiscal year 2014:
 (A) New budget authority, \$22,920,000,000.
 (B) Outlays, \$21,906,000,000.

(7) Commerce and Housing Credit (370):
 Fiscal year 2009:
 (A) New budget authority, \$694,439,000,000.
 (B) Outlays, \$665,437,000,000.

Fiscal year 2010:
 (A) New budget authority, \$61,113,000,000.
 (B) Outlays, \$85,818,000,000.

Fiscal year 2011:
 (A) New budget authority, \$25,931,000,000.
 (B) Outlays, \$37,798,000,000.

Fiscal year 2012:
 (A) New budget authority, \$9,305,000,000.
 (B) Outlays, \$8,400,000,000.

Fiscal year 2013:
 (A) New budget authority, \$16,985,000,000.
 (B) Outlays, \$5,329,000,000.

Fiscal year 2014:
 (A) New budget authority, \$10,958,000,000.
 (B) Outlays, -\$2,762,000,000.

(8) Transportation (400):
 Fiscal year 2009:
 (A) New budget authority, \$122,457,000,000.
 (B) Outlays, \$87,784,000,000.

Fiscal year 2010:
 (A) New budget authority, \$75,246,000,000.
 (B) Outlays, \$95,695,000,000.

Fiscal year 2011:
 (A) New budget authority, \$75,301,000,000.
 (B) Outlays, \$96,147,000,000.

Fiscal year 2012:
 (A) New budget authority, \$75,885,000,000.
 (B) Outlays, \$95,184,000,000.

Fiscal year 2013:
 (A) New budget authority, \$75,758,000,000.
 (B) Outlays, \$95,017,000,000.

Fiscal year 2014:
 (A) New budget authority, \$75,642,000,000.
 (B) Outlays, \$94,972,000,000.

(9) Community and Regional Development (450):
 Fiscal year 2009:
 (A) New budget authority, \$23,811,000,000.
 (B) Outlays, \$29,983,000,000.

Fiscal year 2010:
 (A) New budget authority, \$16,338,000,000.
 (B) Outlays, \$28,924,000,000.

Fiscal year 2011:
 (A) New budget authority, \$16,152,000,000.
 (B) Outlays, \$25,574,000,000.

Fiscal year 2012:
 (A) New budget authority, \$16,194,000,000.
 (B) Outlays, \$22,263,000,000.

Fiscal year 2013:
 (A) New budget authority, \$16,043,000,000.
 (B) Outlays, \$19,640,000,000.

Fiscal year 2014:
 (A) New budget authority, \$16,068,000,000.
 (B) Outlays, \$17,870,000,000.

(10) Education, Training, Employment, and Social Services (500):
 Fiscal year 2009:
 (A) New budget authority, \$164,276,000,000.
 (B) Outlays, \$73,219,000,000.

Fiscal year 2010:
 (A) New budget authority, \$94,430,000,000.
 (B) Outlays, \$140,624,000,000.

Fiscal year 2011:
 (A) New budget authority, \$107,858,000,000.
 (B) Outlays, \$141,412,000,000.

Fiscal year 2012:
 (A) New budget authority, \$117,121,000,000.
 (B) Outlays, \$118,480,000,000.

Fiscal year 2013:
 (A) New budget authority, \$115,931,000,000.
 (B) Outlays, \$118,911,000,000.

Fiscal year 2014:
 (A) New budget authority, \$125,788,000,000.
 (B) Outlays, \$120,959,000,000.

(A) New budget authority, \$125,788,000,000.
 (B) Outlays, \$120,959,000,000.

(11) Health (550):
 Fiscal year 2009:
 (A) New budget authority, \$380,158,000,000.
 (B) Outlays, \$354,397,000,000.

Fiscal year 2010:
 (A) New budget authority, \$385,447,000,000.
 (B) Outlays, \$389,191,000,000.

Fiscal year 2011:
 (A) New budget authority, \$363,906,000,000.
 (B) Outlays, \$368,001,000,000.

Fiscal year 2012:
 (A) New budget authority, \$368,156,000,000.
 (B) Outlays, \$367,749,000,000.

Fiscal year 2013:
 (A) New budget authority, \$387,170,000,000.
 (B) Outlays, \$382,650,000,000.

Fiscal year 2014:
 (A) New budget authority, \$396,523,000,000.
 (B) Outlays, \$397,368,000,000.

(12) Medicare (570):
 Fiscal year 2009:
 (A) New budget authority, \$427,076,000,000.
 (B) Outlays, \$426,736,000,000.

Fiscal year 2010:
 (A) New budget authority, \$442,828,000,000.
 (B) Outlays, \$442,959,000,000.

Fiscal year 2011:
 (A) New budget authority, \$487,518,000,000.
 (B) Outlays, \$487,336,000,000.

Fiscal year 2012:
 (A) New budget authority, \$491,854,000,000.
 (B) Outlays, \$491,626,000,000.

Fiscal year 2013:
 (A) New budget authority, \$539,711,000,000.
 (B) Outlays, \$539,862,000,000.

Fiscal year 2014:
 (A) New budget authority, \$592,893,000,000.
 (B) Outlays, \$592,733,000,000.

(13) Income Security (600):
 Fiscal year 2009:
 (A) New budget authority, \$520,123,000,000.
 (B) Outlays, \$503,020,000,000.

Fiscal year 2010:
 (A) New budget authority, \$536,609,000,000.
 (B) Outlays, \$539,949,200,000.

Fiscal year 2011:
 (A) New budget authority, \$507,502,000,000.
 (B) Outlays, \$511,313,800,000.

Fiscal year 2012:
 (A) New budget authority, \$450,091,000,000.
 (B) Outlays, \$450,856,400,000.

Fiscal year 2013:
 (A) New budget authority, \$454,160,000,000.
 (B) Outlays, \$453,934,500,000.

Fiscal year 2014:
 (A) New budget authority, \$454,931,000,000.
 (B) Outlays, \$453,726,100,000.

(14) Social Security (650):
 Fiscal year 2009:
 (A) New budget authority, \$31,820,000,000.
 (B) Outlays, \$31,264,000,000.

Fiscal year 2010:
 (A) New budget authority, \$20,255,000,000.
 (B) Outlays, \$20,378,000,000.

Fiscal year 2011:
 (A) New budget authority, \$23,380,000,000.
 (B) Outlays, \$23,513,000,000.

Fiscal year 2012:
 (A) New budget authority, \$26,478,000,000.
 (B) Outlays, \$26,628,000,000.

Fiscal year 2013:
 (A) New budget authority, \$29,529,000,000.
 (B) Outlays, \$29,679,000,000.

Fiscal year 2014:
 (A) New budget authority, \$32,728,000,000.
 (B) Outlays, \$32,728,000,000.

(15) Veterans Benefits and Services (700):
 Fiscal year 2009:
 (A) New budget authority, \$97,705,000,000.
 (B) Outlays, \$94,831,000,000.

Fiscal year 2010:
 (A) New budget authority, \$106,490,000,000.
 (B) Outlays, \$105,593,000,000.

Fiscal year 2011:
 (A) New budget authority, \$112,806,000,000.
 (B) Outlays, \$112,355,000,000.

Fiscal year 2012:

- (A) New budget authority, \$108,643,000,000.
- (B) Outlays, \$108,048,000,000.

Fiscal year 2013:

- (A) New budget authority, \$113,722,000,000.
- (B) Outlays, \$113,071,000,000.

Fiscal year 2014:

- (A) New budget authority, \$115,929,000,000.
- (B) Outlays, \$115,388,000,000.

(16) Administration of Justice (750):

Fiscal year 2009:

- (A) New budget authority, \$55,783,000,000.
- (B) Outlays, \$49,853,000,000.

Fiscal year 2010:

- (A) New budget authority, \$53,499,000,000.
- (B) Outlays, \$52,064,000,000.

Fiscal year 2011:

- (A) New budget authority, \$52,061,000,000.
- (B) Outlays, \$54,204,000,000.

Fiscal year 2012:

- (A) New budget authority, \$51,866,000,000.
- (B) Outlays, \$53,839,000,000.

Fiscal year 2013:

- (A) New budget authority, \$51,651,000,000.
- (B) Outlays, \$52,679,000,000.

Fiscal year 2014:

- (A) New budget authority, \$51,488,000,000.
- (B) Outlays, \$51,635,000,000.

(17) General Government (800):

Fiscal year 2009:

- (A) New budget authority, \$30,405,000,000.
- (B) Outlays, \$24,629,000,000.

Fiscal year 2010:

- (A) New budget authority, \$22,324,000,000.
- (B) Outlays, \$23,024,000,000.

Fiscal year 2011:

- (A) New budget authority, \$22,483,000,000.
- (B) Outlays, \$23,328,000,000.

Fiscal year 2012:

- (A) New budget authority, \$22,715,000,000.
- (B) Outlays, \$23,814,000,000.

Fiscal year 2013:

- (A) New budget authority, \$22,445,000,000.
- (B) Outlays, \$23,260,000,000.

Fiscal year 2014:

- (A) New budget authority, \$22,812,000,000.
- (B) Outlays, \$23,113,000,000.

(18) Net Interest (900):

Fiscal year 2009:

- (A) New budget authority, \$289,021,000,000.
- (B) Outlays, \$289,021,000,000.

Fiscal year 2010:

- (A) New budget authority, \$284,558,000,000.
- (B) Outlays, \$284,558,000,000.

Fiscal year 2011:

- (A) New budget authority, \$323,794,000,000.
- (B) Outlays, \$323,794,000,000.

Fiscal year 2012:

- (A) New budget authority, \$387,620,000,000.
- (B) Outlays, \$387,620,000,000.

Fiscal year 2013:

- (A) New budget authority, \$470,073,000,000.
- (B) Outlays, \$470,073,000,000.

Fiscal year 2014:

- (A) New budget authority, \$557,326,000,000.
- (B) Outlays, \$557,326,000,000.

(19) Allowances (920):

Fiscal year 2009:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2010:

- (A) New budget authority, -\$16,031,999,999.
- (B) Outlays, -\$7,037,199,999.

Fiscal year 2011:

- (A) New budget authority, -\$16,046,000,000.
- (B) Outlays, -\$15,266,800,000.

Fiscal year 2012:

- (A) New budget authority, -\$17,512,000,000.
- (B) Outlays, -\$17,654,400,000.

Fiscal year 2013:

- (A) New budget authority, -\$19,097,000,000.
- (B) Outlays, -\$18,658,500,000.

Fiscal year 2014:

- (A) New budget authority, -\$20,674,000,000.
- (B) Outlays, -\$19,891,100,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2009:

- (A) New budget authority, -\$78,206,000,000.

(B) Outlays, -\$78,206,000,000.

Fiscal year 2010:

- (A) New budget authority, -\$68,444,000,000.
- (B) Outlays, -\$68,444,000,000.

Fiscal year 2011:

- (A) New budget authority, -\$71,653,000,000.
- (B) Outlays, -\$71,653,000,000.

Fiscal year 2012:

- (A) New budget authority, -\$74,620,000,000.
- (B) Outlays, -\$74,620,000,000.

Fiscal year 2013:

- (A) New budget authority, -\$77,585,000,000.
- (B) Outlays, -\$77,585,000,000.

Fiscal year 2014:

- (A) New budget authority, -\$79,491,000,000.
- (B) Outlays, -\$79,491,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.

(a) TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, motions, or conference reports that are deficit-neutral, reduce excess cost growth in health care spending and are fiscally sustainable over the long term, and—

(1) protect families' financial health including restraining the growth of health premiums and other health-related costs;

(2) make health coverage affordable to businesses (in particular to small business and individuals who are self-employed), households, and governments, including by reducing wasteful and inefficient spending in the health care system with periodic reports on savings achieved through these efforts, and by moving forward with improvements to the health care delivery system, including Medicare;

(3) aim for universality of health coverage;

(4) provide portability of coverage and assurance of coverage with appropriate consumer protections;

(5) guarantee choice of health plans and health care providers to Americans;

(6) invest in prevention and wellness and address issues of health disparities;

(7) improve patient safety and quality care, including the appropriate use of health information technology and health data, and promote transparency in cost and quality information to Americans; or

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue;

by the amounts provided in such legislation for those purposes, provided that such legislation would not result in diminishing a taxpayers' ability to deduct charitable contributions as an offset to pay for such purposes, and provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2019.

(b) OTHER REVISIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) increase the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that include financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures;

(2) include measures to encourage physicians to train in primary care residencies

and ensure an adequate supply of residents and physicians;

(3) improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing the current outpatient therapy caps while protecting beneficiaries from associated premium increases;

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending; or

(5) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calendar Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services);

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.

(a) INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce our Nation's dependence on imported energy including through expanded offshore oil and gas production in the Outer Continental Shelf, produce green jobs, promote renewable energy development, strengthen and retool manufacturing supply chains, create a clean energy investment fund, improve electricity transmission, encourage conservation and efficiency (including through industrial energy efficiency programs), make improvements to the Low Income Home Energy Assistance Program, set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute, implement water settlements, or preserve or protect public lands, oceans or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

(b) CLIMATE CHANGE LEGISLATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions,

amendments, motions, or conference reports that would invest in clean energy technology initiatives, decrease greenhouse gas emissions (without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production), create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help families, workers, communities, and businesses make the transition to a clean energy economy, without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation, without increasing electricity or gasoline prices, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **ALLOCATIONS.**—The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible and affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, which may include legislation to expand and strengthen student aid, such as Pell Grants, or increase college enrollment and completion rates for low-income students, such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.), such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION AND WIC.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reauthorize child nutrition programs or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through

2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

(a) **INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for public housing, energy, water, transportation, including freight and passenger rail, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(2) **DENALI COMMISSION.**—The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

(b) **SURFACE TRANSPORTATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new budget authority for surface transportation programs to the extent such new budget authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **MULTIMODAL TRANSPORTATION PROJECTS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize multimodal transportation projects that—

(1) provide a set of performance measures;

(2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities,

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD CONTROL PROJECTS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legisla-

tion would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.**—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC STABILIZATION AND GROWTH.

(a) **MANUFACTURING.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for sector workforce training, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **TAX RELIEF.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, or refundable tax relief and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **TAX REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or

the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD INSURANCE REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **TRADE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to trade by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(f) **HOUSING ASSISTANCE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(g) **UNEMPLOYMENT MITIGATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation, enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those

benefits keep pace with the national average cost of tuition, provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II, or expand veterans' benefits (including for veterans living in rural areas), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS AND POSTAL RETIREE ASSISTANCE.

(a) **JUDICIAL PAY AND JUDGESHIPS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **POSTAL RETIREE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to adjustments to funding for postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts;

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

by the amounts provided in such legislation for those purposes, provided that such legis-

lation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION.

(a) **REGULATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **DRUG IMPORTATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **FOOD SAFETY.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 212. DEFICIT-NEUTRAL RESERVE FUND FOR BIPARTISAN CONGRESSIONAL SUNSET COMMISSION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide for a bipartisan congressional sunset commission, that will review Federal programs, focusing on unauthorized and non-performing programs;

(2) provide for a process that will help abolish obsolete and duplicative Federal programs;

(3) provide for improved government accountability and greater openness in Government decisionmaking; and

(4) provide for a process that ensures that Congress will consider the commission's reports and recommendations;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 213. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE DOMESTIC FUELS SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to achieve domestic fuels security by authorizing the Department of Defense to procure alternative fuels from domestic sources under contracts for up to 20 years, provided that such procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) and provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED TRANSPARENCY AT THE FEDERAL RESERVE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks, to include—

(1) an evaluation of the appropriate number and the associated costs of Federal reserve banks;

(2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of—

(A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis;

(B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a

result of losses on collateral which will not be recovered;

(C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and

(D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes; and

(3) including the identity of each entity to which the Board has provided all loans and other financial assistance since March 24, 2008, the value or amount of that financial assistance, and what that entity is doing with such financial assistance;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 217. DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of \$15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or

the period of the total of fiscal years 2009 through 2019.

SEC. 219. DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 220. DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 221. DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 222. EXPENDITURE OF REMAINING TARP FUNDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel,

and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 223. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 224. DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 225. DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Preven-

tion and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 226. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 227. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 228. DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a

committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 229. DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 230. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 231. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 232. DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution

upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

SEC. 233. DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 234. DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 235. DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 236. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this

resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

SEC. 237. DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading “ADMINISTRATIVE PROVISIONS” under the heading “MINERALS MANAGEMENT SERVICE” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111-8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 238. RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 239. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

SEC. 240. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations,

aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 241. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 242. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SEC. 243. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with \$235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

SEC. 244. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 245. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 246. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 247. DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of \$5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or

the period of the total of fiscal years 2009 through 2019.

SEC. 248. POINT OF ORDER AGAINST LEGISLATION THAT PROVIDES ADDITIONAL RELIEF FOR THE ESTATE TAX BEYOND THE LEVELS ASSUMED IN THIS BUDGET RESOLUTION UNLESS AN EQUAL AMOUNT OF ADDITIONAL TAX RELIEF IS PROVIDED TO MIDDLE-CLASS TAXPAYERS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond \$3,500,000 per person (\$7,000,000 per married couple) and a graduated rate ending at less than 45 percent unless an equal amount of tax relief is provided to Americans earning less than \$100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on any point of order raised under this section.

SEC. 249. DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

SEC. 250. DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 251. DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 252. DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 253. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2009, \$1,391,471,000,000 in new budget authority and \$1,220,843,000,000 in outlays; and

(2) for fiscal year 2010, \$1,079,050,000,000 in new budget authority and \$1,268,104,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering

of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to \$485,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$485,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$7,100,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to \$890,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$890,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$311,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$311,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to \$50,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$50,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(E) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is re-

ported making appropriations for fiscal year 2010 that appropriates up to \$100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce to save taxpayer resources, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(3) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(4) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first

becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of

the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2018.

(e) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SEC. 305. POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision or provisions affecting the Crime Victims Fund, as defined by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), which constitutes a change in a mandatory program that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (d) and (e).

(b) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 306. POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE-INCOME TAXPAYERS.—The term “middle-income taxpayers” means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) FEDERAL TAX INCREASE.—The term “Federal tax increase” means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(C) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 307. POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(A) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(B) **DEFINITION.**—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(C) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(D) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 308. POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.

(A) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(B) **DEFINITIONS.**—In this subsection:

(1) **MIDDLE INCOME TAXPAYERS.**—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) **WIDESPREAD APPLICABILITY.**—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) **NATIONAL ENERGY TAX INCREASE.**—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

SEC. 309. POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.

(A) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(B) **DEFINITION.**—In this section, the term “marriage penalty” means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(C) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of

three-fifths of the Members, duly chosen and sworn.

(D) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 310. POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.

(A) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant to any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(B) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 311. POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.

(A) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics’ Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(B) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(C) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 312. POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(A) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(B) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 313. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(A) **POINT OF ORDER.**—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(B) **WAIVERS AND APPEALS.**—

(1) **WAIVERS.**—

(A) **IN GENERAL.**—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) **VOTE.**—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) **APPEALS.**—

(A) **IN GENERAL.**—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) **VOTE.**—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) **DEBATE.**—

(A) **IN GENERAL.**—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) **DIVISION.**—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(C) **LEGISLATION DEFINED.**—In this section, the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(D) **TERMINATION.**—The provisions of this section shall terminate on December 31, 2012.

SEC. 314. POINT OF ORDER.

(A) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(B) **SUPERMAJORITY WAIVER AND APPEALS.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative

vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 315. RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 316. POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) **IN GENERAL.**—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Subtitle B—Other Provisions

SEC. 321. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 322. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 325. DEBT DISCLOSURE REQUIREMENT.

(a) **IN GENERAL.**—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

“SEC. ____ DEBT DISCLOSURES.

“(a) **IN GENERAL.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$_____ from the current year, fiscal year 20____, to the fifth year of the budget window, fiscal year 20____.

“(b) **PER PERSON.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$_____ on every United States citizen from the current year, fiscal year 20____ to the fifth year of the budget window, fiscal year 20____.

“(c) **SOCIAL SECURITY.**—The levels assumed in this budget resolution project that \$_____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20____ through 20____, on things other than Social Security.”.

(b) **SOCIAL SECURITY.**—If any portion of the Social Security surplus is projected to be spent in any year or the gross Federal debt in the fifth year of the budget window is greater than the gross debt projected for the current year, as described in section 101(5) of this resolution, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) **DEFINITIONS.**—In this section, the term “gross Federal debt” means the nominal levels of (or changes in the levels of) gross Federal debt (debt subject to limit as set forth in section 101(5) of this resolution) measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 326. DEBT DISCLOSURES.

(a) **IN GENERAL.**—The levels assumed in this budget resolution allow the gross Fed-

eral debt of the nation to rise by \$4,960,000,000,000 from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(b) **PER PERSON.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$16,200 on every United States citizen from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(c) **SOCIAL SECURITY.**—The levels assumed in this budget resolution project that \$700,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2010 through 2014, on things other than Social Security.

SEC. 327. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) designating the third week of April 2009 as “National Shaken Baby Syndrome Awareness Week.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas the month of April has been designated “National Child Abuse Prevention Month” as an annual tradition initiated in 1979 by President Jimmy Carter;

Whereas the National Child Abuse and Neglect Data System reports that 794,000 children were victims of abuse and neglect in the United States in 2007, causing unspeakable pain and suffering for our most vulnerable citizens;

Whereas over 95,000 of those children were younger than 1 year old;

Whereas more than 4 children die each day in the United States as a result of abuse or neglect;

Whereas children younger than 1 year old accounted for over 40 percent of all child abuse and neglect fatalities in 2007, and children younger than 4 years old accounted for

nearly 76 percent of all child abuse and neglect fatalities in 2007;

Whereas abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death among physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or left undetected;

Whereas Shaken Baby Syndrome often results in permanent and irreparable brain damage or death of the infant and may result in extraordinary costs for medical care during the first few years of the life of the child;

Whereas the most effective solution for preventing Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may avert enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how to protect their children from injury can significantly reduce the number of cases of Shaken Baby Syndrome;

Whereas education programs raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, childcare providers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas National Shaken Baby Syndrome Awareness Week and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including groups formed by parents and relatives of children who have been injured or killed by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and their families within the health care and criminal justice systems;

Whereas 20 States have enacted legislation related to preventing and increasing awareness of Shaken Baby Syndrome;

Whereas the Senate has designated the third week of April as "National Shaken Baby Syndrome Awareness Week" since 2005; and

Whereas the Senate strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2009 as "National Shaken Baby Syndrome Awareness Week";

(2) commends hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children;

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the people of the United States—

(A) to remember the victims of Shaken Baby Syndrome; and

(B) to participate in educational programs to help prevent Shaken Baby Syndrome.

GLOBAL YOUTH SERVICE DAYS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 105, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 105) designating April 24 through 26, 2009, as "Global Youth Service Days."

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 105

Whereas Global Youth Service Days is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of Global Youth Service Days are to mobilize the youth of the United States to identify and address the needs of their communities through community service and service-learning opportunities, to support young people in embarking on a life-long path of volunteer service and civic engagement, and to educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and in 2009 is being observed for the 21st consecutive year in the United States and for the 10th year in more than 100 countries;

Whereas young people in the United States and in many other countries are providing more volunteer service to their communities than in any other generation in history, thereby demonstrating that children and youth not only represent the future of the world but are also leaders and assets today;

Whereas recent research shows that when high quality, semester-long service-learning is used as a teaching and learning strategy that integrates meaningful community service with the academic curriculum, it increases students' cognitive engagement, motivation to learn, school attendance, and academic achievement scores;

Whereas several private foundations and corporations in the United States support community service and service-learning as a means for young people to explore career aspirations and develop the leadership and career-preparedness skills that are necessary for the United States to be competitive in the 21st century, including time management, decision-making, teamwork, and problem solving;

Whereas a fundamental and conclusive correlation exists between youth service, character development, lifelong adult volunteering, philanthropy, and other forms of civic engagement;

Whereas community service and service-learning provide opportunities for youth to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as poverty, hunger, illiteracy, education, natural disasters, and climate change;

Whereas a growing number of Global Youth Service Days projects involve youth working collaboratively across borders to address global issues, to increase intercultural understanding, and to promote the sense that they are global citizens;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of 50 International Coordinating Committee member organizations, more than 150 National Partners in the United States, 75 State and local Global Youth Service Days Lead Agencies, and thousands of local organizers; and

Whereas both young people and their communities will benefit greatly from expanded opportunities for youth to engage in volunteer community service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 24 through 26, 2009, as "Global Youth Service Days"; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging youth to participate in community service and service-learning projects and joining youth in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities, as an investment in the future of the United States.

MEASURE READ THE FIRST TIME—H.R. 131

Ms. STABENOW. Mr. President, I understand that H.R. 131 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 131) to establish the Ronald Reagan Centennial Commission.

Ms. STABENOW. Mr. President, I would ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: The Senator from Montana, (Mr. BAUCUS); the Senator from Michigan, (Mr. LEVIN); the Senator from California, (Mrs. FEINSTEIN); the Senator from North Dakota, (Mr. DORGAN); Chairman; and the Senator from Ohio, (Mr. BROWN).

ORDERS FOR TUESDAY, APRIL 21, 2009

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, April 21; that following the prayer and the 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; the Senate then resume executive session in consideration of the nomination of Christopher Hill to be Ambassador to Iraq; that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons; further, that all time in adjournment, recess, and morning business count postcloture.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, April 21, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN D. TRASVINA, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE KIM KENDRICK, RESIGNED.

HELEN R. KANOVSKY, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE ROBERT M. COUCH.

DEPARTMENT OF TRANSPORTATION

PETER H. APPEL, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE PAUL R. BRUBAKER, RESIGNED.

DEPARTMENT OF COMMERCE

CAMERON F. KERRY, OF MASSACHUSETTS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE LILY FU CLAFFEE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

ROBERT S. RIVKIN, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE DAVID JAMES GRIBBIN, IV, RESIGNED.

UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION, VICE RICARDO H. HINOJOSA.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARVIN F. BURGOS, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN PATRICK BRADY, OF FLORIDA

KAREN D'ABOVILLE, OF VIRGINIA

BETH DUNFORD, OF THE DISTRICT OF COLUMBIA

JASON A. GIRARD, OF NEW HAMPSHIRE

BENJAMIN GUSTAFSON, OF THE DISTRICT OF COLUMBIA

ERIN HOLLERAN, OF MISSOURI

BARBARA HUGHES, OF MARYLAND
DAVID HULL, OF COLORADO
THOMAS MCANDREWS, OF CALIFORNIA
CHARLES OLIVER, OF NORTH CAROLINA
THOMAS A. PENELOPE, OF NEW YORK
STEVEN K. RAMONAS, OF FLORIDA
JOEL SANDEFUR, OF CALIFORNIA
MADELINE WILLIAMS, OF MARYLAND
PATRICK WILSON, OF NORTH CAROLINA

DEPARTMENT OF STATE

JEFFREY ALLAN SPENCE, OF FLORIDA
FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

GREGORY ADAMS, OF VIRGINIA
CATHERINE ANDANG, OF OHIO
CHERYL ANDERSON, OF WASHINGTON
DOUGLAS BALKO, OF CALIFORNIA
ADRIANA BAREL, OF CALIFORNIA
LILLY BESHAWRED, OF VIRGINIA
BRADLEY BESSIRE, OF FLORIDA
DAVID BILLINGS, OF FLORIDA
JAMES BROWDER, OF TEXAS
JEREMIAH CAREW, OF VIRGINIA
JONATHAN CHAPPELL, OF VIRGINIA
RACHEL HERR CINTRON, OF FLORIDA
PETER CLOUTIER, OF NORTH CAROLINA
JEFFERY COHEN, OF TENNESSEE
THOMAS CREHAN, OF OHIO
MARKUS DAUSSES, OF CALIFORNIA
VICTOR DIAZ DE LEON, OF TEXAS
NANCY JANE ESlick, OF INDIANA
KAREN FALL, OF TEXAS
BRIAN FRANTZ, OF WASHINGTON
LORETTA GARDEN, OF CONNECTICUT
CHRISTOPHER GOMES, OF MARYLAND
JENNIFER GRAETZ, OF MICHIGAN
GABRIEL GRAU, OF FLORIDA
DALE GREDLER, OF WASHINGTON
ALER GRUBBS, OF THE DISTRICT OF COLUMBIA
JEREMY GUSTAFSON, OF VIRGINIA
DAVID HALLENGREN, OF FLORIDA
PAMELA M. HAMILTON, OF CALIFORNIA
WALTER HAMMOND, OF WASHINGTON
WILLIAM HANSEN, OF VIRGINIA
CROSHELLE HARRIS, OF TEXAS
CRAIG HART, OF VIRGINIA
DAVID HATCH, OF COLORADO
JULIA HENN, OF FLORIDA
LUIS HERNANDEZ, OF NEW YORK
KENT HOWARD, OF MARYLAND
SEAN HUFF, OF TEXAS
LLOYD JACKSON, OF FLORIDA
NIKHIL JAISINGHANI, OF MONTANA
ERIK JANOWSKY, OF MARYLAND
TERENCE JONES, OF VIRGINIA
AARON KARNELL, OF CALIFORNIA
THOMAS LEBLANC, OF CALIFORNIA
JOSEPH LESSARD, OF VIRGINIA
ROBERT LOPEZ, OF MARYLAND
LEANNA MARR, OF THE DISTRICT OF COLUMBIA
ANDREW MAYBROOK, OF ILLINOIS
KEVIN MCGLOTHLIN, OF FLORIDA
MARTIN MCLAUGHLIN, OF VIRGINIA
MARIE MCLEOD, OF MARYLAND
EDWARD MICHALSKI, OF VIRGINIA
TARA MILANI, OF TEXAS
KHADIJAT MOJIDI, OF FLORIDA
NILS MUELLER, OF THE DISTRICT OF COLUMBIA
AMY PARO, OF WASHINGTON
SANGITA PATEL, OF TEXAS
DORA PLAVETTIC, OF MARYLAND
ROBERT POWERS, OF WASHINGTON
SHELLY PRASAD, OF MICHIGAN
DANIELLE REIFF, OF PENNSYLVANIA
LUIS RIVERA, OF MARYLAND
JONATHAN ROSS, OF FLORIDA
MICHAEL SATIN, OF VIRGINIA
MARY E. SKARIE, OF TEXAS
KEVIN SMITH, OF TEXAS
KELLEY STRICKLAND, OF FLORIDA
GORDON TACHUK, OF MARYLAND
ELEANOR TANPIENGCO, OF VIRGINIA
GENE VILLAGRAN, OF TEXAS
KIMBERLY MUELLER ANN WALLER, OF MASSACHUSETTS
SHARON WAYNE, OF FLORIDA
JULIE J. WILSON, OF NEVADA
JESSICA ZAMAN, OF WASHINGTON

DEPARTMENT OF STATE

VICTORIA JEAN DELONG, OF VIRGINIA

DEPARTMENT OF STATE

CHRISTOPHER JONATHAN ANDERSON, OF NEW YORK
JUAN L. ARELLANO, OF WASHINGTON
STEPHANIE C. ARNOLD, OF ILLINOIS
CHRISTOPHER A. BERGAUST, OF IDAHO
DANA CHRISTENE COLB BROWN, OF VIRGINIA
JOSEPH T. BURKE, OF CALIFORNIA
ELLEN CALLAHAN, OF NEVADA
GREGORY J. CAMPBELL, OF NEW YORK
CHERYL BARNES CARSON, OF VIRGINIA
KENNETH PATRICK CHAVEZ, OF TEXAS
GRACE H. CHOI, OF CALIFORNIA
ANDREI M. COTTON, OF GEORGIA
NINA F. DIAZ, OF CALIFORNIA
PETER J. DYCAICO, OF CALIFORNIA
JONATHAN SCOTT FISCHER, OF WASHINGTON
BRIAN MICHAEL FRERE, OF THE DISTRICT OF COLUMBIA
MATTHEW GARDNER FULLER, OF TEXAS

WILLIAM JEFFERS FURNISH, JR., OF LOUISIANA
ANDREA GOROG, OF WASHINGTON
JANELLE RENAE GUEST, OF MICHIGAN
KAPIL GUPTA, OF CALIFORNIA
PRASENJIT R. GUPTA, OF IOWA
NATHAN S. HALAT, OF NEW YORK
ERIN PRICE HAMRICK, OF GEORGIA
CAROL M. HANLON, OF GEORGIA
NATHAN NOZOMI HARA, OF OHIO
DANIEL CHARLES HOLTROP, OF MARYLAND
STEPHEN F. IBELLI, OF FLORIDA
CHRISTOPHER G. ISTRATI, OF PENNSYLVANIA
CHRISTINE PEYTON JACKSON, OF VIRGINIA
REBECCA NATHALIE KINYON, OF NEW YORK
CHRISTOPHER D. KJELLAND, OF TEXAS
PAYTON LUCAS KNOPF, OF THE DISTRICT OF COLUMBIA
MARK R. LANNING, OF WASHINGTON
JON A. LARSEN, OF OREGON
CARRIE K. LEE, OF CALIFORNIA
LENA LEVITT, OF CALIFORNIA
ERIC TRUMAN LUND, OF VIRGINIA
NATHAN LEWIS MACKLIN, OF WYOMING
MARK CHARLES MATTHEWS, OF THE DISTRICT OF COLUMBIA
BREEANN MARIE MCCUSKER, OF VIRGINIA
MAUREEN BRIGID MCGOVERN, OF FLORIDA
TIMOTHY R. MCGOWAN, OF FLORIDA
DANIEL LEE MCMANUS, OF FLORIDA
TERI KEAS MONICAL, OF FLORIDA
BENJAMIN ABRAHAM MONTANEZ, OF TEXAS
SAMUEL RANDOLPH PEALE, OF VIRGINIA
YAROSLAVA Y. PETROVA, OF CALIFORNIA
BENJAMIN LOYD PIERCE, OF TEXAS
SHANNON D. QUINN, OF FLORIDA
NAZIMA HASHAM RAZICK, OF ILLINOIS
SHIGH LUKE SAPP, OF CALIFORNIA
MEGAN LEIGH SELMON, OF TEXAS
JEFFREY SHELSTAD, OF MINNESOTA
BRIAN T. SMITH, OF INDIANA
HEATHER MARY SMITH, OF MICHIGAN
RACHEL MELANIE SMITH, OF NEW YORK
BRENDA C. SOYA, OF COLORADO
RAY RICHARD SUDWEEKS, OF VIRGINIA
NATHAN TIDWELL, OF TENNESSEE
KIMBERLY C. VALDES-DAPENA, OF OHIO
LYNN VIRGIL, OF NORTH CAROLINA
JONATHAN TIMOTHY WARD, OF WASHINGTON
HEATHER ANN WATSON-AYALA, OF NEVADA
JEFFREY M. WEINSHENKER, OF TEXAS
CARTER W. WILBUR, OF VIRGINIA
DAVID L. WYCHE, OF PENNSYLVANIA
ALEXANDER YUAN, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JAMES D. LINDLEY, OF TEXAS

DEPARTMENT OF STATE

AIME L. ADAMS, OF VIRGINIA
ROSALYN ADAMS, OF CALIFORNIA
SARAH L. ADAMS, OF VIRGINIA
REBECCA CATHERINE ALPER, OF NEW JERSEY
DAVID C. AMASON, OF VIRGINIA
VAHID AMIRGHASSEMI, OF VIRGINIA
MIRIAM R. ASNES, OF MASSACHUSETTS
CHAD REX AUSBURN, OF VIRGINIA
WILLIAM GEORGE BALLARD, JR., OF VIRGINIA
JENNY MARIE BAUDR, OF THE DISTRICT OF COLUMBIA
SARA ANN BERNER, OF VIRGINIA
BRIDGET C. BITTLE, OF NEW YORK
AMY J. BLAKENEY, OF MARYLAND
JEWELL RAY BOWEN II, OF VIRGINIA
MARGUIS MCLEMORE BOYCE, OF GEORGIA
DAVID BROCK, OF CALIFORNIA
JEANNETTE BUCHNER, OF THE DISTRICT OF COLUMBIA
CHRISTIAN R. CALLI, OF VIRGINIA
MARIA M. CAMACHO, OF VIRGINIA
ROBERT M. CANDRIAN, OF VIRGINIA
CHRISTOPHER E. CANELLAKIS, OF MASSACHUSETTS
DARA ELISABETH CANZANO, OF VIRGINIA
NORMAN LUCZON CAPISTRANO, OF CALIFORNIA
MICHAEL D. CAPLAN, OF THE DISTRICT OF COLUMBIA
CHARLES JOSEPH CARTER, OF VIRGINIA
ALAN M. CLARK, OF FLORIDA
DEANNA M. COATES, OF VIRGINIA
STANLEY B. COPENING, OF VIRGINIA
DONALD B. CORDELL, OF VIRGINIA
JENNIFER ANNE COUNTER, OF MASSACHUSETTS
JAMES D. DELOACH, JR., OF CALIFORNIA
JOSEPH M. DENT, OF VIRGINIA
PAIGE ELIZABETH DEPETRO, OF THE DISTRICT OF COLUMBIA
LAUREN L. DEREBEY, OF WASHINGTON
JASON M. DEROSA, OF VIRGINIA
HEATHER E. DICKENS, OF VIRGINIA
MATTHEW L. DICKEY, OF VIRGINIA
PHILIP M. DIMON, OF THE DISTRICT OF COLUMBIA
STACEY L. DUGAN, OF ILLINOIS
GEORGE A. DUSON, OF NEW HAMPSHIRE
STEPHANIE T. ESPINAL, OF PUERTO RICO
AMBER E. FARINA, OF FLORIDA
ANNIKA H. FAULK, OF GEORGIA
SPENCER MICHAEL FIELDS, JR., OF VIRGINIA
MARK E. FISCHER, OF VIRGINIA
JOHN L. FLEMING, OF VIRGINIA
JOHN HARTMAN FLETCHER, OF VIRGINIA
R. STEVEN FOX, OF NEW YORK
TRACY D. FOX, OF MARYLAND
GRETCHEN M. FRANKE, OF THE DISTRICT OF COLUMBIA
COURTLAND B. FREEMAN, OF THE DISTRICT OF COLUMBIA
SONNET A. FRISBIE, OF TEXAS
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LAURA JEAN GAVINSKI, OF PENNSYLVANIA
ELIZABETH AMANDA GEIGER, OF VIRGINIA
ERIC GESSNER, OF VIRGINIA
NEIL H. GIBSON, OF VIRGINIA
COURTNEY C. GILLESPIE, OF THE DISTRICT OF COLUMBIA
DAVID V. GIOE, OF NEW JERSEY
TORREY ANDREW GOAD, OF WASHINGTON
BETTINA DANETTE GORCZYNSKI, OF VIRGINIA
SARAH M. GOURDE, OF OREGON
JASON H. GREEN, OF TENNESSEE
GERALD J. GRESS, OF VIRGINIA
JAMES RYAN GRIZZLE, OF VIRGINIA
NATALYA I. GROKH, OF MAINE
GISCARD G. GUILLOTEAU, OF FLORIDA
KURT DAVID GUNDERSON, OF THE DISTRICT OF COLUMBIA
TAMRA KAY HACKETT, OF THE DISTRICT OF COLUMBIA
GRAHAM B. HARLOW, OF COLORADO
KRISTINA R. HAYDEN, OF VIRGINIA
NICHOLAS W. HELTZEL, OF VIRGINIA
ELAINE MARIE HENSLE, OF VIRGINIA
EILEEN T. HIGGINS, OF FLORIDA
COURTNEY MILLS HOOD, OF VIRGINIA
ANDREW T. HORNE, OF VIRGINIA
ASHLEIGH D. HORNE, OF VIRGINIA
DAVID C. HUMPHREYS, OF VIRGINIA
SAHAR I. HUSSAIN, OF ARIZONA
JULIETTE BENAUD JARVIS, OF THE DISTRICT OF COLUMBIA
BLAKE A. JOHNSTON, OF COLORADO
C. MELORA JOHNSTON, OF COLORADO
TYLER JAMES JOHNSTON, OF NORTH CAROLINA
SKYE SPENCER JUSTICE, OF WEST VIRGINIA
KIMBERLY KAY, OF THE DISTRICT OF COLUMBIA
WARREN KE, OF VIRGINIA
JONATHAN MAURICE KEISER, OF VIRGINIA
LOUIS J. KELLER, OF MARYLAND
MATT KESSINGER, OF VIRGINIA
SARAH T. KIMBROUGH, OF NEW YORK
DANIEL KOBOG, OF VIRGINIA
STEPHANIE LYNN KOTECKI, OF WASHINGTON
PHILIP M. KOZLOWSKI, OF FLORIDA
KEITH ROBERT KRAUSE, JR., OF MARYLAND
BROOKS DE LISLE L'ALLIER, OF VIRGINIA
AMANDA LAMERE, OF MARYLAND
THOMAS C. LEGONES, OF VIRGINIA
JANETTE ELISE LEHOUX, OF UTAH
ANDREA K.S. LINDGREN, OF MINNESOTA
CHRISTIE LIVINGSTON, OF NEW YORK
BARBARA A. MADAR, OF INDIANA
MARIE H. MARFEL, OF VIRGINIA
JONATHAN JOSEPH MAGSAYSAY, OF CALIFORNIA
BRIAN S. MANNING, OF OKLAHOMA
NAOMI AMANDA MATTOOS, OF VIRGINIA
MICHAEL ALAN MATTOZZI, OF VIRGINIA
SARAH MCANINCH, OF FLORIDA
HARRY G. MCFARLAND III, OF VIRGINIA
MICHEL M. MCKEEVER, OF VIRGINIA
CHRISTINE A. MCKINNON, OF VIRGINIA
ERIC T. MOORE, OF VIRGINIA
KENNETH E. NEHRICH, OF FLORIDA
NICHOLAS NOVAK, OF WASHINGTON
ALETA TURNER OKEDJI, OF THE DISTRICT OF COLUMBIA
ROBERT E. ORTEGA, OF ARIZONA
JOEL DEL VALLE ORTIZ, OF VIRGINIA
LISA INGRID OVERMAN, OF THE DISTRICT OF COLUMBIA
DOROTHY ELIZABETH PARKER, OF VIRGINIA
NISHA PATEL, OF VIRGINIA
DANIEL MICHAEL PATTARINI, OF VIRGINIA
RICHARD PAYNE-HOLMES, OF VIRGINIA
BETTT B. PERRLEY, OF VIRGINIA
ANN M. PERRILLI, OF MARYLAND
DAVID CONRAD PETERSON, OF KANSAS
JASON E. PETTY, OF COLORADO
KATHERINE PARRINDER PLONA, OF WISCONSIN
PAUL DAVID PLUMLEY, OF VIRGINIA
KARA PREISSEL, OF COLORADO
MICHAEL JOHN RALLES, OF MINNESOTA
KARL C. RENNE, OF VIRGINIA
ERIN BROOK RENNER, OF THE DISTRICT OF COLUMBIA
JENNIFER RIZZOLI, OF TEXAS
BETTT ROSE, OF ARIZONA
VALERIE RUDENKO, OF VIRGINIA
SHELLEY WALKER SAXEN, OF FLORIDA
AARON JAMES SCHNEIDER, OF VIRGINIA
REBECCA ANN SEWERYN, OF PENNSYLVANIA
SETH A. SNYDER, OF MINNESOTA
RAYNA LEE SOMERS, OF VIRGINIA
ERWIN R. SOTO, JR., OF VIRGINIA
SALLY STERNAL, OF VIRGINIA
CHRISTINA D. STILL, OF VIRGINIA
CHRISTOPHER J. SULLIVAN, OF VIRGINIA
JOLONDA TABB, OF VIRGINIA
CHARLES E. TARVER, OF VIRGINIA
JOSEPH KNOX TAYLOR, JR., OF VIRGINIA
K. SUZANNE THOMAS, OF VIRGINIA
VALERIE D. THOMPSON, OF MARYLAND
AMANDA MARIE TIMKO, OF VIRGINIA
ELIENN EDWARD TOSTEN II, OF MARYLAND
JAMES S. TOWN, OF PENNSYLVANIA
CHAD M. TWITTY, OF ARIZONA
STEPHEN J. VALEN, OF CALIFORNIA
ANDREW MICHAEL VEVEIROS, OF MARYLAND
CELIA VICKERY, OF VIRGINIA
BRYAN VIC, OF VIRGINIA
LISA A. VOGL, OF VIRGINIA
DEREK BRUNON VORNDRA, OF VIRGINIA
JOHN W. WADDELL, OF VIRGINIA
DEBORAH R. WADE, OF VIRGINIA
DAWN R. WAGNER, OF UTAH
PATRICK CHARLES WALLS, OF THE DISTRICT OF COLUMBIA
SANDRA S. WALLS, OF THE DISTRICT OF COLUMBIA
ELIZABETH M. WALTON, OF MARYLAND

KENNAN DANIEL WATT, OF UTAH
TRESSA ANNE WEYER, OF FLORIDA
TIMOTHY H. WILEY, OF MASSACHUSETTS
HOLLY D. WILKERSON, OF TENNESSEE
AMANDA LEA WILLIAMS, OF NEW YORK
MAUREEN R. WILLIAMS, OF VIRGINIA
EDWARD H. WINANT, OF WEST VIRGINIA
ARIEL WOLFER, OF VIRGINIA
LINDSAY NICOLE WRIGHT, OF VIRGINIA
SUSAN M. WRIGHT, OF THE DISTRICT OF COLUMBIA
JENNIFER L. YOUNG, OF FLORIDA
LANPING YU, OF MARYLAND

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

JOHN L. WITHERS II, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

STEPHEN ALAN CRISTINA, OF LOUISIANA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. CHARLES B. GREEN

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. THOMAS J. OWEN

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. ROBERT R. ALLARDICE

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. FRANK G. KLOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL THOMAS K. ANDERSEN
BRIGADIER GENERAL SALVATORE A. ANGELELLA
BRIGADIER GENERAL GREGORY A. BISCONI
BRIGADIER GENERAL ANDREW E. BUSCH
BRIGADIER GENERAL TIMOTHY A. BYERS
BRIGADIER GENERAL SUSAN Y. DESJARDINS
BRIGADIER GENERAL RICHARD T. DEVEREAUX
BRIGADIER GENERAL JUDITH A. FEDDER
BRIGADIER GENERAL ERIC E. FIEL
BRIGADIER GENERAL CRAIG A. FRANKLIN
BRIGADIER GENERAL DAVID L. GOLDFEIN
BRIGADIER GENERAL BLAIR E. HANSEN
BRIGADIER GENERAL SUSAN J. HELMS
BRIGADIER GENERAL MARY K. HERTOG
BRIGADIER GENERAL JOHN W. HESTERMAN III
BRIGADIER GENERAL DARRELL D. JONES
BRIGADIER GENERAL NOEL T. JONES
BRIGADIER GENERAL JAN MARC JOUAS
BRIGADIER GENERAL ROBERT C. KANE
BRIGADIER GENERAL JAMES M. KOWALSKI
BRIGADIER GENERAL STANLEY T. KRESGE
BRIGADIER GENERAL SUSAN K. MASHKO
BRIGADIER GENERAL MICHAEL R. MOELLER
BRIGADIER GENERAL CLYDE D. MOORE II
BRIGADIER GENERAL DOUGLAS H. OWENS
BRIGADIER GENERAL JAMES F. POSS
BRIGADIER GENERAL MARK F. RAMSAY
BRIGADIER GENERAL ROBIN RAND
BRIGADIER GENERAL JOSEPH REYNES, JR.
BRIGADIER GENERAL SUZANNE M. VAUTRINOT
BRIGADIER GENERAL LAWRENCE L. WELLS
BRIGADIER GENERAL JANET C. WOLFENBARGER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

ADM. JONATHAN W. GREENERT

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 admiral

ADM. PATRICK M. WALSH

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 admiral

VICE ADM. JOHN C. HARVEY, JR.

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

VICE ADM. SAMUEL J. LOCKLEAR III

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. RICHARD W. HUNT

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. MARK D. HARNITCHEK

IN THE MARINE CORPS

THE FOLLOWING NAMED MARINE CORPS OFFICER FOR REAPPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT

DEPARTMENT OF DEFENSE

ROBERT O. WORK, OF VIRGINIA, TO BE UNDER SECRETARY OF THE NAVY, VICE DIONEL M. AVILES, RESIGNED.

DONALD MICHAEL REMY, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED.

MICHAEL NACHT, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOSEPH A. BENKERT.

RAYMOND EDWIN MABUS, JR., OF MISSISSIPPI, TO BE SECRETARY OF THE NAVY, VICE DONALD C. WINTER.

ELIZABETH LEE KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ROBERT L. WILKIE, RESIGNED.

WALLACE C. GREGSON, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JAMES SHINN.

EXPORT-IMPORT BANK OF THE UNITED STATES

FRED P. HOCHBERG, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE JAMES LAMBRIGHT, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SANDRA BROOKS HENRIQUEZ, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ORLANDO J. CABRERA.

RAPHAEL WILLIAM BOSTIC, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE DARLENE F. WILLIAMS, RESIGNED.

DEPARTMENT OF THE INTERIOR

RHEA S. SUH, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE R. THOMAS WEIMER, RESIGNED.

DEPARTMENT OF ENERGY

DAVID B. SANDALOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY), VICE KAREN ALDERMAN HARBERT, RESIGNED.

DANIEL B. PONEMAN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE JEFFREY CLAY SELL, RESIGNED.

DEPARTMENT OF THE INTERIOR

MICHAEL L. CONNOR, OF MARYLAND, TO BE COMMISSIONER OF RECLAMATION, VICE ROBERT W. JOHNSON.

ENVIRONMENTAL PROTECTION AGENCY

MATHY STANISLAUS, OF NEW JERSEY, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE SUSAN P. BODINE, RESIGNED.

PETER SILVA SILVA, OF CALIFORNIA, TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE BENJAMIN GRUMBLES, RESIGNED.

DEPARTMENT OF COMMERCE

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE CHRISTOPHER A. PADILLA, RESIGNED.

DEPARTMENT OF THE TREASURY

GEORGE WHEELER MADISON, OF CONNECTICUT, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE ROBERT F. HOYT, RESIGNED.

NEAL S. WOLIN, OF ILLINOIS, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE ROBERT M. KIMMITT, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MIRIAM E. SAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JOHN K. VERONEAU, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HOWARD K. KOH, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JOXEL GARCIA, RESIGNED.

DEPARTMENT OF STATE

JUDITH A. MCHALE, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, VICE JAMES K. GLASSMAN, RESIGNED.

BONNIE D. JENKINS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS COORDINATOR FOR THREAT REDUCTION PROGRAMS.

JEFFREY D. FELTMAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS), VICE C. DAVID WELCH, RESIGNED.

PHILIP J. CROWLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS), VICE SEAN IAN MCCORMACK, RESIGNED.

DEPARTMENT OF LABOR

M. PATRICIA SMITH, OF NEW YORK, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE GREGORY F. JACOB, RESIGNED.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE NEIL ROMANO, RESIGNED.

DEPARTMENT OF EDUCATION

GABRIELLA CECILIA GOMEZ, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE HOLLY A. KUZMICH, RESIGNED.

JOHN Q. EASTON, OF ILLINOIS, TO BE DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCE, DEPARTMENT OF EDUCATION FOR A TERM OF SIX YEARS, VICE GROVER J. WHITEHURST, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CASS R. SUNSTEIN, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE SUSAN E. DUDLEY.

DEPARTMENT OF HOMELAND SECURITY

RAND BEERS, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY, DEPARTMENT OF HOMELAND SECURITY, VICE ROBERT D. JAMISON, RESIGNED.

DEPARTMENT OF THE INTERIOR

LARRY J. ECHO HAWK, OF UTAH, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE CARL JOSEPH ARTMAN, RESIGNED.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

PRISCILLA E. GUTHRIE, OF VIRGINIA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE DALE W. MEYERROSE, RESIGNED.

DEPARTMENT OF JUSTICE

MARY L. SMITH, OF ILLINOIS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE NATHAN J. HOCHMAN, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

A. THOMAS MCLELLAN, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE SCOTT M. BURNS, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

JOSE D. RIOJAS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (OPERATIONS, SECURITY, AND PREPAREDNESS), VICE CHARLES L. HOPKINS, RESIGNED.

WILLIAM A. GUNN, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE PAUL J. HUTTER.

ROGER W. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY), VICE ROBERT T. HOWARD, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT

DAVID H. STEVENS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE BRIAN D. MONTGOMERY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, April 20, 2009:

DEPARTMENT OF JUSTICE

TONY WEST, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

LANNY A. BREUER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

CHRISTINE ANNE VARNEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.